



Journal of the House

State of Indiana

119th General Assembly

Second Regular Session

Thirty-third Day

Thursday Morning

March 10, 2016

The invocation was offered by Pastor Mark Garringer of Philadelphia Congregational Christian Church in Farmland, a guest of Representative Greg R. Beumer.

The House convened at 9:00 a.m. with Speaker Pro Tempore William C. Friend in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Matt Lehman.

The Speaker ordered the roll of the House to be called:

Arnold	Kirchhofer
Austin	Klinker
Aylesworth	Koch
Bacon	Lawson
Baird	Lehe
Bartlett	Lehman
Bauer	Leonard
Behning	Lucas
Beumer	Lyness
Borders	Macer
Braun	Mahan
C. Brown	Mayfield
T. Brown	McNamara
Burton	D. Miller
Carbaugh	Moed
Cherry	Morris
Clere	Morrison
Cook	Moseley
Cox	Negele
Culver	Niezgodski
Davisson	Nisly
DeLaney	Ober
Dermody	Olthoff
DeVon	Pelath
Dvorak	Pierce
Eberhart	Porter
Ellington	Price
Errington	Pryor
Fine	Rhoads
Forestal	Richardson
Friend	Riecken
Frizzell	Saunders
Frye	Schaibley
GiaQuinta	Shackleford
Goodin	Slager
Gutwein	Smaltz
Hale	M. Smith
Hamm	V. Smith
Harman	Soliday
D. Harris	Speedy
Heaton	Stemler
Huston	Steuerwald
Judy	Sullivan
Karickhoff	Summers
Kersey	Thompson

Torr	Wolkins
Truitt	Wright
VanNatter	Zent
Washburne	Ziemke
Wesco	Mr. Speaker <input type="checkbox"/>

Roll Call 432: 99 present; 1 excused. The Speaker announced a quorum in attendance. [NOTE: indicates those who were excused.]

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 74

Representatives Richardson, Huston, Torr, Schaibley, Bosma and Cook introduced House Concurrent Resolution 74:

A CONCURRENT RESOLUTION honoring Coach Jim Belden.

Whereas, Coach Jim Belden was a beloved member of the Hamilton County community;

Whereas, Jim Belden was born in Battle Creek, Michigan, on February 4, 1939, graduated from Shortridge High School, and served his country in the United States Navy;

Whereas, After receiving his bachelor's degree from Butler University and a master's degree from Ball State University, Coach Belden began his professional career as a high school teacher and football coach in Hamilton County at Westfield, Noblesville, and Carmel schools;

Whereas, Coach Belden spent over 30 years teaching and coaching;

Whereas, While at Noblesville High School, his teams won nine Sagamore Conference titles;

Whereas, However, his best coaching years came at Carmel High School where, in his 17 year tenure, the Greyhounds won four state titles;

Whereas, During his coaching career, Jim did a phenomenal job rebuilding athletic programs and influencing the lives of countless students;

Whereas, His dedicated mentorship helped his students develop skills so that they were recognized as state athletic champions, but he also helped these student athletes to gain a skill set that would impact their future successes;

Whereas, After retiring from coaching, "Hall of Fame" Coach Belden served his community as a Hamilton County Councilman for 23 years; and

Whereas, Coach Belden served his community with a genuine servant's heart, and his impact and presence will not soon be forgotten: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes Coach Jim Belden for his many accomplishments as a teacher,

coach, and public servant and for his dedicated service to Hamilton County and the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Coach Jim Belden.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Kenley, Merritt, Delph, Buck and Schneider.

House Resolution 69

Representatives Lehman, Austin, Bacon, Bartlett, Bauer, Behning, Braun, C. Brown, T. Brown, Burton, Carbaugh, Cherry, Clere, Cox, DeLaney, Dvorak, Errington, Fine, Friend, Frizzell, Forestal, GiaQuinta, Goodin, Hale, Harris, Judy, Karickhoff, Kersey, Kirchofer, Klinker, Koch, Lawson, Leonard, Macer, Mahan, Moed, Morris, Moseley, Negele, Niezgodski, Ober, Pelath, Pierce, Porter, Pryor, Riecken, Schaibley, Shackelford, Smaltz, M. Smith, V. Smith, Soliday, Stemler, Richardson, Summers, Thompson, Torr, VanNatter, Wright and Ziemke introduced House Resolution 69:

A HOUSE RESOLUTION urging Indiana's federal elected officials in Washington, D.C. — including the President of the United States, United States Senators Dan Coats and Joe Donnelly, and United States Representatives Pete Visclosky, Jackie Walorski, Marlin Stutzman, Todd Rokita, Susan Brooks, Luke Messer, Andre Carson, Larry Bucshon, and Todd Young — to fight for strong enforcement of our nation's trade laws to level the playing field with China and other countries, taking whatever action necessary to protect the domestic steel industry from unfair foreign competition; and urging the Department of Commerce to maintain China's "non-market economy" status to preserve the ability of United States companies and American workers to access domestic trade remedy laws.

Whereas, Manufacturing is a critical part of Indiana's economy, representing a 29.45 percent share of the gross state product;

Whereas, Indiana has 515,700 manufacturing jobs, representing 16.02 percent of total state employment;

Whereas, Manufacturing industrial sectors are at risk of sliding back into recession due to an alarming surge of unfairly priced imports from China and other nations;

Whereas, The United States trade deficit with China set a new record in 2015 at \$366 billion;

Whereas, Manufacturing gained only 30,000 jobs nationwide in 2015, compared to 2.7 million across the entire economy;

Whereas, The Institute for Supply Management manufacturing index shows that the sector contracted in February 2016 for the fifth consecutive month;

Whereas, The steel industry, in particular, is suffering from an unprecedented surge in imports from a number of countries around the world, including China;

Whereas, Steel is both a fundamental building block of our economy, ranging from trucks and autos to energy production and transmission, to transportation infrastructure including bridges, highways, airports, and railroads, to public safety infrastructure such as water treatment, to construction of hospitals, schools, industrial plants, and commercial buildings;

Whereas, Steel is used in a broad range of military applications, ranging from aircraft carriers to nuclear submarines to tanks and armored transports;

Whereas, The steel sector is an engine for good-paying jobs for over one million Americans;

Whereas, Indiana has the sixth most jobs supported by domestic steel production of all states;

Whereas, Each steel job supports up to seven other jobs in the economy;

Whereas, Major steel mills have been recently idled with over 12,000 layoffs announced;

Whereas, Finished steel imports increased by a dramatic 36 percent in 2014 and set an all-time record;

Whereas, Finished steel imports captured 29 percent of the United States market in 2015, the second consecutive year that figure was at an all-time record, up from just 23 percent in 2013;

Whereas, Domestic steel shipments declined by over 12 percent in 2015 and plant activity (capacity utilization) averaged just 70 percent for 2015, well below levels necessary to be profitable;

Whereas, A major cause of the steel import surge is global steel industry overcapacity — a measure of excess production capacity above what is necessary to meet market demand;

Whereas, China's steel industry is almost completely state owned and state supported by China's central and provincial governments, with nine out of its top 10 producers state owned;

Whereas, China now represents half of all global steel production;

Whereas, The Organization for Economic Cooperation and Development (OECD) estimates that there are almost 700 million metric tons of excess steel capacity globally today;

Whereas, Overcapacity is especially severe in China, where the American Iron and Steel Institute (AISI) estimates that 425 million metric tons of the worldwide overcapacity total are represented;

Whereas, The United States produces less than 100 million metric tons annually;

Whereas, China continues to overproduce steel with the backing of aggressive government support and trade policies;

Whereas, Chinese crude steel production soared from 128 million metric tons in 2000 to 823 million metric tons in 2014, an increase of almost 700 million tons;

Whereas, China's steel exports surged 20 percent from 2014 to 2015;

Whereas, China exported more steel in 2015 than any other country produced;

Whereas, China's exports are flooding every market around the world, creating a domino effect on trade flows; and

Whereas, Much of the world's steel ends up in the United States because we have the most open market in the world, and because other countries are more aggressive in putting safeguards and tariffs in place: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives: (1) urges Indiana's federal elected officials in Washington, D.C.— including the President of the United States, United States Senators Dan Coats and Joe Donnelly, and United States Representatives Pete Visclosky, Jackie Walorski, Marlin Stutzman, Todd Rokita, Susan Brooks, Luke Messer, Andre Carson, Larry Bucshon, and Todd Young — to fight for strong enforcement of our nation's trade laws to level the playing field with China and other countries, taking whatever action necessary to protect the

domestic steel industry from unfair foreign competition; and

(2) urges the Department of Commerce to maintain China's "non-market economy" status, which preserves the ability of United States companies and American workers to access domestic trade remedy laws.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Indiana's Congressional delegation.

The resolution was read a first time and adopted by voice vote.

House Resolution 70

Representatives Austin and Cherry introduced House Resolution 70:

A HOUSE RESOLUTION honoring Judge Donald Phillippe upon his retirement after a distinguished career of more than 50 years of public service, 44 years of which were served on the bench as the Anderson City Court Judge.

Whereas, Judge Phillippe was raised in Anderson, graduated from Anderson High School and, with Dottie, his wife of 50 years, raised their three children in Anderson;

Whereas, Judge Phillippe, after gaining experience as a Deputy Madison County Prosecutor, was first elected Anderson City Court Judge in 1971 and he was elected to 11 consecutive terms;

Whereas, Judge Phillippe, through the administration of the law and membership in various civic organizations, devoted his entire legal and public service career to the betterment of Anderson, Madison County, and the State of Indiana;

Whereas, His tenacity, compassion, and intellect impacted the lives of thousands of individuals, regardless of whether they appeared in court, in his law practice, or as a friend or professional colleague;

Whereas, Judge Phillippe served our nation in the United States Navy and remains a member of the Forty & Eight of the American Legion; and

Whereas, Judge Phillippe retired following the conclusion of his eleventh and final term as Anderson City Court Judge in December 2015: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes and honors the distinguished career of Judge Donald Phillippe and thanks him for his service to the City of Anderson, Madison County, and the State of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Judge Donald Phillippe.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 62

The Speaker handed down Senate Concurrent Resolution 62, sponsored by Representatives Miller, Wesco and Culver:

A CONCURRENT RESOLUTION memorializing Richard Leib, an Elkhart Truth weekly newspaper columnist and longtime Elkhart furniture business owner.

Whereas, Richard Leib wrote a weekly newspaper column for the Elkhart Truth for 11 years after retiring from owning and operating Leib's Furniture, Inc., in Elkhart, Indiana for 48 years;

Whereas, Leib was a graduate of Elkhart High School and Valparaiso University, where he met his wife of 58 years, Lois;

Whereas, Upon graduation from high school, Leib served in the U.S. Army before returning to take over his father's business, and eventually, becoming a columnist for the local newspaper;

Whereas, As a conservative columnist, Leib loved to write about national politics, was a fierce defender of the printed word, and fought for differing viewpoints receiving editorial space fairness;

Whereas, Photography, gardening, technology, and cars were just some of Leib's diverse interests, and he was a member of Faith United Methodist Church;

Whereas, Leib passed away on March 1, 2016, and is survived by his loving wife, Lois, three children, and two grandchildren; and

Whereas, It is fitting that Leib is honored for his long-standing contributions to the City of Elkhart and his passion for editorial writing: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly memorializes Richard Leib, an Elkhart Truth weekly newspaper columnist and longtime Elkhart furniture business owner.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Lois Leib.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 63

The Speaker handed down Senate Concurrent Resolution 63, sponsored by Representatives DeVon, Wesco, Bauer, Dvorak and Niezgodski:

A CONCURRENT RESOLUTION congratulating the Penn High School Girls Basketball team on its first 4A State Championship title.

Whereas, The Penn High School Girls Basketball team beat Columbus North 68-48 to win its first state championship title on February 27, 2016 at Bankers Life Fieldhouse in Indianapolis;

Whereas, The Penn Kingsmen secured the win by shooting 52.3 percent from the floor and out rebounding the Columbus Bull Dogs 16-14 in the second half;

Whereas, Penn's highest scorers in the game, Cameron Buhr and Kaitlyn Marenzi, scored 24 and 21 points respectively; and

Whereas, Penn High School honored the school's 19th Indiana High School Athletic Association state championship during a community celebration in the school's main basketball arena: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates the Penn High School Girls Basketball team on its first 4A State Championship title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to Penn High School Principal Steve Hope, Athletic Director Aaron Leniski, Girls

Basketball Coach Kristi Ulrich, and each member of the Girls Varsity Basketball team.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 64

The Speaker handed down Senate Concurrent Resolution 64, sponsored by Representatives DeVon and Dvorak:

A CONCURRENT RESOLUTION congratulating the Granger Christian School Girl's Basketball team on its NCSAA Division II National Championship title.

Whereas, The Granger Christian School Girl's Basketball team defeated Grace Brethren Christian of Maryland 50-39 on March 5, 2016 to win the National Christian School Athletic Association Division II Championship title;

Whereas, The title was the second one in three years for the Granger Knights, who finished their regular season 31-2;

Whereas, The Knights' Kylie Steele, Kara Kline, and Krista Kline scored 13, 11, and 10 points respectively to clinch the team's win;

Whereas, The 2015-2016 team was made up of 11 members including Andrea Couture, Emily Twiddy, Kara Kline, Krista Kline, Kylie Steele, Emma Ladwig, Emily Stump, Allison Emswiler, Tayah Smith, Alex Tan, and Liz Tan; and

Whereas, The team made it to nationals after defeating Arthur Christian School 46-36 at the Indiana Christian State Tournament game on February 27, 2016 in Lafayette, Indiana: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Granger Christian School Girl's Basketball team on its NCSAA Division II National Championship title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to Granger Christian School's Administrator Mark Wever, Athletic Director Joshua Galvin, Girl's Basketball Coaches Lynda Dunbar and Kayla Kline, and each member of the Girl's Varsity Basketball team.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

A meeting of the Committee on Rules and Legislative Procedures was announced.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 11:20 a.m. with the Speaker in the Chair.

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.2 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after March 3, 2016; we further recommend that House Rule 163.3 be suspended so that the following conference committee

reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action: Engrossed Senate Bill 165-1.

TORR, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that House Rule 161.2 be suspended so that the following conference committee reports are eligible for consideration after March 3, 2016, and that House Rule 163.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action: Engrossed Senate Bill 165-1.

TORR, Chair

Motion prevailed.

CONFERENCE COMMITTEE REPORT ESB 165-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 165 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 11-10-3-7, AS AMENDED BY P.L.185-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) If the department or a county incurs medical care expenses in providing medical care to an inmate who is committed to the department and the medical care expenses are not reimbursed, the department or the county shall attempt to determine the amount, if any, of the medical care expenses that may be paid:

(1) by a policy of insurance that is maintained by the inmate and that covers medical care, dental care, eye care, or any other health care related service; or

(2) by Medicaid.

(b) For an inmate who:

(1) is committed to the department and resides in a department facility or jail;

(2) incurs or will incur medical care expenses that are not otherwise reimbursable;

(3) is unwilling or unable to pay for the inmate's own health care services; and

(4) is potentially eligible for Medicaid (IC 12-15);

the department is the inmate's Medicaid authorized representative and may apply for Medicaid on behalf of the inmate.

(c) The department and the office of the secretary of family and social services shall enter into a written memorandum of understanding providing that the department shall reimburse the office of the secretary for administrative costs and the state share of the Medicaid costs incurred for an inmate.

(d) Reimbursement under this section for reimbursable health care services provided by a health care provider, including a hospital, to an inmate as an inpatient in a hospital must be as follows:

(1) For inmates eligible and participating in the ~~Indiana check-up plan (IC 12-15-44.2)~~, **healthy Indiana plan (IC 12-15-44.5)**, the reimbursement rates described in ~~IC 12-15-44.2-14~~, **IC 12-15-44.5-5**.

(2) For inmates other than those described in subdivision (1) who are eligible under the Medicaid program, the reimbursement rates provided under the Medicaid

program, except that reimbursement for inpatient hospital services shall be reimbursed at rates equal to the fee-for-service rates described in IC 16-21-10-8(a)(1).

Hospital assessment fee funds collected under IC 16-21-10 or the **healthy** Indiana ~~check-up~~ plan trust fund (IC 12-15-44.2-17) may not be used as the state share of Medicaid costs for the reimbursement of health care services provided to the inmate as an inpatient in the hospital.

SECTION 2. IC 12-7-2-137.8, AS ADDED BY P.L.213-2015, SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 137.8. "Phase out period", for purposes of ~~IC 12-15-44.2~~ and IC 12-15-44.5, has the meaning set forth in IC 12-15-44.5-1.

SECTION 3. IC 12-7-2-140.5, AS AMENDED BY P.L.213-2015, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 140.5. "Plan", means the following: **for purposes of IC 12-15-44.2 and IC 12-15-44.5, has**

- (1) For purposes of IC 12-15-44.2, the meaning set forth in IC 12-15-44.2-1.
- (2) For purposes of IC 12-15-44.5, the meaning set forth in IC 12-15-44.5-2.

SECTION 4. IC 12-7-2-144.3, AS AMENDED BY P.L.3-2008, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 144.3. "Preventative care services", for purposes of ~~IC 12-15-44.2; IC 12-15-44.5~~, has the meaning set forth in ~~IC 12-15-44.2-2; IC 12-15-44.5-2.3~~.

SECTION 5. IC 12-15-44.2-1 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 1: As used in this chapter, "plan" refers to the healthy Indiana plan established by section 3 of this chapter.

SECTION 6. IC 12-15-44.2-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 2: As used in this chapter, "preventative care services" means care that is provided to an individual to prevent disease, diagnose disease, or promote good health.

SECTION 7. IC 12-15-44.2-3 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 3: (a) The healthy Indiana plan is established:

- (b) The office shall administer the plan.
- (c) The department of insurance and the office of the secretary shall provide oversight of the marketing practices of the plan.
- (d) The office shall promote the plan and provide information to potential eligible individuals who live in medically underserved rural areas of Indiana.
- (e) The office shall, to the extent possible, ensure that enrollment in the plan is distributed throughout Indiana in proportion to the number of individuals throughout Indiana who are eligible for participation in the plan.
- (f) The office shall establish standards for consumer protection, including the following:
 - (1) Quality of care standards.
 - (2) A uniform process for participant grievances and appeals.
 - (3) Standardized reporting concerning provider performance, consumer experience, and cost.
- (g) A health care provider that provides care to an individual who receives health insurance coverage under the plan shall participate in the Medicaid program under IC 12-15-

(h) The office of the secretary may refer an individual who:

- (1) has applied for health insurance coverage under the plan; and
- (2) is at high risk of chronic disease;

 to the Indiana comprehensive health insurance association for administration of the individual's plan benefits under IC 27-8-10.1.

- (i) The following do not apply to the plan:
 - (1) IC 12-15-6.
 - (2) IC 12-15-12.
 - (3) IC 12-15-13.

- (4) IC 12-15-14.
- (5) IC 12-15-15.
- (6) IC 12-15-21.
- (7) IC 12-15-26.
- (8) IC 12-15-31.1.
- (9) IC 12-15-34.
- (10) IC 12-15-35.
- (11) IC 12-15-35.5.
- (12) IC 16-42-22-10.

SECTION 8. IC 12-15-44.2-4 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 4: (a) The plan must include the following in a manner and to the extent determined by the office:

- (1) Mental health care services.
- (2) Inpatient hospital services.
- (3) Prescription drug coverage, including coverage of a long acting, nonaddictive medication assistance treatment drug if the drug is being prescribed for the treatment of substance abuse.
- (4) Emergency room services.
- (5) Physician office services.
- (6) Diagnostic services.
- (7) Outpatient services, including therapy services.
- (8) Comprehensive disease management.
- (9) Home health services, including case management.
- (10) Urgent care center services.
- (11) Preventative care services.
- (12) Family planning services:

- (A) including contraceptives and sexually transmitted disease testing, as described in federal Medicaid law (42 U.S.C. 1396 et seq.); and
- (B) not including abortion or abortifacients.

- (13) Hospice services.
- (14) Substance abuse services.
- (15) A service determined by the secretary to be required by federal law as a benchmark service under the federal Patient Protection and Affordable Care Act.

- (b) The plan may do the following:
 - (1) Offer coverage for dental and vision services to an individual who participates in the plan.
 - (2) Pay at least fifty percent (50%) of the premium cost of dental and vision services coverage described in subdivision (1).

(c) An individual who receives the dental or vision coverage offered under subsection (b) shall pay an amount determined by the office for the coverage. The office shall limit the payment to not more than five percent (5%) of the individual's annual household income. The payment required under this subsection is in addition to the payment required under section 11(b)(2) of this chapter for coverage under the plan.

(d) Vision services offered by the plan must include services provided by an optometrist.

(e) The plan must comply with any coverage requirements that apply to an accident and sickness insurance policy issued in Indiana.

(f) The plan may not permit treatment limitations or financial requirements on the coverage of mental health care services or substance abuse services if similar limitations or requirements are not imposed on the coverage of services for other medical or surgical conditions.

SECTION 9. IC 12-15-44.2-5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 5: (a) The office shall provide to an individual who participates in the plan a list of health care services that qualify as preventative care services for the age, gender, and preexisting conditions of the individual. The office shall consult with the federal Centers for Disease Control and Prevention for a list of recommended preventative care services:

- (b) The plan shall, at no cost to the individual, provide payment for not more than five hundred dollars (\$500) of qualifying preventative care services per year for an individual who participates in the plan. Any additional preventative care

services covered under the plan and received by the individual during the year are subject to the deductible and payment requirements of the plan.

SECTION 10. IC 12-15-44.2-6 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 6: To the extent allowed by federal law; the plan has the following per participant coverage limitations:

- (1) An annual individual maximum coverage limitation of three hundred thousand dollars (\$300,000);
- (2) A lifetime individual maximum coverage limitation of one million dollars (\$1,000,000).

SECTION 11. IC 12-15-44.2-7 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 7: The following requirements apply to funds appropriated by the general assembly to the plan:

- (1) At least eighty-five percent (85%) of the funds must be used to fund payment for health care services;
- (2) An amount determined by the office of the secretary to fund:
 - (A) administrative costs of; and
 - (B) any profit made by;

an insurer or a health maintenance organization under a contract with the office to provide health insurance coverage under the plan. The amount determined under this subdivision may not exceed fifteen percent (15%) of the funds.

SECTION 12. IC 12-15-44.2-8 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 8: The plan is not an entitlement program. The maximum enrollment of individuals who may participate in the plan is dependent on funding appropriated for the plan.

SECTION 13. IC 12-15-44.2-9 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 9: (a) An individual is eligible for participation in the plan if the individual meets the following requirements:

- (1) The individual is at least eighteen (18) years of age and less than sixty-five (65) years of age;
- (2) The individual is a United States citizen and has been a resident of Indiana for at least twelve (12) months;
- (3) The individual has an annual household income of not more than the following:

- (A) Effective through December 31, 2013; two hundred percent (200%) of the federal income poverty level;
- (B) Beginning January 1, 2014; one hundred thirty-three percent (133%) of the federal income poverty level; based on the adjusted gross income provisions set forth in Section 2001(a)(1) of the federal Patient Protection and Affordable Care Act.

(4) Effective through December 31, 2013; the individual is not eligible for health insurance coverage through the individual's employer.

(5) Effective through December 31, 2013; the individual has:

- (A) not had health insurance coverage for at least six (6) months; or
- (B) had coverage under the Indiana comprehensive health insurance association (IC 27-8-10) within the immediately preceding six (6) months and the coverage no longer applies under IC 27-8-10-0.5.

(b) The following individuals are not eligible for the plan:

- (1) An individual who participates in the federal Medicare program (42 U.S.C. 1395 et seq.);
- (2) An individual who is otherwise eligible for medical assistance.

(c) The eligibility requirements specified in subsection (a) are subject to approval for federal financial participation by the United States Department of Health and Human Services.

SECTION 14. IC 12-15-44.2-10 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 10: (a) An individual who participates in the plan must have a health care account to which

payments may be made for the individual's participation in the plan only by the following:

- (1) The individual;
- (2) An employer;
- (3) The state;
- (4) A nonprofit organization if the nonprofit organization:
 - (A) is not affiliated with a health care plan; and
 - (B) does not contribute more than seventy-five percent (75%) of the individual's required payment to the individual's health care account.
- (5) An insurer or a health maintenance organization under a contract with the office to provide health insurance coverage under the plan if the payment:
 - (A) is to provide a health incentive to the individual;
 - (B) does not count towards the individual's required minimum payment set forth in section 11 of this chapter; and
 - (C) does not exceed one thousand one hundred dollars (\$1,100).

(b) The minimum funding amount for a health care account is the amount required under section 11 of this chapter.

(c) An individual's health care account must be used to pay the individual's deductible for health care services under the plan.

(d) An individual may make payments to the individual's health care account as follows:

- (1) An employer withholding or causing to be withheld from an employee's wages or salary; after taxes are deducted from the wages or salary; the individual's contribution under this chapter and distributed equally throughout the calendar year;
- (2) Submission of the individual's contribution under this chapter to the office to deposit in the individual's health care account in a manner prescribed by the office;
- (3) Another method determined by the office.

(e) An employer may make, from funds not payable by the employer to the employee; not more than fifty percent (50%) of an individual's required payment to the individual's health care account.

(f) A nonprofit corporation may make not more than seventy-five percent (75%) of an individual's required payment to the individual's health care account.

SECTION 15. IC 12-15-44.2-11 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 11: (a) An individual's participation in the plan does not begin until an initial payment is made for the individual's participation in the plan. A required payment to the plan for the individual's participation may not exceed one-twelfth (1/12) of the annual payment required under subsection (b):

(b) To participate in the plan; an individual shall do the following:

(1) Apply for the plan on a form prescribed by the office. The office may develop and allow a joint application for a household.

(2) If the individual is approved by the office to participate in the plan; contribute to the individual's health care account the lesser of the following:

- (A) One thousand one hundred dollars (\$1,100) per year; less any amounts paid by the individual under the:
 - (i) Medicaid program under IC 12-15;
 - (ii) children's health insurance program under IC 12-17-6; and
 - (iii) Medicare program (42 U.S.C. 1395 et seq.);
 as determined by the office.

(B) At least one hundred sixty dollars (\$160) per year and not more than the following applicable percentage of the individual's annual household income per year; less any amounts paid by the individual under the Medicaid program under IC 12-15; the children's health insurance program under IC 12-17-6; and the Medicare

program (42 U.S.C. 1395 et seq.) as determined by the office:

(i) Two percent (2%) of the individual's annual household income per year if the individual has an annual household income of not more than one hundred percent (100%) of the federal income poverty level.

(ii) Three percent (3%) of the individual's annual household income per year if the individual has an annual household income of more than one hundred percent (100%) and not more than one hundred twenty-five percent (125%) of the federal income poverty level.

(iii) Four percent (4%) of the individual's annual household income per year if the individual has an annual household income of more than one hundred twenty-five percent (125%) and not more than one hundred fifty percent (150%) of the federal income poverty level.

(iv) Five percent (5%) of the individual's annual household income per year if the individual has an annual household income of more than one hundred fifty percent (150%) and not more than two hundred percent (200%) of the federal income poverty level.

(c) The state shall contribute the difference to the individual's account if the individual's payment required under subsection (b)(2) is less than one thousand one hundred dollars (\$1,100).

(d) If an individual's required payment to the plan is not made within sixty (60) days after the required payment date, the individual may be terminated from participation in the plan. The individual must receive written notice before the individual is terminated from the plan.

(e) After termination from the plan under subsection (d), the individual may not reapply to participate in the plan for twelve (12) months.

SECTION 16. IC 12-15-44.2-12 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 12: (a) An individual who is approved to participate in the plan is eligible for a twelve (12) month plan period. An individual who participates in the plan may not be refused renewal of participation in the plan for the sole reason that the plan has reached the plan's maximum enrollment.

(b) If the individual chooses to renew participation in the plan, the individual shall complete a renewal application and any necessary documentation, and submit to the office the documentation and application on a form prescribed by the office.

(c) If the individual chooses not to renew participation in the plan, the individual may not reapply to participate in the plan for at least twelve (12) months.

(d) Any funds remaining in the health care account of an individual who renews participation in the plan at the end of the individual's twelve (12) month plan period must be used to reduce the individual's payments for the subsequent plan period. However, if the individual did not, during the plan period, receive all qualified preventative services recommended as provided in section 5 of this chapter, the state's contribution to the health care account may not be used to reduce the individual's payments for the subsequent plan period.

(e) If an individual is no longer eligible for the plan, does not renew participation in the plan at the end of the plan period, or is terminated from the plan for nonpayment of a required payment, the office shall, not more than sixty (60) days after the last date of participation in the plan, refund to the individual the amount determined under subsection (f) of any funds remaining in the individual's health care account as follows:

(1) An individual who is no longer eligible for the plan or does not renew participation in the plan at the end of the plan period shall receive the amount determined under STEP FOUR of subsection (f).

(2) An individual who is terminated from the plan due to nonpayment of a required payment shall receive the amount determined under STEP FIVE of subsection (f).

(f) The office shall determine the amount payable to an individual described in subsection (e) as follows:

STEP ONE: Determine the total amount paid into the individual's health care account under section 10(d) of this chapter.

STEP TWO: Determine the total amount paid into the individual's health care account from all sources.

STEP THREE: Divide STEP ONE by STEP TWO.

STEP FOUR: Multiply the ratio determined in STEP THREE by the total amount remaining in the individual's health care account.

STEP FIVE: Multiply the amount determined under STEP FOUR by seventy-five hundredths (0.75).

SECTION 17. IC 12-15-44.2-13 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 13: Subject to appeal to the office, an individual may be held responsible under the plan for receiving nonemergency services in an emergency room setting, including prohibiting the individual from using funds in the individual's health care account to pay for the nonemergency services. However, an individual may not be prohibited from using funds in the individual's health care account to pay for nonemergency services provided in an emergency room setting for a medical condition that arises suddenly and unexpectedly and manifests itself by acute symptoms of such severity, including severe pain, that the absence of immediate medical attention could reasonably be expected by a prudent layperson who possesses an average knowledge of health and medicine to:

(1) place an individual's health in serious jeopardy;

(2) result in serious impairment to the individual's bodily functions; or

(3) result in serious dysfunction of a bodily organ or part of the individual.

SECTION 18. IC 12-15-44.2-14 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 14: (a) An insurer or health maintenance organization that contracts with the office to provide health insurance coverage, dental coverage, or vision coverage to an individual who participates in the plan:

(1) is responsible for the claim processing for the coverage;

(2) shall reimburse providers at a rate that is not less than the rate established by the secretary. The rate set by the secretary must be based on a reimbursement formula that is:

(A) comparable to the federal Medicare reimbursement rate for the service provided by the provider; or

(B) one hundred thirty percent (130%) of the Medicaid reimbursement rate for a service that does not have a Medicare reimbursement rate; and

(3) may not deny coverage to an eligible individual who has been approved by the office to participate in the plan, unless the individual has met the coverage limitations described in section 6 of this chapter.

(b) An insurer or a health maintenance organization that contracts with the office to provide health insurance coverage under the plan must incorporate cultural competency standards established by the office. The standards must include standards for non-English speaking, minority, and disabled populations.

SECTION 19. IC 12-15-44.2-16 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 16: (a) An insurer or a health maintenance organization that contracts with the office to provide health insurance coverage under the plan or an affiliate of an insurer or a health maintenance organization that contracts with the office to provide health insurance coverage under the plan shall offer to provide the same health insurance coverage to an individual who:

(1) has not had health insurance coverage during the previous six (6) months; and

(2) does not meet the eligibility requirements specified in section 9 of this chapter for participation in the plan.

(b) An insurer, a health maintenance organization, or an affiliate described in subsection (a) may apply to health insurance coverage offered under subsection (a) the insurer's, health maintenance organization's, or affiliate's standard individual or small group insurance underwriting and rating practices.

(c) The state does not provide funding for health insurance coverage received under this section.

SECTION 20. IC 12-15-44.2-18 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 18: (a) The office may not:

- (1) enroll applicants;
- (2) approve any contracts with vendors to provide services or administer the plan;
- (3) incur costs other than costs necessary to study and plan for the implementation of the plan; or
- (4) create financial obligations for the state;

unless both of the conditions of subsection (b) are satisfied:

(b) The office may not take any action described in subsection (a) unless:

- (1) there is a specific appropriation from the general assembly to implement the plan; and
- (2) after review by the budget committee, the budget agency approves an actuarial analysis that reflects a determination that sufficient funding is reasonably estimated to be available to operate the plan for at least the following five (5) years:

The actuarial analysis approved under subdivision (2) must clearly indicate the cost and revenue assumptions used in reaching the determination:

(c) The office may not operate the plan in a manner that would obligate the state to financial participation beyond the level of state appropriations authorized for the plan.

SECTION 21. IC 12-15-44.2-19 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 19: (a) The office may adopt rules under IC 4-22-2 necessary to implement:

- (1) this chapter; or
- (2) a Section 1115 Medicaid demonstration waiver concerning the plan that is approved by the United States Department of Health and Human Services.

(b) The office may adopt emergency rules under IC 4-22-2-37.1 to implement the plan on an emergency basis.

(c) An emergency rule or an amendment to an emergency rule adopted under this section expires not later than the earlier of:

- (1) one (1) year after the rule is accepted for filing under IC 4-22-2-37.1(e); or
- (2) July 1, 2016.

SECTION 22. IC 12-15-44.2-20, AS AMENDED BY P.L.160-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. (a) The office may establish a health insurance coverage premium assistance program for individuals who meet the following:

- (1) Have an annual household income of the following:
 - (A) Through December 31, 2013, not more than two hundred percent (200%) of the federal income poverty level.
 - (B) Beginning January 1, 2014, not more than one hundred thirty-three percent (133%) of the federal income poverty level, based on the adjusted gross income provisions set forth in Section 2001(a)(1) of the federal Patient Protection and Affordable Care Act.
- (2) Are eligible for health insurance coverage through an employer but cannot afford the health insurance coverage premiums.

(b) A program established under this section must:

- (1) contain eligibility requirements that are similar to the eligibility requirements of the plan;
- (2) include a health care account as a component; and

(3) provide that an individual's payment:

- (A) to a health care account; or
- (B) for a health insurance coverage premium; may not exceed five percent (5%) of the individual's annual income.

(c) The office may adopt rules under IC 4-22-2 necessary to implement and administer this section.

SECTION 23. IC 12-15-44.2-21 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 21: (a) A denial of federal approval and federal financial participation that applies to any part of this chapter does not prohibit the office from implementing any other part of this chapter that:

- (1) is federally approved for federal financial participation; or
- (2) does not require federal approval or federal financial participation.

(b) The secretary may make changes to the plan under this chapter if the changes are required by one (1) of the following:

- (1) The United States Department of Health and Human Services.
- (2) Federal law or regulation.

SECTION 24. IC 12-15-44.2-22 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 22: The office of the secretary may amend the plan in a manner that would allow Indiana to use the plan to cover individuals eligible for Medicaid resulting from passage of the Federal Patient Protection and Affordable Care Act.

SECTION 25. IC 12-15-44.5-2, AS ADDED BY P.L.213-2015, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this chapter, "plan" refers to the healthy Indiana plan 2-0 established by section 3 of this chapter.

SECTION 26. IC 12-15-44.5-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2.3. As used in this chapter, "preventative care services" means care that is provided to an individual to prevent disease, diagnose disease, or promote good health.**

SECTION 27. IC 12-15-44.5-3, AS ADDED BY P.L.213-2015, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The healthy Indiana plan 2-0 is established. This chapter is in addition to the provisions set forth in IC 12-15-44.2. For the period beginning February 1, 2015; and ending the date the plan is terminated upon the completion of a phase out period; if a provision in this chapter conflicts with IC 12-15-44.2; this chapter supersedes the conflicting provision in IC 12-15-44.2.

(b) The office shall administer the plan.

(c) The following individuals are eligible for the plan:

- (1) An individual who is eligible and described in IC 12-15-44.2-9.
- (2) (1) The adult group described in 42 CFR 435.119.
- (3) Pregnant women who choose to remain in the plan during the pregnancy.
- (4) (2) Parents and caretaker relatives eligible under 42 CFR 435.110.
- (5) (3) Low income individuals who are:
 - (A) at least nineteen (19) years of age; and
 - (B) less than twenty-one (21) years of age; and eligible under 42 CFR 435.222.
- (6) (4) Individuals, for purposes of receiving transitional medical assistance.

An individual must meet the Medicaid residency requirements under IC 12-15-4-4 and this article to be eligible for the plan.

(d) The following individuals are not eligible for the plan:

- (1) An individual who participates in the federal Medicare program (42 U.S.C. 1395 et seq.).
- (2) Except for an individual described in subsection (c); An individual who is otherwise eligible **and enrolled** for

medical assistance.

(e) The department of insurance and the office of the secretary shall provide oversight of the marketing practices of the plan.

(f) The office shall promote the plan and provide information to potential eligible individuals who live in medically underserved rural areas of Indiana.

(g) The office shall, to the extent possible, ensure that enrollment in the plan is distributed throughout Indiana in proportion to the number of individuals throughout Indiana who are eligible for participation in the plan.

(h) The office shall establish standards for consumer protection, including the following:

- (1) Quality of care standards.
- (2) A uniform process for participant grievances and appeals.
- (3) Standardized reporting concerning provider performance, consumer experience, and cost.

(i) A health care provider that provides care to an individual who receives health insurance coverage under the plan shall also participate in the Medicaid program under this article.

(j) The following do not apply to the plan:

- (1) IC 12-15-6.
- (2) IC 12-15-12.
- (3) IC 12-15-13.
- (4) IC 12-15-14.
- (5) IC 12-15-15.
- (6) IC 12-15-21.
- (7) IC 12-15-26.
- (8) IC 12-15-31.1.
- (9) IC 12-15-34.
- (10) IC 12-15-35.
- (11) IC 16-42-22-10.

SECTION 28. IC 12-15-44.5-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.5. (a) The plan must include the following in a manner and to the extent determined by the office:**

- (1) Mental health care services.
- (2) Inpatient hospital services.
- (3) Prescription drug coverage, including coverage of a long acting, nonaddictive medication assistance treatment drug if the drug is being prescribed for the treatment of substance abuse.
- (4) Emergency room services.
- (5) Physician office services.
- (6) Diagnostic services.
- (7) Outpatient services, including therapy services.
- (8) Comprehensive disease management.
- (9) Home health services, including case management.
- (10) Urgent care center services.
- (11) Preventative care services.
- (12) Family planning services:
 - (A) including contraceptives and sexually transmitted disease testing, as described in federal Medicaid law (42 U.S.C. 1396 et seq.); and
 - (B) not including abortion or abortifacients.
- (13) Hospice services.
- (14) Substance abuse services.
- (15) Pregnancy services.
- (16) A service determined by the secretary to be required by federal law as a benchmark service under the federal Patient Protection and Affordable Care Act.

(b) The plan may not permit treatment limitations or financial requirements on the coverage of mental health care services or substance abuse services if similar limitations or requirements are not imposed on the coverage of services for other medical or surgical conditions.

(c) The plan may provide vision services and dental

services only to individuals who regularly make the required monthly contributions for the plan as set forth in section 4.7(c) of this chapter.

(d) The benefit package offered in the plan:

(1) must be benchmarked to a commercial health plan described in 45 CFR 155.100(a)(1) or 45 CFR 155.100(a)(4); and

(2) may not include a benefit that is not present in at least one (1) of these commercial benchmark options.

(e) The office shall provide to an individual who participates in the plan a list of health care services that qualify as preventative care services for the age, gender, and preexisting conditions of the individual. The office shall consult with the federal Centers for Disease Control and Prevention for a list of recommended preventative care services.

(f) The plan shall, at no cost to the individual, provide payment of preventative care services described in 42 U.S.C. 300gg-13 for an individual who participates in the plan.

(g) The plan shall, at no cost to the individual, provide payments of not more than five hundred dollars (\$500) per year for preventative care services not described in subsection (f). Any additional preventative care services covered under the plan and received by the individual during the year are subject to the deductible and payment requirements of the plan.

SECTION 29. IC 12-15-44.5-4, AS ADDED BY P.L.213-2015, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4. (a) The plan:**

- (1) is not an entitlement program; and
- (2) serves as an alternative to health care coverage under Title XIX of the federal Social Security Act (42 U.S.C. 1396 et seq.).

(b) If either of the following occurs, the office shall terminate the plan in accordance with section 6(b) of this chapter:

- (1) The:
 - (A) percentages of federal medical assistance available to the plan for coverage of plan participants described in Section 1902(a)(10)(A)(i)(VIII) of the federal Social Security Act are less than the percentages provided for in Section 2001(a)(3)(B) of the federal Patient Protection and Affordable Care Act; and
 - (B) hospital assessment committee (IC 16-21-10), after considering the modification and the reduction in available funding, does not alter the formula established under IC 16-21-10-13.3(b)(1) to cover the amount of the reduction in federal medical assistance.
 For purposes of this subdivision, "coverage of plan participants" includes payments, contributions, and amounts referred to in IC 16-21-10-13.3(b)(1)(A), IC 16-21-10-13.3(b)(1)(C), and IC 16-21-10-13.3(b)(1)(D), including payments, contributions, and amounts incurred during a phase out period of the plan.

- (2) The:
 - (A) methodology of calculating the incremental fee set forth in IC 16-21-10-13.3 is modified in any way that results in a reduction in available funding;
 - (B) hospital assessment fee committee (IC 16-21-10), after considering the modification and reduction in available funding, does not alter the formula established under IC 16-21-10-13.3(b)(1) to cover the amount of the reduction in fees; and
 - (C) office does not use alternative financial support to cover the amount of the reduction in fees.

(c) If the plan is terminated under subsection (b), the secretary may implement a plan for coverage of the affected population in a manner consistent with the healthy Indiana plan (IC 12-15-44.2 (**before its repeal**)) in effect on January 1, 2014:

- (1) subject to prior approval of the United States Department of Health and Human Services; and
- (2) without funding from the incremental fee set forth in IC 16-21-10-13.3.

(d) The office may not operate the plan in a manner that would obligate the state to financial participation beyond the level of state appropriations or funding otherwise authorized for the plan.

(e) The office of the secretary shall submit annually to the budget committee an actuarial analysis of the plan that reflects a determination that sufficient funding is reasonably estimated to be available to operate the plan.

SECTION 30. IC 12-15-44.5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.5. (a) An individual who participates in the plan must have a health care account to which payments may be made for the individual's participation in the plan.

(b) An individual's health care account must be used to pay the individual's deductible for health care services under the plan.

(c) An individual's deductible must be at least two thousand five hundred dollars (\$2,500) per year.

(d) An individual may make payments to the individual's health care account as follows:

(1) An employer withholding or causing to be withheld from an employee's wages or salary, after taxes are deducted from the wages or salary, the individual's contribution under this chapter and distributed equally throughout the calendar year.

(2) Submission of the individual's contribution under this chapter to the office to deposit in the individual's health care account in a manner prescribed by the office.

(3) Another method determined by the office.

SECTION 31. IC 12-15-44.5-4.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.7. (a) To participate in the plan, an individual must apply for the plan on a form prescribed by the office. The office may develop and allow a joint application for a household.

(b) A pregnant woman is not subject to the cost sharing provisions of the plan. Subsections (c) through (g) do not apply to a pregnant woman participating in the plan.

(c) An applicant who is approved to participate in the plan does not begin benefits under the plan until a payment of at least:

- (1) one-twelfth (1/12) of the two percent (2%) of annual income contribution amount; or
- (2) ten dollars (\$10);

is made to the individual's health care account established under section 4.5 of this chapter for the individual's participation in the plan. To continue to participate in the plan, an individual must contribute to the individual's health care account at least two percent (2%) of the individual's annual household income per year but not less than one dollar (\$1) per month.

(d) If an applicant who is approved to participate in the plan fails to make the initial payment into the individual's health care account, at least the following must occur:

(1) If the individual has an annual income that is at or below one hundred percent (100%) of the federal poverty income level, the individual's benefits are reduced as specified in subsection (e)(1).

(2) If the individual has an annual income of more than one hundred percent (100%) of the federal poverty income level, the individual is not enrolled in the plan.

(e) If an enrolled individual's required monthly payment to the plan is not made within sixty (60) days after the required payment date, the following, at a minimum, occur:

(1) For an individual who has an annual income that is at or below one hundred percent (100%) of the federal income poverty level, the individual is:

(A) transferred to a plan that has a material reduction in benefits, including the elimination of benefits for vision and dental services; and

(B) required to make copayments for the provision of services that may not be paid from the individual's health care account.

(2) For an individual who has an annual income of more than one hundred percent (100%) of the federal poverty income level, the individual shall be terminated from the plan and may not reenroll in the plan for at least six (6) months.

(f) The state shall contribute to the individual's health care account the difference between the individual's payment required under this section and the plan deductible set forth in section 4.5(c) of this chapter.

(g) A member shall remain enrolled with the same health plan during the member's benefit period. A member may change health plans as follows:

(1) Without cause:

(A) before making a contribution or before finalizing enrollment in accordance with subsection (d)(1); or

(B) during the annual plan renewal process.

(2) For cause, as determined by the office.

SECTION 32. IC 12-15-44.5-4.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.9. (a) An individual who is approved to participate in the plan is eligible for a twelve (12) month plan period if the individual continues to meet the plan requirements specified in this chapter.

(b) If an individual chooses to renew participation in the plan, the individual is subject to an annual renewal process at the end of the benefit period to determine continued eligibility for participating in the plan. If the individual does not complete the renewal process, the individual may not reenroll in the plan for at least six (6) months.

(c) This subsection applies to participants who consistently made the required payments in the individual's health care account. If the individual receives the qualified preventative services recommended to the individual during the year, the individual is eligible to have the individual's unused share of the individual's health care account at the end of the plan period, determined by the office, matched by the state and carried over to the subsequent plan period to reduce the individual's required payments. If the individual did not, during the plan period, receive all qualified preventative services recommended to the individual, only the nonstate contribution to the health care account may be used to reduce the individual's payments for the subsequent plan period.

(d) For individuals participating in the plan who, in the past, did not make consistent payments into the individual's health care account while participating in the plan, but:

(1) had a balance remaining in the individual's health care account; and

(2) received all of the required preventative care services;

the office may elect to offer a discount on the individual's required payments to the individual's health care account for the subsequent benefit year. The amount of the discount under this subsection must be related to the percentage of the health care account balance at the end of the plan year but not to exceed a fifty percent (50%) discount of the required contribution.

(e) If an individual is no longer eligible for the plan, does not renew participation in the plan at the end of the plan period, or is terminated from the plan for nonpayment of a

required payment, the office shall, not more than one hundred twenty (120) days after the last date of participation in the plan, refund to the individual the amount determined under subsection (f) of any funds remaining in the individual's health care account as follows:

- (1) An individual who is no longer eligible for the plan or does not renew participation in the plan at the end of the plan period shall receive the amount determined under STEP FOUR of subsection (f).
- (2) An individual who is terminated from the plan due to nonpayment of a required payment shall receive the amount determined under STEP SIX of subsection (f).

The office may charge a penalty for any voluntary withdrawals from the health care account by the individual before the end of the plan benefit year. The individual may receive the amount determined under STEP SIX of subsection (f).

(f) The office shall determine the amount payable to an individual described in subsection (e) as follows:

- STEP ONE: Determine the total amount paid into the individual's health care account under this chapter.
- STEP TWO: Determine the total amount paid into the individual's health care account from all sources.
- STEP THREE: Divide STEP ONE by STEP TWO.
- STEP FOUR: Multiply the ratio determined in STEP THREE by the total amount remaining in the individual's health care account.
- STEP FIVE: Subtract any nonpayments of a required payment.
- STEP SIX: Multiply the amount determined under STEP FIVE by at least seventy-five hundredths (0.75).

SECTION 33. IC 12-15-44.5-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5.5. The office shall refer any member of the plan who:

- (1) is employed for less than twenty (20) hours per week; and
- (2) is not a full-time student;

to a workforce training and job search program.

SECTION 34. IC 12-15-44.5-5.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5.7. Subject to appeal to the office, an individual may be held responsible under the plan for receiving nonemergency services in an emergency room setting, including prohibiting the individual from using funds in the individual's health care account to pay for the nonemergency services and paying a copayment for the services of at least eight dollars (\$8) for the first nonemergency use of a hospital emergency department and at least a twenty-five dollar (\$25) copayment for any subsequent nonemergency use of a hospital emergency department during the benefit period. However, an individual may not be prohibited from using funds in the individual's health care account to pay for nonemergency services provided in an emergency room setting for a medical condition that arises suddenly and unexpectedly and manifests itself by acute symptoms of such severity, including severe pain, that the absence of immediate medical attention could reasonably be expected by a prudent layperson who possesses an average knowledge of health and medicine to:

- (1) place an individual's health in serious jeopardy;
- (2) result in serious impairment to the individual's bodily functions; or
- (3) result in serious dysfunction of a bodily organ or part of the individual.

SECTION 35. IC 12-15-44.5-10, AS ADDED BY P.L.213-2015, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) The secretary may make changes to the plan under this chapter if the changes are required by one (1) of the following:

(1) The United States Department of Health and Human Services;

(2) Federal law or regulation;

has the authority to provide benefits to individuals eligible under the adult group described in 42 CFR 435.119 only in accordance with this chapter.

(b) The secretary may negotiate and make changes to the plan, except that the secretary may not negotiate or change the plan that would do the following:

- (1) Reduce the following:
 - (A) Contribution amounts below the minimum levels set forth in section 4.7 of this chapter.
 - (B) Deductible amounts below the minimum amount established in section 4.5(c) of this chapter.
- (2) Remove or reduce the penalties for nonpayment set forth in section 4.7 of this chapter.
- (3) Revise the use of the health care account requirement set forth in section 4.5 of this chapter.
- (4) Include noncommercial benefits or add additional plan benefits in a manner inconsistent with section 3.5 of this chapter.
- (5) Allow services to begin:
 - (A) without the payment established or required by; or
 - (B) earlier than the time frames otherwise established by; section 4.7 of this chapter.
- (6) Reduce financial penalties for the inappropriate use of the emergency room below the minimum levels set forth in section 5.7 of this chapter.
- (7) Permit members to change health plans without cause in a manner inconsistent with section 4.7(g) of this chapter.
- (8) Operate the plan in a manner that would obligate the state to financial participation beyond the level of state appropriations or funding otherwise authorized for the plan.

(c) The secretary may make changes to the plan under this chapter if the changes are required by federal law or regulation.

SECTION 36. IC 16-18-2-187.2, AS ADDED BY P.L.213-2015, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 187.2. "Incremental fee", for purposes of IC 16-21-10, means a part of the hospital assessment fee designated for the use of funding the healthy Indiana plan. ~~2-0~~

SECTION 37. IC 16-21-10-5.3, AS ADDED BY P.L.213-2015, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5.3. As used in this chapter, "phase out period" refers to the following periods:

- (1) The time during which a:
 - (A) phase out plan;
 - (B) demonstration expiration plan; or
 - (C) similar plan approved by the United States Department of Health and Human Services;
 is in effect for the healthy Indiana plan ~~2-0~~ set forth in IC 12-15-44.5.
- (2) The time beginning upon the office's receipt of written notice by the United States Department of Health and Human Services of its decision to:
 - (A) terminate or suspend the waiver demonstration for the healthy Indiana plan; ~~2-0~~; or
 - (B) withdraw the waiver or expenditure authority for the plan;
 and ends ending on the effective date of the termination, suspension, or withdrawal of the waiver or expenditure authority.
- (3) The time beginning upon:
 - (A) the office's determination to terminate the healthy Indiana plan; ~~2-0~~; or

(B) the termination of the plan under IC 12-15-44.5-4(b);

if subdivisions (1) through (2) do not apply, and ending on the effective date of the termination of the healthy Indiana plan. ~~2-0~~.

SECTION 38. IC 16-21-10-11, AS AMENDED BY P.L.213-2015, SECTION 145, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) This section:

(1) does not apply to the incremental fee described in section 13.3 of this chapter;

(2) is effective upon the implementation of the fee described in section 6 of this chapter, excluding the part of the fee used for purposes of section 13.3 of this chapter; and

(3) applies to the Medicaid disproportionate share payments for the state fiscal year beginning July 1, 2013, and each state fiscal year thereafter.

(b) The state share dollars used to fund disproportionate share payments to acute care hospitals licensed under IC 16-21-2 that qualify as disproportionate share providers or municipal disproportionate share providers under IC 12-15-16-1(a) or IC 12-15-16-1(b) shall be paid with money collected through the fee and the hospital care for the indigent dollars described in section 10 of this chapter.

(c) ~~Subject to section 12 of this chapter, and except as provided in section 12 of this chapter,~~ The federal Medicaid disproportionate share allotments for the state fiscal years beginning July 1, 2013, and each state fiscal year thereafter shall be allocated in their entirety to acute care hospitals licensed under IC 16-21-2 that qualify as disproportionate share providers or municipal disproportionate share providers under IC 12-15-16-1(a) or IC 12-15-16-1(b). No part of the federal disproportionate share allotments applicable for disproportionate share payments for the state fiscal year beginning July 1, 2013, and each state fiscal year thereafter may be allocated to institutions for mental disease or other mental health facilities, as defined by applicable federal law.

SECTION 39. IC 16-21-10-12 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 12: This section does not apply to the use of the incremental fee described in section 13.3 of this chapter. For purposes of this chapter, the entire federal Medicaid disproportionate share allotment for Indiana does not include the part of allotments that are required to be diverted under the following:~~

~~(1) The federally approved Indiana "Special Terms and Conditions" Medicaid demonstration project (Number 11-W-00237/5);~~

~~(2) Any extension after December 31, 2012, of the healthy Indiana plan established under IC 12-15-44.2.~~

~~The office shall inform the committee and the budget committee concerning any extension of the healthy Indiana plan after December 31, 2013.~~

SECTION 40. IC 16-21-10-13.3, AS ADDED BY P.L.213-2015, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13.3. (a) This section is effective beginning February 1, 2015. As used in this section, "plan" refers to the healthy Indiana plan ~~2-0~~ established in IC 12-15-44.5.

(b) Subject to subsections (c) through (e), the incremental fee under this section may be used to fund the state share of the expenses specified in this subsection if, after January 31, 2015, but before the collection of the fee under this section, the following occur:

(1) The committee establishes a fee formula to be used to fund the state share of the following expenses described in this subdivision:

(A) The state share of the capitated payments made to a managed care organization that contracts with the office to provide health coverage under the plan to plan

enrollees other than plan enrollees who are eligible for the plan under Section 1931 of the federal Social Security Act.

(B) The state share of capitated payments described in clause (A) for plan enrollees who are eligible for the plan under Section 1931 of the federal Social Security Act that are limited to the difference between:

(i) the capitation rates effective September 1, 2014, developed using Medicaid reimbursement rates; and

(ii) the capitation rates applicable for the plan developed using the plan's Medicare reimbursement rates described in ~~IC 12-15-44.2-14(a)(2)~~ **IC 12-15-44.5-5(a)(2)**.

(C) The state share of the state's contributions to plan enrollee accounts.

(D) The state share of amounts used to pay premiums for a premium assistance plan implemented under IC 12-15-44.2-20.

(E) The state share of the costs of increasing reimbursement rates for health care services provided to individuals enrolled in Medicaid programs other than the plan.

(F) The state share of the state's administrative costs that, for purposes of this clause, may not exceed one hundred seventy dollars (\$170) per person per plan enrollee per year, and adjusted annually by the Consumer Price Index.

(G) The money described in IC 12-15-44.5-6(a) for the phase out period of the plan.

(2) The committee approves a process to be used for reconciling:

(A) the state share of the costs of the plan;

(B) the amounts used to fund the state share of the costs of the plan; and

(C) the amount of fees assessed for funding the state share of the costs of the plan.

For purposes of this subdivision, "costs of the plan" includes the costs of the expenses listed in subdivision (1)(A) through (1)(G).

The fees collected under subdivision (1)(A) through (1)(F) shall be deposited into the incremental hospital fee fund established by section 13.5 of this chapter. Fees described in subdivision (1)(G) shall be deposited into the phase out trust fund described in IC 12-15-44.5-7. The fees used for purposes of funding the state share of expenses listed in subdivision (1)(A) through (1)(F) may not be used to fund expenses incurred on or after the commencement of a phase out period of the plan.

(c) For each state fiscal year for which the fee authorized by this section is used to fund the state share of the expenses described in subsection (b)(1), the amount of fees shall be reduced by:

(1) the amount of funds annually designated by the general assembly to be deposited in the healthy Indiana plan trust fund established by IC 12-15-44.2-17; less

(2) the annual cigarette tax funds annually appropriated by the general assembly for childhood immunization programs under IC 12-15-44.2-17(a)(3).

(d) The incremental fee described in this section may not:

(1) be assessed before July 1, 2016; and

(2) be assessed or collected on or after the beginning of a phase out period of the plan.

(e) This section is not intended to and may not be construed to change or affect any component of the programs established under section 8 of this chapter.

SECTION 41. IC 16-21-10-13.5, AS ADDED BY P.L.213-2015, SECTION 149, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13.5. (a) The incremental hospital fee fund is established for the purpose of holding fees collected under section 13.3 of this chapter.

(b) The office shall administer the fund.

- (c) Money in the fund consists of the following:
 - (1) Fees collected under section 13.3 of this chapter.
 - (2) Donations, gifts, and money received from any other source.
 - (3) Interest accrued under this section.
- (d) Money in the fund may be used only for the following:
 - (1) To fund exclusively the state share of the expenses listed in section 13.3(b)(1)(A) through 13.3(b)(1)(F) of this chapter.
 - (2) To refund hospitals in the same manner as described in subsection (g) as soon as reasonably possible after the beginning of a phase out period of the healthy Indiana plan. ~~2-0.~~

(e) Money remaining in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(g) Upon the beginning of a phase out period of the healthy Indiana plan, ~~2-0~~; money collected under section 13.3 of this chapter and any accrued interest remaining in the fund shall be distributed to the hospitals on a pro rata basis based upon the fees authorized by this chapter that were paid by each hospital for the state fiscal year that ended immediately before the beginning of the phase out period.

SECTION 42. IC 27-8-10.1 IS REPEALED [EFFECTIVE JULY 1, 2016]. (High Risk Indiana Check-Up Plan Participants).

SECTION 43. IC 27-19-2-15, AS AMENDED BY P.L.213-2015, SECTION 254, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) "Public health insurance program" refers to health coverage provided under a state or federal government program.

- (b) The term includes the following:
 - (1) Medicaid (42 U.S.C. 1396 et seq.).
 - (2) The healthy Indiana plan established by ~~IC 12-15-44.2-3.~~ **IC 12-15-44.5-3.**
 - (3) The children's health insurance program established under IC 12-17.6.

SECTION 44. IC 36-2-13-19, AS ADDED BY P.L.185-2015, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. (a) This section applies to a person who:

- (1) is subject to lawful detention;
- (2) incurs or will incur medical care expenses that are not otherwise reimbursable during the lawful detention;
- (3) is unwilling or unable to pay for the person's own health care services; and
- (4) is potentially eligible for Medicaid (IC 12-15).

(b) For a person described in subsection (a), the sheriff is the person's Medicaid authorized representative and may apply for Medicaid on behalf of the person.

(c) A county executive and the office of the secretary of family and social services shall enter into a written memorandum of understanding providing that the sheriff shall reimburse the office of the secretary for administrative costs and the state share of the Medicaid costs incurred for a person described in this section.

(d) Reimbursement under this section for reimbursable health care services provided by a health care provider, including a hospital, to a person as an inpatient in a hospital must be as follows:

- (1) For individuals eligible under the ~~Indiana check-up plan (~~IC 12-15-44.2~~)~~, **healthy Indiana plan (IC 12-15-44.5)**, the reimbursement rates described in ~~IC 12-15-44.2-14.~~ **IC 12-15-44.5-5.**
- (2) For individuals other than those described in subdivision (1) who are eligible under the Medicaid program, the reimbursement rates provided under the

Medicaid program, except that reimbursement for inpatient hospital services shall be reimbursed at rates equal to the fee-for-service rates described in IC 16-21-10-8(a)(1).

Hospital assessment fee funds collected under IC 16-21-10 or the Indiana check-up plan trust fund (IC 12-15-44.2-17) may not be used as the state share of Medicaid costs for the reimbursement of health care services provided to the person as an inpatient in the hospital.

(e) The state share of all claims reimbursed by Medicaid for a person described in subsection (a) shall be paid by the county. (Reference is to ESB 165 as reprinted February 23, 2016.)

PAT MILLER	T. BROWN
MERRITT	KIRCHHOFFER
Senate Conferees	House Conferees

Roll Call 433: yeas 65, nays 35. Report adopted.

A meeting of the Committee on Rules and Legislative Procedures was announced.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 2:00 p.m. with the Speaker in the Chair.

Representatives Arnold, Lawson and Porter are excused.

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.2 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after March 3, 2016; we further recommend that House Rule 163.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1002-1, 1069-1, 1087-1, 1215-1 and 1273-1 and Engrossed Senate Bills 14-1, 173-1 and 330-1.

TORR, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that House Rule 161.2 be suspended so that the following conference committee reports are eligible for consideration after March 3, 2016, and that House Rule 163.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1002-1, 1069-1, 1087-1, 1215-1 and 1273-1 and Engrossed Senate Bills 14-1, 173-1 and 330-1.

TORR, Chair

Motion prevailed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Friend.

CONFERENCE COMMITTEE REPORT

EHB 1002-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed

Senate Amendments to Engrossed House Bill 1002 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 21-12-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 16. Next Generation Hoosier Educators Scholarship Program and Fund

Sec. 1. As used in this chapter, "program" means the next generation Hoosier educators scholarship program established by section 2 of this chapter.

Sec. 2. (a) The next generation Hoosier educators scholarship program is established.

(b) The commission shall receive and consider applications for a next generation Hoosier educators scholarship under this chapter.

(c) Beginning in an academic year beginning after June 30, 2017, the commission may award a next generation Hoosier educators scholarship to an eligible applicant under this chapter.

Sec. 3. (a) The next generation Hoosier educators scholarship fund is established for the purpose of providing scholarships to attract and retain eligible applicants to the teaching profession.

(b) The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Gifts, grants, devises, or bequests made to the commission to achieve the purposes of the fund.

(c) The commission shall administer the fund.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains available to be used for the purposes of this chapter.

Sec. 4. The commission shall do all the following:

(1) Develop a promotional program to inform and attract students to participate in the next generation Hoosier educators scholarship program.

(2) Establish protocols and procedures concerning the application process for the program.

(3) Develop protocols, in consultation with accredited postsecondary educational institutions approved by the commission under section 10 of this chapter, to ensure successful completion of the program and assist graduates in completing the requirements of the program.

(4) Establish, in coordination with the governor's office, a guide for the management of the program by commission personnel.

(5) Designate personnel to manage the program.

Sec. 5. (a) An applicant who is enrolled in an accredited postsecondary educational institution after June 30, 2017, may qualify for a scholarship under this chapter. To qualify for a scholarship, an applicant must:

(1) apply for a scholarship on a form supplied by the commission;

(2) except as provided in subsection (b), have

graduated from an Indiana nonaccredited nonpublic or accredited high school and either:

(A) graduated in the highest twenty percent (20%) of students in the applicant's high school graduating class; or

(B) received a score in the top twentieth percentile on the SAT or ACT examination;

(3) have participated in school activities and community service activities during high school;

(4) have applied to and been accepted for enrollment in an accredited postsecondary educational institution approved by the commission under section 10 of this chapter;

(5) agree in writing to:

(A) obtain a license to teach under IC 20-28-5; and

(B) teach for at least five (5) consecutive years in a public school or an eligible school (as defined in IC 20-51-1-4.7) in Indiana after graduating with a baccalaureate degree from the accredited postsecondary educational institution described in subdivision (4); and

(6) meet any other criteria established by the commission.

(b) A student who graduates from a nonaccredited nonpublic school must meet the requirement described in subsection (a)(2)(B) in order to meet the eligibility requirement described in subsection (a)(2).

Sec. 6. The commission shall consider each application and determine the eligibility of the applicant for the scholarship. The commission shall give priority to recent high school graduates when selecting applicants.

Sec. 7. Before receiving a scholarship under this chapter, the applicant must enter into a contract with the commission agreeing to:

(1) the terms and conditions described in section 5(a)(5) of this chapter; and

(2) any other terms and conditions established by the commission.

Sec. 8. (a) Subject to subsections (b) and (c), if an applicant meets the requirements under this chapter, the commission may award, for not more than four (4) academic years, a scholarship to the applicant in an amount of seven thousand five hundred dollars (\$7,500) for each academic year that the applicant attends the accredited postsecondary educational institution approved by the commission under section 10 of this chapter.

(b) The commission may not do the following:

(1) Award a scholarship under this chapter in an amount of more than a total of thirty thousand dollars (\$30,000) to an individual applicant.

(2) Award scholarships under this chapter to more than two hundred (200) new applicants each academic year.

(c) If the total amount to be distributed from the fund in a state fiscal year exceeds the amount available for distribution, the amount to be distributed to each eligible applicant shall be proportionately reduced so that the total reductions equal the amount of the excess.

Sec. 9. (a) Except as provided in subsection (b), the commission shall establish standards that a student must meet to remain eligible to receive a scholarship under this chapter. The standards must include the following:

(1) Maintaining a cumulative minimum grade point average of at least 3.0 on a 4.0 scale.

(2) Enrolling in and completing at least fifteen (15) credit hours each semester or its equivalent.

(3) Any other requirements the commission considers necessary.

(b) The commission may allow a student who fails to meet the standards described in subsection (a) and is ineligible for an award during the next academic year to maintain

eligibility if the student submits a petition to the commission in a manner prescribed by the commission so that the commission may make a determination that extenuating circumstances, as determined by the commission, prevented the student from meeting the standards described in subsection (a).

(c) If the commission grants a waiver under subsection (b), the commission may:

- (1) place the student on probationary status; and
- (2) establish additional requirements for the student.

Sec. 10. (a) The commission may not award a scholarship under this chapter to an applicant unless the applicant has applied to and been accepted for enrollment in an accredited postsecondary educational institution approved by the commission under this section.

(b) The commission shall establish standards for teacher education that an accredited postsecondary educational institution must meet to receive approval by the commission under this section, including the:

- (1) information an accredited postsecondary educational institution is required to submit to the commission regarding the institution's teacher education program; and
- (2) criteria and standards for approval.

Sec. 11. An individual who:

- (1) received a scholarship under this chapter;
- (2) is no longer enrolled in an accredited postsecondary educational institution approved by the commission under section 10 of this chapter; and
- (3) did not receive a baccalaureate degree from an accredited postsecondary educational institution approved by the commission under section 10 of this chapter;

shall repay the amount of the scholarship awarded to the individual under this chapter in a timely fashion, as determined by the commission.

Sec. 12. (a) Except as provided in subsections (b) and (c), if an individual:

- (1) receives a scholarship under this chapter; and
- (2) fails to teach in a public school or an eligible school (as defined in IC 20-51-1-4.7) in Indiana for at least five (5) consecutive years as described in section 5(a)(5) of this chapter;

the individual shall repay the total amount of the scholarship awarded to the individual under this chapter in a timely fashion. The total amount that an individual is required to repay shall be reduced by twenty percent (20%), as determined by the commission, for each consecutive year the individual teaches at a public school or eligible school (as defined in IC 20-51-1-4.7).

(b) The commission may extend the length of time in which an individual must complete the requirements of an agreement described in section 5(a)(5) of this chapter if the individual submits a petition to the commission in a manner prescribed by the commission and the commission makes a determination that extenuating circumstances, as determined by the commission, prevented the individual from timely meeting the requirements described in section 5(a)(5) of this chapter.

(c) The commission may waive repayment under subsection (a) if the individual has been declared to be totally and permanently disabled under 34 CFR 685.213.

(d) The commission may enter into an agreement with the department of state revenue established by IC 6-8.1-2-1 or another third party vendor to assist in the enforcement of subsection (a) and section 11 of this chapter.

Sec. 13. An individual who receives a scholarship under this chapter is not required to teach at the same public school or eligible school (as defined in IC 20-51-1-4.7) in Indiana for five (5) consecutive years.

Sec. 14. The commission shall administer the scholarship

awarded under this chapter as a financial aid award.

Sec. 15. (a) Subject to subsection (c), the amount of a scholarship awarded under this chapter may not be reduced because the student receives other scholarships or forms of financial aid.

(b) Except as otherwise provided under law and subject to subsection (c), the amount of any other state financial aid received by a student may not be reduced because the student receives a scholarship under this chapter.

(c) The total amount of scholarships or other financial aid a student receives may not exceed the total amount of expenses to attend the accredited postsecondary educational institution, including tuition, room, board, and other fees.

Sec. 16. An applicant is eligible to receive a scholarship under this chapter only if an appropriation has been made to carry out the specific purposes of this chapter.

Sec. 17. (a) The commission shall maintain complete and accurate records in implementing the next generation Hoosier educators scholarship fund established by section 3 of this chapter, including records of the following:

- (1) The receipt, disbursement, and uses of money from the fund.
- (2) The number of applications for the next generation Hoosier educators scholarship.
- (3) The number and amount of next generation Hoosier educators scholarships that have been provided by the commission.
- (4) Any other information collected concerning the fund or next generation Hoosier educators scholarships awarded under this chapter.

(b) Not later than November 1, 2017, and each November 1 thereafter, the commission shall submit a report to the governor and, in an electronic format under IC 5-14-6, to the general assembly summarizing the records described in subsection (a).

Sec. 18. The commission may adopt rules under IC 4-22-2 necessary to carry out this chapter.

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) There is appropriated to the commission for higher education five hundred thousand dollars (\$500,000) from the state general fund for the purpose of establishing the next generation Hoosier educators scholarship program under IC 21-12-16, as added by this act, for the state fiscal year beginning July 1, 2016, and ending June 30, 2017.

(b) This SECTION expires June 30, 2017.

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" refers to the commission for higher education established by IC 21-18-2-1.

(b) The commission shall, subject to the availability of data, do the following before December 1, 2016:

- (1) Research and identify programs offered in other states that provide state scholarships or loan forgiveness to high achieving students who intend to enter the teaching profession in that state upon graduation (if any). If the commission identifies programs offered in other states under this subdivision, the commission shall document at least the following data for each state program:
 - (A) The structure of the program, including whether the program provides a scholarship or is in the form of loan forgiveness.
 - (B) The qualifications and requirements for a recipient under the program.
 - (C) The administration of the program.
- (2) Develop and outline potential administrative procedures that would allow the commission to effectively and efficiently recover scholarship money from a recipient of a next generation Hoosier educators scholarship awarded under IC 21-12-16 who fails to enter the teaching profession in Indiana upon graduation or otherwise fails to fulfill the obligations

of the program.

(3) Identify other program options for providing incentives to Indiana's high achieving students to enter the teaching profession in Indiana upon graduation, in addition to the next generation Hoosier educators scholarship program established under IC 21-12-16.

(4) Prepare a comprehensive report that includes each item required under subdivisions (1) through (3) and provide a copy of the report to the budget agency and legislative council not later than December 1, 2016. The report to the legislative council under this subdivision must be in an electronic format under IC 5-14-6.

(c) This SECTION expires July 1, 2017.

SECTION 4. An emergency is declared for this act.

(Reference is to EHB 1002 as printed February 26, 2016.)

BOSMA	MISHLER
V. SMITH	ROGERS
House Conferees	Senate Conferees

Roll Call 434: yeas 97, nays 0. Report adopted.

Representative Lawson, who had been excused, is now present.

The Speaker Pro Tempore yielded the gavel to the Speaker.

CONFERENCE COMMITTEE REPORT
EHB 1069-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1069 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-2-6.1-8, AS AMENDED BY P.L.238-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. As used in this chapter, "violent crime" means the following:

(1) A crime under the Indiana Code that is a felony of any kind or a Class A misdemeanor that results in bodily injury or death to the victim but does not include any of the following:

(A) A crime under IC 9-30-5 resulting from the operation of a vehicle other than a motor vehicle.

(B) Involuntary manslaughter resulting from the operation of a motor vehicle by a person who was not intoxicated (IC 35-42-1-4).

(C) Reckless homicide resulting from the operation of a motor vehicle by a person who was not intoxicated (IC 35-42-1-5).

(D) Criminal recklessness involving the use of a motor vehicle, unless the offense was intentional or the person using the motor vehicle was intoxicated (IC 35-42-2-2).

(E) A crime involving the operation of a motor vehicle if the driver of the motor vehicle was not charged with an offense under IC 9-30-5.

(F) A battery offense included in IC 35-42-2 upon a child less than fourteen (14) years of age. (~~IC 35-42-2-1~~).

(G) Child molesting (IC 35-42-4-3).

(H) Child seduction (IC 35-42-4-7).

(2) A crime in another jurisdiction in which the elements of the crime are substantially similar to the elements of a crime that, if the crime results in death or bodily injury to

the victim, would be a felony or a Class A misdemeanor if committed in Indiana. However, the term does not include any of the following:

(A) A crime in another jurisdiction resulting from operating a vehicle, other than a motor vehicle, while intoxicated.

(B) A crime in another jurisdiction with elements substantially similar to involuntary manslaughter resulting from the operation of a motor vehicle if the crime was committed by a person who was not intoxicated.

(C) A crime in another jurisdiction with elements substantially similar to reckless homicide resulting from the operation of a motor vehicle if the crime was committed by a person who was not intoxicated.

(D) A crime in another jurisdiction with elements substantially similar to criminal recklessness involving the use of a motor vehicle unless the offense was intentional or the person using the motor vehicle was intoxicated.

(E) A crime involving the operation of a motor vehicle if the driver of the motor vehicle was not charged with an offense under IC 9-30-5.

(3) A terrorist act.

SECTION 2. IC 5-2-6.1-16, AS AMENDED BY P.L.238-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) A person eligible for assistance under section 12 of this chapter may file an application for assistance with the division if the violent crime was committed in Indiana.

(b) Except as provided in subsection (e), the application must be received by the division not more than one hundred eighty (180) days after the date the crime was committed. The division may grant an extension of time for good cause shown by the claimant. However, and except as provided in subsection (e), the division may not accept an application that is received more than two (2) years after the date the crime was committed.

(c) The application must be filed in the office of the division in person, through the division's **Internet** web site, or by first class or certified mail. If requested, the division shall assist a victim in preparing the application.

(d) The division shall accept all applications filed in compliance with this chapter. Upon receipt of a complete application, the division shall promptly begin the investigation and processing of an application.

(e) An alleged victim of a child sex crime may submit an application to the division until the victim becomes thirty-one (31) years of age.

(f) An alleged victim of a battery offense included in IC 35-42-2 upon a child less than fourteen (14) years of age ~~under IC 35-42-2-1~~ may submit an application to the division not later than five (5) years after the commission of the offense.

SECTION 3. IC 8-1-34-30, AS ADDED BY P.L.241-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 30. (a) As used in this section, "designated employee" means a holder's:

(1) employee; or

(2) authorized agent;

whom the holder designates or will designate to receive direct marketing authority.

(b) As used in this section, "direct marketing authority" means the authority granted by the commission to a holder to market any service or product offered by the holder directly to all households in a service area served by the holder.

(c) As used in this section, "political subdivision" has the meaning set forth in IC 36-1-2-13.

(d) A holder may apply to the commission, in the manner and form prescribed by the commission, for direct marketing authority. An application must include the following information with respect to each designated employee of the holder:

- (1) Name.
- (2) Home address.
- (3) Driver's license number.
- (4) A certification described in subsection (e)(1).
- (e) In an application under subsection (d), a holder shall include the following:
 - (1) A certification by the holder that each designated employee satisfies the following requirements:
 - (A) The employee is at least eighteen (18) years of age.
 - (B) The employee has a high school diploma or the equivalent of a high school diploma.
 - (C) The employee has not been convicted of a felony within the seven (7) years immediately preceding the date of the application.
 - (D) Within the seven (7) years immediately preceding the date of the application, the employee has not been released from incarceration after serving time for a felony conviction.
 - (E) The employee has not been convicted of:
 - (I) a misdemeanor involving fraud, deceit, or dishonesty;
 - (ii) a battery offense included in IC 35-42-2 as a misdemeanor; or
 - (iii) two (2) or more misdemeanors involving the illegal use of alcohol or the illegal sale, use, or possession of a controlled substance;
 within the five (5) years immediately preceding the date of the application.
 - (F) The employee has a valid driver's license.
 - (2) Proof of financial responsibility.
- (f) A holder may comply with subsection (e)(1) by submitting to the commission a document signed by the holder in which the holder:
 - (1) identifies each designated employee by name, home address, and driver's license number;
 - (2) certifies that each designated employee has been the subject of a criminal history background check for each jurisdiction in the United States in which the designated employee has lived or worked within the seven (7) years immediately preceding the date of the application; and
 - (3) affirms that the background check described in subdivision (2) for each designated employee indicates that the designated employee satisfies the requirements set forth in subsection (e)(1), as applicable.
- (g) Not more than fifteen (15) days after the commission receives an application under subsection (d), the commission shall determine whether the application is complete and properly verified. If the commission determines that the application is incomplete or not properly verified, the commission shall notify the applicant holder of the deficiency and allow the holder to resubmit the application after correcting the deficiency. If the commission determines that the application is complete and properly verified, the commission shall issue an order granting the holder direct marketing authority. The order must contain the following:
 - (1) The name of the holder.
 - (2) The names of designated employees of the holder.
 - (3) A grant of direct marketing authority to the holder and designated employees of the holder.
 - (4) The date on which the order takes effect.

The commission shall provide public notice of an order granting direct marketing authority under this subsection by posting the order on the commission's Internet web site.
- (h) A holder that has direct marketing authority shall notify the commission in a timely manner of any changes to the holder's list of designated employees. A designated employee may exercise direct marketing authority immediately upon the holder's submission to the commission of all information required under subsection (e)(1) with respect to the designated employee.

- (I) Only the commission is authorized to grant direct marketing authority to a holder under this section. However, subject to subsection (j), with respect to direct marketing activities in a holder's service area within a political subdivision, this section does not prohibit a holder from electing to:
 - (1) apply for marketing or solicitation authority directly from the political subdivision; and
 - (2) exercise any marketing or solicitation authority under a license, permit, or other authority granted by the political subdivision before, on, or after June 30, 2013; instead of applying for and exercising direct marketing authority granted by the commission under this section.
 - (j) A political subdivision may not do any of the following:
 - (1) Require a holder that is granted direct marketing authority from the commission under this section to also obtain marketing or solicitation authority from the political subdivision in order to engage in direct marketing in the holder's service area within the political subdivision.
 - (2) Impose any licensing requirement or fee on a holder in connection with any direct marketing authority granted to the holder by the commission under this section with respect to the holder's service area within the political subdivision.
 - (3) Except as provided in subsection (k), otherwise regulate a holder that is granted direct marketing authority from the commission under this section and that engages in direct marketing in the holder's service area within the political subdivision.
 - (k) A political subdivision may enforce any ordinance or regulation that:
 - (1) imposes restrictions as to the hours or manner in which direct marketing activities may be performed in the political subdivision; and
 - (2) applies uniformly to all persons engaging in direct marketing or other soliciting in the political subdivision, regardless of:
 - (A) the product or service being marketed; or
 - (B) the type of business engaged in by the person engaging in the direct marketing or other soliciting.
- SECTION 4. IC 11-12-3.7-6, AS AMENDED BY P.L.158-2013, SECTION 178, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. As used in this chapter, "violent offense" means one (1) or more of the following offenses:
- (1) Murder (IC 35-42-1-1).
 - (2) Attempted murder (IC 35-41-5-1).
 - (3) Voluntary manslaughter (IC 35-42-1-3).
 - (4) Involuntary manslaughter (IC 35-42-1-4).
 - (5) Reckless homicide (IC 35-42-1-5).
 - (6) Aggravated battery (IC 35-42-2-1.5).
 - (7) Battery (IC 35-42-2-1) as a:
 - (A) Class A felony, Class B felony, or Class C felony (for a crime committed before July 1, 2014); or
 - (B) Level 2 felony, Level 3 felony, or Level 5 felony (for a crime committed after June 30, 2014).
 - (8) Kidnapping (IC 35-42-3-2).
 - (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that is a:
 - (A) Class A felony, Class B felony, or Class C felony (for a crime committed before July 1, 2014); or
 - (B) Level 1 felony, Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony (for a crime committed after June 30, 2014).
 - (10) Sexual misconduct with a minor (IC 35-42-4-9) as a:
 - (A) Class A felony or Class B felony (for a crime committed before July 1, 2014); or
 - (B) Level 1 felony, Level 2 felony, or Level 4 felony (for a crime committed after June 30, 2014).
 - (11) Incest (IC 35-46-1-3).
 - (12) Robbery (IC 35-42-5-1) as a:

- (A) Class A felony or a Class B felony (for a crime committed before July 1, 2014); or
 (B) Level 2 felony or Level 3 felony (for a crime committed after June 30, 2014).
- (13) Burglary (IC 35-43-2-1) as a:
 (A) Class A felony or a Class B felony (for a crime committed before July 1, 2014); or
 (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (for a crime committed after June 30, 2014).
- (14) Carjacking (IC 35-42-5-2) (repealed).
- (15) Assisting a criminal (IC 35-44.1-2-5) as a:
 (A) Class C felony (for a crime committed before July 1, 2014); or
 (B) Level 5 felony (for a crime committed after June 30, 2014).
- (16) Escape (IC 35-44.1-3-4) as a:
 (A) Class B felony or Class C felony (for a crime committed before July 1, 2014); or
 (B) Level 4 felony or Level 5 felony (for a crime committed after June 30, 2014).
- (17) Trafficking with an inmate (IC 35-44.1-3-5) as a:
 (A) Class C felony (for a crime committed before July 1, 2014); or
 (B) Level 5 felony (for a crime committed after June 30, 2014).
- (18) Causing death when operating a vehicle (IC 9-30-5-5).
- (19) Criminal confinement (IC 35-42-3-3) as a:
 (A) Class B felony (for a crime committed before July 1, 2014); or
 (B) Level 3 felony (for a crime committed after June 30, 2014).
- (20) Arson (IC 35-43-1-1) as a:
 (A) Class A or Class B felony (for a crime committed before July 1, 2014); or
 (B) Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014).
- (21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).
- (22) Terroristic mischief (IC 35-47-12-3) as a:
 (A) Class B felony (for a crime committed before July 1, 2014); or
 (B) Level 4 felony (for a crime committed after June 30, 2014).
- (23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- (24) A violation of IC 35-47.5 (controlled explosives) as a:
 (A) Class A or Class B felony (for a crime committed before July 1, 2014); or
 (B) Level 2 or Level 4 felony (for a crime committed after June 30, 2014).
- (25) Domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level 3 felony, or Level 5 felony.**
- ~~(25)~~ **(26)** A crime under the laws of another jurisdiction, including a military court, that is substantially similar to any of the offenses listed in this subdivision.
- ~~(26)~~ **(27)** Any other crimes evidencing a propensity or history of violence.

SECTION 5. IC 12-7-2-20.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 20.8. "Battery", for purposes of IC 12-10-3, includes battery (IC 35-42-2-1), domestic battery (IC 35-42-2-1.3), and aggravated battery (IC 35-42-2-1.5).**

SECTION 6. IC 12-10-3-2, AS AMENDED BY P.L.117-2015, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in subsection (b), as used in this chapter, "endangered adult" means an individual who is:

- (1) at least eighteen (18) years of age;
 (2) incapable by reason of mental illness, intellectual disability, dementia, habitual drunkenness, excessive use of drugs, or other physical or mental incapacity of managing or directing the management of the individual's property or providing or directing the provision of self-care; and
 (3) harmed or threatened with harm as a result of:
 (A) neglect;
 (B) a battery offense included in IC 35-42-2; or
 (C) exploitation of the individual's personal services or property.
- (b) For purposes of IC 12-10-3-17, IC 35-42-2-1, **IC 35-42-2-1.3**, and IC 35-46-1-13, "endangered adult" means an individual who is:
 (1) at least eighteen (18) years of age;
 (2) incapable by reason of mental illness, intellectual disability, dementia, or other physical or mental incapacity of managing or directing the management of the individual's property or providing or directing the provision of self-care; and
 (3) harmed or threatened with harm as a result of:
 (A) neglect; or
 (B) battery.
- (c) An individual is not an endangered adult solely:
 (1) for the reason that the individual is being provided spiritual treatment in accordance with a recognized religious method of healing instead of specified medical treatment if the individual would not be considered to be an endangered adult if the individual were receiving the medical treatment; or
 (2) on the basis of being physically unable to provide self care when appropriate care is being provided.
- SECTION 7. IC 16-41-8-1, AS AMENDED BY HEA 1036-2016, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) As used in this chapter, "potentially disease transmitting offense" means any of the following:
 (1) Battery (**IC 35-42-2-1**) or domestic battery (**IC 35-42-2-1.3**) involving placing a bodily fluid or waste on another person. ~~(IC 35-42-2-1).~~
 (2) An offense relating to a criminal sexual act (as defined in IC 35-31.5-2-216), if sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) occurred.
- The term includes an attempt to commit an offense, if sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) occurred, and a delinquent act that would be a crime if committed by an adult.
- (b) Except as provided in this chapter, a person may not disclose or be compelled to disclose medical or epidemiological information involving a communicable disease or other disease that is a danger to health (as defined under rules adopted under IC 16-41-2-1). This information may not be released or made public upon subpoena or otherwise, except under the following circumstances:
 (1) Release may be made of medical or epidemiologic information for statistical purposes if done in a manner that does not identify an individual.
 (2) Release may be made of medical or epidemiologic information with the written consent of all individuals identified in the information released.
 (3) Release may be made of medical or epidemiologic information to the extent necessary to enforce public health laws, laws described in IC 31-37-19-4 through IC 31-37-19-6, IC 31-37-19-9 through IC 31-37-19-10, IC 31-37-19-12 through IC 31-37-19-23, IC 35-38-1-7.1, and IC 35-45-21-1 or to protect the health or life of a named party.
 (4) Release may be made of the medical information of a person in accordance with this chapter.

(c) Except as provided in this chapter, a person responsible for recording, reporting, or maintaining information required to be reported under IC 16-41-2 who recklessly, knowingly, or intentionally discloses or fails to protect medical or epidemiologic information classified as confidential under this section commits a Class A misdemeanor.

(d) In addition to subsection (c), a public employee who violates this section is subject to discharge or other disciplinary action under the personnel rules of the agency that employs the employee.

(e) Release shall be made of the medical records concerning an individual to:

- (1) the individual;
- (2) a person authorized in writing by the individual to receive the medical records; or
- (3) a coroner under IC 36-2-14-21.

(f) An individual may voluntarily disclose information about the individual's communicable disease.

(g) The provisions of this section regarding confidentiality apply to information obtained under IC 16-41-1 through IC 16-41-16.

SECTION 8. IC 16-41-8-5, AS AMENDED BY HEA 1036-2016, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) This section does not apply to medical testing of an individual for whom an indictment or information is filed for a sex crime and for whom a request to have the individual tested under section 6 of this chapter is filed.

(b) The following definitions apply throughout this section:

- (1) "Bodily fluid" means blood, human waste, or any other bodily fluid.
- (2) "Dangerous disease" means any of the following:
 - (A) Chancroid.
 - (B) Chlamydia.
 - (C) Gonorrhea.
 - (D) Hepatitis.
 - (E) Human immunodeficiency virus (HIV).
 - (F) Lymphogranuloma venereum.
 - (G) Syphilis.
 - (H) Tuberculosis.

(3) "Offense involving the transmission of a bodily fluid" means any offense (including a delinquent act that would be a crime if committed by an adult) in which a bodily fluid is transmitted from the defendant to the victim in connection with the commission of the offense.

(c) This subsection applies only to a defendant who has been charged with a potentially disease transmitting offense. At the request of an alleged victim of the offense, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), the prosecuting attorney shall petition a court to order a defendant charged with the commission of a potentially disease transmitting offense to submit to a screening test to determine whether the defendant is infected with a dangerous disease. In the petition, the prosecuting attorney must set forth information demonstrating that the defendant has committed a potentially disease transmitting offense. The court shall set the matter for hearing not later than forty-eight (48) hours after the prosecuting attorney files a petition under this subsection. The alleged victim, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, and the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2) are entitled to receive notice of the hearing and are entitled to attend the hearing. The defendant and the defendant's counsel are entitled to receive notice of the hearing and are entitled to attend the hearing. If, following the hearing, the court finds probable cause to believe that the defendant has committed a potentially disease transmitting offense, the court may order the defendant to

submit to a screening test for one (1) or more dangerous diseases. If the defendant is charged with battery (**IC 35-42-2-1**) or domestic battery (**IC 35-42-2-1.3**) involving placing a bodily fluid or waste on another person, (~~IC 35-42-2-1~~), the court may limit testing under this subsection to a test only for human immunodeficiency virus (HIV). However, the court may order additional testing for human immunodeficiency virus (HIV) as may be medically appropriate. The court shall take actions to ensure the confidentiality of evidence introduced at the hearing.

(d) This subsection applies only to a defendant who has been charged with an offense involving the transmission of a bodily fluid. At the request of an alleged victim of the offense, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), the prosecuting attorney shall petition a court to order a defendant charged with the commission of an offense involving the transmission of a bodily fluid to submit to a screening test to determine whether the defendant is infected with a dangerous disease. In the petition, the prosecuting attorney must set forth information demonstrating that:

- (1) the defendant has committed an offense; and
- (2) a bodily fluid was transmitted from the defendant to the victim in connection with the commission of the offense.

The court shall set the matter for hearing not later than forty-eight (48) hours after the prosecuting attorney files a petition under this subsection. The alleged victim of the offense, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, and the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2) are entitled to receive notice of the hearing and are entitled to attend the hearing. The defendant and the defendant's counsel are entitled to receive notice of the hearing and are entitled to attend the hearing. If, following the hearing, the court finds probable cause to believe that the defendant has committed an offense and that a bodily fluid was transmitted from the defendant to the alleged victim in connection with the commission of the offense, the court may order the defendant to submit to a screening test for one (1) or more dangerous diseases. If the defendant is charged with battery (**IC 35-42-2-1**) or domestic battery (**IC 35-42-2-1.3**) involving placing bodily fluid or waste on another person, (~~IC 35-42-2-1~~), the court may limit testing under this subsection to a test only for human immunodeficiency virus (HIV). However, the court may order additional testing for human immunodeficiency virus (HIV) as may be medically appropriate. The court shall take actions to ensure the confidentiality of evidence introduced at the hearing.

(e) The testimonial privileges applying to communication between a husband and wife and between a health care provider and the health care provider's patient are not sufficient grounds for not testifying or providing other information at a hearing conducted in accordance with this section.

(f) A health care provider (as defined in IC 16-18-2-163) who discloses information that must be disclosed to comply with this section is immune from civil and criminal liability under Indiana statutes that protect patient privacy and confidentiality.

(g) The results of a screening test conducted under this section shall be kept confidential if the defendant ordered to submit to the screening test under this section has not been convicted of the potentially disease transmitting offense or offense involving the transmission of a bodily fluid with which the defendant is charged. The results may not be made available to any person or public or private agency other than the following:

- (1) The defendant and the defendant's counsel.
- (2) The prosecuting attorney.
- (3) The department of correction or the penal facility,

juvenile detention facility, or secure private facility where the defendant is housed.

(4) The alleged victim or the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), and the alleged victim's counsel.

The results of a screening test conducted under this section may not be admitted against a defendant in a criminal proceeding or against a child in a juvenile delinquency proceeding.

(h) As soon as practicable after a screening test ordered under this section has been conducted, the alleged victim or the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), and the victim's counsel shall be notified of the results of the test.

(i) An alleged victim may disclose the results of a screening test to which a defendant is ordered to submit under this section to an individual or organization to protect the health and safety of or to seek compensation for:

- (1) the alleged victim;
- (2) the alleged victim's sexual partner; or
- (3) the alleged victim's family.

(j) The court shall order a petition filed and any order entered under this section sealed.

(k) A person that knowingly or intentionally:

- (1) receives notification or disclosure of the results of a screening test under this section; and
- (2) discloses the results of the screening test in violation of this section;

commits a Class B misdemeanor.

SECTION 9. IC 20-19-3-4, AS AMENDED BY P.L.213-2015, SECTION 152, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The department shall:

- (1) perform the duties required by statute;
- (2) implement the policies and procedures established by the state board;
- (3) conduct analytical research to assist the state board in determining the state's educational policy;
- (4) compile statistics concerning the ethnicity, gender, and disability status of students in Indiana schools, including statistics for all information that the department receives from school corporations on enrollment, number of suspensions, and number of expulsions; and
- (5) provide technical assistance to school corporations.

(b) In compiling statistics by gender, ethnicity, and disability status under subsection (a)(4), the department shall also categorize suspensions and expulsions by cause as follows:

- (1) Alcohol.
- (2) Drugs.
- (3) Deadly weapons (other than firearms).
- (4) Handguns.
- (5) Rifles or shotguns.
- (6) Other firearms.
- (7) Tobacco.
- (8) Attendance.
- (9) Destruction of property.
- (10) Legal settlement (under IC 20-33-8-17).
- (11) Fighting (incident does not rise to the level of battery).
- (12) ~~A battery offense included in IC 35-42-2. (~~IC 35-42-2-1~~).~~
- (13) Intimidation (IC 35-45-2-1).
- (14) Verbal aggression or profanity.
- (15) Defiance.
- (16) Other.

(c) The department shall provide the state board any data, including fiscal data, as determined by the state board, in a

reasonable time frame established by the state board after consultation with the department, necessary to conduct an audit or evaluation of any federal or state supported program principally engaged in the provision of education, including, but not limited to:

- (1) early childhood education;
- (2) elementary and secondary education;
- (3) postsecondary education;
- (4) special education;
- (5) job training;
- (6) career and technical education; and
- (7) adult education;

or for the enforcement of or compliance with federal legal requirements related to those education programs as determined by the state board. The state board and the department are considered state educational authorities within the meaning of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g and 34 CFR Part 99) for the purpose of allowing the free exchange of information between the department and the state board.

(d) The department shall develop guidelines necessary to implement this section.

SECTION 10. IC 20-26-5-11, AS AMENDED BY P.L.233-2015, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) This section applies to:

- (1) a school corporation;
- (2) a charter school; and
- (3) an entity:
 - (A) with which the school corporation contracts for services; and
 - (B) that has employees who are likely to have direct, ongoing contact with children within the scope of the employees' employment.

(b) A school corporation, charter school, or entity may use information obtained under section 10 of this chapter concerning an individual's conviction for one (1) of the following offenses as grounds to not employ or contract with the individual:

- (1) Murder (IC 35-42-1-1).
- (2) Causing suicide (IC 35-42-1-2).
- (3) Assisting suicide (IC 35-42-1-2.5).
- (4) Voluntary manslaughter (IC 35-42-1-3).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (7) Aggravated battery (IC 35-42-2-1.5).
- (8) Kidnapping (IC 35-42-3-2).
- (9) Criminal confinement (IC 35-42-3-3).
- (10) A sex offense under IC 35-42-4.
- (11) Carjacking (IC 35-42-5-2) (repealed).
- (12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (13) Incest (IC 35-46-1-3).
- (14) Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (15) Child selling (IC 35-46-1-4(d)).
- (16) Contributing to the delinquency of a minor (IC 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (17) An offense involving a weapon under IC 35-47 or IC 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation,

imprisonment, or parole, whichever is later.

(18) An offense relating to controlled substances under IC 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(19) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(20) An offense relating to operating a motor vehicle while intoxicated under IC 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(21) Domestic battery (IC 35-42-2-1.3), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is latest.

~~(21)~~ **(22)** An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.

(c) An individual employed by a school corporation, charter school, or an entity described in subsection (a) shall notify the governing body of the school corporation, if during the course of the individual's employment, the individual is convicted in Indiana or another jurisdiction of an offense described in subsection (b).

SECTION 11. IC 20-33-9-1.3, AS ADDED BY P.L.72-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.3. As used in this chapter, "battery" refers to:

- (1) battery under IC 35-42-2-1;
- (2) **domestic battery under IC 35-42-2-1.3; and**
- (3) **aggravated battery under IC 35-42-2-1.5.**

SECTION 12. IC 31-9-2-29.5, AS AMENDED BY P.L.111-2009, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 29.5. "Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:

- (1) A homicide offense under IC 35-42-1.
- (2) A battery offense under IC 35-42-2.
- (3) Kidnapping or confinement under IC 35-42-3.
- (4) A sex offense under IC 35-42-4.
- (5) Robbery under IC 35-42-5.
- (6) Arson or mischief under IC 35-43-1.
- (7) Burglary or trespass under IC 35-43-2.
- (8) Disorderly conduct under IC 35-45-1.
- (9) Intimidation or harassment under IC 35-45-2.
- (10) Voyeurism under IC 35-45-4.
- (11) Stalking under IC 35-45-10.
- (12) An offense against the family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, ~~or~~ IC 35-46-1-15.1, **or IC 35-46-1-15.3.**
- (13) Human and sexual trafficking crimes under IC 35-42-3.5.
- (14) A crime involving animal cruelty and a family or household member under IC 35-46-3-12(b)(2) or IC 35-46-3-12.5.

SECTION 13. IC 31-19-9-10, AS AMENDED BY P.L.168-2014, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. A court shall determine that consent to adoption is not required from a parent if:

- (1) the parent is convicted of and incarcerated at the time of the filing of a petition for adoption for:
 - (A) murder (IC 35-42-1-1);

- (B) causing suicide (IC 35-42-1-2);
- (C) voluntary manslaughter (IC 35-42-1-3);
- (D) rape (IC 35-42-4-1);
- (E) criminal deviate conduct (IC 35-42-4-2) (before its repeal);

(F) child molesting (IC 35-42-4-3) as a:

- (i) Class A or Class B felony, for a crime committed before July 1, 2014; or
- (ii) Level 1, Level 2, Level 3, or Level 4 felony, for a crime committed after June 30, 2014;

(G) incest (IC 35-46-1-3) as a:

- (i) Class B felony, for a crime committed before July 1, 2014; or
- (ii) Level 4 felony, for a crime committed after June 30, 2014;

(H) neglect of a dependent (IC 35-46-1-4) as a:

- (i) Class B felony, for a crime committed before July 1, 2014; or
- (ii) Level 1 or Level 3 felony, for a crime committed after June 30, 2014;

(I) battery (IC 35-42-2-1) of a child as a:

- (i) Class C felony, for a crime committed before July 1, 2014; or
- (ii) Level 5 felony, for a crime committed after June 30, 2014;

(J) battery (IC 35-42-2-1) as a:

- (i) Class A or Class B felony, for a crime committed before July 1, 2014; or
- (ii) Level 2, ~~or~~ Level 3, **or Level 4** felony, for a crime committed after June 30, 2014; ~~or~~

(K) domestic battery (IC 35-42-2-1.3) as a Level 5, Level 4, Level 3, or Level 2 felony;

(L) aggravated battery (IC 35-42-2-1.5) as a Level 3 or Level 1 felony; or

~~(M)~~ **(M)** an attempt under IC 35-41-5-1 to commit an offense described in ~~clauses (A) through (J); this subdivision;~~

(2) the child or the child's sibling, half-blood sibling, or step-sibling of the parent's current marriage is the victim of the offense; and

(3) after notice to the parent and a hearing, the court determines that dispensing with the parent's consent to adoption is in the child's best interests.

SECTION 14. IC 31-34-4-2, AS AMENDED BY P.L.123-2014, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) If a child alleged to be a child in need of services is taken into custody under an order of the court under this chapter and the court orders out-of-home placement, the department is responsible for that placement and care and must consider placing the child with a:

- (1) suitable and willing relative; or
- (2) de facto custodian;

before considering any other out-of-home placement.

(b) The department shall consider placing a child described in subsection (a) with a relative related by blood, marriage, or adoption before considering any other placement of the child.

(c) Before the department places a child in need of services with a relative or a de facto custodian, the department shall complete an evaluation based on a home visit of the relative's home.

(d) Except as provided in subsection (f), before placing a child in need of services in an out-of-home placement, the department shall conduct a criminal history check of each person who is currently residing in the location designated as the out-of-home placement.

(e) Except as provided in subsection (g), the department may not make an out-of-home placement if a person described in subsection (d) has:

- (1) committed an act resulting in a substantiated report of

child abuse or neglect; or

(2) been convicted of a felony listed in IC 31-27-4-13 or had a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult.

(f) The department is not required to conduct a criminal history check under subsection (d) if the department makes an out-of-home placement to an entity or a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.

(g) A court may order or the department may approve an out-of-home placement if:

(1) a person described in subsection (d) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect;

(B) been convicted of:

(I) a battery offense included in IC 35-42-2 (~~IC 35-42-2-1~~) as a felony;

(ii) criminal confinement (IC 35-42-3-3) as a felony;

(iii) carjacking (IC 35-42-5-2) (repealed) as a felony;

(iv) arson (IC 35-43-1-1) as a felony;

(v) a felony involving a weapon under IC 35-47 or IC 35-47.5;

(vi) a felony relating to controlled substances under IC 35-48-4;

(vii) a felony under IC 9-30-5; or

(viii) a felony that is substantially equivalent to a felony listed in ~~items (f) through (vii)~~ **this clause** for which the conviction was entered in another ~~state;~~

jurisdiction; if the conviction did not occur within the past five (5) years; or

(C) had a juvenile adjudication for an act listed in IC 31-27-4-13(a) that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and the placement is in the best interest of the child.

However, a court or the department may not make an out-of-home placement if the person has been convicted of a felony listed in IC 31-27-4-13 that is not specifically excluded under subdivision (1)(B).

(h) In considering the placement under subsection (g), the court or the department shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 15. IC 31-34-20-1.5, AS AMENDED BY P.L.158-2013, SECTION 322, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) Except as provided in subsection (d), the juvenile court may not enter a dispositional decree approving or ordering placement of a child in another home under section 1(a)(3) of this chapter or awarding wardship to the department that will place the child in another home under section 1(a)(4) of this chapter if a person who is currently residing in the home in which the child would be placed under section 1(a)(3) or 1(a)(4) of this chapter has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(b) The department or caseworker who prepared the predispositional report shall conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for

an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13. However, the department or caseworker is not required to conduct a criminal history check under this section if criminal history information under IC 31-34-4-2 or IC 31-34-18-6.1 establishes whether a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13(a) if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13(a).

(c) The department or caseworker is not required to conduct a criminal history check under this section if:

(1) the department or caseworker is considering only an out-of-home placement to an entity or a facility that:

(A) is not a residence (as defined in IC 3-5-2-42.5); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared.

(d) A juvenile court may enter a dispositional decree that approves placement of a child in another home or award wardship to the department that will place the child in a home with a person described in subsection (a) if:

(1) the person described in subsection (a) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect;

(B) been convicted of:

(I) a battery offense included in IC 35-42-2 (~~IC 35-42-2-1~~) as a felony;

(ii) criminal confinement (IC 35-42-3-3) as a felony;

(iii) carjacking (IC 35-42-5-2) (repealed) as a felony;

(iv) arson (IC 35-43-1-1) as a felony;

(v) a felony involving a weapon under IC 35-47 or IC 35-47.5;

(vi) a felony relating to controlled substances under IC 35-48-4;

(vii) a felony under IC 9-30-5; or

(viii) a felony that is substantially equivalent to a felony listed in ~~items (f) through (vii)~~ **this clause** for which the conviction was entered in another ~~state;~~

jurisdiction; if the conviction did not occur within the past five (5) years; or

(C) had a juvenile adjudication for an act listed in IC 31-27-4-13(a) that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and placing a child in another home or awarding wardship to the department is in the best interest of the child.

However, a court may not enter a dispositional decree that approves placement of a child in another home or awards wardship to the department if the person has been convicted of a felony listed in IC 31-27-4-13(a) that is not specifically excluded under subdivision (1)(B).

(e) In considering the placement under subsection (d), the court shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 16. IC 31-34-21-7.5, AS AMENDED BY P.L.104-2015, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.5. (a) Except

as provided in subsection (d), the juvenile court may not approve a permanency plan under subsection (c)(1)(D), (c)(1)(E), or (c)(1)(F) if a person who is currently residing with a person described in subsection (c)(1)(D) or (c)(1)(E) or in a residence in which the child would be placed under subsection (c)(1)(F) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(b) Before requesting juvenile court approval of a permanency plan, the department shall conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13. However, the department is not required to conduct a criminal history check under this section if criminal history information under IC 31-34-4-2, IC 31-34-18-6.1, or IC 31-34-20-1.5 establishes whether a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(c) A permanency plan under this chapter includes the following:

(1) The intended permanent or long term arrangements for care and custody of the child that may include any of the following arrangements that the department or the court considers most appropriate and consistent with the best interests of the child:

(A) Return to or continuation of existing custodial care within the home of the child's parent, guardian, or custodian or placement of the child with the child's noncustodial parent.

(B) Initiation of a proceeding for termination of the parent-child relationship under IC 31-35.

(C) Placement of the child for adoption.

(D) Placement of the child with a responsible person, including:

- (i) an adult sibling;
- (ii) a grandparent;
- (iii) an aunt;
- (iv) an uncle;
- (v) a custodial parent of a sibling of the child; or
- (vi) another relative;

who is able and willing to act as the child's permanent custodian and carry out the responsibilities required by the permanency plan.

(E) Appointment of a legal guardian. The legal guardian appointed under this section is a caretaker in a judicially created relationship between the child and caretaker that is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child:

- (i) Care, custody, and control of the child.
- (ii) Decision making concerning the child's upbringing.

(F) A supervised independent living arrangement or foster care for the child with a permanency plan of another planned, permanent living arrangement. However, a child less than sixteen (16) years of age may not have another planned, permanent living arrangement as the child's permanency plan.

(2) A time schedule for implementing the applicable provisions of the permanency plan.

(3) Provisions for temporary or interim arrangements for

care and custody of the child, pending completion of implementation of the permanency plan.

(4) Other items required to be included in a case plan under IC 31-34-15 or federal law, consistent with the permanent or long term arrangements described by the permanency plan.

(d) A juvenile court may approve a permanency plan if:

(1) a person described in subsection (a) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect;

(B) been convicted of:

(i) a battery offense included in IC 35-42-2 (~~IC 35-42-2-1~~) as a felony;

(ii) criminal confinement (IC 35-42-3-3) as a felony;

(iii) carjacking (IC 35-42-5-2) (repealed) as a felony;

(iv) arson (IC 35-43-1-1) as a felony;

(v) a felony involving a weapon under IC 35-47 or a felony involving controlled explosives under IC 35-47.5;

(vi) a felony relating to controlled substances under IC 35-48-4;

(vii) a felony under IC 9-30-5; or

(viii) a felony that is substantially equivalent to a felony listed in items (i) through (vii) this clause for which the conviction was entered in another state; **jurisdiction;**

if the conviction did not occur within the past five (5) years; or

(C) had a juvenile adjudication for an act listed in IC 31-27-4-13(a) that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and that approval of the permanency plan is in the best interest of the child.

However, a court may not approve a permanency plan if the person has been convicted of a felony listed in IC 31-27-4-13 that is not specifically excluded under subdivision (1)(B), or has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult that is not specifically excluded under subdivision (1)(B).

(e) In making its written finding under subsection (d), the court shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 17. IC 31-34-25-1, AS AMENDED BY P.L.146-2008, SECTION 614, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. Any of the following may sign and file a petition for the juvenile court to require a person to refrain from direct or indirect contact with a child or a member of a foster family home (as defined in IC 31-9-2-46.9):

(1) The attorney for the department.

(2) The guardian ad litem or court appointed special advocate.

SECTION 18. IC 31-37-4-3, AS AMENDED BY SEA 141-2016, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) This section applies if a child is arrested or taken into custody for allegedly committing an act that would be any of the following crimes if committed by an adult:

(1) Murder (IC 35-42-1-1).

(2) Attempted murder (IC 35-41-5-1).

- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Aggravated battery (IC 35-42-2-1.5).
- (7) Battery (IC 35-42-2-1).
- (8) Kidnapping (IC 35-42-3-2).
- (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.
- (10) Sexual misconduct with a minor (IC 35-42-4-9).
- (11) Incest (IC 35-46-1-3).
- (12) Robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1).
- (13) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (IC 35-43-2-1).
- (14) Assisting a criminal as a Level 5 felony (IC 35-44.1-2-5).
- (15) Escape (IC 35-44.1-3-4) as a Level 4 felony or Level 5 felony.
- (16) Trafficking with an inmate as a Level 5 felony (IC 35-44.1-3-5).
- (17) Causing death when operating a vehicle (IC 9-30-5-5).
- (18) Criminal confinement (IC 35-42-3-3) as a Level 2 or Level 3 felony.
- (19) Arson (IC 35-43-1-1) as a Level 2 felony, Level 3 felony, or Level 4 felony.
- (20) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).
- (21) Terroristic mischief (IC 35-47-12-3) as a Level 2 or Level 3 felony.
- (22) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- (23) A violation of IC 35-47.5 (controlled explosives) as a Level 2 felony, Level 3 felony, or Level 4 felony.
- (24) A controlled substances offense under IC 35-48.
- (25) A criminal organization offense under IC 35-45-9.
- (26) Domestic battery (IC 35-42-2-1.3).**

(b) If a child is taken into custody under this chapter for a crime or act listed in subsection (a) or a situation to which IC 12-26-4-1 applies, the law enforcement agency that employs the law enforcement officer who takes the child into custody shall notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, in which the child is enrolled or, if the child is enrolled in a public school, the superintendent of the school district in which the child is enrolled:

- (1) that the child was taken into custody; and
- (2) of the reason why the child was taken into custody.

(c) The notification under subsection (b) must occur within forty-eight (48) hours after the child is taken into custody.

(d) A law enforcement agency may not disclose information that is confidential under state or federal law to a school or school district under this section.

(e) A law enforcement agency shall include in its training for law enforcement officers training concerning the notification requirements under subsection (b).

SECTION 19. IC 31-37-19-6.5, AS AMENDED BY P.L.158-2013, SECTION 329, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6.5. (a) Except as provided in subsection (d), the juvenile court may not enter a dispositional decree approving placement of a child in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility that results in a placement with a person under section 1(a)(4) or 6(b)(2)(E) of this chapter if a person who is currently residing in the home in which the child would be placed under section 1(a)(3), 1(a)(4), 6(b)(2)(D), or 6(b)(2)(E) of this chapter has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(b) The juvenile probation officer who prepared the predispositional report shall conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13. However, the probation officer is not required to conduct a criminal history check under this section if criminal history information obtained under IC 31-37-17-6.1 establishes whether a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(c) The juvenile probation officer is not required to conduct a criminal history check under this section if:

- (1) the probation officer is considering only an out-of-home placement to an entity or a facility that:

- (A) is not a residence (as defined in IC 3-5-2-42.5); or
- (B) is licensed by the state; or

- (2) placement under this section is undetermined at the time the predispositional report is prepared.

(d) The juvenile court may enter a dispositional decree approving placement of a child in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility that results in a placement with a person under section 1(a)(4) or 6(b)(2)(E) of this chapter if:

- (1) a person described in subsection (a) has:
 - (A) committed an act resulting in a substantiated report of child abuse or neglect;
 - (B) been convicted of:

(i) a battery offense included in IC 35-42-2 (~~IC 35-42-2-1~~) as a felony;

(ii) criminal confinement (IC 35-42-3-3) as a felony;

(iii) carjacking (IC 35-42-5-2) (repealed) as a felony;

(iv) arson (IC 35-43-1-1) as a felony;

(v) a felony involving a weapon under IC 35-47 or IC 35-47.5;

(vi) a felony relating to controlled substances under IC 35-48-4; or

(vii) a felony that is substantially equivalent to a felony listed in ~~items (i) through (vi)~~ **this clause** for which the conviction was entered in another ~~state;~~ **jurisdiction;**

if the conviction did not occur within the past five (5) years; or

(C) had a juvenile adjudication for an act listed in IC 31-27-4-13(a) that, if committed by an adult, would be a felony; and

- (2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and placing the child in another home is in the best interest of the child.

However, a court may not enter a dispositional decree placing a child in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility under this subsection if a person with whom the child is or will be placed has been convicted of a felony listed in IC 31-27-4-13 that is not specifically excluded under subdivision (1)(B).

(e) In considering the placement under subsection (d), the court shall consider the following:

- (1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.
- (2) The severity of the offense, delinquent act, or abuse or neglect.
- (3) Evidence of the person's rehabilitation, including the

person's cooperation with a treatment plan, if applicable.

SECTION 20. IC 33-37-5-12, AS AMENDED BY SEA 17-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. The court shall order a person to pay a child abuse prevention fee of one hundred dollars (\$100) to the clerk in each criminal action in which:

- (1) the person is found to have committed the offense of:
 - (A) murder (IC 35-42-1-1);
 - (B) causing suicide (IC 35-42-1-2);
 - (C) voluntary manslaughter (IC 35-42-1-3);
 - (D) reckless homicide (IC 35-42-1-5);
 - (E) battery (IC 35-42-2-1);
 - (F) strangulation (IC 35-42-2-9);
 - (G) domestic battery (IC 35-42-2-1.3);**
 - (H) aggravated battery (IC 35-42-2-1.5);**
 - ~~(I)~~ (I) rape (IC 35-42-4-1);
 - ~~(J)~~ (J) criminal deviate conduct (IC 35-42-4-2) (repealed);
 - ~~(K)~~ (K) child molesting (IC 35-42-4-3);
 - ~~(L)~~ (L) child exploitation (IC 35-42-4-4);
 - ~~(M)~~ (M) vicarious sexual gratification (IC 35-42-4-5);
 - ~~(N)~~ (N) child solicitation (IC 35-42-4-6);
 - ~~(O)~~ (O) incest (IC 35-46-1-3);
 - ~~(P)~~ (P) neglect of a dependent (IC 35-46-1-4);
 - ~~(Q)~~ (Q) child selling (IC 35-46-1-4); or
 - ~~(R)~~ (R) child seduction (IC 35-42-4-7); and
- (2) the victim of the offense is less than eighteen (18) years of age.

SECTION 21. IC 34-13-3-3, AS AMENDED BY P.L.220-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. A governmental entity or an employee acting within the scope of the employee's employment is not liable if a loss results from the following:

- (1) The natural condition of unimproved property.
- (2) The condition of a reservoir, dam, canal, conduit, drain, or similar structure when used by a person for a purpose that is not foreseeable.
- (3) The temporary condition of a public thoroughfare or extreme sport area that results from weather.
- (4) The condition of an unpaved road, trail, or footpath, the purpose of which is to provide access to a recreation or scenic area.
- (5) The design, construction, control, operation, or normal condition of an extreme sport area, if all entrances to the extreme sport area are marked with:
 - (A) a set of rules governing the use of the extreme sport area;
 - (B) a warning concerning the hazards and dangers associated with the use of the extreme sport area; and
 - (C) a statement that the extreme sport area may be used only by persons operating extreme sport equipment.

This subdivision shall not be construed to relieve a governmental entity from liability for the continuing duty to maintain extreme sports areas in a reasonably safe condition.
- (6) The initiation of a judicial or an administrative proceeding.
- (7) The performance of a discretionary function; however, the provision of medical or optical care as provided in IC 34-6-2-38 shall be considered as a ministerial act.
- (8) The adoption and enforcement of or failure to adopt or enforce:
 - (A) a law (including rules and regulations); or
 - (B) in the case of a public school or charter school, a policy;

unless the act of enforcement constitutes false arrest or false imprisonment.
- (9) An act or omission performed in good faith and

without malice under the apparent authority of a statute which is invalid if the employee would not have been liable had the statute been valid.

- (10) The act or omission of anyone other than the governmental entity or the governmental entity's employee.
- (11) The issuance, denial, suspension, or revocation of, or failure or refusal to issue, deny, suspend, or revoke any permit, license, certificate, approval, order, or similar authorization, where the authority is discretionary under the law.
- (12) Failure to make an inspection, or making an inadequate or negligent inspection, of any property, other than the property of a governmental entity, to determine whether the property complied with or violates any law or contains a hazard to health or safety.
- (13) Entry upon any property where the entry is expressly or impliedly authorized by law.
- (14) Misrepresentation if unintentional.
- (15) Theft by another person of money in the employee's official custody, unless the loss was sustained because of the employee's own negligent or wrongful act or omission.
- (16) Injury to the property of a person under the jurisdiction and control of the department of correction if the person has not exhausted the administrative remedies and procedures provided by section 7 of this chapter.
- (17) Injury to the person or property of a person under supervision of a governmental entity and who is:
 - (A) on probation; or
 - (B) assigned to an alcohol and drug services program under IC 12-23, a minimum security release program under IC 11-10-8, a pretrial conditional release program under IC 35-33-8, or a community corrections program under IC 11-12.
- (18) Design of a highway (as defined in IC 9-13-2-73), toll road project (as defined in IC 8-15-2-4(4)), tollway (as defined in IC 8-15-3-7), or project (as defined in IC 8-15.7-2-14) if the claimed loss occurs at least twenty (20) years after the public highway, toll road project, tollway, or project was designed or substantially redesigned; except that this subdivision shall not be construed to relieve a responsible governmental entity from the continuing duty to provide and maintain public highways in a reasonably safe condition.
- (19) Development, adoption, implementation, operation, maintenance, or use of an enhanced emergency communication system.
- (20) Injury to a student or a student's property by an employee of a school corporation if the employee is acting reasonably under a:
 - (A) discipline policy adopted under IC 20-33-8-12; or
 - (B) restraint and seclusion plan adopted under IC 20-20-40-14.
- (21) An act or omission performed in good faith under the apparent authority of a court order described in IC 35-46-1-15.1 or **IC 35-46-1-15.3** that is invalid, including an arrest or imprisonment related to the enforcement of the court order, if the governmental entity or employee would not have been liable had the court order been valid.
- (22) An act taken to investigate or remediate hazardous substances, petroleum, or other pollutants associated with a brownfield (as defined in IC 13-11-2-19.3) unless:
 - (A) the loss is a result of reckless conduct; or
 - (B) the governmental entity was responsible for the initial placement of the hazardous substances, petroleum, or other pollutants on the brownfield.
- (23) The operation of an off-road vehicle (as defined in IC 14-8-2-185) by a nongovernmental employee, or by a governmental employee not acting within the scope of the

employment of the employee, on a public highway in a county road system outside the corporate limits of a city or town, unless the loss is the result of an act or omission amounting to:

- (A) gross negligence;
- (B) willful or wanton misconduct; or
- (C) intentional misconduct.

This subdivision shall not be construed to relieve a governmental entity from liability for the continuing duty to maintain highways in a reasonably safe condition for the operation of motor vehicles licensed by the bureau of motor vehicles for operation on public highways.

(24) Any act or omission rendered in connection with a request, investigation, assessment, or opinion provided under IC 36-9-28.7.

SECTION 22. IC 35-31.5-2-76, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 76. "Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:

- (1) A homicide offense under IC 35-42-1.
- (2) A battery offense under IC 35-42-2.
- (3) Kidnapping or confinement under IC 35-42-3.
- (4) Human and sexual trafficking crimes under IC 35-42-3.5.
- (5) A sex offense under IC 35-42-4.
- (6) Robbery under IC 35-42-5.
- (7) Arson or mischief under IC 35-43-1.
- (8) Burglary or trespass under IC 35-43-2.
- (9) Disorderly conduct under IC 35-45-1.
- (10) Intimidation or harassment under IC 35-45-2.
- (11) Voyeurism under IC 35-45-4.
- (12) Stalking under IC 35-45-10.
- (13) An offense against family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, or IC 35-46-1-15.1, or IC 35-46-1-15.3.
- (14) A crime involving animal cruelty and a family or household member under IC 35-46-3-12(b)(2) or IC 35-46-3-12.5.

SECTION 23. IC 35-31.5-2-139.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 139.3. "**Foster family home**", for purposes of IC 35-42-2-1, has the meaning set forth in IC 31-9-2-46.9.

SECTION 24. IC 35-33-1-1, AS AMENDED BY P.L.226-2014(ts), SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A law enforcement officer may arrest a person when the officer has:

- (1) a warrant commanding that the person be arrested;
- (2) probable cause to believe the person has committed or attempted to commit, or is committing or attempting to commit, a felony;
- (3) probable cause to believe the person has violated the provisions of IC 9-26-1-1.1 or IC 9-30-5;
- (4) probable cause to believe the person is committing or attempting to commit a misdemeanor in the officer's presence;
- (5) probable cause to believe the person has committed a:
 - (A) battery resulting in bodily injury under IC 35-42-2-1; or
 - (B) domestic battery under IC 35-42-2-1.3.

The officer may use an affidavit executed by an individual alleged to have direct knowledge of the incident alleging the elements of the offense of battery to establish probable cause;

- (6) probable cause to believe that the person violated IC 35-46-1-15.1 (invasion of privacy) or IC 35-46-1-15.3;

(7) probable cause to believe that the person violated IC 35-47-2-1 (carrying a handgun without a license) or IC 35-47-2-22 (counterfeit handgun license);

(8) probable cause to believe that the person is violating or has violated an order issued under IC 35-50-7;

(9) probable cause to believe that the person is violating or has violated IC 35-47-6-1.1 (undisclosed transport of a dangerous device);

(10) probable cause to believe that the person is:

(A) violating or has violated IC 35-45-2-5 (interference with the reporting of a crime); and

(B) interfering with or preventing the reporting of a crime involving domestic or family violence (as defined in IC 34-6-2-34.5);

(11) probable cause to believe that the person has committed theft (IC 35-43-4-2);

(12) a removal order issued for the person by an immigration court;

(13) a detainer or notice of action for the person issued by the United States Department of Homeland Security; or

(14) probable cause to believe that the person has been indicted for or convicted of one (1) or more aggravated felonies (as defined in 8 U.S.C. 1101(a)(43)).

(b) A person who:

(1) is employed full time as a federal enforcement officer;

(2) is empowered to effect an arrest with or without warrant for a violation of the United States Code; and

(3) is authorized to carry firearms in the performance of the person's duties;

may act as an officer for the arrest of offenders against the laws of this state where the person reasonably believes that a felony has been or is about to be committed or attempted in the person's presence.

SECTION 25. IC 35-36-7-3, AS AMENDED BY P.L.169-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) This section applies to criminal actions for:

(1) an offense listed in IC 11-8-8-4.5(a);

(2) neglect of a dependent (IC 35-46-1-4);

(3) a battery offense included in IC 35-42-2 (~~IC 35-42-2-1~~) if the victim is:

(A) less than eighteen (18) years of age; or

(B) an endangered adult (as defined in IC 12-10-3-2); and

(4) attempts of the crimes listed in subdivisions (1) through (3).

(b) If a motion is made to postpone a trial or other court proceeding that involves an offense listed in subsection (a), the court shall consider whether a postponement will have an adverse impact upon an endangered adult (as defined in IC 12-10-3-2) or a child who is less than sixteen (16) years of age and who:

(1) is the alleged victim of an offense listed in subsection (a); or

(2) will be a witness in the trial.

SECTION 26. IC 35-37-4-6, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) This section applies to a criminal action involving the following offenses where the victim is a protected person under subsection (c)(1) or (c)(2):

(1) Sex crimes (IC 35-42-4).

(2) A battery offense included in IC 35-42-2 upon a child less than fourteen (14) years of age. (~~IC 35-42-2-1~~).

(3) Kidnapping and confinement (IC 35-42-3).

(4) Incest (IC 35-46-1-3).

(5) Neglect of a dependent (IC 35-46-1-4).

(6) Human and sexual trafficking crimes (IC 35-42-3.5).

(7) An attempt under IC 35-41-5-1 for to commit an

offense listed in subdivisions (1) through (6): this subsection.

(b) This section applies to a criminal action involving the following offenses where the victim is a protected person under subsection (c)(3):

- (1) Exploitation of a dependent or endangered adult (IC 35-46-1-12).
- (2) A sex crime (IC 35-42-4).
- (3) A battery offense included in IC 35-42-2. (~~IC 35-42-2-1~~).
- (4) Kidnapping, confinement, or interference with custody (IC 35-42-3).
- (5) Home improvement fraud (IC 35-43-6).
- (6) Fraud (IC 35-43-5).
- (7) Identity deception (IC 35-43-5-3.5).
- (8) Synthetic identity deception (IC 35-43-5-3.8).
- (9) Theft (IC 35-43-4-2).
- (10) Conversion (IC 35-43-4-3).
- (11) Neglect of a dependent (IC 35-46-1-4).
- (12) Human and sexual trafficking crimes (IC 35-42-3.5).

(c) As used in this section, "protected person" means:

- (1) a child who is less than fourteen (14) years of age;
- (2) an individual with a mental disability who has a disability attributable to an impairment of general intellectual functioning or adaptive behavior that:
 - (A) is manifested before the individual is eighteen (18) years of age;
 - (B) is likely to continue indefinitely;
 - (C) constitutes a substantial impairment of the individual's ability to function normally in society; and
 - (D) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated; or
- (3) an individual who is:
 - (A) at least eighteen (18) years of age; and
 - (B) incapable by reason of mental illness, ~~mental retardation~~, intellectual disability, dementia, or other physical or mental incapacity of:
 - (i) managing or directing the management of the individual's property; or
 - (ii) providing or directing the provision of self-care.

(d) A statement or videotape that:

- (1) is made by a person who at the time of trial is a protected person;
- (2) concerns an act that is a material element of an offense listed in subsection (a) or (b) that was allegedly committed against the person; and
- (3) is not otherwise admissible in evidence;

is admissible in evidence in a criminal action for an offense listed in subsection (a) or (b) if the requirements of subsection (e) are met.

(e) A statement or videotape described in subsection (d) is admissible in evidence in a criminal action listed in subsection (a) or (b) if, after notice to the defendant of a hearing and of the defendant's right to be present, all of the following conditions are met:

- (1) The court finds, in a hearing:
 - (A) conducted outside the presence of the jury; and
 - (B) attended by the protected person in person or by using closed circuit television testimony as described in section 8(f) and 8(g) of this chapter;
 that the time, content, and circumstances of the statement or videotape provide sufficient indications of reliability.
- (2) The protected person:
 - (A) testifies at the trial; or
 - (B) is found by the court to be unavailable as a witness for one (1) of the following reasons:
 - (i) From the testimony of a psychiatrist, physician,

or psychologist, and other evidence, if any, the court finds that the protected person's testifying in the physical presence of the defendant will cause the protected person to suffer serious emotional distress such that the protected person cannot reasonably communicate.

(ii) The protected person cannot participate in the trial for medical reasons.

(iii) The court has determined that the protected person is incapable of understanding the nature and obligation of an oath.

(f) If a protected person is unavailable to testify at the trial for a reason listed in subsection (e)(2)(B), a statement or videotape may be admitted in evidence under this section only if the protected person was available for cross-examination:

- (1) at the hearing described in subsection (e)(1); or
- (2) when the statement or videotape was made.

(g) A statement or videotape may not be admitted in evidence under this section unless the prosecuting attorney informs the defendant and the defendant's attorney at least ten (10) days before the trial of:

- (1) the prosecuting attorney's intention to introduce the statement or videotape in evidence; and
- (2) the content of the statement or videotape.

(h) If a statement or videotape is admitted in evidence under this section, the court shall instruct the jury that it is for the jury to determine the weight and credit to be given the statement or videotape and that, in making that determination, the jury shall consider the following:

- (1) The mental and physical age of the person making the statement or videotape.
- (2) The nature of the statement or videotape.
- (3) The circumstances under which the statement or videotape was made.
- (4) Other relevant factors.

(i) If a statement or videotape described in subsection (d) is admitted into evidence under this section, a defendant may introduce a:

- (1) transcript; or
- (2) videotape;

of the hearing held under subsection (e)(1) into evidence at trial.

SECTION 27. IC 35-37-4-8, AS AMENDED BY P.L.238-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) This section applies to a criminal action under the following:

- (1) Sex crimes (IC 35-42-4).
- (2) A battery offense included in IC 35-42-2 upon a child less than fourteen (14) years of age. (~~IC 35-42-2-1~~).
- (3) Kidnapping and confinement (IC 35-42-3).
- (4) Incest (IC 35-46-1-3).
- (5) Neglect of a dependent (IC 35-46-1-4).
- (6) Human and sexual trafficking crimes (IC 35-42-3.5).
- (7) An attempt under IC 35-41-5-1 for an offense listed in subdivisions (1) through (6).

(b) As used in this section, "protected person" has the meaning set forth in section 6 of this chapter.

(c) On the motion of the prosecuting attorney, the court may order that the testimony of a protected person be taken in a room other than the courtroom, and that the questioning of the protected person by the prosecution and the defense be transmitted using a two-way closed circuit television arrangement that:

- (1) allows the protected person to see the accused and the trier of fact; and
- (2) allows the accused and the trier of fact to see and hear the protected person.

(d) On the motion of the prosecuting attorney or the defendant, the court may order that the testimony of a protected person be videotaped for use at trial. The videotaping of the testimony of a protected person under this subsection must meet

the requirements of subsection (c).

(e) The court may not make an order under subsection (c) or (d) unless:

(1) the testimony to be taken is the testimony of a protected person who:

(A) is the alleged victim of an offense listed in subsection (a) for which the defendant is being tried or is a witness in a trial for an offense listed in subsection (a); and

(B) is found by the court to be a protected person who should be permitted to testify outside the courtroom because:

(I) the court finds from the testimony of a psychiatrist, physician, or psychologist and any other evidence that the protected person's testifying in the physical presence of the defendant would cause the protected person to suffer serious emotional harm and the court finds that the protected person could not reasonably communicate in the physical presence of the defendant to the trier of fact;

(ii) a physician has certified that the protected person cannot be present in the courtroom for medical reasons; or

(iii) evidence has been introduced concerning the effect of the protected person's testifying in the physical presence of the defendant, and the court finds that it is more likely than not that the protected person's testifying in the physical presence of the defendant creates a substantial likelihood of emotional or mental harm to the protected person;

(2) the prosecuting attorney has informed the defendant and the defendant's attorney of the intention to have the protected person testify outside the courtroom; and

(3) the prosecuting attorney informed the defendant and the defendant's attorney under subdivision (2) at least ten (10) days before the trial of the prosecuting attorney's intention to have the protected person testify outside the courtroom.

(f) If the court makes an order under subsection (c), only the following persons may be in the same room as the protected person during the protected person's testimony:

(1) A defense attorney if:

(A) the defendant is represented by the defense attorney; and

(B) the prosecuting attorney is also in the same room.

(2) The prosecuting attorney if:

(A) the defendant is represented by a defense attorney; and

(B) the defense attorney is also in the same room.

(3) Persons necessary to operate the closed circuit television equipment.

(4) Persons whose presence the court finds will contribute to the protected person's well-being.

(5) A court bailiff or court representative.

(g) If the court makes an order under subsection (d), only the following persons may be in the same room as the protected person during the protected person's videotaped testimony:

(1) The judge.

(2) The prosecuting attorney.

(3) The defendant's attorney (or the defendant, if the defendant is not represented by an attorney).

(4) Persons necessary to operate the electronic equipment.

(5) The court reporter.

(6) Persons whose presence the court finds will contribute to the protected person's well-being.

(7) The defendant, who can observe and hear the testimony of the protected person with the protected person being able to observe or hear the defendant. However, if the defendant is not represented by an attorney, the defendant may question the protected person.

(h) If the court makes an order under subsection (c) or (d), only the following persons may question the protected person:

(1) The prosecuting attorney.

(2) The defendant's attorney (or the defendant, if the defendant is not represented by an attorney).

(3) The judge.

SECTION 28. IC 35-37-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) This section applies even if no criminal charges were filed concerning the act that is the basis of the evidence of a previous battery.

(b) As used in this section, "evidence of a previous battery" means evidence that a person charged with a crime described in subsection (c)(1) through ~~(c)(3)~~ **(c)(5)** committed a prior unrelated act of battery or attempted battery on the victim of a crime described in subsection (c)(1) through ~~(c)(3)~~ **(c)(5)** within five (5) years before the person allegedly committed the crime described in subsection (c)(1) through ~~(c)(3)~~ **(c)(5)**.

(c) In a prosecution for:

(1) battery (IC 35-42-2-1);

(2) domestic battery (IC 35-42-2-1.3);

~~(2) (3) aggravated battery (IC 35-42-2-1.5);~~

~~(3) (4) murder (IC 35-42-1-1); or~~

~~(4) (5) voluntary manslaughter (IC 35-42-1-3);~~

evidence of a previous battery is admissible into evidence in the state's case-in-chief for purposes of proving motive, intent, identity, or common scheme and design.

(d) If the state proposes to offer evidence described in subsection (b), the following procedure must be followed:

(1) The state shall file a written motion not less than ten (10) days before trial stating that the state has an offer of proof concerning evidence described in subsection (b) and the relevancy of the evidence to the case. The motion must be accompanied by an affidavit in which the offer of proof is stated.

(2) If the court finds that the offer of proof is sufficient, the court shall order a hearing out of the presence of the jury. At the hearing, the court shall allow the questioning of the victim or witness regarding the offer of proof made by the state.

At the conclusion of the hearing, if the court finds that evidence proposed to be offered by the state is admissible, the court shall make an order stating what evidence may be introduced by the state and the nature of the questions to be permitted. The state may then offer evidence under the order of the court.

(e) This section shall not be construed to limit the admissibility of evidence of a previous battery in any civil or criminal proceeding.

SECTION 29. IC 35-38-2.6-1, AS AMENDED BY P.L.185-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to the sentencing of a person convicted of a felony whenever any part of the sentence may not be suspended under IC 35-50-2-2.1 or IC 35-50-2-2.2.

(b) This chapter does not apply to persons convicted of any of the following:

(1) Sex crimes under IC 35-42-4 or IC 35-46-1-3.

(2) Any of the following felonies:

(A) Murder (IC 35-42-1-1).

(B) ~~A battery offense included in IC 35-42-2 (IC 35-42-2-1)~~ with a deadly weapon or ~~battery~~ causing death.

(C) Kidnapping (IC 35-42-3-2).

(D) Criminal confinement (IC 35-42-3-3) with a deadly weapon.

(E) Robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon.

(F) Arson (IC 35-43-1-1) for hire resulting in serious bodily injury.

- (G) Burglary (IC 35-43-2-1) resulting in serious bodily injury.
- (H) Resisting law enforcement (IC 35-44.1-3-1) with a deadly weapon.
- (I) Escape (IC 35-44.1-3-4) with a deadly weapon.
- (J) Rioting (IC 35-45-1-2) with a deadly weapon.
- (K) Aggravated battery (IC 35-42-2-1.5).
- (L) Disarming a law enforcement officer (IC 35-44.1-3-2).

- (3) An offense under IC 9-30-5-4.
- (4) An offense under IC 9-30-5-5.

SECTION 30. IC 35-40-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) This section applies if either of the following has occurred:

- (1) The alleged felony or delinquent act that would have been a felony if committed by an adult was directly perpetrated against the victim.
- (2) The alleged felony, misdemeanor, or delinquent act that would have been a felony or misdemeanor if committed by an adult was:

- (A) a violation of IC 35-42-2 (offenses against the person), IC 35-45-2-1 (intimidation), IC 35-45-2-2 (harassment), IC 35-46-1-15.1 (invasion of privacy), ~~or IC 35-46-1-15.3, or IC 35-47-4-3~~ (pointing a firearm); and
- (B) directly perpetrated against the victim by a person who:

- (I) is or was a spouse of the victim;
- (ii) is or was living as if a spouse of the victim; or
- (iii) has a child in common with the victim.

- (3) The alleged misdemeanor or delinquent act that would have been a misdemeanor if committed by an adult, other than a misdemeanor described in subdivision (2), was directly perpetrated against the victim, and the victim has complied with the notice requirements under IC 35-40-10.

(b) A victim has the right to confer with a representative of the prosecuting attorney's office:

- (1) after a crime allegedly committed against the victim has been charged;
- (2) before the trial of a crime allegedly committed against the victim; and
- (3) before any disposition of a criminal case involving the victim.

This right does not include the authority to direct the prosecution of a criminal case involving the victim.

SECTION 31. IC 35-42-1-4, AS AMENDED BY P.L.158-2013, SECTION 414, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) As used in this section, "fetus" means a fetus that has attained viability (as defined in IC 16-18-2-365).

(b) A person who kills another human being while committing or attempting to commit:

- (1) a Level 5 or Level 6 felony that inherently poses a risk of serious bodily injury;
- (2) a Class A misdemeanor that inherently poses a risk of serious bodily injury; or
- (3) battery;

commits involuntary manslaughter, a Level 5 felony.

(c) A person who kills a fetus while committing or attempting to commit:

- (1) a Level 5 or Level 6 felony that inherently poses a risk of serious bodily injury;
- (2) a Class A misdemeanor that inherently poses a risk of serious bodily injury;
- (3) a battery offense included in IC 35-42-2; or
- (4) a violation of IC 9-30-5-1 through IC 9-30-5-5 (operating a vehicle while intoxicated);

commits involuntary manslaughter, a Level 5 felony.

SECTION 32. IC 35-42-2-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 0.5. "Relative", for purposes of IC 35-42-2-1, has the meaning set forth in IC 35-42-2-1(b).**

SECTION 33. IC 35-42-2-1, AS AMENDED BY P.L.147-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) As used in this section, "public safety official" means:

- (1) a law enforcement officer, including an alcoholic beverage enforcement officer;
- (2) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71);
- (3) an employee of the department of correction;
- (4) a probation officer;
- (5) a parole officer;
- (6) a community corrections worker;
- (7) a home detention officer;
- (8) a department of child services employee;
- (9) a firefighter;
- (10) an emergency medical services provider; or
- (11) a judicial officer.

(b) As used in this section, "relative" means an individual related by blood, half-blood, adoption, marriage, or remarriage, including:

- (1) a spouse;**
- (2) a parent or stepparent;**
- (3) a child or stepchild;**
- (4) a grandchild or stepgrandchild;**
- (5) a grandparent or stepgrandparent;**
- (6) a brother, sister, stepbrother, or stepsister;**
- (7) a niece or nephew;**
- (8) an aunt or uncle;**
- (9) a daughter-in-law or son-in-law;**
- (10) a mother-in-law or father-in-law; or**
- (11) a first cousin.**

~~(b)~~ (c) Except as provided in subsections ~~(e)~~ (d) through ~~(j)~~;

(k), a person who knowingly or intentionally:

- (1) touches another person in a rude, insolent, or angry manner; or
- (2) in a rude, insolent, or angry manner places any bodily fluid or waste on another person;

commits battery, a Class B misdemeanor.

~~(c)~~ The offense described in subsection ~~(b)(1)~~ or ~~(b)(2)~~ is a Class A misdemeanor if it results in bodily injury to any other person.

(d) The offense described in subsection ~~(b)(1)~~ (c)(1) or ~~(b)(2)~~ (c)(2) is a ~~Level 6 felony~~ **Class A misdemeanor** if one (1) or more of the following apply:

- (1) The offense results in ~~moderate~~ **moderate** bodily injury to any other person.
- (2) The offense is committed against a public safety official while the official is engaged in the official's official duty.
- (3) The offense is committed against a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.
- (4) The offense is committed against a person of any age who has a mental or physical disability and is committed by a person having the care of the person with the mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation.
- (5) The offense is committed against an endangered adult (as defined in IC 12-10-3-2).

~~(6)~~ The offense is committed against a family or household member (as defined in IC 35-31.5-2-128) if the person who committed the offense:

- (A) is at least eighteen (18) years of age; and
- (B) committed the offense in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense.

(6) The offense is committed against a member of a foster family home (as defined in IC 35-31.5-2-139.3) by a person who is not a resident of the foster family home if the person who committed the offense is a relative of a person who lived in the foster family home at the time of the offense.

(e) The offense described in subsection (c)(1) or (c)(2) is a Level 6 felony:

(1) if the offense:

(A) is committed against a person described in subsection (d)(2) through (d)(6); and

(B) results in bodily injury to the person; or

(2) if the offense results in moderate bodily injury to any other person.

~~(e)~~ **(f)** The offense described in subsection ~~(b)(2)~~ **(c)(2)** is a Level 6 felony if the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus.

~~(f)~~ **(g)** The offense described in subsection ~~(b)(1)~~ **(c)(1)** or ~~(b)(2)~~ **(c)(2)** is a Level 5 felony if one (1) or more of the following apply:

(1) The offense results in serious bodily injury to another person.

(2) The offense is committed with a deadly weapon.

(3) The offense results in bodily injury to a pregnant woman if the person knew of the pregnancy.

(4) The person has a previous conviction for a battery offense:

(A) included in this chapter against the same victim; or

(B) against the same victim in any other jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a battery offense included in this chapter.

(5) The offense results in moderate bodily injury to one (1) or more of the following:

(A) A public safety official while the official is engaged in the official's official duties.

(B) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(C) A person who has a mental or physical disability if the offense is committed by an individual having care of the person with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation.

(D) An endangered adult (as defined in IC 12-10-3-2).

~~(g)~~ **(h)** The offense described in subsection ~~(b)(2)~~ **(c)(2)** is a Level 5 felony if:

(1) the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus; and

(2) the person placed the bodily fluid or waste on a public safety official.

~~(h)~~ **(i)** The offense described in subsection ~~(b)(1)~~ **(c)(1)** or ~~(b)(2)~~ **(c)(2)** is a Level 4 felony if it results in serious bodily injury to an endangered adult (as defined in IC 12-10-3-2).

~~(i)~~ **(j)** The offense described in subsection ~~(b)(1)~~ **(c)(1)** or ~~(b)(2)~~ **(c)(2)** is a Level 3 felony if it results in serious bodily injury to a person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

~~(j)~~ **(k)** The offense described in subsection ~~(b)(1)~~ **(c)(1)** or ~~(b)(2)~~ **(c)(2)** is a Level 2 felony if it results in the death of one (1) or more of the following:

(1) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18)

years of age.

(2) An endangered adult (as defined in IC 12-10-3-2).

SECTION 34. IC 35-42-2-1.3, AS AMENDED BY P.L.158-2013, SECTION 421, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.3. (a) **Except as provided in subsections (b) through (f),** a person who knowingly or intentionally: touches an individual who:

~~(1) is or was a spouse of the other person;~~

~~(2) is or was living as if a spouse of the other person as provided in subsection (e); or~~

~~(3) has a child in common with the other person;~~

in a rude, insolent, or angry manner that results in bodily injury to the person described in subdivision (1); (2); or (3)

(1) touches a family or household member in a rude, insolent, or angry manner; or

(2) in a rude, insolent, or angry manner places any bodily fluid or waste on a family or household member;

commits domestic battery, a Class A misdemeanor.

~~(b) However,~~ The offense under subsection ~~(a)~~ **(a)(1)** or **(a)(2)** is a Level 6 felony if the person who committed the offense: one (1) or more of the following apply:

(1) The person who committed the offense has a previous, unrelated conviction:

~~(A) under this section (or IC 35-42-2-1(a)(2)(E) before that provision was removed by P.L.188-1999, SECTION 5); for a battery offense included in this chapter; or~~

~~(B) in any other jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements described in this section: of a battery offense included in this chapter. or~~

(2) The person who committed the offense is at least eighteen (18) years of age and committed the offense against a family or household member in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense.

(3) The offense results in moderate bodily injury to a family or household member.

(4) The offense is committed against a family or household member who is less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.

(5) The offense is committed against a family or household member of any age who has a mental or physical disability and is committed by a person having the care of the family or household member with the mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation.

(6) The offense is committed against a family or household member who is an endangered adult (as defined in IC 12-10-3-2).

~~(c) In considering whether a person is or was living as a spouse of another individual for purposes of subsection (a)(2); the court shall review:~~

~~(1) the duration of the relationship;~~

~~(2) the frequency of contact;~~

~~(3) the financial interdependence;~~

~~(4) whether the two (2) individuals are raising children together;~~

~~(5) whether the two (2) individuals have engaged in tasks directed toward maintaining a common household; and~~

~~(6) other factors the court considers relevant.~~

(c) The offense described in subsection (a)(1) or (a)(2) is a Level 5 felony if one (1) or more of the following apply:

(1) The offense results in serious bodily injury to a family or household member.

(2) The offense is committed with a deadly weapon

against a family or household member.

(3) The offense results in bodily injury to a pregnant family or household member if the person knew of the pregnancy.

(4) The person has a previous conviction for a battery offense:

(A) included in this chapter against the same family or household member; or

(B) against the same family or household member in any other jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a battery offense included in this chapter.

(5) The offense results in bodily injury to one (1) or more of the following:

(A) A family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(B) A family or household member who has a mental or physical disability if the offense is committed by an individual having care of the family or household member with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation.

(C) A family or household member who is an endangered adult (as defined in IC 12-10-3-2).

(d) The offense described in subsection (a)(1) or (a)(2) is a Level 4 felony if it results in serious bodily injury to a family or household member who is an endangered adult (as defined in IC 12-10-3-2).

(e) The offense described in subsection (a)(1) or (a)(2) is a Level 3 felony if it results in serious bodily injury to a family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(f) The offense described in subsection (a)(1) or (a)(2) is a Level 2 felony if it results in the death of one (1) or more of the following:

(1) A family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(2) A family or household member who is an endangered adult (as defined in IC 12-10-3-2).

SECTION 35. IC 35-45-9-1, AS AMENDED BY SEA 141-2016, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this chapter, "criminal organization" means a formal or informal group with at least three (3) members that specifically:

(1) either:

(A) promotes, sponsors, or assists in;

(B) participates in; or

(C) has as one (1) of its goals; or

(2) requires as a condition of membership or continued membership;

the commission of a felony, an act that would be a felony if committed by an adult, or ~~the a battery offense of battery (IC 35-42-2-1)~~ included in IC 35-42-2.

SECTION 36. IC 35-46-1-14, AS AMENDED BY P.L.238-2015, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. Any person acting in good faith who:

(1) makes or causes to be made a report of neglect, a battery offense included in IC 35-42-2, or exploitation under this chapter or ~~IC 35-42-2-1~~ concerning an endangered adult or person of any age who has a mental or physical disability;

(2) makes or causes to be made photographs or x-rays of a victim of suspected neglect or a battery offense included in IC 35-42-2 of an endangered adult or a

dependent eighteen (18) years of age or older; or

(3) participates in any official proceeding or a proceeding resulting from a report of neglect, a battery offense included in IC 35-42-2, or exploitation of an endangered adult or a dependent eighteen (18) years of age or older relating to the subject matter of that report;

is immune from any civil or criminal liability that might otherwise be imposed because of these actions. However, this section does not apply to a person accused of neglect, a battery offense, or exploitation of an endangered adult or a dependent eighteen (18) years of age or older.

SECTION 37. IC 35-46-1-15.1, AS AMENDED BY P.L.158-2013, SECTION 557, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15.1. A person who knowingly or intentionally violates:

(1) a protective order to prevent domestic or family violence issued under IC 34-26-5 (or, if the order involved a family or household member, under IC 34-26-2 or IC 34-4-5.1-5 before their repeal);

(2) an ex parte protective order issued under IC 34-26-5 (or, if the order involved a family or household member, an emergency order issued under IC 34-26-2 or IC 34-4-5.1 before their repeal);

(3) a workplace violence restraining order issued under IC 34-26-6;

(4) a no contact order in a dispositional decree issued under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order issued under IC 31-32-13 (or IC 31-6-7-14 before its repeal) that orders the person to refrain from direct or indirect contact with a child in need of services or a delinquent child;

(5) a no contact order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion, and including a no contact order issued under IC 35-33-8-3.6;

(6) a no contact order issued as a condition of probation;

(7) a protective order to prevent domestic or family violence issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2 before their repeal);

(8) a protective order to prevent domestic or family violence issued under IC 31-14-16-1 in a paternity action;

~~(9) a no contact order issued under IC 31-34-25 in a child in need of services proceeding or under IC 31-37-25 in a juvenile delinquency proceeding;~~

~~(10) (9)~~ an order issued in another state that is substantially similar to an order described in subdivisions (1) through ~~(9)~~ (8);

~~(11) (10)~~ an order that is substantially similar to an order described in subdivisions (1) through ~~(9)~~ (8) and is issued by an Indian:

(A) tribe;

(B) band;

(C) pueblo;

(D) nation; or

(E) organized group or community, including an Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

that is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians;

~~(12) (11)~~ an order issued under IC 35-33-8-3.2; or

~~(13) (12)~~ an order issued under IC 35-38-1-30;

commits invasion of privacy, a Class A misdemeanor. However, the offense is a Level 6 felony. if the person has a prior unrelated conviction for an offense under this section.

SECTION 38. IC 35-46-1-15.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15.3. A person

who knowingly or intentionally violates:

- (1) a no contact order issued under IC 31-34-25 in a child in need of services proceeding or under IC 31-37-25 in a juvenile delinquency proceeding;
- (2) an order issued in another state that is substantially similar to an order described in subdivision (1); or
- (3) an order that is substantially similar to an order described in subdivision (1) and is issued by an Indian:

- (A) tribe;
- (B) band;
- (C) pueblo;
- (D) nation; or

(E) organized group or community, including an Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

that is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians;

commits a Level 6 felony.

SECTION 39. IC 35-47-4-5, AS AMENDED BY SEA 141-2016, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of:

- (1) committing a serious violent felony in:
 - (A) Indiana; or
 - (B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a serious violent felony; or
- (2) attempting to commit or conspiring to commit a serious violent felony in:

(A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2; or

(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of attempting to commit or conspiring to commit a serious violent felony.

(b) As used in this section, "serious violent felony" means:

- (1) murder (IC 35-42-1-1);
- (2) voluntary manslaughter (IC 35-42-1-3);
- (3) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);
- (4) battery (IC 35-42-2-1) as a:
 - (A) Class A felony, Class B felony, or Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony, for a crime committed after June 30, 2014;

(5) domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony;

~~(5)~~ (6) aggravated battery (IC 35-42-2-1.5);

~~(6)~~ (7) kidnapping (IC 35-42-3-2);

~~(7)~~ (8) criminal confinement (IC 35-42-3-3);

~~(8)~~ (9) rape (IC 35-42-4-1);

~~(9)~~ (10) criminal deviate conduct (IC 35-42-4-2) (before its repeal);

~~(10)~~ (11) child molesting (IC 35-42-4-3);

~~(11)~~ (12) sexual battery (IC 35-42-4-8) as a:

(A) Class C felony, for a crime committed before July 1, 2014; or

(B) Level 5 felony, for a crime committed after June 30,

2014;

~~(12)~~ (13) robbery (IC 35-42-5-1);

~~(13)~~ (14) carjacking (IC 35-42-5-2) (before its repeal);

~~(14)~~ (15) arson (IC 35-43-1-1(a)) as a:

(A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or

(B) Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;

~~(15)~~ (16) burglary (IC 35-43-2-1) as a:

(A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or

(B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;

~~(16)~~ (17) assisting a criminal (IC 35-44.1-2-5) as a:

(A) Class C felony, for a crime committed before July 1, 2014; or

(B) Level 5 felony, for a crime committed after June 30, 2014;

~~(17)~~ (18) resisting law enforcement (IC 35-44.1-3-1) as a:

(A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or

(B) Level 2 felony, Level 3 felony, or Level 5 felony, for a crime committed after June 30, 2014;

~~(18)~~ (19) escape (IC 35-44.1-3-4) as a:

(A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or

(B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;

~~(19)~~ (20) trafficking with an inmate (IC 35-44.1-3-5) as a:

(A) Class C felony, for a crime committed before July 1, 2014; or

(B) Level 5 felony, for a crime committed after June 30, 2014;

~~(20)~~ (21) criminal organization intimidation (IC 35-45-9-4);

~~(21)~~ (22) stalking (IC 35-45-10-5) as a:

(A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or

(B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;

~~(22)~~ (23) incest (IC 35-46-1-3);

~~(23)~~ (24) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);

~~(24)~~ (25) dealing in methamphetamine (IC 35-48-4-1.1);

~~(25)~~ (26) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);

~~(26)~~ (27) dealing in a schedule IV controlled substance (IC 35-48-4-3); or

~~(27)~~ (28) dealing in a schedule V controlled substance (IC 35-48-4-4).

(c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Level 4 felony.

SECTION 40. IC 35-50-2-9, AS AMENDED BY SEA 141-2016, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) The state may seek either a death sentence or a sentence of life imprisonment without parole for murder by alleging, on a page separate from the rest of the charging instrument, the existence of at least one (1) of the aggravating circumstances listed in subsection (b). In the sentencing hearing after a person is convicted of murder, the state must prove beyond a reasonable doubt the existence of at least one (1) of the aggravating circumstances alleged. However, the state may not proceed against a defendant under this section if a court determines at a pretrial hearing under IC 35-36-9 that the defendant is an individual with an intellectual disability.

(b) The aggravating circumstances are as follows:

(1) The defendant committed the murder by intentionally killing the victim while committing or attempting to commit any of the following:

(A) Arson (IC 35-43-1-1).

(B) Burglary (IC 35-43-2-1).

- (C) Child molesting (IC 35-42-4-3).
 - (D) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
 - (E) Kidnapping (IC 35-42-3-2).
 - (F) Rape (IC 35-42-4-1).
 - (G) Robbery (IC 35-42-5-1).
 - (H) Carjacking (IC 35-42-5-2) (before its repeal).
 - (I) Criminal organization activity (IC 35-45-9-3).
 - (J) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).
 - (K) Criminal confinement (IC 35-42-3-3).
- (2) The defendant committed the murder by the unlawful detonation of an explosive with intent to injure a person or damage property.
- (3) The defendant committed the murder by lying in wait.
- (4) The defendant who committed the murder was hired to kill.
- (5) The defendant committed the murder by hiring another person to kill.
- (6) The victim of the murder was a corrections employee, probation officer, parole officer, community corrections worker, home detention officer, fireman, judge, or law enforcement officer, and either:
- (A) the victim was acting in the course of duty; or
 - (B) the murder was motivated by an act the victim performed while acting in the course of duty.
- (7) The defendant has been convicted of another murder.
- (8) The defendant has committed another murder, at any time, regardless of whether the defendant has been convicted of that other murder.
- (9) The defendant was:
- (A) under the custody of the department of correction;
 - (B) under the custody of a county sheriff;
 - (C) on probation after receiving a sentence for the commission of a felony; or
 - (D) on parole;
- at the time the murder was committed.
- (10) The defendant dismembered the victim.
- (11) The defendant:
- (A) burned, mutilated, or tortured the victim; or
 - (B) decapitated or attempted to decapitate the victim; while the victim was alive.
- (12) The victim of the murder was less than twelve (12) years of age.
- (13) The victim was a victim of any of the following offenses for which the defendant was convicted:
- (A) **A battery offense included in IC 35-42-2** committed before July 1, 2014, as a Class D felony or as a Class C felony, ~~under IC 35-42-2-1~~ or **a battery offense included in IC 35-42-2** committed after June 30, 2014, as a Level 6 felony, a Level 5 felony, a Level 4 felony, or a Level 3 felony.
 - (B) Kidnapping (IC 35-42-3-2).
 - (C) Criminal confinement (IC 35-42-3-3).
 - (D) A sex crime under IC 35-42-4.
- (14) The victim of the murder was listed by the state or known by the defendant to be a witness against the defendant and the defendant committed the murder with the intent to prevent the person from testifying.
- (15) The defendant committed the murder by intentionally discharging a firearm (as defined in IC 35-47-1-5):
- (A) into an inhabited dwelling; or
 - (B) from a vehicle.
- (16) The victim of the murder was pregnant and the murder resulted in the intentional killing of a fetus that has attained viability (as defined in IC 16-18-2-365).
- (17) The defendant knowingly or intentionally:
- (A) committed the murder:
 - (i) on school property; and
 - (ii) when students are present; or
 - (B) committed the murder:
 - (I) in a building or other structure owned or rented by a state educational institution or any other public or private postsecondary educational institution and primarily used for an educational purpose; and
 - (ii) at a time when classes are in session.
- (18) The murder is committed:
- (A) in a building that is primarily used for religious worship; and
 - (B) at a time when persons are present for religious worship or education.
- (c) The mitigating circumstances that may be considered under this section are as follows:
- (1) The defendant has no significant history of prior criminal conduct.
 - (2) The defendant was under the influence of extreme mental or emotional disturbance when the murder was committed.
 - (3) The victim was a participant in or consented to the defendant's conduct.
 - (4) The defendant was an accomplice in a murder committed by another person, and the defendant's participation was relatively minor.
 - (5) The defendant acted under the substantial domination of another person.
 - (6) The defendant's capacity to appreciate the criminality of the defendant's conduct or to conform that conduct to the requirements of law was substantially impaired as a result of mental disease or defect or of intoxication.
 - (7) The defendant was less than eighteen (18) years of age at the time the murder was committed.
 - (8) Any other circumstances appropriate for consideration.
- (d) If the defendant was convicted of murder in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall conduct the sentencing hearing. The jury or the court may consider all the evidence introduced at the trial stage of the proceedings, together with new evidence presented at the sentencing hearing. The court shall instruct the jury concerning the statutory penalties for murder and any other offenses for which the defendant was convicted, the potential for consecutive or concurrent sentencing, and the availability of educational credit, good time credit, and clemency. The court shall instruct the jury that, in order for the jury to recommend to the court that the death penalty or life imprisonment without parole should be imposed, the jury must find at least one (1) aggravating circumstance beyond a reasonable doubt as described in subsection (l) and shall provide a special verdict form for each aggravating circumstance alleged. The defendant may present any additional evidence relevant to:
- (1) the aggravating circumstances alleged; or
 - (2) any of the mitigating circumstances listed in subsection (c).
- (e) For a defendant sentenced after June 30, 2002, except as provided by IC 35-36-9, if the hearing is by jury, the jury shall recommend to the court whether the death penalty or life imprisonment without parole, or neither, should be imposed. The jury may recommend:
- (1) the death penalty; or
 - (2) life imprisonment without parole;
- only if it makes the findings described in subsection (l). If the jury reaches a sentencing recommendation, the court shall sentence the defendant accordingly. After a court pronounces sentence, a representative of the victim's family and friends may present a statement regarding the impact of the crime on family and friends. The impact statement may be submitted in writing or given orally by the representative. The statement shall be given in the presence of the defendant.

(f) If a jury is unable to agree on a sentence recommendation after reasonable deliberations, the court shall discharge the jury and proceed as if the hearing had been to the court alone.

(g) If the hearing is to the court alone, except as provided by IC 35-36-9, the court shall:

(1) sentence the defendant to death; or

(2) impose a term of life imprisonment without parole; only if it makes the findings described in subsection (l).

(h) If a court sentences a defendant to death, the court shall order the defendant's execution to be carried out not later than one (1) year and one (1) day after the date the defendant was convicted. The supreme court has exclusive jurisdiction to stay the execution of a death sentence. If the supreme court stays the execution of a death sentence, the supreme court shall order a new date for the defendant's execution.

(I) If a person sentenced to death by a court files a petition for post-conviction relief, the court, not later than ninety (90) days after the date the petition is filed, shall set a date to hold a hearing to consider the petition. If a court does not, within the ninety (90) day period, set the date to hold the hearing to consider the petition, the court's failure to set the hearing date is not a basis for additional post-conviction relief. The attorney general shall answer the petition for post-conviction relief on behalf of the state. At the request of the attorney general, a prosecuting attorney shall assist the attorney general. The court shall enter written findings of fact and conclusions of law concerning the petition not later than ninety (90) days after the date the hearing concludes. However, if the court determines that the petition is without merit, the court may dismiss the petition within ninety (90) days without conducting a hearing under this subsection.

(j) A death sentence is subject to automatic review by the supreme court. The review, which shall be heard under rules adopted by the supreme court, shall be given priority over all other cases. The supreme court's review must take into consideration all claims that the:

(1) conviction or sentence was in violation of the:

- (A) Constitution of the State of Indiana; or
- (B) Constitution of the United States;

(2) sentencing court was without jurisdiction to impose a sentence; and

(3) sentence:

- (A) exceeds the maximum sentence authorized by law; or
- (B) is otherwise erroneous.

If the supreme court cannot complete its review by the date set by the sentencing court for the defendant's execution under subsection (h), the supreme court shall stay the execution of the death sentence and set a new date to carry out the defendant's execution.

(k) A person who has been sentenced to death and who has completed state post-conviction review proceedings may file a written petition with the supreme court seeking to present new evidence challenging the person's guilt or the appropriateness of the death sentence if the person serves notice on the attorney general. The supreme court shall determine, with or without a hearing, whether the person has presented previously undiscovered evidence that undermines confidence in the conviction or the death sentence. If necessary, the supreme court may remand the case to the trial court for an evidentiary hearing to consider the new evidence and its effect on the person's conviction and death sentence. The supreme court may not make a determination in the person's favor nor make a decision to remand the case to the trial court for an evidentiary hearing without first providing the attorney general with an opportunity to be heard on the matter.

(l) Before a sentence may be imposed under this section, the jury, in a proceeding under subsection (e), or the court, in a proceeding under subsection (g), must find that:

(1) the state has proved beyond a reasonable doubt that at

least one (1) of the aggravating circumstances listed in subsection (b) exists; and

(2) any mitigating circumstances that exist are outweighed by the aggravating circumstance or circumstances.

(Reference is to EHB 1069 as reprinted March 1, 2016.)

ZENT

GLICK

LAWSON

BRODEN

House Conferees

Senate Conferees

Roll Call 435: yeas 98, nays 0. Report adopted.

Representative Porter, who had been excused, is now present.

CONFERENCE COMMITTEE REPORT EHB 1087-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1087 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 3-7-10-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2. For purposes of this article, "license branch" includes a location operated by a full service provider (as defined in IC 9-14.1-1-2).**

SECTION 2. IC 3-7-24-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. Each license branch is a distribution site for registration by mail forms under ~~IC 9-16-7~~: **IC 9-14.1-4.**

SECTION 3. IC 3-7-26.7-3, AS ADDED BY P.L.120-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. As used in this chapter, "bureau" refers to the bureau of motor vehicles created by ~~IC 9-14-1-1~~: **IC 9-14-7-1.**

SECTION 4. IC 4-13-1.1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. As used in this chapter, "state agency" means:

(1) an agency described in IC 4-13-1-1; or

(2) a license branch operating under ~~IC 9-16~~: **IC 9-14.1.**

SECTION 5. IC 4-13-1.4-2, AS AMENDED BY P.L.2-2007, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this chapter, "state agency" means any of the following:

(1) A state agency (as defined in IC 4-13-1-1).

(2) Any other authority, board, branch, commission, committee, department, division, or other instrumentality of the executive branch of state government, including the following:

(A) A state educational institution.

(B) A license branch operated or administered under ~~IC 9-16~~: **IC 9-14.1.**

(C) The state police department created by IC 10-11-2-4.

SECTION 6. IC 4-21.5-2-5, AS AMENDED BY P.L.69-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. This article does not apply to the following agency actions:

(1) The issuance of a warrant or jeopardy warrant for the collection of taxes.

(2) A determination of probable cause or no probable cause by the civil rights commission.

(3) A determination in a factfinding conference of the civil rights commission.

(4) A personnel action, except review of:

(A) a personnel action by the state employees appeals

commission under IC 4-15-2.2-42; or

(B) a personnel action that is not covered by IC 4-15-2.2 but may be taken only for cause.

(5) A resolution, directive, or other action of any agency that relates solely to the internal policy, organization, or procedure of that agency or another agency and is not a licensing or enforcement action. Actions to which this exemption applies include the statutory obligations of an agency to approve or ratify an action of another agency.

(6) An agency action related to an offender within the jurisdiction of the department of correction.

(7) A decision of the Indiana economic development corporation, the office of tourism development, the department of environmental management, the tourist information and grant fund review committee (before the repeal of the statute that created the tourist information and grant fund review committee), the Indiana finance authority, the corporation for innovation development, or the lieutenant governor that concerns a grant, loan, bond, tax incentive, or financial guarantee.

(8) A decision to issue or not issue a complaint, summons, or similar accusation.

(9) A decision to initiate or not initiate an inspection, investigation, or other similar inquiry that will be conducted by the agency, another agency, a political subdivision, including a prosecuting attorney, a court, or another person.

(10) A decision concerning the conduct of an inspection, investigation, or other similar inquiry by an agency.

(11) The acquisition, leasing, or disposition of property or procurement of goods or services by contract.

(12) Determinations of the department of workforce development under IC 22-4.1-4-1.5(c)(1).

(13) A decision under IC 9-30-12 of the bureau of motor vehicles to suspend or revoke a driver's license, a driver's permit, a vehicle title, or a vehicle registration of an individual who presents a dishonored check.

(14) An action of the department of financial institutions under IC 28-1-3.1 or a decision of the department of financial institutions to act under IC 28-1-3.1.

(15) A determination by the NVRA official under IC 3-7-11 concerning an alleged violation of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg) or IC 3-7.

(16) Imposition of a civil penalty under IC 4-20.5-6-8 if the rules of the Indiana department of administration provide an administrative appeals process.

(17) A determination of status as a member of or participant in an environmental performance based program developed and implemented under IC 13-27-8.

(18) An action of the bureau of motor vehicles subject to review under IC 9-33.

SECTION 7. IC 4-21.5-3-4, AS AMENDED BY P.L.3-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) Notice must be given under this section concerning the following:

(1) The ~~grant, renewal, restoration, transfer, or~~ denial of a **driver's** license by the bureau of motor vehicles under IC 9.

(2) The grant, renewal, restoration, transfer, or denial of a noncommercial fishing or hunting license by the department of natural resources under IC 14.

(3) The grant, renewal, restoration, transfer, or denial of a license by an entity described in IC 25-0.5-9.

(4) The grant, renewal, suspension, revocation, or denial of a certificate of registration under IC 25-5.2.

(5) A personnel decision by an agency.

(6) The grant, renewal, restoration, transfer, or denial of a license by the department of environmental management or the commissioner of the department under the

following:

(A) Environmental management laws (as defined in IC 13-11-2-71) for the construction, installation, or modification of:

(i) sewers and appurtenant facilities, devices, or structures for the collection and transport of sewage (as defined in IC 13-11-2-200) or storm water to a storage or treatment facility or to a point of discharge into the environment; or

(ii) pipes, pumps, and appurtenant facilities, devices, or structures that are part of a public water system (as defined in IC 13-11-2-177.3) and that are used to transport water to a storage or treatment facility or to distribute water to the users of the public water system;

where a federal, state, or local governmental body has given or will give public notice and has provided or will provide an opportunity for public participation concerning the activity that is the subject of the license.

(B) Environmental management laws (as defined in IC 13-11-2-71) for the registration of a device or a piece of equipment.

(C) IC 13-17-6-1 for a person to engage in the inspection, management, and abatement of asbestos containing material.

(D) IC 13-18-11 for a person to operate a wastewater treatment plant.

(E) IC 13-15-10 for a person to operate the following:

(i) A solid waste incinerator or a waste to energy facility.

(ii) A land disposal site.

(iii) A facility described under IC 13-15-1-3 whose operation could have an adverse impact on the environment if not operated properly.

(F) IC 13-20-4 for a person to operate a municipal waste collection and transportation vehicle.

(b) When an agency issues an order described by subsection (a), the agency shall give a written notice of the order to the following persons:

(1) Each person to whom the order is specifically directed.

(2) Each person to whom a law requires notice to be given.

A person ~~who~~ **that** is entitled to notice under this subsection is not a party to any proceeding resulting from the grant of a petition for review under section 7 of this chapter unless the person is designated as a party on the record of the proceeding.

(c) The notice must include the following:

(1) A brief description of the order.

(2) A brief explanation of the available procedures and the time limit for seeking administrative review of the order under section 7 of this chapter.

(3) Any information required by law.

(d) An order under this section is effective when it is served. However, if a timely and sufficient application has been made for renewal of a license described by subsection (a)(3) and review is granted under section 7 of this chapter, the existing license does not expire until the agency has disposed of the proceeding under this chapter concerning the renewal, unless a statute other than this article provides otherwise. This subsection does not preclude an agency from issuing under IC 4-21.5-4 an emergency or other temporary order with respect to the license.

(e) If a petition for review of an order described in subsection (a) is filed within the period set by section 7 of this chapter and a petition for stay of effectiveness of the order is filed by a party or another person ~~who~~ **that** has a pending petition for intervention in the proceeding, an administrative law judge shall, as soon as practicable, conduct a preliminary hearing to determine whether the order should be stayed in whole or in part. The burden of proof in the preliminary hearing is on the

person seeking the stay. The administrative law judge may stay the order in whole or in part. The order concerning the stay may be issued after an order described in subsection (a) becomes effective. The resulting order concerning the stay shall be served on the parties and any person ~~who~~ **that** has a pending petition for intervention in the proceeding. It must include a statement of the facts and law on which it is based.

SECTION 8. IC 4-23-2.5-4, AS AMENDED BY P.L.133-2012, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The Indiana arts commission trust fund is established to support the programs and the administrative budget of the commission.

(b) The fund consists of the following:

- (1) Appropriations of the general assembly from revenue sources determined by the general assembly and in an amount determined by the general assembly.
- (2) Donations to the fund from public or private sources.
- (3) Interest and dividends on assets of the fund.
- (4) Money transferred to the fund from other funds.
- (5) Fees from the Indiana arts trust license plate issued under IC 9-18-41 (**before its expiration**) or **IC 9-18.5-20**.
- (6) Money from other sources that the commission may acquire.

SECTION 9. IC 5-2-6.1-11.5, AS ADDED BY P.L.121-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11.5. A claimant's:

- (1) personal information (as defined in ~~IC 9-14-3.5-5~~; **IC 9-14-6-6**); and
- (2) medical records;

are confidential.

SECTION 10. IC 5-10.3-7-2, AS AMENDED BY P.L.195-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. The following employees may not be members of the fund:

- (1) Officials of a political subdivision elected by vote of the people, unless the governing body specifically provides for the participation of locally elected officials.
- (2) Employees occupying positions normally requiring performance of service of less than six hundred (600) hours during a year who:
 - (A) were hired before July 1, 1982; or
 - (B) are employed by a participating school corporation.
- (3) Independent contractors or officers or employees paid wholly on a fee basis.
- (4) Employees who occupy positions that are covered by other pension or retirement funds or plans, maintained in whole or in part by appropriations by the state or a political subdivision, except:
 - (A) the federal Social Security program; and
 - (B) the prosecuting attorneys retirement fund established by IC 33-39-7-9.
- (5) Managers or employees of a license branch of the bureau of motor vehicles commission, except those persons who may be included as members under ~~IC 9-16-4~~; **IC 9-14-10**.
- (6) Employees, except employees of a participating school corporation, hired after June 30, 1982, occupying positions normally requiring performance of service of less than one thousand (1,000) hours during a year.
- (7) Persons who:
 - (A) are employed by the state;
 - (B) have been classified as federal employees by the Secretary of Agriculture of the United States; and
 - (C) are covered by the federal Social Security program as federal employees under 42 U.S.C. 410.

SECTION 11. IC 5-11-1-28, AS ADDED BY P.L.184-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 28. (a) The bureau of motor vehicles (~~IC 9-14-1-1~~); (**IC 9-14-7-1**), office of the secretary of

family and social services (IC 12-8-1.5-1), and department of state revenue (IC 6-8.1-2-1) shall each annually:

- (1) have performed by an internal auditor:
 - (A) an internal audit; and
 - (B) a review of internal control systems; of the agency; and
- (2) have the internal auditor report the results of the internal audit and review to an examiner designated by the state examiner to receive the results.
- (b) The examiner designated under subsection (a) shall, not later than September 1 of each year:
 - (1) compile a final report of the results of the internal audits and reviews performed and reported under subsection (a); and
 - (2) submit a copy of the final report to the following:
 - (A) The governor.
 - (B) The auditor of state.
 - (C) The chairperson of the audit committee, in an electronic format under IC 5-14-6.
 - (D) The director of the office of management and budget.
 - (E) The legislative council, in an electronic format under IC 5-14-6.

SECTION 12. IC 5-14-3-2, AS AMENDED BY P.L.248-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The definitions set forth in this section apply throughout this chapter.

(b) "Copy" includes transcribing by handwriting, photocopying, xerography, duplicating machine, duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage, and reproducing by any other means.

(c) "Criminal intelligence information" means data that has been evaluated to determine that the data is relevant to:

- (1) the identification of; and
- (2) the criminal activity engaged in by;

an individual who or organization that is reasonably suspected of involvement in criminal activity.

(d) "Direct cost" means one hundred five percent (105%) of the sum of the cost of:

- (1) the initial development of a program, if any;
- (2) the labor required to retrieve electronically stored data; and
- (3) any medium used for electronic output;

for providing a duplicate of electronically stored data onto a disk, tape, drum, or other medium of electronic data retrieval under section 8(g) of this chapter, or for reprogramming a computer system under section 6(c) of this chapter.

(e) "Electronic map" means copyrighted data provided by a public agency from an electronic geographic information system.

(f) "Enhanced access" means the inspection of a public record by a person other than a governmental entity and that:

- (1) is by means of an electronic device other than an electronic device provided by a public agency in the office of the public agency; or
- (2) requires the compilation or creation of a list or report that does not result in the permanent electronic storage of the information.

(g) "Facsimile machine" means a machine that electronically transmits exact images through connection with a telephone network.

(h) "Inspect" includes the right to do the following:

- (1) Manually transcribe and make notes, abstracts, or memoranda.
- (2) In the case of tape recordings or other aural public records, to listen and manually transcribe or duplicate, or make notes, abstracts, or other memoranda from them.
- (3) In the case of public records available:

(A) by enhanced access under section 3.5 of this

chapter; or

(B) to a governmental entity under section 3(c)(2) of this chapter;

to examine and copy the public records by use of an electronic device.

(4) In the case of electronically stored data, to manually transcribe and make notes, abstracts, or memoranda or to duplicate the data onto a disk, tape, drum, or any other medium of electronic storage.

(i) "Investigatory record" means information compiled in the course of the investigation of a crime.

(j) "Offender" means a person confined in a penal institution as the result of the conviction for a crime.

(k) "Patient" has the meaning set out in IC 16-18-2-272(d).

(l) "Person" means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity.

(m) "Provider" has the meaning set out in IC 16-18-2-295(b) and includes employees of the state department of health or local boards of health who create patient records at the request of another provider or who are social workers and create records concerning the family background of children who may need assistance.

(n) "Public agency", except as provided in section 2.1 of this chapter, means the following:

(1) Any board, commission, department, division, bureau, committee, agency, office, instrumentality, or authority, by whatever name designated, exercising any part of the executive, administrative, judicial, or legislative power of the state.

(2) Any:

(A) county, township, school corporation, city, or town, or any board, commission, department, division, bureau, committee, office, instrumentality, or authority of any county, township, school corporation, city, or town;

(B) political subdivision (as defined by IC 36-1-2-13); or

(C) other entity, or any office thereof, by whatever name designated, exercising in a limited geographical area the executive, administrative, judicial, or legislative power of the state or a delegated local governmental power.

(3) Any entity or office that is subject to:

(A) budget review by either the department of local government finance or the governing body of a county, city, town, township, or school corporation; or

(B) an audit by the state board of accounts that is required by statute, rule, or regulation.

(4) Any building corporation of a political subdivision that issues bonds for the purpose of constructing public facilities.

(5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.

(6) Any law enforcement agency, which means an agency or a department of any level of government that engages in the investigation, apprehension, arrest, or prosecution of alleged criminal offenders, such as the state police department, the police or sheriff's department of a political subdivision, prosecuting attorneys, members of the excise police division of the alcohol and tobacco commission, conservation officers of the department of natural resources, gaming agents of the Indiana gaming commission, gaming control officers of the Indiana gaming commission, and the security division of the state lottery commission.

(7) Any license branch ~~staffed by employees of the bureau of motor vehicles commission operated under IC 9-16-~~

IC 9-14.1.

(8) The state lottery commission established by IC 4-30-3-1, including any department, division, or office of the commission.

(9) The Indiana gaming commission established under IC 4-33, including any department, division, or office of the commission.

(10) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.

(o) "Public record" means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.

(p) "Standard sized documents" includes all documents that can be mechanically reproduced (without mechanical reduction) on paper sized eight and one-half (8 1/2) inches by eleven (11) inches or eight and one-half (8 1/2) inches by fourteen (14) inches.

(q) "Trade secret" has the meaning set forth in IC 24-2-3-2.

(r) "Work product of an attorney" means information compiled by an attorney in reasonable anticipation of litigation. The term includes the attorney's:

(1) notes and statements taken during interviews of prospective witnesses; and

(2) legal research or records, correspondence, reports, or memoranda to the extent that each contains the attorney's opinions, theories, or conclusions.

This definition does not restrict the application of any exception under section 4 of this chapter.

SECTION 13. IC 5-16-9-1, AS AMENDED BY P.L.216-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Accessible parking space" refers to a parking space that conforms with the standards of section 4 of this chapter.

(c) "Motor vehicle" has the meaning set forth in IC 9-13-2-105.

(d) "Parking facility" means any facility or combination of facilities for motor vehicle parking which contains parking spaces for the public.

(e) "Person with a physical disability" means a person who has been issued **one (1) of the following:**

(1) A placard under IC 9-14-5 (before its repeal), a person who has been issued

(2) A modified Purple Heart plate under IC 9-18-19-1(b) (before its expiration) or IC 9-18.5-6-1(b), or a person with

(3) A disability registration plate for a motor vehicle by the bureau of motor vehicles under IC 9-18-22 (before its expiration).

(4) A license plate or placard issued under IC 9-18.5-8.

(f) "Public agency" means:

(1) the state of Indiana, its departments, agencies, boards, commissions, and institutions, including state educational institutions; and

(2) a county, city, town, township, school or conservancy district, other governmental unit or district, or any department, board, or other subdivision of the unit of government.

SECTION 14. IC 5-16-9-5, AS AMENDED BY P.L.216-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Any person who parks a motor vehicle which does not have displayed a placard of a person with a physical disability or a disabled veteran, issued under IC 9-14-5 **(before its repeal), IC 9-18.5-8,** or under the laws of another state, or a registration

plate of a person with a physical disability or a disabled veteran, issued under IC 9-18-18 **(before its expiration)**, IC 9-18-19-1(b) **(before its expiration)**, IC 9-18-22 **(before its expiration)**, **IC 9-18.5-5**, **IC 9-18.5-6**, **IC 9-18.5-8**, or under the laws of another state, in a parking space reserved under this chapter for a vehicle of a person with a physical disability commits a Class C infraction.

(b) Any person who knowingly parks in a parking space reserved for a person with a physical disability while displaying a placard to which neither the person nor the person's passenger is entitled commits a Class C infraction.

(c) Any person who displays for use in parking in a parking space reserved for a person with a physical disability a placard or a special license plate that was not issued under IC 9-14-5 **(before its repeal)**, IC 9-18-18 **(before its expiration)**, IC 9-18-19-1(b) **(before its expiration)**, IC 9-18-22 **(before its expiration)**, **IC 9-18.5-6**, or **IC 9-18.5-8**, or under the laws of another state commits a Class C misdemeanor.

(d) A person who, in a parking space reserved for a person with a physical disability, parks a vehicle that displays a placard or special registration plate entitling a person to park in a parking space reserved for a person with a physical disability commits a Class C infraction if that person is not, at that time, in the process of transporting a person with a physical disability or disabled veteran.

(e) Notwithstanding IC 34-28-5-4(c), a civil judgment of not less than one hundred dollars (\$100) must be imposed for an infraction committed in violation of this section.

SECTION 15. IC 5-16-9-8, AS AMENDED BY P.L.216-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) As used in this section, "owner" means a person in whose name a motor vehicle is registered under:

- (1) IC 9-18 **(before its expiration)** or **IC 9-18.1**;
- (2) the laws of another state; or
- (3) the laws of a foreign country.

(b) As used in this section, "lessee" means a person who that has care, custody, or control of a motor vehicle under a written agreement for the rental or lease of the motor vehicle for less than sixty-one (61) days. The term does not include an employee of the owner of the motor vehicle.

(c) An owner or lessee of a motor vehicle commits a Class C infraction if the motor vehicle:

- (1) is located in a parking space in a parking facility that is marked under section 2 of this chapter as a parking space reserved for a person with a physical disability; and
- (2) does not display:

(A) an unexpired parking **permit placard** for a person with a physical disability issued under IC 9-14-5 **(before its repeal)** or **IC 9-18.5-8**;

(B) an unexpired disabled veteran's registration plate issued under IC 9-18-18 **(before its expiration)** or **IC 9-18.5-5** or an unexpired modified Purple Heart license plate under IC 9-18-19-1(b) **(before its expiration)** or **IC 9-18.5-6-1(b)**;

(C) an unexpired registration plate or decal for a person with a physical disability issued under IC 9-18-22 **(before its expiration)** or **IC 9-18.5-8**; or

(D) an unexpired parking permit for a person with a physical disability, an unexpired disabled veteran's registration plate, or an unexpired registration plate or decal for a person with a physical disability issued under the laws of another state.

(d) It is a defense that IC 9-30-11-8 applies to the violation.

(e) It is a defense that the motor vehicle was the subject of an offense described in IC 35-43-4 at the time of the violation of this section.

(f) Notwithstanding IC 34-28-5-4(c), a civil judgment of not less than one hundred dollars (\$100) must be imposed for an infraction committed in violation of this section.

SECTION 16. IC 5-16-9-9, AS AMENDED BY P.L.216-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) This chapter does not prohibit a county, city, or town from adopting and enforcing an ordinance that regulates standing or parking of motor vehicles in a space reserved for a person with a physical disability under section 2 of this chapter, IC 9-21-1-3, or IC 9-21-18-4.

(b) An ordinance described in subsection (a) may not conflict with this chapter.

(c) An ordinance described in subsection (a) may not require a person to obtain or display any permit, registration plate, or registration decal to stand or park in a space reserved for a person with a physical disability under section 2 of this chapter, except the following:

(1) A parking **permit placard** for a person with a physical disability issued under IC 9-14-5 **(before its repeal)** or **IC 9-18.5-8**.

(2) A disabled veteran's registration plate issued under IC 9-18-18 **(before its expiration)** or **IC 9-18.5-5** or a modified Purple Heart license plate under IC 9-18-19-1(b) **(before its expiration)** or **IC 9-18.5-6-1(b)**.

(3) A registration plate or decal for a person with a physical disability issued under IC 9-18-22 **(before its expiration)** or **IC 9-18.5-8**.

(d) An ordinance described in subsection (a) must permit a motor vehicle displaying:

(1) an unexpired parking permit for a person with a physical disability;

(2) an unexpired disabled veteran's registration plate; or

(3) an unexpired registration plate or decal for a person with a physical disability;

issued under the laws of another state to stand or park in a space reserved for a person with a physical disability but only when the vehicle is being used to transport a person with a physical disability.

SECTION 17. IC 5-26-4-1, AS AMENDED BY P.L.216-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The integrated public safety communications fund is established to be used only to carry out the purposes of this article. The fund shall be administered by the commission.

(b) The fund consists of:

(1) appropriations from the general assembly;

(2) gifts;

(3) federal grants;

(4) fees and contributions from user agencies that the commission considers necessary to maintain and operate the system;

(5) amounts distributed to the fund under ~~IC 9-29~~; **IC 9**; and

(6) money from any other source permitted by law.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) If federal funds are not sufficient to pay for the system, the commission shall transfer money from the fund to the communications system infrastructure fund established by IC 5-26-5-4 in amounts sufficient to pay rentals and other obligations under use and occupancy agreements or other contracts or leases relating to the financing of the system under IC 4-13-5.

SECTION 18. IC 6-1-1-7-10, AS AMENDED BY P.L.194-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) This section does not apply to a mobile home that is offered for sale at auction under IC 9-22-1.5 for the transfer resulting from the

auction.

(b) A mobile home may not be moved from one (1) location to another unless the owner obtains a permit to move the mobile home from the county treasurer.

(c) The bureau of motor vehicles may not:

- (1) transfer the title to a mobile home; or
- (2) change names in any manner on the title to a mobile home;

unless the owner holds a valid permit to transfer the title that was issued by the county treasurer.

(d) A county treasurer shall issue a permit which is required to either move, or transfer the title to, a mobile home if the taxes, **special assessments, interest, penalties, judgments, and costs that are due and payable** on the mobile home have been paid. The county treasurer shall issue the permit not later than two (2) business days (excluding weekends and holidays) after the date the completed permit application is received by the county treasurer. The permit shall state the date it is issued.

(e) After issuing a permit to move a mobile home under subsection (d), a county treasurer shall notify the township assessor of the township to which the mobile home will be moved, or the county assessor if there is no township assessor for the township, that the permit to move the mobile home has been issued.

(f) A permit to move, or transfer title to, a mobile home that is issued under this section expires ninety (90) days after the date the permit is issued. The permit is invalid after the permit expires. If the owner wishes to move, or transfer title to, the mobile home after the permit has expired, the owner must obtain a new permit under this section.

SECTION 19. IC 6-1.1-7-10.4, AS AMENDED BY P.L.71-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.4. (a) This section does not apply to a mobile home that is offered for sale at auction under IC 9-22-1.5 or **IC 9-22-1.7** for the transfer resulting from the auction.

(b) The owner of a mobile home who sells the mobile home to another person shall provide the purchaser with the permit required by section 10(c) of this chapter before the sale is consummated.

SECTION 20. IC 6-1.1-7-11, AS AMENDED BY P.L.203-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) A person who is engaged to move a mobile home may not provide that service unless the owner presents the mover with a permit to move the mobile home and the permit is dated not more than ~~one (1) month~~ **ninety (90) days** before the date of the proposed move. The mover shall retain possession of the permit while the mobile home is in transit.

(b) The mover shall return the permit to the owner of the mobile home when the move is completed.

SECTION 21. IC 6-1.1-11-4, AS AMENDED BY P.L.183-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the United States, the state, an agency of this state, or a political subdivision (as defined in IC 36-1-2-13). However, this subsection applies only when the property is used, and in the case of real property occupied, by the owner.

(b) The exemption application referred to in section 3 of this chapter is not required if the exempt property is a cemetery:

- (1) described by IC 6-1.1-2-7; or
- (2) maintained by a township executive under IC 23-14-68.

(c) The exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the bureau of motor vehicles commission established under ~~IC 9-15-1~~ **IC 9-14-9**.

(d) The exemption application referred to in section 3 or 3.5

of this chapter is not required if:

(1) the exempt property is:

(A) tangible property used for religious purposes described in IC 6-1.1-10-21;

(B) tangible property owned by a church or religious society used for educational purposes described in IC 6-1.1-10-16;

(C) other tangible property owned, occupied, and used by a person for educational, literary, scientific, religious, or charitable purposes described in IC 6-1.1-10-16; or

(D) other tangible property owned by a fraternity or sorority (as defined in IC 6-1.1-10-24).

(2) the exemption application referred to in section 3 or 3.5 of this chapter was filed properly at least once for a religious use under IC 6-1.1-10-21, an educational, literary, scientific, religious, or charitable use under IC 6-1.1-10-16, or use by a fraternity or sorority under IC 6-1.1-10-24; and

(3) the property continues to meet the requirements for an exemption under IC 6-1.1-10-16, IC 6-1.1-10-21, or IC 6-1.1-10-24.

(e) If, after an assessment date, an exempt property is transferred or its use is changed resulting in its ineligibility for an exemption under IC 6-1.1-10, the county assessor shall terminate the exemption for that assessment date. However, if the property remains eligible for an exemption under IC 6-1.1-10 following the transfer or change in use, the exemption shall be left in place for that assessment date. For the following assessment date, the person that obtained the exemption or the current owner of the property, as applicable, shall, under section 3 of this chapter and except as provided in this section, file a certified application in duplicate with the county assessor of the county in which the property that is the subject of the exemption is located. In all cases, the person that obtained the exemption or the current owner of the property shall notify the county assessor for the county where the tangible property is located of the change in ownership or use in the year that the change occurs. The notice must be in the form prescribed by the department of local government finance.

(f) If the county assessor discovers that title to or use of property granted an exemption under IC 6-1.1-10 has changed, the county assessor shall notify the persons entitled to a tax statement under IC 6-1.1-22-8.1 for the property of the change in title or use and indicate that the county auditor will suspend the exemption for the property until the persons provide the county assessor with an affidavit, signed under penalties of perjury, that identifies the new owners or use of the property and indicates whether the property continues to meet the requirements for an exemption under IC 6-1.1-10. Upon receipt of the affidavit, the county assessor shall reinstate the exemption under IC 6-1.1-15-12. However, a claim under IC 6-1.1-26-1 for a refund of all or a part of a tax installment paid and any correction of error under IC 6-1.1-15-12 must be filed not later than three (3) years after the taxes are first due.

SECTION 22. IC 6-3.5-4-1, AS AMENDED BY P.L.205-2013, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. **As used in The following definitions apply throughout this chapter:**

"Adopting entity" means either the county council or the county income tax council established by IC 6-3.5-6-2 for the county, whichever adopts an ordinance to impose a surtax first.

"Branch office" means a branch office of the bureau of motor vehicles.

"County council" includes the city-county council of a county that contains a consolidated city of the first class.

"Motor vehicle" means a vehicle which is subject to the annual license excise tax imposed under IC 6-6-5.

"Net annual license excise tax" means the tax due under IC 6-6-5 after the application of the adjustments and credits

provided by that chapter.

"Surtax" means the annual license excise surtax imposed by an adopting entity under this chapter.

SECTION 23. IC 6-3.5-4-15.5, AS ADDED BY P.L.149-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15.5. (a) The department of state revenue or the bureau of motor vehicles, as applicable, may impose a service charge ~~under IC 9-29 of fifteen cents (\$0.15)~~ for each surtax collected under this chapter.

(b) A service charge imposed under this section by the bureau shall be deposited in the bureau of motor vehicles commission fund.

(c) A service charge imposed under this section by the department of state revenue shall be deposited in the motor carrier regulation fund established by IC 8-2.1-23-1.

SECTION 24. IC 6-3.5-5-1, AS AMENDED BY P.L.205-2013, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. ~~As used in~~ **The following definitions apply throughout** this chapter:

"Adopting entity" means either the county council or the county income tax council established by IC 6-3.5-6-2 for the county, whichever adopts an ordinance to impose a wheel tax first.

~~"Branch office" means a branch office of the bureau of motor vehicles.~~

"Bus" has the meaning set forth in IC 9-13-2-17(a).

"Commercial motor vehicle" has the meaning set forth in IC 6-6-5.5-1(c).

"County council" includes the city-county council of a county that contains a consolidated city of the first class.

"In-state miles" has the meaning set forth in IC 6-6-5.5-1(i).

"Political subdivision" has the meaning set forth in IC 34-6-2-110.

"Recreational vehicle" has the meaning set forth in IC 9-13-2-150.

"Semitrailer" has the meaning set forth in IC 9-13-2-164(a).

"State agency" has the meaning set forth in IC 34-6-2-141.

"Tractor" has the meaning set forth in IC 9-13-2-180.

"Trailer" has the meaning set forth in IC 9-13-2-184(a).

"Truck" has the meaning set forth in IC 9-13-2-188(a).

"Wheel tax" means the tax imposed under this chapter.

SECTION 25. IC 6-3.5-5-9, AS AMENDED BY P.L.149-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) A person may not register a vehicle in a county which has adopted the wheel tax unless the person pays the wheel tax due, if any, to the bureau of motor vehicles. The amount of the wheel tax due is based on the wheel tax rate, for that class of vehicle, in effect at the time of registration.

(b) The bureau of motor vehicles shall collect the wheel tax due, if any, at the time a motor vehicle is registered.

(c) The department of state revenue or the bureau of motor vehicles, as applicable, may impose a service charge under IC 9-29 of fifteen cents (\$0.15) for each wheel tax collection made under this chapter.

(d) A service charge imposed under this section by the bureau shall be deposited in the bureau of motor vehicles commission fund.

(e) A service charge imposed under this section by the department of state revenue shall be deposited in the motor carrier regulation fund established by IC 8-2.1-23-1.

SECTION 26. IC 6-3.5-5-13, AS AMENDED BY P.L.211-2007, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. ~~(a) If the wheel tax is collected directly by the bureau of motor vehicles; instead of at a branch office; the commissioner of the bureau shall:~~

~~(1) remit the wheel tax to; and file a wheel tax collections report with; the appropriate county treasurer; and~~

~~(2) file a wheel tax collections report with the county auditor;~~

~~in the same manner and at the same time that a branch office manager is required to remit and report under section 11 of this chapter.~~

~~(b) If the wheel tax for a commercial vehicle is collected directly by the department of state revenue, the commissioner of the department of state revenue shall:~~

~~(1) remit the wheel tax to, and file a wheel tax collections report with, the appropriate county treasurer; and~~

~~(2) file a wheel tax collections report with the county auditor;~~

~~in the same manner and at the same time that a branch office manager the bureau of motor vehicles is required to remit and report under section 11 of this chapter.~~

SECTION 27. IC 6-6-2.5-32.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 32.5. (a) A person that pays the tax imposed by this chapter on the use of special fuel in the operation of ~~an intercity bus (as defined in IC 9-13-2-83)~~ **a for-hire bus (as defined in IC 9-13-2-66.7)** is entitled to a refund of the tax without interest if the person has:

(1) consumed the special fuel outside Indiana;

(2) paid a special fuel tax or highway use tax for the special fuel in at least one (1) state or other jurisdiction outside Indiana; and

(3) complied with subsection (b).

(b) To qualify for a refund under this section, a special fuel user shall submit to the department a claim for a refund, in the form prescribed by the department, that includes the following information:

(1) Any evidence requested by the department of the following:

(A) Payment of the tax imposed by this chapter.

(B) Payment of taxes in another state or jurisdiction outside Indiana.

(2) Any other information reasonably requested by the department.

SECTION 28. IC 6-6-4.1-2, AS AMENDED BY P.L.215-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in subsection (b), this chapter applies to each:

(1) road tractor;

(2) tractor truck;

(3) truck having more than two (2) axles;

(4) truck having a gross weight or a declared gross weight greater than twenty-six thousand (26,000) pounds; and

(5) vehicle used in combination if the gross weight or the declared gross weight of the combination is greater than twenty-six thousand (26,000) pounds;

that is propelled by motor fuel.

(b) This chapter does not apply to the following:

(1) A vehicle operated by:

(A) this state;

(B) a political subdivision (as defined in IC 36-1-2-13);

(C) the United States; or

(D) an agency of states and the United States, or of two (2) or more states, in which this state participates.

~~(2) A school bus (as defined by the laws of a state) operated by; for; or on behalf of a:~~

~~(A) state;~~

~~(B) political subdivision (as defined in IC 36-1-2-13) of a state; or~~

~~(C) private or privately operated school.~~

~~(3) A vehicle used in casual or charter bus operations.~~

~~(4) (2) Trucks, trailers, or semitrailers and tractors that are registered as farm trucks, farm trailers, or farm semitrailers and tractors under IC 9-18 (before its expiration), IC 9-18.1-7, or under a similar law of another state.~~

~~(5) An intercity bus (as defined in IC 9-13-2-83). (3) A~~

bus (as defined in IC 9-13-2-17).

~~(6)~~ **(4)** A vehicle described in subsection (a)(1) through ~~(a)(5)~~ **(a)(3)** when the vehicle is displaying a dealer registration plate.

~~(7)~~ **(5)** A recreational vehicle.

~~(8)~~ **(6)** A pickup truck that:

- (A) is modified to include a third free rotating axle;
- (B) has a gross weight not greater than twenty-six thousand (26,000) pounds; and
- (C) is operated solely for personal use and not for commercial use.

SECTION 29. IC 6-6-4.1-13, AS AMENDED BY P.L.262-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) A carrier may, in lieu of paying the tax imposed under this chapter that would otherwise result from the operation of a particular commercial motor vehicle, obtain from the department a trip permit authorizing the carrier to operate the commercial motor vehicle for a period of five (5) consecutive days. The department shall specify the beginning and ending days on the face of the permit. The fee for a trip permit for each commercial motor vehicle is fifty dollars (\$50). The report otherwise required under section 10 of this chapter is not required with respect to a vehicle for which a trip permit has been issued under this subsection.

(b) The department may issue a temporary written authorization if unforeseen or uncertain circumstances require operations by a carrier of a commercial motor vehicle for which neither a trip permit described in subsection (a) nor an annual permit described in section 12 of this chapter has been obtained. A temporary authorization may be issued only if the department finds that undue hardship would result if operation under a temporary authorization were prohibited. A carrier who receives a temporary authorization shall:

- (1) pay the trip permit fee at the time the temporary authorization is issued; or
- (2) subsequently apply for and obtain an annual permit.

(c) A carrier may obtain an International Fuel Tax Agreement (IFTA) repair and maintenance permit to:

- (1) travel from another state into Indiana to repair or maintain any of the carrier's motor vehicles, semitrailers (as defined in IC 9-13-2-164), or trailers (as defined in IC 9-13-2-184); and
- (2) return to the same state after the repair or maintenance is completed.

The permit allows the travel described in this section. In addition to any other fee established in this chapter, and instead of paying the quarterly motor fuel tax imposed under this chapter, a carrier may pay an annual IFTA repair and maintenance fee of forty dollars (\$40) and receive an IFTA annual repair and maintenance permit. The IFTA annual repair and maintenance permit and fee applies to all of the motor vehicles operated by a carrier. The IFTA annual repair and maintenance permit is not transferable to another carrier. A carrier may not carry cargo or passengers under the IFTA annual repair and maintenance permit. All fees collected under this subsection shall be deposited in the motor carrier regulation fund (IC 8-2.1-23). The report otherwise required under section 10 of this chapter is not required with respect to a motor vehicle that is operated under an IFTA annual repair and maintenance permit.

(d) A carrier may obtain an International Registration Plan (IRP) repair and maintenance permit to:

- (1) travel from another state into Indiana to repair or maintain any of the carrier's motor vehicles, semitrailers (as defined in IC 9-13-2-164), or trailers (as defined in IC 9-13-2-184); and
- (2) return to the same state after the repair or maintenance is completed.

The permit allows the travel described in this section. In

addition to any other fee established in this chapter, and instead of paying apportioned or temporary IRP fees under IC 9-18-2 or IC 9-18-7, a carrier may pay an annual IRP repair and maintenance fee of forty dollars (\$40) and receive an IRP annual repair and maintenance permit. The IRP annual repair and maintenance permit and fee applies to all of the motor vehicles operated by a carrier. The IRP annual repair and maintenance permit is not transferable to another carrier. A carrier may not carry cargo or passengers under the IRP annual repair and maintenance permit. All fees collected under this subsection shall be deposited in the motor carrier regulation fund (IC 8-2.1-23).

- (e) A person may obtain a repair and maintenance permit to:
 - (1) move an unregistered off-road vehicle from a quarry or mine to a maintenance or repair facility; and
 - (2) return the unregistered off-road vehicle to its place of origin.

The fee for the permit is forty dollars (\$40). The permit is an annual permit and applies to all unregistered off-road vehicles from the same quarry or mine.

(f) A carrier may obtain a repair, maintenance, and relocation permit to:

- (1) move a yard tractor from a terminal or loading or spotting facility to:
 - (A) a maintenance or repair facility; or
 - (B) another terminal or loading or spotting facility; and
- (2) return the yard tractor to its place of origin.

The fee for the permit is forty dollars (\$40). The permit is an annual permit and applies to all yard tractors operated by the carrier. The permit is not transferable to another carrier. A carrier may not carry cargo or transport or draw a semitrailer or other vehicle under the permit. A carrier may operate a yard tractor under the permit instead of paying the tax imposed under this chapter. As used in this ~~section~~, **subsection**, "yard tractor" ~~has the meaning set forth under IC 9-13-2-201.~~ **refers to a tractor that is used to move semitrailers around a terminal or a loading or spotting facility. The term also refers to a tractor that is operated on a highway with a permit issued under this section if the tractor is ordinarily used to move semitrailers around a terminal or spotting facility.**

(g) The department shall establish procedures, by rules adopted under IC 4-22-2, for:

- (1) the issuance and use of trip permits, temporary authorizations, and repair and maintenance permits; and
- (2) the display in commercial motor vehicles of evidence of compliance with this chapter.

SECTION 30. IC 6-6-4.1-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 27. (a) Notwithstanding IC 6-8.1-7 and ~~IC 9-14-3-1~~, **IC 9-14-12-1**, the department, the bureau of motor vehicles, and the Indiana department of transportation shall share the information regarding motor carriers and motor vehicles that is reasonably necessary for the effective administration and enforcement of IC 6-6-4.1, IC 8-2.1, and IC 9.

(b) For purposes of this section, the department may not divulge information:

- (1) regarding the motor carrier fuel taxes paid by specific motor carriers; or
- (2) contained on quarterly tax reports of specific motor carriers.

The department may provide statistical information that does not identify the amount of tax paid by a specific carrier.

SECTION 31. IC 6-6-5-1, AS AMENDED BY HEA 1365-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) As used in this chapter, "vehicle" means a vehicle subject to annual registration as a condition of its operation on the public highways pursuant to the motor vehicle registration laws of the state.

(b) As used in this chapter, "mobile home" means a

nonsel-propelled vehicle designed for occupancy as a dwelling or sleeping place.

(c) As used in this chapter, "bureau" means the bureau of motor vehicles.

(d) As used in this chapter, "license branch" means a branch office of the bureau authorized to register motor vehicles pursuant to the laws of the state.

(e) As used in this chapter, "owner" means the person in whose name the vehicle or trailer is registered (as defined in IC 9-13-2).

(f) As used in this chapter, "motor home" means a self-propelled vehicle having been designed and built as an integral part thereof having living and sleeping quarters, including that which is commonly referred to as a recreational vehicle.

(g) As used in this chapter, "last preceding annual excise tax liability" means either:

(1) the amount of excise tax liability to which the vehicle was subject on the owner's last preceding regular annual registration date; or

(2) the amount of excise tax liability to which a vehicle that was registered after the owner's last preceding annual registration date would have been subject if it had been registered on that date.

(h) As used in this chapter, "trailer" means a device having a gross vehicle weight equal to or less than three thousand (3,000) pounds that is pulled behind a vehicle and that is subject to annual registration as a condition of its operation on the public highways pursuant to the motor vehicle registration laws of the state. The term includes any utility, boat, or other two (2) wheeled trailer.

(i) This chapter does not apply to the following:

(1) Vehicles owned, or leased and operated, by the United States, the state, or political subdivisions of the state.

(2) ~~Mobile homes and motor homes.~~ **Vehicles subject to taxation under IC 6-6-5.1.**

(3) Vehicles assessed under IC 6-1.1-8.

(4) ~~Vehicles subject to registration as trucks under the motor vehicle registration laws of the state, except trucks having a declared gross weight not exceeding eleven thousand (11,000) pounds, trailers, semitrailers, tractors, and buses.~~ **taxation under IC 6-6-5.5.**

(5) Vehicles owned, or leased and operated, by a postsecondary educational institution described in IC 6-3-3-5(d).

(6) Vehicles owned, or leased and operated, by a volunteer fire department (as defined in IC 36-8-12-2).

(7) Vehicles owned, or leased and operated, by a volunteer emergency ambulance service that:

(A) meets the requirements of IC 16-31; and

(B) has only members that serve for no compensation or a nominal annual compensation of not more than three thousand five hundred dollars (\$3,500).

(8) Vehicles that are exempt from the payment of registration fees under IC 9-18-3-1 **(before its expiration) or IC 9-18.1-9.**

(9) Farm wagons.

(10) Off-road vehicles (as defined in IC 14-8-2-185).

(11) Snowmobiles (as defined in IC 14-8-2-261).

(12) After June 30, 2017, vehicles owned or otherwise held as inventory by a person licensed under IC 9-32.

(13) Special machinery (as defined in IC 9-13-2-170.3).

(14) Buses (as defined in IC 9-13-2-17).

SECTION 32. IC 6-6-5-5, AS AMENDED BY P.L.250-2015, SECTION 43, AND AS AMENDED BY P.L.149-2015, SECTION 15, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5. (a) The amount of tax imposed by this chapter shall be based upon the classification of the vehicle, as provided in section 4 of this chapter, and the age of the

vehicle, in accordance with the schedule set out in subsection (c) or (d).

(b) A person ~~who that~~ owns a vehicle and ~~who that~~ is entitled to a property tax deduction under IC 6-1.1-12-13, IC 6-1.1-12-14, ~~or IC 6-1.1-12-16 or IC 6-1.1-12-17.4~~ is entitled to a credit against the annual license excise tax as follows: Any remaining deduction from assessed valuation to which the person is entitled, applicable to property taxes payable in the year in which the excise tax imposed by this chapter is due, after allowance of the deduction on real estate and personal property owned by the person, shall reduce the annual excise tax in the amount of two dollars (\$2) on each one hundred dollars (\$100) of taxable value or major portion thereof. The county auditor shall, upon request, furnish a certified statement to the person verifying the credit allowable under this section, and the statement shall be presented to and retained by the bureau to support the credit.

(c) After January 1, 1996, the tax schedule is as follows:

Year of Manufacture	I	II	III	IV	V
1st	\$12	\$36	\$50	\$50	\$66
2nd	12	30	50	50	57
3rd	12	27	42	50	50
4th	12	24	33	50	50
5th	12	18	24	48	50
6th	12	12	18	36	50
7th	12	12	12	24	42
8th	12	12	12	18	24
9th	12	12	12	12	12
10th	12	12	12	12	12

Year of Manufacture	VI	VII	VIII	IX	X
1st	\$84	\$103	\$123	\$150	\$172
2nd	74	92	110	134	149
3rd	63	77	93	115	130
4th	52	64	78	98	112
5th	50	52	64	82	96
6th	50	50	50	65	79
7th	49	50	50	52	65
8th	30	40	50	50	53
9th	18	21	34	40	50
10th	12	12	12	12	12

Year of Manufacture	XI	XII	XIII	XIV	XV
1st	\$207	\$250	\$300	\$350	\$406
2nd	179	217	260	304	353
3rd	156	189	225	265	307
4th	135	163	184	228	257
5th	115	139	150	195	210
6th	94	114	121	160	169
7th	78	94	96	132	134
8th	64	65	65	91	91
9th	50	50	50	50	50
10th	21	26	30	36	42

Year of Manufacture	XVI	XVII
1st	\$469	\$532
2nd	407	461
3rd	355	398
4th	306	347
5th	261	296
6th	214	242
7th	177	192
8th	129	129
9th	63	63
10th	49	50

and thereafter.

(d) Every vehicle shall be taxed as a vehicle in its first year of manufacture throughout the calendar year in which vehicles of that make and model are first offered for sale in Indiana, except that:

- (1) a vehicle of a make and model first offered for sale in Indiana after August 1 of any year; *and*
- (2) all motorcycles;

shall continue to be taxed as a vehicle in its first year of manufacture until the end of the calendar year following the year in which it is first offered for sale. Thereafter, the vehicle shall be considered to have aged one (1) year as of January 1 of each year.

SECTION 33. IC 6-6-5-7.2, AS AMENDED BY P.L.149-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.2. ~~(a) This section applies after December 31, 2007.~~

~~(b) In respect (a) This section applies~~ to a vehicle that has been acquired, or brought into the state, or for any other reason becomes subject to registration after the regular annual registration date in the year on or before which the owner of the vehicle is required, under the motor vehicle registration laws of Indiana, to register vehicles. The tax imposed by this chapter shall become due and payable at the time the vehicle is acquired, brought into the state, or otherwise becomes subject to registration. ~~and~~

(b) For taxes due and payable before January 1, 2017, the amount of tax to be paid by the owner for the remainder of the year shall be reduced by eight and thirty-three hundredths percent (8.33%) for each full calendar month that has elapsed since the regular annual registration date in the year fixed by the motor vehicle registration laws for annual registration by the owner. The tax shall be paid **by the owner** at the time of the registration of the vehicle.

(c) For taxes due and payable after December 31, 2016, the tax shall be paid by the owner at the time of the registration of the vehicle and is determined as follows:

(1) For a vehicle with an initial registration period under IC 9-18.1-11-3, the amount determined under STEP THREE of the following formula:

STEP ONE: Determine the number of months remaining until the vehicle's next registration date under IC 9-18.1-11-3. A partial month shall be rounded up to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Multiply the annual excise tax for the vehicle by the STEP TWO product.

(2) For a vehicle with a renewal registration period described in IC 9-18.1-11-3(b), the annual excise tax for the current registration period.

~~(c) In the case of a vehicle that is acquired, or brought into the state, or for any other reason becomes subject to registration after January 1 of any year, then the owner may pay the applicable registration fee on the vehicle as provided in the motor vehicle registration laws and any excise tax due on the vehicle for the remainder of the annual registration year and simultaneously register the vehicle and; if the next succeeding annual registration year does not extend beyond the end of the next calendar year, pay the excise tax due for the next succeeding annual registration year.~~

(d) Except as provided in subsection (g), no reduction in the applicable annual excise tax will be allowed to an Indiana resident applicant upon registration of any vehicle that was owned by the applicant on or prior to the registrant's annual registration period. A vehicle owned by an Indiana resident applicant that was located in and registered for use in another state during the same calendar year shall be entitled to the same reduction when registered in Indiana.

(e) The owner of a vehicle who sells the vehicle in a year in which the owner has paid the tax imposed by this chapter shall

receive a credit equal to the remainder of:

- (1) the tax paid for the vehicle; reduced by
- (2) eight and thirty-three hundredths percent (8.33%) for each full or partial calendar month that has elapsed in the registrant's annual registration year before the date of the sale.

The credit shall be applied to the tax due on any other vehicle purchased or subsequently registered by the owner in the same registrant's annual registration year. If the credit is not fully used and the amount of the credit remaining is at least four dollars (\$4), the owner is entitled to a refund in the amount of the unused credit. The owner must pay a fee of three dollars (\$3) to the bureau to cover costs of providing the refund, which may be deducted from the refund. The bureau shall issue the refund. The bureau shall transfer to the bureau of motor vehicles commission three dollars (\$3) of the fee to cover the commission's costs in processing the refund. To claim the credit and refund provided by this subsection, the owner of the vehicle must present to the bureau proof of sale of the vehicle.

(f) Subject to the requirements of subsection (h), the owner of a vehicle that is destroyed in a year in which the owner has paid the tax imposed by this chapter, which vehicle is not replaced by a replacement vehicle for which a credit is issued under this section, shall receive a refund in an amount equal to eight and thirty-three hundredths percent (8.33%) of the tax paid for each full calendar month remaining in the registrant's annual registration year after the date of destruction, but only upon presentation or return to the bureau of the following:

- (1) A request for refund on a form furnished by the bureau.
- (2) A statement of proof of destruction on an affidavit furnished by the bureau.
- (3) The license plate from the vehicle.
- (4) The registration from the vehicle.

However, the refund may not exceed ninety percent (90%) of the tax paid on the destroyed vehicle. The amount shall be refunded by a warrant issued by the auditor of the county that received the excise tax revenue and shall be paid out of the special account created for settlement of the excise tax collections under IC 6-6-5-10. For purposes of this subsection, a vehicle is considered destroyed if the cost of repair of damages suffered by the vehicle exceeds the vehicle's fair market value.

(g) If the name of the owner of a vehicle is legally changed and the change has caused a change in the owner's annual registration date, the excise tax liability of the owner shall be adjusted as follows:

- (1) If the name change requires the owner to register sooner than the owner would have been required to register if there had been no name change, the owner shall, at the time the name change is reported, be authorized a refund from the county treasurer in the amount of the product of:

(A) eight and thirty-three hundredths percent (8.33%) of the owner's last preceding annual excise tax liability; and

(B) the number of full calendar months between the owner's new regular annual registration month and the next succeeding regular annual registration month that is based on the owner's former name.

- (2) If the name change required the owner to register later than the owner would have been required to register if there had been no name change, the vehicle shall be subject to excise tax for the period between the month in which the owner would have been required to register if there had been no name change and the new regular annual registration month in the amount ~~of the product of:~~ **determined under STEP FOUR of the following formula:**

~~(A) eight and thirty-three hundredths percent (8.33%)~~

of the owner's excise tax liability computed as of the time the owner would have been required to register if there had been no name change; and

(B) the number of full calendar months between the month in which the owner would have been required to register if there had been no name change and the owner's new regular annual registration month.

STEP ONE: Determine the number of full calendar months between the month in which the owner would have been required to register if there had been no name change and the owner's new regular annual registration month.

STEP TWO: Multiply the STEP ONE amount by one-twelfth (1/12).

STEP THREE: Determine the owner's tax liability computed as of the time the owner would have been required to register if there had been no name change.

STEP FOUR: Multiply the STEP TWO product by the STEP THREE amount.

(h) In order to claim a credit under subsection (f) for a vehicle that is destroyed, the owner of the vehicle must present to the bureau of motor vehicles a valid registration for the vehicle within ninety (90) days of the date that it was destroyed. The bureau shall then fix the amount of the credit that the owner is entitled to receive.

SECTION 34. IC 6-6-5-7.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.7. (a) To claim a credit or a refund, or both, under this chapter, a person must provide a sworn statement to the bureau ~~or to an agent branch of the bureau~~ that the person is entitled to the credit or refund, or both, claimed by the person.

(b) The bureau may inspect records of a person claiming a credit or refund, or both, under this chapter to determine if a credit or refund, or both, was properly allowed against the motor vehicle excise tax imposed on a vehicle owned by the person.

(c) If the bureau determines that a credit or refund, or both, was improperly allowed for a particular vehicle, the person ~~who~~ **that** claimed the credit or refund, or both, shall pay the bureau an amount equal to the credit or refund, or both, improperly allowed to the person plus a penalty of ten percent (10%) of the credit or refund, or both, improperly allowed. The tax collected under this subsection shall be paid to the county treasurer of the county in which the taxpayer resides. However, a penalty collected under this subsection shall be retained by the bureau.

SECTION 35. IC 6-6-5-9, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) The bureau, in the administration and collection of the annual license excise tax imposed by this chapter, may utilize the services and facilities of:

- (1) license branches operated under ~~IC 9-16~~ **IC 9-14.1**;
- (2) full service providers (as defined in **IC 9-14.1-1-2**); and
- (3) partial services providers (as defined in **IC 9-14.1-1-3**);

in its administration of the motor vehicle registration laws of the state of Indiana ~~The license branches may be so utilized in accordance with such procedures, in such manner, and to such extent as the bureau shall deem necessary and proper to implement and effectuate the administration and collection of the excise tax imposed by this chapter. However, in the event the bureau shall utilize such license branches in the collection of excise tax, the following apply:~~

(b) **The bureau may impose a service charge of one dollar and seventy cents (\$1.70) for each excise tax collection made under this chapter. The service charge shall be deposited in the bureau of motor vehicles commission fund.**

(+) (c) The bureau of motor vehicles shall report the excise

taxes collected on at least a weekly basis to the county auditor of the county to which the collections are due.

(2) If the services of a license branch are used by the bureau in the collection of the excise tax imposed by this chapter, the license branch shall collect the service charge prescribed under ~~IC 9-29-1-10~~ for each vehicle registered upon which an excise tax is collected by that branch.

(3) (d) If the excise tax imposed by this chapter is collected by the department of state revenue, the money collected shall be deposited in the state general fund to the credit of the appropriate county and reported to the bureau of motor vehicles on the first working day following the week of collection. Except as provided in ~~subdivision (4)~~; **subsection (e)**, any amount collected by the department which represents interest or a penalty shall be retained by the department and used to pay its costs of enforcing this chapter.

(4) (e) This ~~subdivision~~ **subsection** applies only to interest or a penalty collected by the department of state revenue from a person ~~who~~ **that**:

(A) (1) fails to properly register a vehicle as required by IC 9-18 **(before its expiration) or IC 9-18.1** and pay the tax due under this chapter; and

(B) (2) during any time after the date by which the vehicle was required to be registered under IC 9-18 **(before its expiration) or IC 9-18.1** displays on the vehicle a license plate issued by another state.

The total amount collected by the department that represents interest or a penalty, minus a reasonable amount determined by the department to represent its administrative expenses, shall be deposited in the state general fund for the credit of the county in which the person resides. The amount shall be reported to the bureau of motor vehicles on the first working day following the week of collection.

(f) The bureau may contract with a bank card or credit card vendor for acceptance of bank or credit cards.

(b) (g) On or before April 1 of each year, the bureau shall provide to the auditor of state the amount of motor vehicle excise taxes collected for each county for the preceding year.

(c) (h) On or before May 10 and November 10 of each year, the auditor of state shall distribute to each county one-half (1/2) of:

- (1) the amount of delinquent taxes; and
- (2) any penalty or interest described in subsection (a) ~~(4)~~ **(e)**;

that have been credited to the county under subsection (a) ~~(e)~~ **(e)**. There is appropriated from the state general fund the amount necessary to make the distributions required by this subsection. The county auditor shall apportion and distribute the delinquent tax distributions to the taxing units in the county at the same time and in the same manner as excise taxes are apportioned and distributed under section 10 of this chapter.

(d) (i) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section.

SECTION 36. IC 6-6-5-10.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10.4. The county auditor, shall from the copies of the registration forms furnished by the bureau, verify and determine the total amount of excise taxes collected for each taxing unit in the county. The bureau shall verify the collections ~~reported by the branches~~ and provide the county auditor adequate and accurate audit information, registration form information, records, and materials to support the proper assessment, collection, and refund of excise taxes.

SECTION 37. IC 6-6-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. An owner of a vehicle ~~who that~~ knowingly registers the vehicle without paying the excise tax required by this chapter commits a Class B misdemeanor. ~~An employee of the bureau or a branch manager or employee of a license branch office who~~ **A person that** recklessly issues a registration on any vehicle without

collecting excise tax required to be collected with the registration commits a Class B misdemeanor.

SECTION 38. IC 6-6-5.1-1, AS ADDED BY P.L.131-2008, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. This chapter does not apply to the following:

- (1) A vehicle subject to ~~the motor vehicle excise tax taxation~~ under IC 6-6-5.
- (2) A vehicle owned or leased and operated by the United States, the state, or a political subdivision of the state.
- (3) A mobile home.
- (4) A vehicle assessed under IC 6-1.1-8.
- (5) A vehicle subject to ~~the commercial vehicle excise tax taxation~~ under IC 6-6-5.5.
- (6) A trailer subject to the annual excise tax imposed under IC 6-6-5-5.5.
- (7) A bus (as defined in ~~IC 9-13-2-17(a)~~; **IC 9-13-2-17**).
- (8) A vehicle owned or leased and operated by a postsecondary educational institution (as described in IC 6-3-3-5(d)).
- (9) A vehicle owned or leased and operated by a volunteer fire department (as defined in IC 36-8-12-2).
- (10) A vehicle owned or leased and operated by a volunteer emergency ambulance service that:
 - (A) meets the requirements of IC 16-31; and
 - (B) has only members who serve for no compensation or a nominal annual compensation of not more than three thousand five hundred dollars (\$3,500).
- (11) A vehicle that is exempt from the payment of registration fees under IC 9-18-3-1 (**before its expiration**) **or IC 9-18.1-9**.
- (12) A farm wagon.
- (13) A recreational vehicle or truck camper in the inventory of recreational vehicles and truck campers held for sale by a manufacturer, distributor, or dealer in the course of business.
- (14) Special machinery (as defined in IC 9-13-2-170.3).**

SECTION 39. IC 6-6-5.1-13, AS AMENDED BY P.L.250-2015, SECTION 44, AND AS AMENDED BY P.L.149-2015, SECTION 18, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 13. (a) Subject to any reductions permitted under this chapter, the amount of tax imposed under this chapter on a recreational vehicle or truck camper is prescribed by the schedule set out in subsection (c). The amount of tax imposed by this chapter is determined using:

- (1) the classification of the recreational vehicle or truck camper under section 12 of this chapter; and
- (2) the age of the recreational vehicle or truck camper.

(b) If a person ~~who~~ **that** owns a recreational vehicle or truck camper is entitled to an ad valorem property tax assessed valuation deduction under IC 6-1.1-12-13, IC 6-1.1-12-14, ~~or IC 6-1.1-12-16 or IC 6-1.1-12-17.4~~ in a year in which a tax is imposed by this chapter and any part of the deduction is unused after allowance of the deduction on real property and personal property owned by the person, the person is entitled to a credit that reduces the annual tax imposed by this chapter. The amount of the credit is determined by multiplying the amount of the unused deduction by two (2) and dividing the result by one hundred (100). The county auditor shall, upon request, furnish a certified statement to the person verifying the credit allowable under this subsection. The statement shall be presented to and retained by the bureau to support the credit.

(c) The tax schedule for each class of recreational vehicles and truck campers is as follows:

Year of Manufacture	I	II	III	IV	V
1st	\$15	\$36	\$50	\$59	\$103
2nd	12	31	43	51	91
3rd	12	26	35	41	75

4th	12	20	28	38	62
5th	12	15	20	34	53
6th	12	12	15	26	41
7th	12	12	12	16	32
8th	12	12	12	13	21
9th	12	12	12	12	13
10th	12	12	12	12	12

and thereafter	Year of Manufacture			
	VI	VII	VIII	
1st	\$164	\$241	\$346	
2nd	148	212	302	
3rd	131	185	261	
4th	110	161	223	
5th	89	131	191	
6th	68	108	155	
7th	53	86	126	
8th	36	71	97	
9th	23	35	48	
10th	12	12	17	

and thereafter	Year of Manufacture			
	IX	X	XI	XII
1st	\$470	\$667	\$879	\$1,045
2nd	412	572	763	907
3rd	360	507	658	782
4th	307	407	574	682
5th	253	341	489	581
6th	204	279	400	475
7th	163	224	317	377
8th	116	154	214	254
9th	55	70	104	123
10th	25	33	46	55

and thereafter	Year of Manufacture				
	XIII	XIV	XV	XVI	XVII
1st	\$1,235	\$1,425	\$1,615	\$1,805	\$2,375
2nd	1,072	1,236	1,401	1,566	2,060
3rd	924	1,066	1,208	1,350	1,777
4th	806	929	1,053	1,177	1,549
5th	687	793	898	1,004	1,321
6th	562	648	734	821	1,080
7th	445	514	582	651	856
8th	300	346	392	439	577
9th	146	168	190	213	280
10th	64	74	84	94	123

(d) Each recreational vehicle or truck camper shall be taxed as a recreational vehicle or truck camper in its first year of manufacture throughout the calendar year in which a recreational vehicle or truck camper of that make and model is first offered for sale in Indiana. ~~However, a recreational vehicle or truck camper of a make and model first offered for sale in Indiana after August 1 of any year continues to be taxed as a recreational vehicle or truck camper in its first year of manufacture until the end of the calendar year following the year in which it is first offered for sale.~~ Thereafter, the recreational vehicle or truck camper shall be considered to have aged one (1) year as of January 1 of each year.

SECTION 40. IC 6-6-5.1-15, AS AMENDED BY P.L.149-2015, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) This section applies only to recreational vehicles.

(b) With respect to a recreational vehicle that has been acquired, has been brought into Indiana, or for any other reason becomes subject to registration after the regular annual registration date in the year on or before which the owner of the recreational vehicle is required under the state motor vehicle registration laws to register vehicles, the tax imposed by this chapter is due and payable at the time the recreational vehicle is

acquired, is brought into Indiana, or otherwise becomes subject to registration.

(c) For taxes due and payable before January 1, 2017, the amount of tax to be paid by the owner for the remainder of the year shall be reduced by eight and thirty-three hundredths percent (8.33%) for each full calendar month that has elapsed since the regular annual registration date in the year fixed by the state motor vehicle registration laws for annual registration by the owner. The tax shall be paid at the time of the registration of the recreational vehicle.

(d) For taxes due and payable after December 31, 2016, the tax shall be paid at the time of the registration of the recreational vehicle and is determined as follows:

(1) For a recreational vehicle with an initial registration period under IC 9-18.1-11-3, the amount determined under STEP THREE of the following formula:

STEP ONE: Determine the number of months remaining until the recreational vehicle's next registration date under IC 9-18.1-11-3. A partial month shall be rounded up to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Multiply the annual excise tax for the recreational vehicle by the STEP TWO product.

(2) For a recreational vehicle with a renewal registration period described in IC 9-18.1-11-3(b), the annual excise tax for the current registration.

(e) If a recreational vehicle is acquired, is brought into Indiana, or for any other reason becomes subject to registration after January 1 of any year, the owner may pay the applicable registration fee on the recreational vehicle as provided in the state motor vehicle registration laws and may pay any excise tax due on the recreational vehicle for the remainder of the annual registration year and simultaneously register the recreational vehicle and; if the succeeding annual registration year does not extend beyond the end of the next calendar year, pay the excise tax due for the next succeeding annual registration year.

(f) Except as provided in subsection (e); (i), a reduction in the applicable annual excise tax may not be allowed to an Indiana resident applicant upon registration of a recreational vehicle that was owned by the applicant on or before the first day of the applicant's annual registration period. A recreational vehicle that is owned by an Indiana resident applicant and that was located in and registered for use in another state during the same calendar year is entitled to the same reduction when registered in Indiana.

(g) The owner of a recreational vehicle who sells the recreational vehicle in a year in which the owner has paid the tax imposed by this chapter shall receive a credit equal to the remainder of:

(1) the tax paid for the recreational vehicle; minus

(2) eight and thirty-three hundredths percent (8.33%) for each full or partial calendar month that has elapsed in the owner's annual registration year before the date of the sale.

The credit shall be applied to the tax due on any other recreational vehicle purchased or subsequently registered by the owner in the owner's annual registration year. If the credit is not fully used and the amount of the credit remaining is at least four dollars (\$4), the owner is entitled to a refund in the amount of the unused credit. The owner must pay a fee of three dollars (\$3) to the bureau to cover costs of providing the refund, which may be deducted from the refund. The bureau shall issue the refund. The bureau shall transfer three dollars (\$3) of the fee to the bureau of motor vehicles commission to cover the commission's costs in processing the refund. To claim the credit and refund provided by this subsection, the owner of the recreational vehicle must present to the bureau proof of sale of the recreational vehicle.

(h) Subject to the requirements of subsection (g); (h), if a

recreational vehicle is destroyed in a year in which the owner has paid the tax imposed by this chapter and the recreational vehicle is not replaced by a replacement vehicle for which a credit is issued under this section, the owner is entitled to a refund in an amount equal to eight and thirty-three hundredths percent (8.33%) of the tax paid for each full calendar month remaining in the owner's annual registration year after the date of destruction, but only upon presentation to the bureau of the following:

(1) A request for refund on a form furnished by the bureau.

(2) A statement of proof of destruction on an affidavit furnished by the bureau.

(3) The license plate from the recreational vehicle.

(4) The registration from the recreational vehicle.

However, the refund may not exceed ninety percent (90%) of the tax paid on the destroyed recreational vehicle. The amount shall be refunded by a warrant issued by the auditor of the county that received the excise tax revenue and shall be paid out of the special account created under section 21 of this chapter for settlement of the excise tax collections. For purposes of this subsection, a recreational vehicle is considered destroyed if the cost of repair of damages suffered by the recreational vehicle exceeds the recreational vehicle's fair market value.

(i) To claim a refund under subsection (h) (g) for a recreational vehicle that is destroyed, the owner of the recreational vehicle must present to the bureau a valid registration for the recreational vehicle within ninety (90) days after the date that the recreational vehicle is destroyed. The bureau shall then fix the amount of the refund that the owner is entitled to receive.

(j) If the name of the owner of a recreational vehicle is legally changed and the change has caused a change in the owner's annual registration date, the excise tax liability of the owner for the recreational vehicle shall be adjusted as follows:

(1) If the name change requires the owner to register sooner than the owner would have been required to register if there had been no name change, the owner is, at the time the name change is reported, entitled to a refund from the county treasurer in the amount of the product of:

(A) eight and thirty-three hundredths percent (8.33%) of the owner's last preceding annual excise tax liability; multiplied by

(B) the number of full calendar months beginning after the owner's new regular annual registration month and ending before the next succeeding regular annual registration month that is based on the owner's former name.

(2) If the name change requires the owner to register later than the owner would have been required to register if there had been no name change, the recreational vehicle is subject to excise tax for the period beginning after the month in which the owner would have been required to register if there had been no name change and ending before the owner's new regular annual registration month in equal to the amount of the product of: determined under STEP FOUR of the following formula:

(A) eight and thirty-three hundredths percent (8.33%) of the owner's excise tax liability computed as of the time the owner would have been required to register if there had been no name change; multiplied by

(B) the number of full calendar months beginning after the month in which the owner would have been required to register if there had been no name change and ending before the owner's new regular annual registration month.

STEP ONE: Determine the number of full calendar months between the month in which the owner would have been required to register if there had been no name change and the owner's new regular

annual registration month.

STEP TWO: Multiply the STEP ONE amount by one-twelfth (1/12).

STEP THREE: Determine the owner's tax liability computed as of the time the owner would have been required to register if there had been no name change.

STEP FOUR: Multiply the STEP TWO product by the STEP THREE amount.

SECTION 41. IC 6-6-5.1-19, AS ADDED BY P.L.131-2008, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. (a) To claim a credit or refund, or both, under this chapter, a person must provide a sworn statement to the bureau or to an agent branch of the bureau that the person is entitled to the credit or refund, or both, claimed by the person.

(b) The bureau may inspect records of a person claiming a credit or refund, or both, under this chapter to determine if a credit or refund, or both, were properly allowed against the excise tax imposed on a recreational vehicle or truck camper owned by the person.

(c) If the bureau determines that a credit or refund, or both, were improperly allowed for a recreational vehicle or truck camper, the person who that claimed the credit or refund, or both, shall pay the bureau an amount equal to the credit or refund, or both, improperly allowed to the person plus a penalty of ten percent (10%) of the credit or refund, or both, improperly allowed. The tax collected under this subsection shall be paid to the county treasurer of the county in which the person resides. However, a penalty collected under this subsection shall be retained by the bureau.

SECTION 42. IC 6-6-5.1-21, AS AMENDED BY P.L.149-2015, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 21. (a) The bureau, in the administration and collection of the tax imposed by this chapter, may use the services and facilities of:

- (1) license branches operated under ~~IC 9-16~~ IC 9-14.1;
- (2) full service providers (as defined in IC 9-14.1-1-2); and
- (3) partial services providers (as defined in IC 9-14.1-1-3);

in the bureau's administration of the state motor vehicle registration laws. ~~The license branches may be used~~ in the manner and to the extent the bureau considers necessary and proper to implement and effectuate the administration and collection of the excise tax imposed by this chapter. ~~However, if the bureau uses the license branches in the collection of excise taxes, the following apply:~~

(b) The bureau may impose a service charge of one dollar and seventy cents (\$1.70) for each excise tax collection made under this chapter. The service charge shall be deposited in the bureau of motor vehicles commission fund.

~~(+)~~ (c) The bureau shall report the excise taxes collected on at least a weekly basis to the county auditor of the county to which the collections are due.

~~(2) Each license branch shall report to the bureau all excise taxes collected and refunds made by the license branch under this chapter in the same manner and at the same time as registration fees are reported:~~

~~(3) If the services of a license branch are used by the bureau in the collection of the excise tax imposed by this chapter, the license branch shall collect the service charge prescribed under IC 9-29 for each vehicle registered on which an excise tax is collected by that branch:~~

~~(+)~~ (d) If the excise tax imposed by this chapter is collected by the department of state revenue, the money collected shall be deposited in the state general fund to the credit of the appropriate county and reported to the bureau on the first working day following the week of collection. Except as provided in ~~subdivision (5); subsection (e);~~ subsection (e), money collected by

the department that represents interest or a penalty shall be retained by the department and used to pay the department's costs of enforcing this chapter.

~~(5)~~ (e) This ~~subdivision subsection~~ applies only to interest or a penalty collected by the department of state revenue from a person who that:

~~(A)~~ (1) fails to properly register a recreational vehicle as required by IC 9-18 (before its expiration) or IC 9-18.1 and pay the tax due under this chapter; and

~~(B)~~ (2) during any time after the date by which the recreational vehicle was required to be registered under IC 9-18 (before its expiration) or IC 9-18.1 displays on the recreational vehicle a license plate issued by another state.

The total amount collected by the department of state revenue that represents interest or a penalty, minus a reasonable amount determined by the department to represent its administrative expenses, shall be deposited in the state general fund to the credit of the county in which the person resides. The amount shall be reported to the bureau on the first working day following the week of collection.

(f) The bureau may contract with a bank card or credit card vendor for acceptance of bank cards or credit cards. However, if a bank card or credit card vendor charges a vendor transaction charge or discount fee, whether billed to the bureau or charged directly to the bureau's account, the bureau shall collect from a person using the card an official fee that may not exceed the highest transaction charge or discount fee charged to the bureau by bank card or credit card vendors during the most recent collection period. The fee may be collected regardless of retail merchant agreements between the bank card and credit card vendors that may prohibit such a fee. The fee is a permitted additional charge under IC 24-4.5-3-202.

~~(+)~~ (g) On or before April 1 of each year, the bureau shall provide to the auditor of state the amount of taxes collected under this chapter for each county for the preceding year.

~~(+)~~ (h) On or before May 10 and November 10 of each year, the auditor of state shall distribute to each county one-half (1/2) of:

- (1) the amount of delinquent taxes; and
 - (2) any interest or penalty described in subsection ~~(a)~~(5);
- (e);

that have been credited to the county under subsection ~~(a)~~(c). There is appropriated from the state general fund the amount necessary to make the distributions required by this subsection. The county auditor shall apportion and distribute the delinquent tax distributions to the taxing units in the county at the same time and in the same manner as excise taxes are apportioned and distributed under section 22 of this chapter.

~~(+)~~ (i) The insurance commissioner shall prescribe the form of the bonds or crime insurance policies required by this section.

SECTION 43. IC 6-6-5.1-23, AS ADDED BY P.L.131-2008, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. The county auditor shall, from the copies of vehicle registration forms and truck camper receipts furnished by the bureau, verify and determine the total amount of excise taxes collected under this chapter for each taxing unit in the county. The bureau shall verify the collections reported by the branches and provide the county auditor adequate and accurate audit information, registration form information, truck camper receipts, records, and materials to support the proper assessment, collection, and refund of excise taxes under this chapter.

SECTION 44. IC 6-6-5.1-25, AS ADDED BY P.L.131-2008, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 25. (a) An owner of a recreational vehicle who that knowingly registers the recreational vehicle without paying the tax required by this chapter commits a Class B misdemeanor.

(b) An employee of the bureau or a branch manager or

employee of a license branch office who recklessly issues a registration on any recreational vehicle without collecting the tax required to be collected under this chapter with the registration commits a Class B misdemeanor.

SECTION 45. IC 6-6-5.5-1, AS AMENDED BY P.L.182-2009(ss), SECTION 238, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Unless defined in this section, terms used in this chapter have the meaning set forth in the International Registration Plan or in IC 6-6-5 (motor vehicle excise tax). Definitions set forth in the International Registration Plan, as applicable, prevail unless given a different meaning in this section or in rules adopted under authority of this chapter. The definitions in this section apply throughout this chapter.

(b) As used in this chapter, "base revenue" means the minimum amount of commercial vehicle excise tax revenue that a taxing unit will receive in a year.

(c) As used in this chapter, "commercial vehicle" means any of the following:

(1) An Indiana based vehicle subject to apportioned registration under the International Registration Plan.

(2) A vehicle subject to apportioned registration under the International Registration Plan and based and titled in a state other than Indiana subject to the conditions of the International Registration Plan.

(3) A truck, road tractor, tractor, trailer, semitrailer, or truck-tractor subject to registration under IC 9-18 **(before its expiration) or IC 9-18.1.**

(d) As used in this chapter, "declared gross weight" means the weight at which a vehicle is registered with:

(1) the bureau; or

(2) the ~~International Registration Plan~~ **department.**

(e) As used in this chapter, "department" means the department of state revenue.

(f) As used in this chapter, "fleet" means one (1) or more apportionable vehicles.

(g) As used in this chapter, "gross weight" means the total weight of a vehicle or combination of vehicles without load, plus the weight of any load on the vehicle or combination of vehicles.

(h) As used in this chapter, "Indiana based" means a vehicle or fleet of vehicles that is base registered in Indiana under the terms of the International Registration Plan.

(i) As used in this chapter, "in state miles" means the total number of miles operated by a commercial vehicle or fleet of commercial vehicles in Indiana during the preceding year.

(j) As used in this chapter, "motor vehicle" has the meaning set forth in IC 9-13-2-105(a).

(k) As used in this chapter, "owner" means the person in whose name the commercial vehicle is registered under IC 9-18 **(before its expiration), IC 9-18.1,** or the International Registration Plan.

(l) As used in this chapter, "preceding year" means a period of twelve (12) consecutive months fixed by the department which shall be within the eighteen (18) months immediately preceding the commencement of the registration year for which proportional registration is sought.

(m) As used in this chapter, "road tractor" has the meaning set forth in IC 9-13-2-156.

(n) As used in this chapter, "semitrailer" has the meaning set forth in IC 9-13-2-164(a).

(o) As used in this chapter, "tractor" has the meaning set forth in IC 9-13-2-180.

(p) As used in this chapter, "trailer" has the meaning set forth in IC 9-13-2-184(a).

(q) As used in this chapter, "truck" has the meaning set forth in IC 9-13-2-188(a).

(r) As used in this chapter, "truck-tractor" has the meaning set forth in IC 9-13-2-189(a).

(s) As used in this chapter, "vehicle" means:

(1) a motor vehicle, trailer, or semitrailer subject to registration under IC 9-18 **(before its expiration); or**

(2) a vehicle subject to registration under IC 9-18.1;

as a condition of its operation on the public highways pursuant to the motor vehicle registration laws of the state.

SECTION 46. IC 6-6-5.5-2, AS AMENDED BY P.L.2-2007, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in subsection (b), this chapter applies to all commercial vehicles.

(b) This chapter does not apply to the following:

(1) Vehicles owned or leased and operated by the United States, the state, or political subdivisions of the state.

(2) ~~Mobile homes and motor homes.~~ **Vehicles subject to taxation under IC 6-6-5.1.**

(3) Vehicles assessed under IC 6-1.1-8.

(4) Buses subject to apportioned registration under the International Registration Plan.

(5) Vehicles subject to taxation under IC 6-6-5.

(6) Vehicles owned or leased and operated by a postsecondary educational institution described in IC 6-3-3-5(d).

(7) Vehicles owned or leased and operated by a volunteer fire department (as defined in IC 36-8-12-2).

(8) Vehicles owned or leased and operated by a volunteer emergency ambulance service that:

(A) meets the requirements of IC 16-31; and

(B) has only members that serve for no compensation or a nominal annual compensation of not more than three thousand five hundred dollars (\$3,500).

(9) Vehicles that are exempt from the payment of registration fees under IC 9-18-3-1 **(before its expiration) or IC 9-18.1-9.**

(10) Farm wagons.

(11) A vehicle in the inventory of vehicles held for sale by a manufacturer, distributor, or dealer in the course of business.

(12) Special machinery (as defined in IC 9-13-2-170.3).

SECTION 47. IC 6-6-5.5-7, AS AMENDED BY P.L.216-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The annual excise tax for a commercial vehicle will be determined by the ~~motor carrier services division~~ **department** on or before October 1 of each year in accordance with the following formula:

STEP ONE: Determine the total amount of base revenue for all taxing units using the base revenue determined for each taxing unit under section 19 of this chapter.

STEP TWO: Determine the sum of registration fees paid and collected under IC 9-29-5 **(before its expiration) or IC 9-18.1-5** to register the following commercial vehicles in Indiana under the following statutes during the fiscal year that ends June 30 immediately preceding the calendar year for which the tax is first due and payable:

(A) Commercial vehicles with a declared gross weight in excess of eleven thousand (11,000) pounds, including trucks, tractors not used with semitrailers, traction engines, and other similar vehicles used for hauling purposes.

(B) Tractors used with semitrailers.

(C) Semitrailers used with tractors.

(D) Trailers having a declared gross weight in excess of three thousand (3,000) pounds.

(E) Trucks, tractors and semitrailers used in connection with agricultural pursuits usual and normal to the user's farming operation, multiplied by two hundred percent (200%).

STEP THREE: Determine the tax factor by dividing the STEP ONE result by the STEP TWO result.

(b) Except as otherwise provided in this chapter, the annual excise tax for commercial vehicles with a declared gross weight

in excess of eleven thousand (11,000) pounds, including trucks, tractors not used with semitrailers, traction engines, and other similar vehicles used for hauling purposes, shall be determined by multiplying the registration fee under IC 9-29-5-3.2 (before its expiration) or IC 9-18.1-5-11(b) by the tax factor determined in subsection (a).

(c) Except as otherwise provided in this chapter, the annual excise tax for tractors used with semitrailers shall be determined by multiplying the registration fee under IC 9-29-5-5 (before its expiration) or IC 9-18.1-5-9 by the tax factor determined in subsection (a).

(d) Except as otherwise provided in this chapter, the annual excise tax for trailers having a declared gross weight in excess of three thousand (3,000) pounds shall be determined by multiplying the registration fee under IC 9-29-5-4 (before its expiration) or IC 9-18.1-5-8 by the tax factor determined in subsection (a).

(e) The annual excise tax for a semitrailer shall be determined by multiplying the average annual registration fee under IC 9-29-5-6 subsection (f) by the tax factor determined in subsection (a).

(f) The average annual registration fee for a semitrailer under IC 9-29-5-6 is sixteen dollars and seventy-five cents (\$16.75).

(g) The annual excise tax determined under this section shall be rounded upward to the next full dollar amount.

SECTION 48. IC 6-6-5.5-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.5. Notwithstanding any other provision, the annual excise tax for a motor vehicle, trailer, or semitrailer and tractor operated primarily as a farm truck, farm trailer, or farm semitrailer and tractor as described in IC 9-29-5-13 (before its expiration) or IC 9-18.1-7 is fifty percent (50%) of the amount listed in this chapter for a truck, trailer, or semitrailer and tractor of the same declared gross weight.

SECTION 49. IC 6-6-5.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) For calendar years that begin after December 31, 2000, A vehicle subject to the International Registration Plan that is registered after the date designated for registration of the vehicle under IC 9-18-2-7 (before its expiration), under IC 9-18.1-13, or under rules adopted by the department shall be taxed at a rate determined by the following formula:

STEP ONE: Determine the number of months before the vehicle must be registered, remaining until the vehicle's next registration date. A partial month shall be rounded to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Multiply the annual excise tax for the vehicle by the STEP TWO product.

(b) A vehicle that is registered with the department under IC 9-18-2-4.6 or IC 9-18.1-13-3 or the bureau after the date designated for registration of the vehicle under IC 9-18-2-7 (before its expiration) or IC 9-18.1 shall be taxed at a rate determined by the formula set forth in subsection (a).

(c) This subsection applies after December 31, 2016. A vehicle described in subsection (a) or (b) that has a renewal registration period described in IC 9-18.1-11-3(b) shall be taxed at the annual excise tax rate for the vehicle's current registration period.

SECTION 50. IC 6-6-5.5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. (a) The department shall promptly deposit all amounts collected under section 3(b) of this chapter into the commercial vehicle excise tax fund for distribution to the taxing units (as defined in IC 6-1.1-1-21) of Indiana. The amount to be distributed to the taxing units of Indiana each year is determined under section 19 of this chapter.

(b) The bureau of motor vehicles shall promptly deposit all amounts collected under this chapter into the commercial

vehicle excise tax fund for distribution to the taxing units (as defined in IC 6-1.1-1-21) of Indiana. The amount to be distributed to the taxing units of Indiana each year is determined under section 19 of this chapter.

(c) A contractor providing:

(1) a full service license branch under IC 9-16-1-4; IC 9-14.1-3-1; or

(2) a partial service license branch services under IC 9-16-1-4.5; IC 9-14.1-3-2;

shall remit the amount of commercial vehicle excise tax collected each week to the bureau of motor vehicles for deposit into the commercial vehicle excise tax fund.

(d) The bureau may impose a service charge of one dollar and seventy cents (\$1.70) for each excise tax collection made under this chapter. The service charge shall be deposited in the bureau of motor vehicles commission fund.

SECTION 51. IC 6-6-11-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) In addition to paying the boat excise tax, a boat owner shall complete a form and pay a department of natural resources fee for each boat required to have boat excise decals. The fee is five dollars (\$5) for each boating year. However, the fee is waived for the boating year in which the registration fee prescribed by IC 9-29-15 IC 9-31-3-9(c) is paid for that boat. The revenue from the fees collected under this chapter shall be transferred to the department of natural resources, as provided in section 29 of this chapter.

(b) In addition to the boat excise tax and the department of natural resources fee, a boat owner shall pay to the department of natural resources a lake and river enhancement fee for each boat required to have boat excise decals in the amount set forth in the following table:

Value of the Boat	Amount of the Fee
Less than \$1,000	\$ 5
At least \$1,000, but less than \$3,000	\$10
At least \$3,000, but less than \$5,000	\$15
At least \$5,000, but less than \$10,000	\$20
At least \$10,000	\$25

(c) The revenue from the lake and river enhancement fee imposed under subsection (b) shall be deposited in the following manner:

(1) Two-thirds (2/3) of the money shall be deposited in the lake and river enhancement fund established by section 12.5 of this chapter.

(2) One-third (1/3) of the money shall be deposited in the conservation officers marine enforcement fund established by IC 14-9-8-21.5.

SECTION 52. IC 6-6-11-13, AS AMENDED BY P.L.46-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. A boat owner shall pay:

- (1) the boat excise tax;
- (2) the department of natural resources fee imposed by section 12(a) of this chapter;
- (3) the lake and river enhancement fee imposed by section 12(b) of this chapter; and
- (4) if:

(A) the motorboat is legally registered in another state; and

(B) the boat owner pays:

(i) the excise tax and fees under subdivisions (1), (2), and (3); and

(ii) the two dollar (\$2) fee imposed by IC 9-29-15-9; IC 9-31-3-2;

for a boating year to the bureau of motor vehicles. The tax and fees must be paid at the same time that the boat owner pays or would pay the registration fee and motor vehicle excise taxes on motor vehicles under IC 9-18 (before its expiration), IC 9-18.1, and IC 6-6-5. When the boat owner pays the tax and fees, the owner is entitled to receive the excise tax decals.

SECTION 53. IC 6-6-11-17, AS AMENDED BY P.L.109-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. (a) Every owner of a boat who sells the boat in a year in which the boat owner has paid the excise tax is entitled to receive a credit equal to the remainder of:

(1) the tax paid for the boat; ~~reduced by eight and thirty-three hundredths percent (8.33%) for each full or partial calendar month that has elapsed in the tax payment year before the date of the sale. minus~~

(2) the amount determined under STEP FOUR of the following formula:

STEP ONE: Determine the number of full or partial months that have elapsed in the tax payment year before the date of the sale.

STEP TWO: Multiply the STEP ONE amount by one-twelfth (1/12).

STEP THREE: Determine the tax paid by the owner for the boat for the registration period.

STEP FOUR: Multiply the STEP TWO product by the STEP THREE amount.

The credit shall be applied to the owner's tax due on any other boat of the owner in the same year or may be carried over and used in the following year if the credit was not fully used in the preceding year. The credit expires at the end of the year that follows the year in which the credit originally accrued.

(b) A cash refund may not be made on a credit issued under subsection (a) on the sale of a boat. A tax credit is transferable from one (1) member of the same immediate family to another member of the same family with no consideration involved or received as an outright gift or inheritance.

SECTION 54. IC 6-6-11-20, AS AMENDED BY P.L.149-2015, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. (a) The bureau of motor vehicles, in the administration and collection of the boat excise tax imposed by this chapter, may utilize the services and facilities of:

(1) license branches operated under ~~IC 9-16~~; **IC 9-14.1;**

(2) full service providers (as defined in **IC 9-14.1-2**); and

(3) partial services providers (as defined in **IC 9-14.1-3**);

The license branches may be utilized in accordance with the procedures, in the manner, and to the extent that the bureau determines to be necessary and proper to implement and effectuate the administration and collection of the excise tax imposed by this chapter. However, if the bureau utilizes the license branches in the collection of the boat excise tax, the following apply:

(+) (b) The bureau of motor vehicles shall report on at least a weekly basis the excise taxes collected to the county auditor of the county to which the collections are due.

(2) The bureau shall forward a copy of the excise tax report to the county auditor of the county.

(3) Each license branch shall report to the bureau all boat excise taxes and fees collected under this chapter in the same manner and at the same time as registration fees are reported for motor vehicle registrations.

(4) An additional charge may not be imposed for the services of the license branches.

SECTION 55. IC 6-6-11-23 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 23: The bureau of motor vehicles shall establish a procedure for replacing lost, stolen, and damaged decals. A fee of three dollars (\$3) shall be charged by the bureau to defray the cost of issuing replacement decals.

SECTION 56. IC 6-6-11-29, AS AMENDED BY P.L.216-2014, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 29. (a) The bureau of motor vehicles shall transfer the department of natural resources fee, the lake and river enhancement fee, the delinquent

excise taxes, and the delinquent fees collected under this chapter during the preceding month as follows:

(1) On or before the eleventh day of each month, the bureau of motor vehicles shall transfer to the bureau of motor vehicles commission fund an amount equal to five percent (5%) of each excise tax transaction completed by the bureau. The money is to be used to cover the expenses incurred by **or on behalf of** the bureau of motor vehicles **and the license branches** for returns, decals, collecting the fees and excise taxes and for amounts deposited in the commission fund. ~~An additional charge may not be imposed for the services of the license branches under this chapter.~~

(2) At least quarterly, the bureau of motor vehicles shall set aside for the department of natural resources the fees and the delinquent fees collected under this chapter to use as provided in section 35 of this chapter.

(3) On or before the tenth day of each month, the bureau of motor vehicles shall distribute to each county the excise tax collections, including delinquent tax collections, for the county for the preceding month. The bureau of motor vehicles shall include a report with each distribution showing the information necessary for the county auditor to allocate the revenue among the taxing units of the county.

(4) The bureau of motor vehicles shall deposit the revenue from the lake and river enhancement fee imposed by section 12(b) of this chapter in the lake and river enhancement fund established by section 12.5 of this chapter.

(b) Money credited to each county's account in the state general fund is appropriated to make the distributions and the transfers required by subsection (a). The distributions shall be made upon warrants drawn from the state general fund.

SECTION 57. IC 6-8.1-1-1, AS AMENDED BY SEA 21-2016, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. "Listed taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the riverboat admissions tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the slot machine wagering tax (IC 4-35-8); the type II gambling game excise tax (IC 4-36-9); the gross income tax (IC 6-2.1) (repealed); the utility receipts and utility services use taxes (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the county adjusted gross income tax (IC 6-3.5-1.1); the county option income tax (IC 6-3.5-6); the county economic development income tax (IC 6-3.5-7); the auto rental excise tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the motor vehicle excise tax (IC 6-6-5); the aviation fuel excise tax (IC 6-6-13); the commercial vehicle excise tax (IC 6-6-5.5); the excise tax imposed on recreational vehicles and truck campers (IC 6-6-5.1); the hazardous waste disposal tax (IC 6-6-6.6) (repealed); the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the oil inspection fee (IC 16-44-2); the penalties assessed for oversize vehicles (IC 9-20-3 and ~~IC 9-30~~); **IC 9-20-18**); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and ~~IC 9-30~~); **IC 9-20-18**); and any other tax or fee that the department is required to collect or administer.

SECTION 58. IC 6-8.1-5-2, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016

GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as otherwise provided in this section, the department may not issue a proposed assessment under section 1 of this chapter more than three (3) years after the latest of the date the return is filed, or either of the following:

- (1) The due date of the return.
- (2) In the case of a return filed for the state gross retail or use tax, the gasoline tax, the special fuel tax, the motor carrier fuel tax, the oil inspection fee, or the petroleum severance tax, the end of the calendar year which contains the taxable period for which the return is filed.

(b) If a person files a utility receipts tax return (IC 6-2.3), an adjusted gross income tax (IC 6-3), supplemental net income tax (IC 6-3-8) (repealed), county adjusted gross income tax (IC 6-3.5-1.1), county option income tax (IC 6-3.5-6), or financial institutions tax (IC 6-5.5) return that understates the person's income, as that term is defined in the particular income tax law, by at least twenty-five percent (25%), the proposed assessment limitation is six (6) years instead of the three (3) years provided in subsection (a).

(c) In the case of the motor vehicle excise tax (IC 6-6-5), the tax shall be assessed as provided in IC 6-6-5-5 and IC 6-6-5-6 and shall include the penalties and interest due on all listed taxes not paid by the due date. A person that fails to properly register a vehicle as required by IC 9-18 (**before its expiration**) or **IC 9-18.1** and pay the tax due under IC 6-6-5 is considered to have failed to file a return for purposes of this article.

(d) In the case of the commercial vehicle excise tax imposed under IC 6-6-5.5, the tax shall be assessed as provided in IC 6-6-5.5 and shall include the penalties and interest due on all listed taxes not paid by the due date. A person that fails to properly register a commercial vehicle as required by IC 9-18 (**before its expiration**) or **IC 9-18.1** and pay the tax due under IC 6-6-5.5 is considered to have failed to file a return for purposes of this article.

(e) In the case of the excise tax imposed on recreational vehicles and truck campers under IC 6-6-5.1, the tax shall be assessed as provided in IC 6-6-5.1 and must include the penalties and interest due on all listed taxes not paid by the due date. A person ~~who~~ **that** fails to properly register a recreational vehicle as required by IC 9-18 (**before its expiration**) or **IC 9-18.1** and pay the tax due under IC 6-6-5.1 is considered to have failed to file a return for purposes of this article. A person ~~who~~ **that** fails to pay the tax due under IC 6-6-5.1 on a truck camper is considered to have failed to file a return for purposes of this article.

(f) If a person files a fraudulent, unsigned, or substantially blank return, or if a person does not file a return, there is no time limit within which the department must issue its proposed assessment.

(g) If any part of a listed tax has been erroneously refunded by the department, the erroneous refund may be recovered through the assessment procedures established in this chapter. An assessment issued for an erroneous refund must be issued:

- (1) within two (2) years after making the refund; or
- (2) within five (5) years after making the refund if the refund was induced by fraud or misrepresentation.

(h) If, before the end of the time within which the department may make an assessment, the department and the person agree to extend that assessment time period, the period may be extended according to the terms of a written agreement signed by both the department and the person. The agreement must contain:

- (1) the date to which the extension is made; and
- (2) a statement that the person agrees to preserve the person's records until the extension terminates.

The department and a person may agree to more than one (1) extension under this subsection.

- (i) If a taxpayer's federal taxable income, federal adjusted

gross income, or federal income tax liability for a taxable year is modified due to a modification as provided under IC 6-3-4-6(c) and IC 6-3-4-6(d) (for the adjusted gross income tax), or a modification or alteration as provided under IC 6-5.5-6-6(c) and ~~IC 6-5.5-6-6(d)~~ **IC 6-5.5-6-6(e)** (for the financial institutions tax), then the date by which the department must issue a proposed assessment under section 1 of this chapter for tax imposed under IC 6-3 is extended to six (6) months after the date on which the notice of modification is filed with the department by the taxpayer.

SECTION 59. IC 8-1-8.3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this chapter, "commercial driver's license" has the meaning set forth in ~~IC 9-13-2-29~~ **49 CFR 383.5 as in effect July 1, 2010**.

SECTION 60. IC 8-2.1-19.1-5, AS ADDED BY P.L.175-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Before a TNC allows an individual to act as a TNC driver on the TNC's digital network, the TNC shall:

- (1) require the individual to submit to the TNC an application that includes:

- (A) the individual's name, address, and age;
- (B) a copy of the individual's driver's license;
- (C) a copy of the certificate of registration for the personal vehicle that the individual will use to provide prearranged rides;
- (D) proof of financial responsibility for the personal vehicle described in clause (C) of a type and in the amounts required by the TNC; and
- (E) any other information required by the TNC;

- (2) with respect to the individual, conduct, or contract with a third party to conduct:

- (A) a local and national criminal background check; and
- (B) a search of the national sex offender registry; and
- (3) obtain a copy of the individual's driving record maintained under ~~IC 9-14-3-7~~ **IC 9-14-12-3**.

(b) A TNC may not knowingly allow to act as a TNC driver on the TNC's digital network an individual:

- (1) who has received judgments for:
 - (A) more than three (3) moving traffic violations; or
 - (B) at least one (1) violation involving reckless driving or driving on a suspended or revoked license; or
 in the preceding three (3) years;
- (2) who has been convicted of a:

- (A) felony; or
- (B) misdemeanor involving:
 - (i) resisting law enforcement;
 - (ii) dishonesty;
 - (iii) injury to a person;
 - (iv) operating while intoxicated;
 - (v) operating a vehicle in a manner that endangers a person;
 - (vi) operating a vehicle with a suspended or revoked license; or
 - (vii) damage to the property of another person;
 in the preceding seven (7) years;
- (3) who is a match in the national sex offender registry;
- (4) who is unable to provide information required under subsection (a); or
- (5) who is less than nineteen (19) years of age.

SECTION 61. IC 8-2.1-23-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. The treasurer of state shall deposit fees collected under this article, **IC 6-6-4.1-13, IC 9-20-5-7(b), IC 9-20-5-7(c), and IC 9-20-18-14.5** and ~~IC 9-29-6-1.5~~ in the motor carrier regulation fund.

SECTION 62. IC 8-2.1-24-18, AS AMENDED BY P.L.215-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. (a) 49 CFR

Parts 40, 375, 380, 382 through 387, 390 through 393, and 395 through 398 are incorporated into Indiana law by reference, and, except as provided in subsections (d), (e), (f), (g), ~~and (j), (k), and (l)~~, must be complied with by an interstate and intrastate motor carrier of persons or property throughout Indiana. Intrastate motor carriers subject to compliance reviews under 49 CFR 385 shall be selected according to criteria determined by the superintendent which must include but are not limited to factors such as previous history of violations found in roadside compliance checks and other recorded violations. However, the provisions of 49 CFR 395 that regulate the hours of service of drivers, including requirements for the maintenance of logs, do not apply to a driver of a truck that is registered by the bureau of motor vehicles and used as a farm truck under IC 9-18 **(before its expiration) or IC 9-18.1-7** or a vehicle operated in intrastate construction or construction related service, or the restoration of public utility services interrupted by an emergency. Except as provided in subsection (i) and (j):

(1) intrastate motor carriers not operating under authority issued by the United States Department of Transportation shall comply with the requirements of 49 CFR 390.21(b)(3) by registering with the department of state revenue as an intrastate motor carrier and displaying the certification number issued by the department of state revenue preceded by the letters "IN"; and

(2) all other requirements of 49 CFR 390.21 apply equally to interstate and intrastate motor carriers.

(b) 49 CFR 107 subpart (F) and subpart (G), 171 through 173, 177 through 178, and 180, are incorporated into Indiana law by reference, and every:

(1) private carrier;

(2) common carrier;

(3) contract carrier;

(4) motor carrier of property, intrastate;

(5) hazardous material shipper; and

(6) carrier otherwise exempt under section 3 of this chapter;

must comply with the federal regulations incorporated under this subsection, whether engaged in interstate or intrastate commerce.

(c) Notwithstanding subsection (b), nonspecification bulk and nonbulk packaging, including cargo tank motor vehicles, may be used only if all the following conditions exist:

(1) The maximum capacity of the vehicle is less than three thousand five hundred (3,500) gallons.

(2) The shipment of goods is limited to intrastate commerce.

(3) The vehicle is used only for the purpose of transporting fuel oil, kerosene, diesel fuel, gasoline, gasohol, or any combination of these substances.

Maintenance, inspection, and marking requirements of 49 CFR 173.8 and Part 180 are applicable. In accordance with federal hazardous materials regulations, new or additional nonspecification cargo tank motor vehicles may not be placed in service under this subsection.

(d) For the purpose of enforcing this section, only:

(1) a state police officer or state police motor carrier inspector who:

(A) has successfully completed a course of instruction approved by the United States Department of Transportation; and

(B) maintains an acceptable competency level as established by the state police department; or

(2) an employee of a law enforcement agency who:

(A) before January 1, 1991, has successfully completed a course of instruction approved by the United States Department of Transportation; and

(B) maintains an acceptable competency level as established by the state police department;

on the enforcement of 49 CFR, may, upon demand, inspect the

books, accounts, papers, records, memoranda, equipment, and premises of any carrier, including a carrier exempt under section 3 of this chapter.

(e) A person hired before September 1, 1985, who operates a motor vehicle intrastate incidentally to the person's normal employment duties and who is not employed as a ~~chauffeur (as defined in IC 9-13-2-21(a))~~ **to operate a motor vehicle for hire** is exempt from 49 CFR 391 as incorporated by this section.

(f) Notwithstanding any provision of 49 CFR 391 to the contrary, a person at least eighteen (18) years of age and less than twenty-one (21) years of age may be employed as a driver to operate a commercial motor vehicle intrastate. However, a person employed under this subsection is not exempt from any other provision of 49 CFR 391.

(g) Notwithstanding subsection (a) or (b), the following provisions of 49 CFR do not apply to private carriers of property operated only in intrastate commerce or any carriers of property operated only in intrastate commerce while employed in construction or construction related service:

(1) Subpart 391.41(b)(3) as it applies to physical qualifications of a driver who has been diagnosed as an insulin dependent diabetic, if the driver has applied for and been granted an intrastate medical waiver by the bureau of motor vehicles pursuant to this subsection. The same standards and the following procedures shall apply for this waiver whether or not the driver is required to hold a commercial driver's license. An application for the waiver shall be submitted by the driver and completed and signed by a certified endocrinologist or the driver's treating physician attesting that the driver:

(A) is not otherwise physically disqualified under Subpart 391.41 to operate a motor vehicle, whether or not any additional disqualifying condition results from the diabetic condition, and is not likely to suffer any diminution in driving ability due to the driver's diabetic condition;

(B) is free of severe hypoglycemia or hypoglycemia unawareness and has had less than one (1) documented, symptomatic hypoglycemic reaction per month;

(C) has demonstrated the ability and willingness to properly monitor and manage the driver's diabetic condition;

(D) has agreed to and, to the endocrinologist's or treating physician's knowledge, has carried a source of rapidly absorbable glucose at all times while driving a motor vehicle, has self monitored blood glucose levels one (1) hour before driving and at least once every four (4) hours while driving or on duty before driving using a portable glucose monitoring device equipped with a computerized memory; and

(E) has submitted the blood glucose logs from the monitoring device to the endocrinologist or treating physician at the time of the annual medical examination.

A copy of the blood glucose logs shall be filed along with the annual statement from the endocrinologist or treating physician with the bureau of motor vehicles for review by the driver licensing medical advisory board established under ~~IC 9-14-4~~ **IC 9-14-11**. A copy of the annual statement shall also be provided to the driver's employer for retention in the driver's qualification file, and a copy shall be retained and held by the driver while driving for presentation to an authorized federal, state, or local law enforcement official. Notwithstanding the requirements of this subdivision, the endocrinologist, the treating physician, the advisory board of the bureau of motor vehicles, or the bureau of motor vehicles may, where medical indications warrant, establish a short period for the medical examinations required under this subdivision.

(2) Subpart 396.9 as it applies to inspection of vehicles

carrying or loaded with a perishable product. However, this exemption does not prohibit a law enforcement officer from stopping these vehicles for an obvious violation that poses an imminent threat of an accident or incident. The exemption is not intended to include refrigerated vehicles loaded with perishables when the refrigeration unit is working.

(3) Subpart 396.11 as it applies to driver vehicle inspection reports.

(4) Subpart 396.13 as it applies to driver inspection.

(h) For purposes of 49 CFR 395.1(k)(2), "planting and harvesting season" refers to the period between January 1 and December 31 of each year. The intrastate commerce exception set forth in 49 CFR 395.1(k), as it applies to the transportation of agricultural commodities and farm supplies, is restricted to single vehicles and cargo tank motor vehicles with a capacity of not more than five thousand four hundred (5,400) gallons.

(i) The requirements of 49 CFR 390.21 do not apply to an interstate motor carrier or a guest operator not engaged in interstate commerce and operating a motor vehicle as a farm vehicle in connection with agricultural pursuits usual and normal to the user's farming operation or for personal purposes unless the vehicle is operated either part time or incidentally in the conduct of a commercial enterprise.

(j) This section does not apply to private carriers that operate using only the type of motor vehicles specified in IC 8-2.1-24-3(6).

(k) This subsection expires October 1, 2015. The exemption provided by Section 32101(d) (amending Section 229(a)(1) of the Motor Carrier Safety Improvement Act of 1999 (MCSIA) (49 U.S.C. 31136 (note)) of the federal Moving Ahead for Progress in the 21st Century Act (MAP-21) (Public Law 112-141, 126 Stat. 405) (77 Fed. Reg. 59840-59842 (2012))) concerning federal hours of service rules applies to commercial motor vehicle operators engaged in the transportation of agricultural commodities and farm supplies.

(l) This subsection expires October 1, 2015. The exemptions provided by Section 32934 of the federal Moving Ahead for Progress in the 21st Century Act (MAP-21) (Public Law 112-141, 126 Stat. 405) (77 Fed. Reg. 59840-59842 (2012))) concerning federal motor carrier safety regulations apply to the operation of covered farm vehicles by farm and ranch operators, employees of farms and ranches, and other individuals.

(m) (k) The superintendent of state police may adopt rules under IC 4-22-2 governing the parts and subparts of 49 CFR incorporated by reference under this section.

SECTION 63. IC 8-6-7.6-1 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 1: (a) Except as provided in subsection (b) or in a rule adopted by the Indiana department of transportation, each railroad in the State of Indiana shall maintain each public crossing under its control in such a manner that the operator of any licensed motor vehicle has an unobstructed view for fifteen hundred (1,500) feet in both directions along the railroad right-of-way subject only to terrain elevations or depressions, track curvature, or permanent improvements. However, the Indiana department of transportation may adopt rules under IC 4-22-2 to adjust the distance of the unobstructed view requirement under this subsection based on variances in train speeds; number of tracks; angles of highway and rail crossing intersections; elevations; and other factors consistent with accepted engineering practices.

(b) A public crossing equipped with a train activated crossing gate is exempt from the requirements of subsection (a); if the railroad maintains an unobstructed view for at least two hundred fifty (250) feet in both directions along the railroad right-of-way.

(c) This section expires on the date on which rules described in section 1-1 of this chapter are finally adopted.

SECTION 64. IC 8-6-7.6-1.1 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 1-1: (a) The Indiana department of

transportation shall adopt rules under IC 4-22-2 to do the following:

(1) Establish distances at which a railroad must maintain, for the benefit of operators of licensed motor vehicles, an unobstructed view within the railroad right-of-way at a public railroad crossing that is under the control of the railroad. In establishing distances under this subdivision, the Indiana department of transportation shall take into account safety measures in place at a public crossing, including train activated warning devices and federal railroad track classifications.

(2) Provide exceptions to distances required under subdivision (1) based on variances in terrain, elevations, track curvature, and permanent improvements at or near a public crossing.

(3) Develop a method to determine and verify distances required under subdivision (1). The method must:

(A) be consistent with accepted engineering practices; and

(B) produce results capable of replication.

(b) A rule adopted under subsection (a) replaces any common law duties imposed on a railroad with respect to distances established or methods of verification developed under the rule.

SECTION 65. IC 8-6-7.6-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. The following definitions apply throughout this chapter:

(1) "Field side" means the side of a rail pointing away from a track.

(2) "Maximum authorized speed limit" means the maximum speed limit authorized under Federal Railroad Administration track classifications and safety standards.

(3) "Passive warning device" means a crossbuck assembly with a yield or stop sign installed in accordance with the Indiana Manual on Uniform Traffic Control Devices.

(4) "Public rail-highway grade crossing" means any location where a public highway, street, or road crosses one (1) or more railroad tracks at grade.

(5) "Right-of-way" means the right-of-way at a public rail-highway grade crossing that is controlled by a railroad.

(6) "Train-activated warning device" means a train-activated warning device or other active traffic control device installed in accordance with the Indiana Manual on Uniform Traffic Control Devices.

SECTION 66. IC 8-6-7.6-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 2: A railroad that violates section 1 of this chapter shall be held liable therefor to the State of Indiana in a penalty of one hundred dollars (\$100) a day for each day the violation continues subject to a maximum fine of five thousand dollars (\$5,000); to be recovered in a civil action at the suit of said state; in the circuit or superior court of any county wherein such crossing may be located. This section expires on the date on which rules described in section 1-1 of this chapter are finally adopted.

SECTION 67. IC 8-6-7.6-2.1, AS ADDED BY P.L.2-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.1. A railroad that violates a rule adopted under section 1-1 section 3 or 4 of this chapter is subject to a civil penalty of one hundred dollars (\$100) for each day the violation continues. The maximum penalty under this section is five thousand dollars (\$5,000). The Indiana department of transportation may bring an action to recover a civil penalty under this section in the circuit or superior court of the county in which the crossing that is the subject of the violation is located.

SECTION 68. IC 8-6-7.6-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A railroad shall provide and maintain within the railroad's right-of-way an unobstructed view in each quadrant of a public rail-highway grade crossing that is under the control of the railroad to the following specifications:

- (1) From the centerline of the highway, street, or road:
 - (A) forty-two (42) inches above the highway, street, or road; and
 - (B) twenty (20) feet from the field side of the nearest rail or, if the railroad's right-of-way is less than twenty (20) feet from the field side of the nearest rail, to the limit of the railroad's right-of-way.
- (2) From the centerline of the track:
 - (A) forty-two (42) inches above the track; and
 - (B) to the appropriate distance determined under section 4 of this chapter.

If the public rail-highway grade crossing includes multiple tracks, the measurements are taken at a ninety (90) degree angle from the top of the field side of the rail nearest the highway, street, or road.

(b) This chapter does not require a railroad to enter onto property not owned by the railroad to meet the requirements under this chapter.

(c) This section replaces any common law duties imposed on a railroad with respect to sight distances, including methods to verify sight distances.

SECTION 69. IC 8-6-7.6-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) A railroad shall provide and maintain within the railroad's right-of-way an unobstructed view in each quadrant of a public rail-highway crossing that is under the control of the railroad as follows:

- (1) If the crossing is equipped with a passive warning device, as follows:
 - (A) For tracks with a maximum authorized speed limit of not more than thirty (30) miles per hour, an unobstructed view of three hundred fifty (350) feet.
 - (B) For tracks with a maximum authorized speed limit of more than thirty (30) miles per hour and not more than sixty (60) miles per hour, an unobstructed view of six hundred fifty (650) feet.
 - (C) For tracks with a maximum authorized speed limit of more than sixty (60) miles per hour, an unobstructed view of nine hundred (900) feet.

If the crossing includes multiple tracks with different maximum authorized speed limits, the track with the highest authorized maximum speed limit shall be used to determine the unobstructed view under this subdivision.

- (2) If the crossing is equipped with a train-activated warning device, two hundred fifty (250) feet.

(b) If a railroad is unable to provide or maintain an unobstructed view under subsection (a) due to a variance in terrain, elevation, track curvature, rolling stock, or permanent improvements at or near the public rail-highway grade crossing, the railroad shall provide and maintain an unobstructed view in each quadrant of the public rail-highway grade crossing to the furthest achievable unobstructed view.

SECTION 70. IC 8-6-7.7-1.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.1. As used in this chapter, "person" means an individual, a firm, a limited liability company, a corporation, an association, a fiduciary, or a governmental entity.

SECTION 71. IC 8-6-7.7-3.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.2. (a) A person may petition a unit (as defined in IC 36-1-2-23) under whose jurisdiction a public railroad crossing lies for the closure of a public railroad crossing. The unit shall conduct a public

hearing on the petition **not more than sixty (60) days after the date on which the unit receives the petition.**

(b) Except as provided in subsection (c), if the unit determines that the crossing meets the criteria adopted by the Indiana department of transportation under section 3.1 of this chapter for closing a crossing, the unit shall approve the petition described in subsection (a) and issue an order to close the crossing. The unit shall provide a copy of the unit's findings to the Indiana department of transportation.

(c) If the unit determines that:

- (1) the crossing meets the criteria for closure adopted by the Indiana department of transportation under section 3.1 of this chapter; and
- (2) a compelling reason has been shown to exist for the crossing to remain open;

the unit ~~shall~~ **may** deny a petition to close the crossing. The unit shall provide a copy of the unit's findings to the Indiana department of transportation.

(d) If the unit determines that the crossing does not meet the criteria for closure adopted by the Indiana department of transportation and section 3.1 of this chapter, the unit may deny a petition to close the crossing.

(e) Notwithstanding subsections (a) through (d), a unit and a railroad may agree to close a crossing within the jurisdiction of the unit.

SECTION 72. IC 8-6-7.7-3.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.3. (a) If a unit denies a petition to close a crossing under section ~~3.2~~ **3.2** of this chapter, the Indiana department of transportation may schedule an appeal on the denial of the petition as set forth in this section. **If the Indiana department of transportation does not schedule an appeal on the denial of a petition within sixty (60) days after the petition is denied, the Indiana department of transportation is considered to have decided not to schedule an appeal on the denial of the petition.** The decision to schedule or not schedule an appeal is ~~(1) in the sole discretion of the department; (2) final and conclusive; and (3) not subject to review under IC 4-21.5.~~

(b) If the Indiana department of transportation after reviewing the findings of the local unit on the petition determines **that**:

- (1) the crossing meets the criteria for closure, opening, or denial of a closure, adopted by the Indiana department of transportation under section 3.1 of this chapter; and
- (2) ~~that~~ a compelling reason has been shown for the crossing to remain open;

the Indiana department of transportation shall issue written findings that the crossing may remain open.

(c) If the Indiana department of transportation after reviewing the findings of the local unit on the petition determines **that**:

- (1) the crossing meets the criteria for closure adopted by the Indiana department of transportation under section 3.1 of this chapter; and
- (2) ~~that~~ a compelling reason has not been shown for the crossing to remain open;

the Indiana department of transportation shall issue an order abolishing the crossing under section 3 of this chapter.

SECTION 73. IC 9-13-2-0.1 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. ~~0.1~~: Notwithstanding the amendments made to section ~~161~~ of this chapter by P.L.219-2003, the inclusion of "commercial motor vehicle" within the definition of "school bus" and the specification that a school bus may be used to transport preschool, elementary, or secondary school children, as provided by section ~~161~~ of this chapter, as amended by P.L.219-2003, does not apply before July 1, 2005.

SECTION 74. IC 9-13-2-1.1 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. ~~1.1~~: "Act", for purposes of IC 9-24-6.5, has the meaning set forth in IC 9-24-6.5-1.

SECTION 75. IC 9-13-2-1.2 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. ~~1.2~~: "Accident response service fee", for purposes of IC 9-29-11.5, has the meaning set forth in

IC 9-29-11-5-1.

SECTION 76. IC 9-13-2-1.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 1-5: "Administration"; for purposes of IC 9-24-6-5, has the meaning set forth in IC 9-24-6-5-2.

SECTION 77. IC 9-13-2-2.2 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 2-2: "Alcohol"; for purposes of IC 9-24-6-6, has the meaning set forth in IC 9-24-6-0-3.

SECTION 78. IC 9-13-2-3, AS AMENDED BY P.L.125-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) Except as provided in subsection (b); "Antique motor vehicle" means a motor vehicle that is at least twenty-five (25) years old.

(b) "Antique motor vehicle"; for purposes of IC 9-19-11-1(6); means a passenger motor vehicle or truck that was manufactured without a safety belt as a part of the standard equipment installed by the manufacturer at each designated seating position; before the requirement of the installation of safety belts in the motor vehicle according to the standards stated in the Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208).

SECTION 79. IC 9-13-2-5.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5.3. "Armed forces of the United States" means the following:

- (1) The United States Army.
- (2) The United States Navy.
- (3) The United States Air Force.
- (4) The United States Marine Corps.
- (5) The United States Coast Guard.

SECTION 80. IC 9-13-2-5.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 5-5: "Assembled vehicle"; for purposes of IC 9-17-4; has the meaning set forth in IC 9-17-4-0-3.

SECTION 81. IC 9-13-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. "Automobile scrapyard" means a business organized for the purpose of scrap metal processing, automobile vehicle wrecking, or operating a junkyard.

SECTION 82. IC 9-13-2-9, AS AMENDED BY P.L.92-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. "Automotive salvage rebuilder" for purposes of IC 9-32; has the meaning set forth in IC 9-32-2-5.

SECTION 83. IC 9-13-2-10, AS AMENDED BY P.L.151-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. "Automotive salvage recycler" means a business person that:

- (1) acquires damaged, inoperative, discarded, abandoned, or salvage motor vehicles, or their remains, as stock-in-trade;
- (2) dismantles, and shreds, compacts, crushes, or otherwise processes such vehicles or remains for the reclamation and sale of reusable components and parts;
- (3) disposes of recyclable materials to a scrap metal processor or other appropriate facility; or
- (4) performs any combination of these actions.

For purposes of this title, a recycling facility, a used parts dealer, and an automotive salvage rebuilder are all considered as an automotive salvage recycler.

SECTION 84. IC 9-13-2-10.2 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 10-2: "Auxiliary power unit"; for purposes of IC 9-20-4-1(b); means an integrated system that:

- (1) provides heat, air conditioning; engine warming; or electricity to components on a heavy duty vehicle; and
- (2) is certified by the administrator of the United States Environmental Protection Agency under 40 CFR 89 as meeting applicable emission standards.

SECTION 85. IC 9-13-2-17, AS AMENDED BY P.L.24-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. (a) "Bus" means except as provided in subsection (b); the following: (1)

A motor vehicle or a passenger carrying semitrailer used for the purpose of carrying passengers on a regular schedule of time and rates between fixed termini: (2) a motor vehicle or a passenger carrying semitrailer that is:

- (1) designed for carrying more than ten (10) passengers exclusive of the driver; and
- (2) used to transport passengers.

The term does not include school buses; or motor vehicles that are funeral equipment and that are used in the operation of funeral services (as defined in IC 25-15-2-17).

(b) "Bus"; for purposes of IC 9-21; means the following:

- (1) A motor vehicle designed for carrying passengers for hire and used for the transportation of persons.
- (2) A motor vehicle other than a taxicab designed or used for the transportation of persons for compensation.

SECTION 86. IC 9-13-2-19.2 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 19-2: "Certified chief instructor"; for purposes of IC 9-27-7; has the meaning set forth in IC 9-27-7-2.

SECTION 87. IC 9-13-2-24, AS AMENDED BY P.L.70-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 24. "Church bus" has the meaning set forth in IC 9-29-5-9(a); means a bus that is:

- (1) owned and operated by a religious or nonprofit youth organization; and
- (2) used:
 - (A) to transport individuals to religious services; or
 - (B) for the benefit of the members of the religious or nonprofit youth organization.

SECTION 88. IC 9-13-2-26 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 26: "Class A recovery vehicle" means a truck that:

- (1) is specifically designed for towing a disabled vehicle or a combination of vehicles; and
- (2) has a gross vehicle weight rating that is greater than sixteen thousand (16,000) pounds.

SECTION 89. IC 9-13-2-27 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 27: "Class B recovery vehicle" means a truck that:

- (1) is specifically designed for towing a disabled vehicle or a combination of vehicles; and
- (2) has a gross vehicle weight rating equal to or less than sixteen thousand (16,000) pounds.

SECTION 90. IC 9-13-2-28.3 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 28-3: "Collector snowmobile"; for purposes of IC 9-18-2-5; has the meaning set forth in IC 9-18-2-5-2.

SECTION 91. IC 9-13-2-28.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 28.4. "Collector vehicle" means a vehicle that is:

- (1) at least twenty-five (25) years old;
- (2) owned, operated, restored, maintained, or used as a collector's item, a leisure pursuit, or an investment; and
- (3) not used primarily for transportation.

SECTION 92. IC 9-13-2-29 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 29: "Commercial driver's license" has the meaning set forth in 49 CFR 383.5 as in effect July 1, 2010.

SECTION 93. IC 9-13-2-29.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 29-5: "Commercial driver's license learner's permit"; for purposes of IC 9-24-6; has the meaning set forth in IC 9-24-6-0-5.

SECTION 94. IC 9-13-2-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 30. "Commercial enterprise" does not include the transportation of:

- (1) a farm commodity from the place of production to the first point of delivery where the commodity is weighed and title to the commodity is transferred;
- (2) seasonal or perishable fruit or vegetables to the

first point of processing; or

(3) tomatoes or silage to the first point of processing.

SECTION 95. IC 9-13-2-31, AS AMENDED BY P.L.13-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 31. (a) "Commercial motor vehicle" means, except as provided in subsection (b), a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(1) has a gross combination weight rating or gross combination weight of at least twenty-six thousand one (26,001) pounds; whichever is greater; including a towed unit with a:

(A) gross vehicle weight rating; or

(B) gross vehicle weight;

of more than ten thousand (10,000) pounds;

(2) has a:

(A) gross vehicle weight rating; or

(B) gross vehicle weight;

of at least twenty-six thousand one (26,001) pounds; whichever is greater;

(3) is designed to transport sixteen (16) or more passengers; including the driver; or

(4) is:

(A) of any size;

(B) used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act; and

(C) required to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, Subpart F).

(b) The bureau of motor vehicles may, by rule, broaden the definition of "commercial motor vehicle" under subsection (a) to include vehicles with a gross declared weight greater than eleven thousand (11,000) pounds but less than twenty-six thousand one (26,001) pounds. **has the meaning set forth in 49 CFR 383.5.**

SECTION 96. IC 9-13-2-32.7, AS ADDED BY P.L.216-2014, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 32.7. "Commission fund" refers to the bureau of motor vehicles commission fund established by ~~IC 9-29-14-1~~. **IC 9-14-14-1.**

SECTION 97. IC 9-13-2-33.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 33.5. "Committee" for purposes of ~~IC 9-18-25~~; has the meaning set forth in ~~IC 9-18-25-0.5~~.

SECTION 98. IC 9-13-2-35, AS AMENDED BY P.L.9-2010, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 35. (a) Except as provided in subsection (b); "Controlled substance" has the meaning set forth in IC 35-48-1.

(b) For purposes of IC 9-24-6; "controlled substance" has the meaning set forth in 49 CFR 383.5 as in effect July 1, 2010.

SECTION 99. IC 9-13-2-36 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 36. "Conventional school bus" means a motor vehicle designed with the engine compartment projecting forward from the passenger compartment.

SECTION 100. IC 9-13-2-38, AS AMENDED BY P.L.9-2010, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 38. (a) Except as provided in subsection (b); "Conviction" includes the following:

(1) A conviction or judgment upon a plea of guilty or nolo contendere.

(2) A determination of guilt by a jury or a court, even if:

(A) no sentence is imposed; or

(B) a sentence is suspended.

(3) A forfeiture of bail, bond, or collateral deposited to secure the defendant's appearance for trial, unless the forfeiture is vacated.

(4) A payment of money as a penalty or as costs in accordance with an agreement between a moving traffic

violator and a traffic violations bureau.

(b) "Conviction"; for purposes of IC 9-24-6; has the meaning set forth in 49 CFR 383.5 as in effect July 1, 2010.

SECTION 101. IC 9-13-2-39.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 39.7. "Credential" means the following forms of documentation issued by the bureau under IC 9-24:

(1) A driver's license.

(2) A learner's permit.

(3) An identification card.

(4) A photo exempt identification card.

SECTION 102. IC 9-13-2-43.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 43.5. "Disclose"; for purposes of IC 9-14-3.5; has the meaning set forth in IC 9-14-3.5-2.

SECTION 103. IC 9-13-2-45.7 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 45.7. "Domicile" or "state of domicile"; for purposes of IC 9-24-6; has the meaning set forth in IC 9-24-6-0.7.

SECTION 104. IC 9-13-2-48, AS AMENDED BY P.L.85-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 48. (a) Except as provided in subsection (b); "Driver's license" means any type of license issued by the state authorizing an individual to operate the type of vehicle for which the license was issued, in the manner for which the license was issued, on public streets; roads; or highways; a highway. **The term includes any endorsements added to the license under IC 9-24-8.5.**

(b) "Driver's license"; for purposes of IC 9-28-2; has the meaning set forth in IC 9-28-2-4.

SECTION 105. IC 9-13-2-48.5, AS AMENDED BY P.L.85-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 48.5. "Driving record" means the following:

(1) A record maintained by the bureau as required under ~~IC 9-14-3-7~~. **IC 9-14-12-3.**

(2) A record established by the bureau under IC 9-24-18-9.

SECTION 106. IC 9-13-2-49.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 49.6. "Endorsement" refers to an endorsement issued by the bureau under IC 9-24-8-4 (before its expiration) or **IC 9-24-8.5.**

SECTION 107. IC 9-13-2-66 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 66. "Fleet" means three (3) or more intercity buses:

SECTION 108. IC 9-13-2-66.3 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 66.3. "Fleet operator" has the meaning set forth in ~~IC 9-18-12.5-1~~.

SECTION 109. IC 9-13-2-66.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 66.5. "Fleet vehicle" has the meaning set forth in ~~IC 9-18-12.5-2~~.

SECTION 110. IC 9-13-2-66.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 66.7. "For-hire bus" means a bus that is:

(1) used to carry passengers for hire; or

(2) operated for compensation.

The term does not include a bus that is a not-for-hire bus.

SECTION 111. IC 9-13-2-69.8 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 69.8. "Gold Star family member" for purposes of IC 9-18-54; has the meaning set forth in ~~IC 9-18-54-1~~.

SECTION 112. IC 9-13-2-70.1 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 70.1. "Gross combination weight"; for purposes of section 31 of this chapter; means the:

(1) gross weight of the power unit and any load thereon; and

(2) total weight of the towed unit and any load thereon.

SECTION 113. IC 9-13-2-70.2 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 70.2. "Gross combination weight rating" means:

- (1) the value specified by the manufacturer as the loaded weight of a combination or articulated motor vehicle; or
- (2) in the absence of a value specified by the manufacturer, the total of the:

- (A) gross vehicle weight rating of the power unit; and
- (B) total weight of the towed unit and any load thereupon.

SECTION 114. IC 9-13-2-72.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 72.5. "Heavy duty vehicle", for purposes of IC 9-20-4-1(b), means a vehicle that:

- (1) has a gross vehicle weight rating greater than eight thousand five hundred (8,500) pounds; and
- (2) is powered by a diesel engine.

SECTION 115. IC 9-13-2-72.7 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 72.7. "Highly restricted personal information", for purposes of IC 9-14-3-5, has the meaning set forth in IC 9-14-3-5-2.5.

SECTION 116. IC 9-13-2-73 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 73. "Highway" or "street" means the entire width between the boundary lines of every publicly maintained way when any part of the way is open to the use of the public for purposes of vehicular travel in **Indiana**. The term includes an alley in a city or town.

SECTION 117. IC 9-13-2-74 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 74. "Hulk crusher" means an enterprise a person that engages in the business of handling and flattening, compacting, or otherwise demolishing motor vehicles, motorcycles, semitrailers, or recreational vehicles, or their remains, for economical delivery to a scrap metal processor or other appropriate facility: an **automotive salvage recycler**.

SECTION 118. IC 9-13-2-75, AS AMENDED BY P.L.217-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 75. "Identification number" means a set of numbers, letters, or both numbers and letters that is assigned to a motor vehicle, watercraft, manufactured home, mobile home, or motor vehicle part by:

- (1) a manufacturer; of motor vehicles or motor vehicle parts; or
- (2) a governmental entity to:
 - (A) replace an original identification number that is destroyed, removed, altered, or defaced; or
 - (B) serve as a special identification number under IC 9-17-4 or a similar law of another state.

SECTION 119. IC 9-13-2-77, AS AMENDED BY P.L.262-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 77. "Implement of agriculture" means the following:

- (1) Agricultural implements, pull type and self-propelled, that are used for the:
 - (1) (A) transport;
 - (2) (B) delivery; or
 - (3) (C) application; or
 - (D) harvest;

of crop inputs, including seed, fertilizers, and crop protection products, and vehicles designed to transport these types of agricultural implements.

- (2) Vehicles that:
 - (A) are designed or adapted and used exclusively for agricultural, horticultural, or livestock raising operations; and
 - (B) are not primarily operated on or moved along a highway.
- (3) Vehicles that are designed to lift, carry, or transport:

- (A) an agricultural implement described in subdivision (1); or
- (B) a vehicle described in subdivision (2).

SECTION 120. IC 9-13-2-77.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 77.5. "Indiana firefighter", for purposes of IC 9-18-34, has the meaning set forth in IC 9-18-34-1.

SECTION 121. IC 9-13-2-78, AS AMENDED BY P.L.149-2015, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 78. "Indiana resident" refers to a person who that is one (1) of the following:

- (1) A person An individual who lives in Indiana for at least one hundred eighty-three (183) days during a calendar year and who has a legal residence in another state. However, the term does not include a person an individual who lives in Indiana for any of the following purposes:

- (A) Attending a postsecondary educational institution.
- (B) Serving on active duty in the armed forces of the United States.
- (C) Temporary employment.
- (D) Other purposes, without the intent of making Indiana a permanent home.

- (2) A person An individual who is living in Indiana if the person individual has no other legal residence.
- (3) A person An individual who is registered to vote in Indiana or who satisfies the standards for determining residency in Indiana under IC 3-5-5.

- (4) A person An individual who has a child dependent enrolled in an elementary or a secondary school located in Indiana.

- (5) A person that maintains a:

- (A) main office;
- (B) branch office;
- (C) warehouse; or
- (D) business facility;

in Indiana.

- (6) A person that bases and operates vehicles in Indiana.

- (7) A person that operates vehicles in intrastate haulage in Indiana.

- (8) A person who that has more than one-half (1/2) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) derived from sources in Indiana using the provisions applicable to determining the source of adjusted gross income that are set forth in IC 6-3-2-2. However, a person who that is considered a resident under this subdivision is not a resident if the person proves by a preponderance of the evidence that the person is not a resident under subdivisions (1) through (7).

SECTION 122. IC 9-13-2-79.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 79.5. "Individual record", for purposes of IC 9-14-3-5, has the meaning set forth in IC 9-14-3-5-3.

SECTION 123. IC 9-13-2-83 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 83. "Intercity bus" means a bus that is used in the transportation of passengers for hire over a fixed route under a certificate issued by the Interstate Commerce Commission in interstate or combined interstate-intrastate commerce or movements in Indiana.

SECTION 124. IC 9-13-2-87 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 87. "Intracity bus" means a bus operating wholly within the corporate boundaries of a city or town; including contiguous cities or towns; and cities and towns contiguous to or operating in a local transportation system within a city and adjacent suburban territory on a route that extends from within the city into the suburban territory as described in IC 36-9-1-9.

SECTION 125. IC 9-13-2-93.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 93.2. "License branch" does not include facilities of or a physical or virtual location at which services are provided by a full service provider (as defined in IC 9-14.1-1-2) or a partial services provider (as defined in IC 9-14.1-1-3).**

SECTION 126. IC 9-13-2-94.2 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 94.2: "Local law enforcement agency"; for purposes of IC 9-29-11.5; has the meaning set forth in IC 9-29-11.5-2.~~

SECTION 127. IC 9-13-2-95 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 95. "Major component parts" means those parts of motor vehicles, motorcycles, semitrailers, or recreational vehicles normally having a manufacturer's vehicle identification number, a derivative of the identification number, or a number supplied by an authorized governmental agency, including doors, fenders, differentials, frames, transmissions, engines, doghouses (front assembly), rear clips, and additional parts as prescribed by the bureau.**

SECTION 128. IC 9-13-2-96, AS AMENDED BY P.L.203-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 96. (a) "Manufactured home" means, except as provided in subsections (b) and (c), a structure that:**

- (1) is assembled in a factory;
- (2) bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (42 U.S.C. 5401 et seq.);
- (3) is designed to be transported from the factory to another site in one (1) or more units;
- (4) is suitable for use as a dwelling in any season; and
- (5) is more than thirty-five (35) feet long.

The term does not include a vehicle described in section 150(2) of this chapter.

(b) "Manufactured home", for purposes of IC 9-17-6, means either the following:

- (1) A structure having the meaning set forth in the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).
- (2) A mobile home.

This subsection expires June 30, 2016.

(c) "Manufactured home", for purposes of IC 9-22-1.7, has the meaning set forth in IC 9-22-1.7-2.

SECTION 129. IC 9-13-2-101 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 101: "Member of the armed forces of the United States" means a person who served or serves on active military or naval service in the land, air, or naval forces of the United States. The term does not include service in the merchant marines.~~

SECTION 130. IC 9-13-2-102.3, AS AMENDED BY P.L.216-2014, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 102.3. "Metered space", for purposes of IC 9-18-17, IC 9-18-18, and IC 9-18-19, IC 9-18.5-5, IC 9-18.5-6, and IC 9-18.5-8, means a public parking space at which parking is regulated by:**

- (1) a parking meter; or
- (2) an official traffic control device that imposes a maximum parking time for the public parking space.

The term does not include parking spaces or areas regulated under IC 9-21-18.

SECTION 131. IC 9-13-2-103, AS AMENDED BY P.L.221-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 103. "Military vehicle" means a vehicle that:**

- (1) was originally manufactured for military use;
- (2) is motorized or nonmotorized, including a motorcycle, motor driven cycle, and trailer;
- (3) (2) is at least twenty-five (25) years old; and
- (4) (3) is privately owned.

SECTION 132. IC 9-13-2-103.2, AS AMENDED BY

P.L.203-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 103.2. (a) "Mobile home" means except as provided in subsection (b), a structure that:**

- (1) is assembled in a factory;
- (2) is designed to be transported from the factory to another site in one (1) or more units;
- (3) is suitable for use as a dwelling in any season;
- (4) is more than thirty-five (35) feet long; and
- (5) either:

(A) bears a seal certifying that the structure was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (42 U.S.C. 5401 et seq.); or

(B) was manufactured before the effective date of the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).

(b) "Mobile home", for purposes of IC 9-22-1.5, has the meaning set forth in IC 6-6-5-1.

SECTION 133. IC 9-13-2-105, AS AMENDED HEA 1365-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 105. (a) "Motor vehicle" means, except as otherwise provided in this section, a vehicle that is self-propelled. The term does not include a farm tractor, an implement of agriculture designed to be operated primarily in a farm field or on farm premises, or an electric personal assistive mobility device.**

(b) "Motor vehicle", for purposes of IC 9-21, means:

- (1) a vehicle that is self-propelled; or
- (2) a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) "Motor vehicle", for purposes of IC 9-19-10.5, means a vehicle that is self-propelled upon a highway in Indiana. The term does not include the following:

- (1) A farm tractor.
- (2) A motorcycle.
- (3) A motor driven cycle.

(d) (c) "Motor vehicle", for purposes of IC 9-32, includes a semitrailer, trailer, or recreational vehicle.

(e) "Motor vehicle", for purposes of IC 9-24-6, has the meaning set forth in 49 CFR 383.5 as in effect July 1, 2010.

(f) "Motor vehicle", for purposes of IC 9-25, does not include the following:

- (1) A farm tractor.
- (2) A Class B motor driven cycle.

SECTION 134. IC 9-13-2-107 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 107: "Motor vehicle part", for purposes of IC 9-17-4, has the meaning set forth in IC 9-17-4-0.4.~~

SECTION 135. IC 9-13-2-107.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 107.5: "Motor vehicle record", for purposes of IC 9-14-3.5, has the meaning set forth in IC 9-14-3.5-4.~~

SECTION 136. IC 9-13-2-113 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 113. (a) "Nonresident" means except as provided in subsection (b), a person who that is not a resident of an Indiana resident.**

(b) "Nonresident", for purposes of IC 9-18-2, means a person with a legal residence in another jurisdiction who:

- (1) engages in transporting migrant agricultural workers in connection with seasonal agricultural activities;
- (2) operates a motor vehicle in connection with a seasonal activity that requires moving from place to place entertainment devices or carnival facilities for fairs, local commercial promotions, festivals, or similar activities; or
- (3) temporarily resides or sojourns in Indiana for sixty (60) days or less in any one (1) year.

SECTION 137. IC 9-13-2-113.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 113.5. "Not-for-hire bus" refers to the following:**

- (1) A school bus.
- (2) A special purpose bus.
- (3) A church bus.
- (4) A private bus.
- (5) A bus that is used to provide incidental transportation to a passenger at no additional charge to the passenger.

SECTION 138. IC 9-13-2-117.5, AS AMENDED BY P.L.259-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 117.5. (a) "Operate" except as provided in subsections (b) and (c); means to navigate or otherwise be in actual physical control of a vehicle, **motorboat, off-road vehicle, or snowmobile.**

(b) "Operate"; for purposes of IC 9-31, means to navigate or otherwise be in actual physical control of a motorboat.

(c) "Operate" for purposes of IC 9-18-2.5; means to:

- (1) ride in or on; and
- (2) be in actual physical control of the operation of;

an off-road vehicle or snowmobile.

SECTION 139. IC 9-13-2-118, AS AMENDED BY P.L.12-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 118. (a) Except as provided in subsections (b); (c); and (d), **IC 9-31**, "operator" when used in reference to a vehicle; means a person; other than a chauffeur or a public passenger chauffeur; who:

- (1) drives or operates a vehicle upon a highway; or
- (2) is exercising control over or steering a motor vehicle being towed by another vehicle.

(b) "Operator"; for purposes of IC 9-25; means a person other than a chauffeur who is in actual physical control of a motor vehicle.

(c) "Operator"; for purposes of IC 9-18-2.5; means an individual who

- (1) operates or
- (2) is in actual physical control of;

an a vehicle, **motorboat**, off-road vehicle, or snowmobile.

(d) "Operator"; for purposes of IC 9-18-12.5; has the meaning set forth in IC 9-18-12.5-3.

SECTION 140. IC 9-13-2-120 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 120. "Other bus"; for purposes of IC 9-29-5-10; has the meaning set forth in that section.

SECTION 141. IC 9-13-2-120.7, AS ADDED BY P.L.135-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 120.7. (a) "Overweight divisible load" means a tractor-semitrailer and load that:

- (1) can be traditionally separated or reduced to meet the specified regulatory limits for weight;
- (2) are involved in hauling, delivering, or otherwise carrying metal or agricultural commodities;
- (3) meet other requirements for height, length, and width; **and**
- (4) weigh more than the eighty thousand (80,000) pound gross vehicle weight limit in IC 9-20-5 but weigh not more than:

(A) one hundred twenty thousand (120,000) pounds if hauling metal commodities; and

(B) ninety-seven thousand (97,000) pounds if hauling agricultural commodities. **and**

(5) have the following configurations:

(A) A maximum wheel weight, unladen or with load; not to exceed eight hundred (800) pounds per inch of tire; measured between the flanges of the rim.

(B) A single axle weight not to exceed twenty thousand (20,000) pounds.

(C) An axle in an axle combination not to exceed twenty thousand (20,000) pounds per axle; with the exception of one (1) tandem group that may weigh twenty-four thousand (24,000) pounds per axle or a total of forty-eight thousand (48,000) pounds.

(b) Subsection (a)(5) and this subsection expire on the earlier of the following dates:

(1) The date rules are adopted as required under IC 9-29-6-13.

(2) December 31, 2013.

SECTION 142. IC 9-13-2-121, AS AMENDED BY P.L.259-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 121. (a) Except as otherwise provided in this section; "owner"; when used in reference to a motor vehicle; means:

(1) a person who holds the legal title of a motor vehicle; or

(2) if a motor vehicle is the subject of an agreement for the conditional sale or lease vested in the conditional vendee or lessee; or in the event the mortgagor; with the right of purchase upon the performance of the conditions stated in the agreement and with an immediate right of possession of a vehicle is entitled to possession; the conditional vendee or lessee or mortgagor.

(b) "Owner"; for purposes of IC 9-21 and IC 9-25; means; when used in reference to a motor vehicle; a person who holds the legal title of a motor vehicle; or if a:

(1) motor vehicle is the subject of an agreement for the conditional sale or lease of the motor vehicle with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee; or

(2) mortgagor of a motor vehicle is entitled to possession; the conditional vendee or lessee or mortgagor is considered to be the owner for the purpose of IC 9-21 and IC 9-25.

(c) "Owner"; for purposes of IC 9-22-1; means the last known record titleholder of a vehicle according to the records of the bureau under IC 9-17.

(d) "Owner"; for purposes of IC 9-31; means a person; other than a lienholder; having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person reserved or created by agreement and securing payment or performance of an obligation. The term excludes a lessee under a lease not intended as security.

(e) "Owner"; for purposes of IC 9-18-2.5; means a person; other than a lienholder; who:

- (1) has the property in or title to; and
- (2) is entitled to the use or possession of;

an off-road vehicle or snowmobile. **IC 9-31, "owner" means a person, other than a lienholder, that:**

(1) holds the property in or title to, as applicable, a vehicle, manufactured home, mobile home, off-road vehicle, snowmobile, or watercraft; or

(2) is entitled to the use or possession of, as applicable, a vehicle, manufactured home, off-road vehicle, snowmobile, or watercraft, through a lease or other agreement intended to operate as a security.

SECTION 143. IC 9-13-2-123, AS AMENDED BY P.L.221-2014, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 123. "Passenger motor vehicle" means a motor vehicle designed for carrying passengers. The term includes a low speed vehicle but does not include the following:

- (1) A motorcycle.
- (2) A bus.
- (3) A school bus.
- (4) (3) A snowmobile.
- (5) (4) An off-road vehicle.
- (6) (5) A motor driven cycle.

SECTION 144. IC 9-13-2-123.5, AS AMENDED BY P.L.125-2012, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 123.5. "Permit" means a permit issued by the state authorizing an individual to operate the type of vehicle for which the permit was issued on

public streets, roads, or highways with certain restrictions. **The term includes the following:**

- (1) A learner's permit.
- (2) A motorcycle permit.
- (3) A commercial learner's permit.

SECTION 145. IC 9-13-2-124, AS AMENDED BY P.L.180-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 124. (a) "Person" means ~~except as otherwise provided in this section;~~ an individual, a firm, a partnership, an association, a fiduciary, an executor or administrator, a governmental entity, a limited liability company, or a corporation, **a sole proprietorship, a trust, an estate, or another entity, except as defined in the following sections:**

- (1) IC 9-20-14-0.5.
- (2) IC 9-20-15-0.5.
- (3) IC 9-32-2-18.6.

(b) "Person", for purposes of IC 9-14-3-5, does not include the state or an agency of the state:

(c) "Person", for purposes of IC 9-17 (1) has the meaning set forth in subsection (a); and (2) includes a sole proprietorship.

(d) "Person", for purposes of IC 9-20-14, IC 9-20-15, and IC 9-20-18-13(b), means a mobile home or sectionalized building transport company; mobile home or sectionalized building manufacturer; mobile home or sectionalized building dealer; or mobile home or sectionalized building owner.

(e) "Person", for purposes of IC 9-32, means an individual; a corporation; a limited liability company; an association; a partnership; a trust; or other entity. The term does not include the state; an agency of the state; or a municipal corporation.

SECTION 146. IC 9-13-2-124.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 124.5. "Personal information", for purposes of IC 9-14-3-5, has the meaning set forth in IC 9-14-3-5-5.

SECTION 147. IC 9-13-2-127, AS AMENDED BY P.L.262-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 127. (a) "Police officer" means, except as provided in ~~subsections~~ **subsection (b), and (c);** the following:

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

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

(b) "Police officer", for purposes of IC 9-18-2-5, means the following:

- (1) A regular member of the state police department.
- (2) A regular member of a city or town police department.
- (3) A town marshal or town marshal deputy.
- (4) A regular member of a county sheriff's department.
- (5) A conservation officer of the department of natural resources.

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

SECTION 148. IC 9-13-2-128.3 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 128.3. "Pop-up camper trailer" means a recreation camping unit designed for temporary living quarters that is:

- (1) mounted on wheels; and

(2) constructed with collapsible sidewalls that fold or sidewalls that telescope;

for towing by a motor vehicle.

SECTION 149. IC 9-13-2-129 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 129. "Preceding year", for purposes of IC 9-18-11, has the meaning set forth in IC 9-18-11-2.

SECTION 150. IC 9-13-2-132 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 132. "Prisoner of war" means a **person an individual** who, while serving ~~on~~ **active military service in the land, air, or naval in any capacity with the armed forces of the United States or their reserve components:**

(1) was in the power of a hostile government; was imprisoned by the military or naval forces of a foreign nation during the United States' military involvement in World War I, World War II, the Korean Police Action; or the Vietnam Conflict taken prisoner and held captive:

(A) while engaged in an action against an enemy of the United States;

(B) while engaged in military operations involving conflict with an opposing foreign force;

(C) while serving with friendly forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party; or

(D) under circumstances comparable to those circumstances under which individuals have generally been held captive by enemy armed forces during periods of armed conflict; and who is

(2) either: presently a member of the armed forces or has received an honorable discharge:

(A) is serving in; or

(B) under conditions other than dishonorable, was discharged or separated from service in;

the armed forces of the United States or their reserve components.

SECTION 151. IC 9-13-2-133, AS AMENDED BY P.L.2-2007, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 133. (a) "Private bus" means a motor vehicle **that is:**

(1) designed and constructed for the accommodation of passengers and that is used for transportation of to transport more than fourteen (14) passengers; and

(2) used by any of the following:

(1) (A) A religious, fraternal, charitable, or benevolent organization.

(2) (B) A nonprofit youth association: organization.

(3) (C) A public or private postsecondary educational institution.

(b) The term includes: **either**

(1) the chassis; or

(2) the body; ~~of the vehicle~~ or

(3) both the body and the chassis;

of the vehicle.

(c) The term does not include the following:

(1) A vehicle with a seating capacity of not more than fifteen (15) persons:

(2) (1) A school bus. or

(2) A for-hire bus. used to carry passengers for hire.

SECTION 152. IC 9-13-2-138 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 138. "Procurement", for purposes of IC 9-16-2, has the meaning set forth in IC 9-16-2-1.

SECTION 153. IC 9-13-2-143, AS AMENDED BY P.L.85-2013, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 143. (a) "Public passenger chauffeur" means a person who operates a motor vehicle designed to transport not more than fifteen (15) individuals, including the driver, while in use as a public passenger carrying vehicle for hire. The term does not include a person who operates a medical services vehicle.

(b) **This section expires December 31, 2016.**

SECTION 154. IC 9-13-2-144.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 144.5. "Pull service charge" refers to the charge that the commission or bureau may require for a motor vehicle registration plate requested for issuance out of its established numerical sequence.

SECTION 155. IC 9-13-2-145 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 145. "Qualified person", for purposes of IC 9-16-1, has the meaning set forth in IC 9-16-1-1.

SECTION 156. IC 9-13-2-149, AS AMENDED BY P.L.262-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 149. "Rebuilt vehicle" means a salvage vehicle

- (1) that has been restored to an operable condition, and
- (2) for which a certificate of title has been issued:
 - (A) by the bureau under IC 9-22-3; or
 - (B) by another state or jurisdiction under a similar procedure for the retitling of restored salvage motor vehicles.

SECTION 157. IC 9-13-2-149.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 149.5. (a) "Record", for purposes of IC 9-14-3.5, has the meaning set forth in IC 9-14-3.5-6.

(b) "Record", for purposes of IC 9-32, has the meaning set forth in IC 9-32-2-19.

SECTION 158. IC 9-13-2-149.8, AS ADDED BY P.L.217-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 149.8. "Recovery vehicle" means a

- (1) Class A recovery vehicle as defined in section 26 of this chapter; or
- (2) Class B recovery vehicle as defined in section 27 of this chapter.

truck that is specifically designed for towing a disabled vehicle or a combination of vehicles.

SECTION 159. IC 9-13-2-150, AS AMENDED BY P.L.216-2014, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 150. (a) "Recreational vehicle" means a vehicle with or without motive power equipped exclusively for living quarters for persons traveling upon the highways. The term:

- (1) does not include:
 - (A) a truck camper; (b) "Recreational vehicle", for purposes of IC 9-18-2-8; does not include or
 - (B) a mobile structure (as defined in IC 22-12-1-17); and
- (2) does include a vehicle that:
 - (A) is designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use;
 - (B) is not permanently affixed to real property for use as a permanent dwelling;
 - (C) is built on a single chassis and mounted on wheels;
 - (D) does not exceed four hundred (400) square feet of gross area; and
 - (E) is certified by the manufacturer as complying with the American National Standards Institute A119.5 standard.

A vehicle described in this subdivision may commonly be referred to as a "park model RV".

SECTION 160. IC 9-13-2-152.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 152.5. "Reproduction" means the following:

- (1) With respect to a license plate issued under IC 9-18, an object that:
 - (A) is made of metal, plastic, or a similarly rigid and durable material;
 - (B) is the same or nearly the same size as the license plate; and
 - (C) has the same colors, details, and arrangement as the

license plate, except for the registration numbers and letters at the center of the license plate:

- (2) With respect to a driver's license issued under IC 9-24, a copy of a driver's license issued to a particular individual made by a photographic process.

SECTION 161. IC 9-13-2-152.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 152.7.

"Reserve components" means the following:

- (1) The United States Army National Guard.
- (2) The United States Army Reserve.
- (3) The United States Navy Reserve.
- (4) The United States Marine Corps Reserve.
- (5) The United States Air National Guard.
- (6) The United States Air Force Reserve.
- (7) The United States Coast Guard Reserve.
- (8) The Indiana Army National Guard.
- (9) The Indiana Air National Guard.

SECTION 162. IC 9-13-2-160 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 160. "Salvage motor vehicle" means any of the following:

- (1) A motor vehicle, motorcycle, semitrailer, or recreational vehicle that meets at least one (1) of the criteria set forth in IC 9-22-3-3.
- (2) A vehicle, ownership of which is evidenced by a salvage title or by another ownership document of similar qualification and limitation issued by a state or jurisdiction other than the state of Indiana, and recognized by and acceptable to the bureau of motor vehicles.

SECTION 163. IC 9-13-2-161, AS AMENDED BY P.L.146-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 161. (a)

"School bus" means, except as provided in subsections subsection (b), and (c); a (1) bus (2) hack; (3) conveyance; (4) commercial motor vehicle; or (5) motor vehicle; used to transport preschool, elementary, or secondary school children to and from:

- (1) school; and to and from
- (2) school athletic games or contests; or
- (3) other school functions.

The term does not include a privately owned automobile with a capacity of not more than five (5) passengers that is used for the purpose of transporting school children to and from school:

(b) "School bus", for purposes of IC 9-21, means a motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school, including project headstart, or privately owned and operated for compensation for the transportation of children to and from school, including project headstart.

(c) "School bus", for purposes of IC 9-19-11-1(1), means a motor vehicle:

- (1) that meets the federal school bus safety requirements under 49 U.S.C. 30125; or
- (2) that meets the federal school bus safety requirements under 49 U.S.C. 30125 except the:
 - (A) stop signal arm required under federal motor vehicle safety standard (FMVSS) no. 131; and
 - (B) flashing lamps required under federal motor vehicle safety standard (FMVSS) no. 108.

SECTION 164. IC 9-13-2-162, AS AMENDED BY P.L.92-2013, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 162. "Scrap metal processor" means a private, commercial, or governmental

enterprise person:

- (1) that engages in the acquisition of motor vehicles, motorcycles, semitrailers, or recreational vehicles or the remains of these vehicles; and
- (2) that has facilities for processing iron, steel, or nonferrous scrap; and
- (3) whose principal product is scrap iron, scrap steel, or

nonferrous scrap for sale for remelting purposes.

SECTION 165. IC 9-13-2-164 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 164. (a) "Semitrailer", except as provided in subsection (b), means a vehicle without motive power, designed for carrying property and for being drawn by a motor vehicle, and so constructed that some part of the weight of the semitrailer and that of the semitrailer's load rests upon or is carried by another vehicle. The term does not include the following:

- (1) A pole trailer.
- (2) A two (2) wheeled homemade trailer.
- (3) ~~A semitrailer used exclusively for carrying passengers as used in section 17(a) of this chapter.~~

(b) "Semitrailer", for purposes of IC 9-21, means a vehicle with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle. The term does not include a pole trailer.

SECTION 166. IC 9-13-2-170.1 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 170.1: "Special identification number", for purposes of IC 9-17-4, has the meaning set forth in IC 9-17-4-0.5.~~

SECTION 167. IC 9-13-2-170.3, AS AMENDED BY P.L.262-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 170.3. (a) "Special machinery" includes but is not limited to any of the following:

- (1) A portable saw mill.
- (2) Well drilling machinery.
- (3) A utility service cable trailer.
- (4) Any other vehicle that is designed to perform a specific function.

(b) The term does not include the following:

- (1) A vehicle that is designed to carry passengers.
 - (2) Implements of agriculture designed to be operated primarily in a farm field or on farm premises.
 - (3) Machinery or equipment used in highway construction or maintenance by the Indiana department of transportation, a county, or a municipality.
- means a vehicle:
- (1) that is designed and used to perform a specific function that is unrelated to transporting people or property on a highway;
 - (2) on which is permanently mounted machinery or equipment used to perform operations unrelated to transportation on a highway; and
 - (3) that is incapable of, or would require substantial modification to be capable of, carrying a load.

SECTION 168. IC 9-13-2-173, AS AMENDED BY P.L.9-2010, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 173. (a) "State" means, except as otherwise provided by this section and unless by the context some other state or territory or federal district of the United States is meant or intended, the state of Indiana.

(b) "State", for purposes of IC 9-27-1, means the state of Indiana, the governor of Indiana, an agency of the state of Indiana designated by the governor to receive federal aid, and any officer, board, bureau, commission, division, or department, any public body corporate and politic created by the state of Indiana for public purposes, or any state educational institution.

(c) "State", for purposes of IC 9-25, means any state in the United States, the District of Columbia, or any Province of the Dominion of Canada.

(d) "State", for purposes of section 120.5 of this chapter and IC 9-24-6, means any state in the United States or the District of Columbia.

SECTION 169. IC 9-13-2-173.5, AS ADDED BY P.L.216-2014, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 173.5. "State

police building account" refers to the state police building account established by ~~IC 9-29-1-4~~; **IC 9-14-14-4**.

SECTION 170. IC 9-13-2-173.7, AS ADDED BY P.L.216-2014, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 173.7. "State motor vehicle technology fund" refers to the state motor vehicle technology fund established by ~~IC 9-29-16-1~~; **IC 9-14-14-3**.

SECTION 171. IC 9-13-2-177.3, AS AMENDED BY P.L.59-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 177.3. (a) "Telecommunications device", for purposes of IC 9-21-8, IC 9-25-4-7, and IC 9-24-11-3.3 (**before its repeal**), and **IC 9-24-11-3.7**, means an electronic or digital telecommunications device. The term includes a:

- (1) wireless telephone;
- (2) personal digital assistant;
- (3) pager; or
- (4) text messaging device.

(b) The term does not include:

- (1) amateur radio equipment that is being operated by a person licensed as an amateur radio operator by the Federal Communications Commission under 47 CFR Part 97; or
- (2) a communications system installed in a commercial motor vehicle weighing more than ten thousand (10,000) pounds.

SECTION 172. IC 9-13-2-177.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 177.5: "Third party", for purposes of IC 9-17-3, has the meaning set forth in IC 9-17-3-0.5.~~

SECTION 173. IC 9-13-2-186 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 186: "Transit school bus" means a motor vehicle designed with the engine compartment located inside and underneath the passenger compartment.~~

SECTION 174. IC 9-13-2-188.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 188.3. "Truck camper" means a device without motive power that is installed in the bed of a truck to provide living quarters for persons traveling on a highway.**

SECTION 175. IC 9-13-2-188.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 188.5: "Truck driver training school" means a person, a state educational institution, or other legal entity that:~~

- (1) is located in Indiana;
 - (2) is subject to rules adopted by the bureau under ~~IC 9-24-6-5.5~~; and
 - (3) either:
 - (A) educates or trains a person; or
 - (B) prepares a person for an examination or a validation given by the bureau;
- to operate a truck as a vocation.

SECTION 176. IC 9-13-2-196, AS AMENDED BY P.L.221-2014, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 196. (a) "Vehicle" means, except as otherwise provided in this section, a device in, upon, or by which a person or property is, or may be, transported or drawn upon a highway. (b) ~~"Vehicle", for purposes of IC 9-14 through IC 9-18, The term does not include the following:~~

- (1) A device moved by human power.
- (2) A ~~vehicle device~~ that runs only on rails or tracks.
- (3) A **wheelchair**.
- (3) A vehicle propelled by electric power obtained from overhead trolley wires but not operated upon rails or tracks.
- (4) A firetruck and apparatus owned by a person or municipal division of the state and used for fire protection.
- (5) A municipally owned ambulance.
- (6) A police patrol wagon.

(7) A vehicle not designed for or employed in general highway transportation of persons or property and occasionally operated or moved over the highway, including the following:

- (A) Road construction or maintenance machinery.
- (B) A movable device designed, used, or maintained to alert motorists of hazardous conditions on highways.
- (C) Construction dust control machinery.
- (D) Well boring apparatus.
- (E) Ditch digging apparatus.
- (F) An implement of agriculture designed to be operated primarily in a farm field or on farm premises.
- (G) An invalid chair.
- (H) A yard tractor.

(8) An electric personal assistive mobility device.

(b) For purposes of IC 9-17, the term includes the following:

- (1) Off-road vehicles.
- (2) Manufactured homes or mobile homes that are:
 - (A) personal property not held for resale; and
 - (B) not attached to real estate by a permanent foundation.
- (3) Watercraft.

(c) For purposes of IC 9-20 and IC 9-21, the term does not include devices moved by human power or used exclusively upon stationary rails or tracks.

(d) (c) For purposes of IC 9-22 and IC 9-32, the term refers to an automobile, a motorcycle, a truck, a trailer, a semitrailer, a tractor, a bus, a school bus, a recreational vehicle, a trailer or semitrailer used in the transportation of watercraft, or a motor driven cycle: a vehicle of a type that must be registered under IC 9-18-2 (before its expiration) or IC 9-18.1, other than an off-road vehicle or a snowmobile under IC 9-18-2.5 (before its expiration) or IC 9-18.1-4.

(e) For purposes of IC 9-24-6, the term has the meaning set forth in 49 CFR 383.5 as in effect July 1, 2010.

(f) (d) For purposes of IC 9-30-5, IC 9-30-6, IC 9-30-8, and IC 9-30-9, the term means a device for transportation by land or air. The term does not include an electric personal assistive mobility device.

SECTION 177. IC 9-13-2-196.5, AS ADDED BY P.L.158-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 196.5. "Veteran" for purposes of IC 9-18-50; has the meaning set forth in IC 9-18-50-1; means an individual who:

- (1) is serving in; or
- (2) under conditions other than dishonorable, was discharged or separated from service in;

the armed forces of the United States or their reserve components.

SECTION 178. IC 9-13-2-198, AS AMENDED BY P.L.150-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 198. Except as provided in section 60(a)(2) or 60(a)(3) of this chapter, "wagon" means a vehicle that is:

- (1) without motive power;
- (2) designed to be pulled by a motor vehicle;
- (3) constructed so that no part of the weight of the wagon rests upon the towing vehicle;
- (4) equipped with a flexible tongue; and
- (5) capable of being steered by the front two (2) wheels.

SECTION 179. IC 9-13-2-201 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 201. "Yard tractor" refers to a tractor that is used to move semitrailers around a terminal or a loading or spotting facility. The term also refers to a tractor that is operated on a highway with a permit issued under IC 6-6-4.1-13(f) if the tractor is ordinarily used to move semitrailers around a terminal or spotting facility.

SECTION 180. IC 9-14-1 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Creation and Organization of Bureau of Motor

Vehicles).

SECTION 181. IC 9-14-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Powers and Duties of Bureau and Commissioner).

SECTION 182. IC 9-14-3 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Records).

SECTION 183. IC 9-14-3.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Disclosure of Personal Information Contained in Motor Vehicle Records).

SECTION 184. IC 9-14-4 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Driver Licensing Medical Advisory Board).

SECTION 185. IC 9-14-5 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Parking Placards for Persons With Physical Disabilities).

SECTION 186. IC 9-14-6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 6. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Disclose" means to engage in a practice or conduct to make available and make known personal information contained in a record about a person to another person by any means of communication.

Sec. 3. "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

Sec. 4. "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record.

Sec. 5. "Highly restricted personal information" means the following information that identifies an individual:

- (1) Digital photograph or image.
- (2) Social Security number.
- (3) Medical or disability information.

Sec. 6. "Personal information" means information that identifies an individual, including an individual's:

- (1) digital photograph or image;
- (2) Social Security number;
- (3) driver's license or identification document number;
- (4) name;
- (5) address (but not the ZIP code);
- (6) telephone number; or
- (7) medical or disability information.

The term does not include information about vehicular accidents, driving or equipment related violations, and driver's license or registration status.

Sec. 7. "Record" means any information, books, papers, photographs, photostats, cards, films, tapes, recordings, electronic data, printouts, or other documentary materials, regardless of medium, that are created or maintained by the bureau.

SECTION 187. IC 9-14-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 7. Creation and Organization of Bureau of Motor Vehicles

Sec. 1. The bureau of motor vehicles is created.

Sec. 2. The governor shall appoint a commissioner to administer the bureau. The commissioner serves at the pleasure of the governor. Subject to IC 4-12-1-13, the governor shall fix the salary of the commissioner at the time of appointment.

SECTION 188. IC 9-14-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 8. Powers and Duties of the Bureau and the Commissioner

Sec. 1. The commissioner shall do the following:

- (1) Administer and enforce:

(A) this title and other statutes concerning the bureau; and

(B) the policies and procedures of the bureau.

(2) Organize the bureau in the manner necessary to carry out the duties of the bureau, including by appointing and fixing the salaries of the deputies, subordinate officers, clerks, and other employees necessary to carry out this title, IC 6-6-5, IC 6-6-5.1, IC 6-6-5.5, and IC 6-6-11.

(3) Submit budget proposals for the bureau to the budget director before September 1 of each year.

(4) Not later than August 1 of each year, prepare for the interim study committee on roads and transportation a report that includes updates on the following:

(A) Significant policy changes, including changes in implementation.

(B) Contracts with third parties for performance of department responsibilities and functions.

(C) Projects or other undertakings required by law.

(D) Any other information requested by the study committee.

The report must be submitted in an electronic format under IC 5-14-6.

(5) Design and procure a seal of office for the bureau.

(6) Appoint members to the driver licensing medical advisory board under IC 9-14-11-3.

(7) Operate or be responsible for the administration of all license branches in Indiana under IC 9-14-1.

(8) Assign to license branches those functions that:

(A) the commission or the bureau is legally required or authorized to perform; and

(B) cannot be adequately performed by the commission or the bureau without assistance from the license branches.

(9) Perform other duties as required by the bureau.

Sec. 2. The bureau shall do the following:

(1) Prescribe and provide all forms necessary to carry out any laws or rules administered and enforced by the bureau.

(2) Maintain records under IC 9-14-12.

(3) At the close of the calendar year, make a final settlement for all the money in accounts administered by the bureau and make any necessary adjustments to meet the intent of IC 8-14-2.

Sec. 3. The bureau may do the following:

(1) Adopt and enforce rules under IC 4-22-2 that are necessary to carry out this title.

(2) Subject to the approval of the commission, request the necessary office space, storage space, and parking facilities for each license branch operated by the commission from the Indiana department of administration as provided in IC 4-20.5-5-5.

(3) Upon any reasonable ground appearing on the records of the bureau and subject to rules and guidelines of the bureau, suspend or revoke the following:

(A) The current driving privileges or driver's license of any individual.

(B) The certificate of registration and proof of registration for any vehicle.

(C) The certificate of registration and proof of registration for any watercraft, off-road vehicle, or snowmobile.

(4) With the approval of the commission, adopt rules under IC 4-22-2 to do the following:

(A) Increase or decrease any fee or charge imposed under this title.

(B) Impose a fee on any other service for which a fee is not imposed under this article.

(C) Increase or decrease a fee imposed under clause

(B).

(D) Designate the fund or account in which a:

(i) fee increase under clause (A) or (C); or

(ii) new fee under clause (B);

shall be deposited.

Sec. 4. The bureau is subject to internal audit and review under IC 5-11-1-28.

SECTION 189. IC 9-14-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 9. Creation and Organization of the Bureau of Motor Vehicles Commission

Sec. 1. The bureau of motor vehicles commission is established. The commission is a body corporate and politic, and though separate from the state, the exercise by the commission of the commission's powers constitutes an essential governmental function. The commission may sue and be sued and plead and be impleaded.

Sec. 2. The commission board acts on behalf of the commission and consists of the following five (5) members:

(1) Four (4) individuals, not more than two (2) of whom may be members of the same political party, who are appointed by the governor. An individual appointed under this subdivision:

(A) serves for a term of four (4) years;

(B) may not hold any other public office or serve as a state or local employee while serving as a commission board member; and

(C) shall devote as much time as is needed to carry out the commission board's obligations, but is not required to devote full time to the commission board.

(2) The commissioner, who:

(A) shall serve as chair of the commission board; and

(B) is responsible for calling commission board meetings.

Sec. 3. The commission consists of the following:

(1) All officers and employees of the license branches.

(2) Other officers and employees designated by the commission board as commission employees.

Sec. 4. Three (3) commission board members constitute a quorum. The consent of three (3) commission board members is required before any action may be taken.

Sec. 5. (a) Each member of the commission board appointed under section 2(1) of this chapter is entitled to:

(1) the minimum salary per diem provided by IC 4-10-11-2.1(b); and

(2) reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) The commissioner, in the capacity as chair of the commission board, is entitled to reimbursement as a state employee for traveling expenses and other expenses actually incurred in connection with the chair's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 6. The commission shall:

(1) develop a statewide license branch budget; and

(2) on a date specified by the budget agency of each even-numbered year, submit to the budget agency a proposed budget.

Sec. 7. IC 34-13-3 applies to a claim or suit in tort against any of the following:

(1) A member of the commission board.

(2) An employee of the commission.

Sec. 8. Property of the commission is public property

devoted to an essential public and governmental function and purpose and is exempt from all taxes and special assessments of the state or a political subdivision of the state.

Sec. 9. The state board of accounts shall audit all accounts of the commission.

SECTION 190. IC 9-14-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 10. Powers and Duties of the Commission Board

Sec. 1. The commission board shall do the following:

- (1) Recommend legislation needed to operate the license branches.
- (2) Recommend rules needed to operate the license branches.
- (3) Review budget proposals for the commission and the license branches operated under IC 9-14.1, including the budget required by IC 9-14.1-5-4 and IC 9-14.1-5-5.
- (4) Establish the determination criteria and determine the number and location of license branches to be operated under IC 9-14.1.
- (5) Establish and adopt minimum standards for the operation and maintenance of each physical or virtual location at which services are provided by a full service provider or partial services provider operated under IC 9-14.1.
- (6) Administer the commission fund established under IC 9-14-14.1.

Sec. 2. The commission board may do the following:

- (1) Procure insurance against any loss in connection with the commission's operations in the amount the commission board considers necessary or desirable.
- (2) Contract with a qualified person:
 - (A) to serve as a full service provider under IC 9-14.1-3-1;
 - (B) to serve as a partial services provider under IC 9-14.1-3-2; or
 - (C) for other services to process specific transactions as outlined by the commission.
- (3) Notwithstanding IC 5-16, IC 5-17-1, and IC 5-22, develop a system of procurement that applies only to procurement of equipment, materials, services, and goods required for the operation of license branches under IC 9-14.1.
- (4) Either:
 - (A) develop a retirement program for managers and employees of license branches; or
 - (B) cause managers and employees of license branches to be members of the public employees' retirement fund (IC 5-10.3-7).
- (5) Enter into lease agreements as necessary for office space, storage space, and parking facilities for license branches under IC 9-14.1.
- (6) Take any other action necessary to achieve the commission's purpose.

Sec. 3. The commission board may develop a separate personnel system for employees of the commission who are assigned to be managers and employees of license branches. The system may establish the rights, privileges, powers, and duties of these employees, including a license branch pay scale and benefit package. If the commission board does not develop and adopt a license branch personnel system, those employees are subject to the state personnel system under IC 4-15-2.2, except as provided in IC 9-14.1-2-5(d).

SECTION 191. IC 9-14-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 11. Driver Licensing Medical Advisory Board

Sec. 1. As used in this chapter, "board" refers to the driver licensing medical advisory board established under

section 2 of this chapter.

Sec. 2. The driver licensing medical advisory board is established.

Sec. 3. The board consists of five (5) members, of whom:

- (1) two (2) members must have unlimited licenses to practice medicine in Indiana, including one (1) neurologist with expertise in epilepsy; and
- (2) one (1) member must be licensed as an optometrist.

The board members serve at the pleasure of the commissioner.

Sec. 4. A board member is entitled to be reimbursed for travel expenses necessarily incurred in the performance of the member's duties and is also entitled to receive a salary per diem as prescribed by the budget agency.

Sec. 5. The board shall provide the commissioner and the office of traffic safety created by IC 9-27-2-2 with assistance in the administration of Indiana driver licensing laws, including:

- (1) providing guidance to the commissioner in the area of licensing drivers with health or other problems that may adversely affect a driver's ability to operate a vehicle safely;
- (2) recommending factors to be used in determining qualifications and ability for issuance and retention of a driver's license; and
- (3) recommending and participating in the review of license suspension, restriction, or revocation appeal procedures, including reasonable investigation into the facts of the matter.

Sec. 6. The commissioner may request assistance from any of the board members at any time.

Sec. 7. A member of the board is exempt from a civil action arising or thought to arise from an action taken in good faith as a member of the board.

Sec. 8. The evaluation of medical reports for the commissioner by a member of the board does not constitute the practice of medicine. This chapter does not authorize a person to engage in the practice of the healing arts or the practice of medicine as defined by law.

SECTION 192. IC 9-14-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 12. Records of the Bureau

Sec. 1. All records of the bureau, except:

- (1) those declared by law to be confidential; or
- (2) those containing personal information;

must be open to public inspection during office hours in accordance with IC 5-14.

Sec. 2. The bureau shall maintain the following records:

- (1) All records related to or concerning certificates of title issued by the bureau under IC 9-17 and IC 9-31, including the following:
 - (A) An original certificate of title and all assignments and reissues of the certificate of title.
 - (B) All documents submitted in support of an application for a certificate of title.
 - (C) Any notations affixed to a certificate of title.
 - (D) A listing of all reported buyback vehicles in accordance with IC 9-17-3-3.5.
 - (E) Any inspection that is conducted:
 - (i) by an employee of the bureau or commission; and
 - (ii) with respect to a certificate of title issued by the bureau.
- (2) All records related to or concerning registrations issued under IC 9-18 (before its expiration), IC 9-18.1, or IC 9-31, including the following:

- (A) The distinctive registration number assigned to each vehicle registered under IC 9-18 (before its expiration) or IC 9-18.1 or each watercraft registered under IC 9-31.

(B) All documents submitted in support of applications for registration.

(3) All records related to or concerning credentials issued by the bureau under IC 9-24, including applications and information submitted by applicants.

(4) All driving records maintained by the bureau under section 3 of this chapter.

(5) A record of each individual that acknowledges making an anatomical gift as set forth in IC 9-24-17.

Sec. 3. (a) For each individual licensed by the bureau to operate a motor vehicle, the bureau shall create and maintain a driving record that contains the following:

(1) The individual's convictions for any of the following:

(A) A moving traffic violation.

(B) Operating a vehicle without financial responsibility in violation of IC 9-25.

(2) Any administrative penalty imposed by the bureau.

(3) Any suspensions, revocations, or reinstatements of the individual's driving privileges, license, or permit.

(4) If the driving privileges of the individual have been suspended or revoked by the bureau, an entry in the record stating that a notice of suspension or revocation was mailed to the individual by the bureau and the date of the mailing of the notice.

(5) Any requirement that the individual may operate only a motor vehicle equipped with a certified ignition interlock device.

A driving record may not contain voter registration information.

(b) For an Indiana resident who does not hold any type of valid driving license, the bureau shall maintain a driving record as provided in IC 9-24-18-9.

Sec. 4. All requests for records maintained under this chapter must be:

(1) submitted in writing; or

(2) made electronically through the computer gateway administered under IC 4-13.1-2-2(a)(5) by the office of technology;

to the bureau and, unless exempted by law, must be accompanied by the payment of the applicable fee prescribed in section 7 of this chapter.

Sec. 5. (a) Upon receiving a request that complies with section 4 of this chapter, the bureau shall prepare and deliver a certified copy of any record of the bureau that is not otherwise declared by law to be confidential.

(b) A certified copy of a record obtained under subsection (a) is admissible in a court proceeding as if the copy were the original. However, a driving record maintained under section 3 of this chapter is not admissible as evidence in any action for damages arising out of a motor vehicle accident.

(c) An electronic record of the bureau obtained from the bureau that bears an electronic signature is admissible in a court proceeding as if the copy were the original.

Sec. 6. (a) The bureau shall give precedence to requests under this chapter from law enforcement agencies and agencies of government for certified copies of records.

(b) The bureau may not impose a fee on a law enforcement agency, an agency of government, or an operator (as defined in IC 9-21-3.5-4) for a request made under this chapter.

Sec. 7. (a) The fee for a certified copy of a record maintained by the bureau under this chapter is as follows:

(1) For a record that is generated by the bureau's computer systems, including a driving record, four dollars (\$4) for each certified copy requested.

(2) For a record that is not generated by the bureau's computer systems, eight dollars (\$8) for each certified copy requested.

(b) A fee imposed under this section:

(1) is instead of the uniform copying fee established

under IC 5-14-3-8; and

(2) shall be deposited in the motor vehicle highway account.

Sec. 8. (a) Upon the submission to the bureau of a specific written request for a compilation of specific information requested for the purposes described in subsection (c), the bureau may contract with the requesting person to compile the requested information from the records of the bureau.

(b) The bureau may charge an amount agreeable to the parties for information compiled under subsection (a).

(c) A person that makes a request under this section must certify that the information compiled in response to the request will be used for one (1) of the following purposes:

(1) For notifying vehicle owners of vehicle defects and recalls.

(2) For research or statistical reporting purposes. Individual identities will be properly protected in the preparation of the research or reports and not ascertainable from the published reports or research results.

(3) For documenting the sale of motor vehicles in Indiana.

(4) For purposes of the federal Selective Service System.

(5) Solely for law enforcement purposes by police officers.

(6) For locating a parent described in IC 31-25-3-2(c) as provided under IC 31-25-3-2.

(d) A person that requests information under this section for a purpose not specified in subsection (c) commits a Class C infraction.

Sec. 9. The bureau may destroy or otherwise dispose of any records of the bureau:

(1) in accordance with the bureau's record retention schedule; or

(2) with permission from the Indiana archives and record administration under IC 5-15-5.1-14.

SECTION 193. IC 9-14-13 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 13. Privacy and Disclosure of Bureau Records

Sec. 1. (a) The bureau may not compile information concerning voter registration under this article.

(b) Voter registration information received or maintained by the bureau is confidential.

Sec. 2. (a) The bureau shall not disclose:

(1) the Social Security number;

(2) the federal identification number;

(3) the driver's license number;

(4) the digital image of the driver's license, identification card, or photo exempt identification card applicant;

(5) a reproduction of the signature secured under IC 9-24-9-1, IC 9-24-16-2, or IC 9-24-16.5-2; or

(6) medical or disability information;

of any individual except as provided in subsection (b).

(b) The bureau may disclose any information listed in subsection (a):

(1) to a law enforcement officer;

(2) to an agent or a designee of the department of state revenue;

(3) for uses permitted under IC 9-14-13-7(1), IC 9-14-13-7(4), IC 9-14-13-7(6), and IC 9-14-13-7(9); or

(4) for voter registration and election purposes required under IC 3-7 or IC 9-24-2.5.

Sec. 3. (a) If the governor, the superintendent of the state police department, or the highest officer located in Indiana of the Federal Bureau of Investigation, the United States Secret Service, or the United States Treasury Department certifies to the bureau that:

(1) an individual named in the certification is an officer or employee of a state, county, or city department or bureau with police power;

(2) the nature of the individual's work or duties is of a secret or confidential nature; and

(3) in the course of the individual's work the individual uses the motor vehicle described in the certification; the bureau shall regard all of the bureau's records concerning the certificate of title or certificate of registration of the motor vehicle and the driver's license of the individual described in the certification as confidential.

(b) The bureau may disclose the records described in subsection (a) only upon one (1) of the following:

(1) An order of a court with jurisdiction made in a cause or matter pending before the court.

(2) The written request of the officer, employee, or a successor of the officer or employee making the certification.

(3) A request of the governor.

Sec. 4. (a) The department of state revenue shall adopt rules under IC 4-22-2 providing for the release of a list of registrants under the International Registration Plan.

(b) The list must be limited to the following:

(1) The name of the registrant.

(2) The complete address of the registrant.

(3) The number of Indiana miles, total miles, and number of each type of vehicle registered by the registrant.

(c) The list described in this section is not confidential.

(d) Notwithstanding IC 5-14-3-8, the department of state revenue may charge for a list of registrants under this section an amount that is agreeable to the parties.

Sec. 5. Except as otherwise provided in this chapter:

(1) an officer or employee of the bureau;

(2) an officer or employee of the bureau of motor vehicles commission; or

(3) a contractor of the bureau or the bureau of motor vehicles commission (or an officer or employee of the contractor);

may not knowingly disclose or otherwise make available personal information, including highly restricted personal information.

Sec. 6. Personal information related to:

(1) motor vehicle or driver safety and theft;

(2) motor vehicle emissions;

(3) motor vehicle product alterations, recalls, or advisories;

(4) performance monitoring of motor vehicles and dealers by motor vehicle manufacturers; and

(5) the removal of nonowner records from the original owner records of motor vehicle manufacturers;

must be disclosed under this chapter to carry out the purposes of the federal Automobile Information Disclosure Act (15 U.S.C. 1231 et seq.), the Anti-Car Theft Act of 1992 (49 U.S.C. 33101 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and all federal regulations enacted or adopted under those acts.

Sec. 7. The bureau may disclose certain personal information that is not highly restricted personal information if the person requesting the information provides proof of identity and represents that the use of the personal information will be strictly limited to at least one (1) of the following:

(1) For use by a government agency, including a court or law enforcement agency, in carrying out its functions, or a person acting on behalf of a government agency in carrying out its functions.

(2) For use in connection with matters concerning:

(A) motor vehicle or driver safety and theft;

(B) motor vehicle emissions;

(C) motor vehicle product alterations, recalls, or

advisories;

(D) performance monitoring of motor vehicles, motor vehicle parts, and dealers;

(E) motor vehicle market research activities, including survey research;

(F) the removal of nonowner records from the original owner records of motor vehicle manufacturers; and

(G) motor fuel theft under IC 24-4.6-5.

(3) For use in the normal course of business by a business or its agents, employees, or contractors, but only:

(A) to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors; and

(B) if information submitted to a business is not correct or is no longer correct, to obtain the correct information only for purposes of preventing fraud by pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(4) For use in connection with a civil, a criminal, an administrative, or an arbitration proceeding in a court or government agency or before a self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or under an order of a court.

(5) For use in research activities, and for use in producing statistical reports, as long as the personal information is not published, redisclosed, or used to contact the individuals who are the subject of the personal information.

(6) For use by an insurer, an insurance support organization, or a self-insured entity, or the agents, employees, or contractors of an insurer, an insurance support organization, or a self-insured entity in connection with claims investigation activities, anti-fraud activities, rating, or underwriting.

(7) For use in providing notice to the owners of towed or impounded vehicles.

(8) For use by a licensed private investigative agency or licensed security service for a purpose allowed under this section.

(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. 31131 et seq.).

(10) For use in connection with the operation of private toll transportation facilities.

(11) For any use in response to requests for individual motor vehicle records when the bureau has obtained the written consent of the person to whom the personal information pertains.

(12) For bulk distribution for surveys, marketing, or solicitations when the bureau has obtained the written consent of the person to whom the personal information pertains.

(13) For use by any person, when the person demonstrates, in a form and manner prescribed by the bureau, that written consent has been obtained from the individual who is the subject of the information.

(14) For any other use specifically authorized by law that is related to the operation of a motor vehicle or public safety.

However, this section does not affect the use of anatomical gift information on a person's driver's license or identification document issued by the bureau, nor does this section affect the administration of anatomical gift initiatives in Indiana.

Sec. 8. Highly restricted personal information may be

disclosed only as follows:

(1) With the express written consent of the person to whom the highly restricted personal information pertains.

(2) In the absence of the express written consent of the person to whom the highly restricted personal information pertains, if the person requesting the information:

(A) provides proof of identity; and

(B) represents that the use of the highly restricted personal information will be strictly limited to at least one (1) of the uses set forth in section 7(1), 7(4), 7(6), and 7(9) of this chapter.

Sec. 9. The bureau may, before disclosing personal information, require the requesting person to satisfy certain conditions for the purpose of ascertaining:

(1) the correct identity of the requesting person;

(2) that the use of the disclosed information will be only as authorized; or

(3) that the consent of the person who is the subject of the information has been obtained.

The conditions may include the making and filing of a written application on a form prescribed by the bureau and containing all information and certification requirements required by the bureau.

Sec. 10. (a) An authorized recipient of personal information, except a recipient under section 7(11) or 7(12) of this chapter, may resell or redisclose the information for any use allowed under section 7 of this chapter, except for a use under section 7(11) or 7(12) of this chapter.

(b) An authorized recipient of a record under section 7(11) of this chapter may resell or redisclose personal information for any purpose.

(c) An authorized recipient of personal information under IC 9-14-12-8 and section 7(12) of this chapter may resell or redisclose the personal information for use only in accordance with section 7(12) of this chapter.

(d) Except for a recipient under section 7(11) of this chapter, a recipient who resells or rediscloses personal information is required to maintain and make available for inspection to the bureau, upon request, for at least five (5) years, records concerning:

(1) each person that receives the information; and

(2) the permitted use for which the information was obtained.

Sec. 11. A person requesting the disclosure of personal information or highly restricted personal information from bureau records who knowingly or intentionally misrepresents the person's identity or makes a false statement to the bureau on an application required to be submitted under this chapter commits a Class C misdemeanor.

SECTION 194. IC 9-14-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 14. Funds

Sec. 1. (a) The bureau of motor vehicles commission fund is established for the purpose of paying the expenses incurred in administering IC 9-14.1. The commission shall administer the fund.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) There is annually appropriated to the commission the money in the fund for its use in carrying out the purposes of IC 9-14.1, subject to the approval of the budget agency.

(e) The fund consists of the following:

(1) Money deposited in or distributed to the fund

under this title.

(2) Money deposited in the fund under IC 9-29-14-5 (before its repeal).

(3) Money received from any other source, including appropriations.

Sec. 2. (a) The motor vehicle odometer fund is established. The fund consists of the following:

(1) Amounts deposited in the fund under this title.

(2) Money deposited in the fund under IC 9-29-1-5 (before its repeal).

(3) Money deposited in the fund from any other source.

(b) All money in the motor vehicle odometer fund shall be allocated each July as follows:

(1) Forty percent (40%) is to be deposited in the motor vehicle highway account (IC 8-14-1).

(2) Thirty percent (30%) is to be appropriated to the bureau for use in enforcing odometer laws.

(3) Twenty percent (20%) is to be appropriated to the state police for use in enforcing odometer laws.

(4) Ten percent (10%) is to be appropriated to the attorney general for use in enforcing odometer laws.

Sec. 3. (a) The state motor vehicle technology fund is established for the purpose of paying for new technology as it becomes available to carry out the functions of the bureau. The bureau shall administer the fund. This fund is in addition to normal budgetary appropriations.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) There is annually appropriated to the bureau the money in the fund to procure as the need arises:

(1) computer equipment and software;

(2) telephone equipment and software;

(3) electronic queue systems;

(4) other related devices; or

(5) technology services;

subject to the approval of the budget agency.

(e) The fund consists of the following:

(1) Money deposited in or distributed to the fund under this title.

(2) Money deposited in the fund under IC 9-29-16-5 (before its repeal).

(3) Money received from any other source, including appropriations.

Sec. 4. (a) The state police building account is established. The account consists of amounts deposited in the account under this title, including amounts deposited under IC 9-29-14 (before its repeal). The state police department shall administer the account.

(b) Money in the account:

(1) does not revert to the state general fund or the motor vehicle highway account under IC 8-14-1, except as provided under subsection (c); and

(2) shall be expended for the following:

(A) The construction, maintenance, leasing, and equipping of state police facilities.

(B) Other projects provided for by law.

(c) At the end of each state fiscal year, the auditor of state shall transfer to the state general fund the balance in the state police building account that is in excess of appropriations made for the construction, maintenance, leasing, or equipping of state police facilities and other projects provided for by law.

(d) Transfers under subsection (c) shall be made until one million five hundred thousand dollars (\$1,500,000) has been transferred to the state general fund.

Sec. 5. Money distributed to or deposited in the highway,

road and street fund under this title shall be allocated as follows:

- (1) Fifty-five percent (55%) to the state highway fund as provided in IC 8-14-2-3.
- (2) Forty-five percent (45%) to the local road and street account as provided in IC 8-14-2-4.

SECTION 195. IC 9-14.1 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

ARTICLE 14.1. LICENSE BRANCHES

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Full service provider" refers to a qualified person with whom the commission enters into a contract under IC 9-14.1-3-1.

Sec. 3. "Partial services provider" refers to a qualified person with whom the commission enters into a contract under IC 9-14.1-3-2.

Sec. 4. (a) "Procurement" includes buying, purchasing, renting, leasing, or otherwise acquiring.

(b) The term includes the following activities:

- (1) Description of requirements.
- (2) Solicitation or selection of sources.
- (3) Preparation and award of contract.
- (4) All phases of contract administration.
- (5) All functions that pertain to purchasing or procuring.

Sec. 5. "Qualified person" means any of the following:

- (1) A motor club that is any of the following:
 - (A) A domestic corporation.
 - (B) A foreign corporation qualified to transact business in Indiana under IC 23-1 or IC 23-17.
- (2) A financial institution (as defined in IC 28-1-1-3).
- (3) A new motor vehicle dealer licensed under IC 9-32-11.
- (4) Other persons, including persons licensed under IC 9-32-11 that are not covered by subdivision (3), that the commission determines can meet the requirements for contractors under IC 9-14.1-3-2.

Chapter 2. Powers and Duties

Sec. 1. (a) There must be at least one (1) license branch in each county.

(b) The number of license branches may not be reduced in a county below the number in existence on January 1, 2001, unless the commission:

- (1) holds a public hearing in the county; and
- (2) receives unlimited public testimony before the commissioner on the merits of closing the branch that the commission proposes to close in the county.

Sec. 2. License branches have all the powers and duties assigned to license branches by statute and by the commissioner.

Sec. 3. Each license branch shall:

- (1) collect:
 - (A) the service charges and fees as set forth in this title and in policies and other documents of the bureau; and
 - (B) applicable excise taxes under IC 6-6; and
- (2) remit the amounts collected to the bureau for deposit as set forth in this title and IC 6-6.

Sec. 4. A transaction under this title that may be performed in a license branch may be performed in any license branch in any county.

Sec. 5. (a) This section does not apply to a license branch in a county if there are no precincts in the county in which an election is held on election day.

(b) On each general, municipal, primary, and special election day (as defined in IC 3-5-2-18), all license branches that provide state identification cards must remain open from 6:00 a.m., local time, to 6:00 p.m., local time, solely for

the purpose of issuing driver's licenses and state identification cards under IC 9-24.

(c) On the day before each general, municipal, primary, and special election day (as defined in IC 3-5-2-18), all license branches that provide state identification cards must remain open from 8:30 a.m., local time, to 8:00 p.m., local time, solely for the purpose of issuing driver's licenses and state identification cards under IC 9-24.

(d) The commission shall:

- (1) designate another day as time off; or
- (2) authorize overtime pay;

for license branch personnel required to work on an election day.

Chapter 3. Services Provided by Qualified Persons

Sec. 1. The commission board may enter into a contract with a qualified person to provide full services at the qualified person's location, including a location within a facility used for other purposes. The contract must include the following provisions:

(1) The qualified person shall provide the following services:

- (A) Vehicle title services.
- (B) Vehicle registration and renewal services.
- (C) Driver's licenses and related services.
- (D) Voter registration services as imposed on the commission under IC 3-7.

(2) The qualified person shall provide personnel trained to properly process branch transactions.

(3) The qualified person shall do the following:

- (A) With respect to transactions processed at the qualified person's location, impose and collect all fees and taxes applicable to the transaction.
- (B) Deposit the fees and taxes with the bureau for deposit in the appropriate fund or account.

(4) The qualified person shall generate a transaction volume sufficient to justify the installation of bureau support systems.

(5) The qualified person shall provide fidelity bond coverage in an amount prescribed by the commission.

(6) The qualified person may provide full services within a facility used for other purposes.

(7) The qualified person shall pay the cost of any post audits conducted by the commission or the state board of accounts on an actual cost basis.

(8) The commission shall provide support systems to the qualified person on the same basis as to license branches.

(9) The commission must approve each location and physical facility based upon criteria developed by the commission board.

(10) The term of the contract must be for a fixed period.

(11) The qualified person shall agree to provide voter registration services and to perform the same duties imposed on the commission under IC 3-7.

Sec. 2. The commission may enter into a contract with a qualified person to provide partial services at the qualified person's location, including a location within a facility used for other purposes. The contract must include the following provisions:

(1) The qualified person must provide one (1) or more of the following services:

- (A) Vehicle title services.
- (B) Vehicle registration and renewal services.

(2) The qualified person must provide trained personnel to properly process branch transactions.

(3) The qualified person shall do the following:

- (A) With respect to each transaction processed at the qualified person's location, impose and collect all fees and taxes applicable to the transaction.
- (B) Deposit the fees and taxes with the bureau for

deposit in the appropriate fund or account.

(4) The qualified person shall provide fidelity bond coverage in an amount prescribed by the commission.

(5) The qualified person shall provide:

(A) liability insurance coverage in an amount not to exceed two million dollars (\$2,000,000) per occurrence, as prescribed by the commission; and
(B) indemnification of the commission for any liability in excess of the amount of coverage provided under clause (A), not to exceed five million dollars (\$5,000,000) per occurrence.

(6) The qualified person shall pay the cost of any post audits conducted by the commission or the state board of accounts on an actual cost basis.

(7) The commission must approve each location and physical facility used by a qualified person.

(8) The term of the contract must be for a fixed period.

Sec. 3. (a) A transaction processed by a full service provider or partial services provider is subject to the same fees and taxes as if the transaction were processed at a license branch.

(b) In addition to a fee or tax described in subsection (a), a full service provider or partial services provider may impose, collect, and retain a convenience fee for each transaction that is:

(1) related to:

(A) a title issued under IC 9-17; or
(B) a registration issued under IC 9-18 (before its expiration) or IC 9-18.1; and

(2) processed by the provider.

(c) The amount of a convenience fee described in subsection (b):

(1) is subject to the written approval of the commission; and

(2) may not exceed the following:

(A) For a transaction described in subsection (b)(1)(A), one hundred fifty percent (150%) of the fee imposed on the same transaction processed at a license branch.

(B) For a transaction described in subsection (b)(1)(B), one hundred fifty percent (150%) of the fee imposed under IC 9-29-5-1 (before its repeal) or IC 9-18.1-5-2 for a transaction processed at a license branch.

(d) This subsection applies if a full service provider or partial services provider imposes a convenience fee under subsection (b). Before the full service provider or partial services provider may impose and collect the convenience fee, all of the following conditions must occur:

(1) Notice of the convenience fee must be provided, in writing or by electronic means, to the customer by:

(A) the full service provider;
(B) the partial services provider; or
(C) a dealer that interacts directly with the customer at the initial transaction level.

(2) The notice must disclose only the following:

(A) The amount of the convenience fee.
(B) That the convenience fee is not imposed on a transaction processed at a license branch.
(C) The address and hours of operation of the license branch located nearest to the full service location or partial services location.
(D) The distance between the license branch described in clause (C) and the full service location or partial services location.

(3) The customer must agree, in writing or by electronic means, to pay the convenience fee.

(e) A notice provided under subsection (d)(1) must be provided:

(1) in a single, discrete document or publication that contains no additional terms or conditions; or

(2) in combination only with an agreement described in subsection (d)(3).

(f) With respect to each transaction processed by a full service provider or partial services provider, the full service provider or partial services provider shall:

(1) collect all fees and taxes related to the transaction; and

(2) remit the amounts collected to the bureau for deposit as set forth in this title.

Sec. 4. A person that violates section 3 of this chapter commits a Class C infraction.

Chapter 4. Voter Registration and Election Day Services
Sec. 1. This chapter applies to a license branch.

Sec. 2. License branches shall offer voter registration services under this chapter, in addition to providing a voter registration application as a part of an application for a motor vehicle driver's license, permit, or identification card under IC 9-24-2.5 and 52 U.S.C. 20504.

Sec. 3. Each license branch shall provide copies of voter registration forms. The registration forms must be:

(1) prescribed by the Indiana election commission to permit the NVRA official to fulfill the NVRA official's reporting duties under 52 U.S.C. 20508(a)(3) and IC 3-7-11-2; and

(2) placed in an easily accessible location within the branch, so that members of the public may obtain the forms without further assistance from the commission.

Sec. 4. Each license branch shall post a notice in a prominent location easily visible to members of the public. The notice must state substantially the following:

**"VOTER REGISTRATION FORMS
AVAILABLE HERE**

This office has forms that you can fill out so that you can register to vote in Indiana.

If you live in Indiana and are not registered to vote where you live now, and you want to register (or change your registration record), please take one of the forms.

If you cannot find a blank voter registration form in this office, ask us to give you a form.

You must take the form with you and mail or deliver the form to the voter registration office.

Applying to register or declining to register to vote will not affect the assistance or service that you will be provided by this office."

Sec. 5. Voter registration information received or maintained under this chapter is confidential.

Chapter 5. Audits, Budgets, and Procurement

Sec. 1. (a) The state board of accounts shall audit each account of each license branch operated under this article.

(b) Each audit must be:

(1) completed not more than ninety (90) days after commencement of the audit; and

(2) filed with the legislative services agency in an electronic format under IC 5-14-6 not more than thirty (30) days after completion of the audit.

(c) An audit prepared under this section is a public record.

Sec. 2. (a) Notwithstanding IC 5-16, IC 5-17-1, and IC 5-22, the commission may develop a system of procurement that applies only to procurement of equipment, materials, services, and goods required for the operation of license branches.

(b) A system of procurement adopted under this section must provide that whenever:

(1) a contract is awarded by acceptance of bids, proposals, or quotations; and

(2) a trust (as defined in IC 30-4-1-1(a)) submits a bid, proposal, or quotation;

the bid, proposal, or quotation must identify each beneficiary of the trust and each settlor empowered to revoke or modify the trust.

(c) This section does not apply to the purchasing, leasing, or disposal of real property.

Sec. 3. The value of all:

- (1) purchases of supplies, fixtures, and equipment;
- (2) purchases of real property; and
- (3) lease agreements and contracts;

shall be appraised by the Indiana department of administration or by an independent appraiser, at the discretion of the Indiana department of administration. The cost of a purchase, lease agreement, or contract may not exceed the appraised value.

Sec. 4. The commission shall develop a statewide license branch budget. If the commission board determines that the total of:

- (1) revenues from license branch operations; and
- (2) appropriations received by the commission;

are insufficient to support license branch operations, the commission may increase fees by rule under IC 9-14-8-3(4).

Sec. 5. (a) On a date specified by the budget agency of each even-numbered year, the commission shall submit to the budget agency a proposed statewide license branch budget. The commission shall include, at a minimum, the following information on a county by county basis:

- (1) Total estimated revenue.
- (2) Total estimated expenditures for salaries and fringe benefits.
- (3) Total estimated expenditures for other personal services.
- (4) Total estimated expenditures for nonpersonal services.
- (5) Total estimated expenditures for contractual services.
- (6) Total estimated expenditures for supplies and materials.
- (7) All other estimated expenditures.
- (8) The number of full-time and part-time employees.
- (9) Other information the budget agency requires.

(b) The budget agency shall provide the information received under subsection (a) to the budget committee for the committee's review.

Chapter 6. Political Activities and Contributions

Sec. 1. An employee who is employed under this article may not be forced to contribute to a political party or participate in a political activity.

Sec. 2. Section 1 of this chapter may not be interpreted to prohibit the following:

- (1) The voluntary contribution of an employee to a political party.
- (2) The voluntary participation of an employee in a political activity, unless the participation interferes with the employee's performance or responsibility of the employee's job.

Sec. 3. (a) Equipment or facilities of a license branch operated under this article may not be used for political purposes.

(b) A person who violates this section commits a Class C infraction.

Sec. 4. A person that:

- (1) collects;
- (2) displays;
- (3) distributes; or
- (4) stores;

paraphernalia, brochures, or displays for a political party or organization in a license branch commits a Class C infraction.

Sec. 5. This chapter does not prohibit an employee from using the equipment or facilities of a license branch or full service location operated under this article or engaging in activity permitted or required under:

- (1) IC 3-7;
- (2) IC 9-14.1-4;

(3) IC 9-24-2.5; or

(4) the National Voter Registration Act of 1993 (25 U.S.C. 20501).

SECTION 196. IC 9-15 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Bureau of Motor Vehicles Commission).

SECTION 197. IC 9-16 IS REPEALED [EFFECTIVE JULY 1, 2016]. (License Branches).

SECTION 198. IC 9-17-1-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.5. The following are required to be titled under this article:

- (1) Off-road vehicles.
- (2) Watercraft.
- (3) Manufactured or mobile homes that are:
 - (A) personal property not held for resale; or
 - (B) not attached to real estate by a permanent foundation.

SECTION 199. IC 9-17-1-1, AS AMENDED BY P.L.180-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) This article does not apply to the following:

- (1) A vehicle that is not required to be registered under IC 9-18-2 (before its expiration) or IC 9-18.1.
 - (1) Special machinery.
 - (2) Farm wagons.
 - (3) A golf cart when operated in accordance with an ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a).
 - (4) (3) A motor vehicle that was designed to have a maximum design speed of not more than twenty-five (25) miles per hour and that was built, constructed, modified, or assembled by a person other than the manufacturer.
 - (5) Snowmobiles.
 - (6) (4) Motor driven cycles.
 - (7) Except as otherwise provided, any other vehicle that is not registered in accordance with IC 9-18-2.
- (5) An off-road vehicle that was purchased or otherwise acquired before January 1, 2010.
- (6) Snowmobiles.
- (7) A watercraft that is not required to be registered under IC 9-31-3.

- (b) Notwithstanding subsection (a), a person may apply for:
 - (1) a certificate of title under IC 9-17-2-2; or
 - (2) a special identification number under IC 9-17-4;

for a vehicle listed in subsection (a). An application under this subsection must be accompanied by the applicable fee under IC 9-29.

(c) IC 9-17-2, IC 9-17-3, IC 9-17-4, and IC 9-17-5 apply to a mini-truck. If the bureau issues a certificate of title under subsection (b)(1), the vehicle remains subject to this article until the titleholder surrenders the title to the bureau.

SECTION 200. IC 9-17-1-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 2. For purposes of this article, "person" has the meaning set forth in IC 9-13-2-124(c).

SECTION 201. IC 9-17-2-1, AS AMENDED BY P.L.188-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) This section does not apply to an off-road vehicle that is at least five (5) model years old.

(b) A person must obtain a certificate of title for all vehicles owned by the person that:

- (1) are subject to the motor vehicle excise tax under IC 6-6-5; or
- (2) are off-road vehicles;

and that will be operated in Indiana.

(c) A person must obtain a certificate of title for all commercial vehicles owned by the person that:

- (1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;
- (2) are not subject to proportional registration under the

International Registration Plan; and

(3) will be operated in Indiana;

(d) A person must obtain a certificate of title for all recreational vehicles owned by the person that:

(1) are subject to the excise tax imposed under IC 6-6-5.1; and

(2) will be operated in Indiana;

(a) Except as provided in IC 9-17-1-1 and subsection (b), a person must obtain a certificate of title under this article for all vehicles that are:

(1) owned by the person; and

(2) either:

(A) titled under this article by application of IC 9-17-1-0.5 or IC 9-17-1-1(c); or

(B) registered under IC 9-18 (before its expiration) or IC 9-18.1.

(b) A nonresident that owns a vehicle may declare Indiana as the nonresident's base without obtaining a certificate of title for the vehicle if:

(1) the nonresident's state of residence is not a member of the International Registration Plan; and

(2) the nonresident presents to the bureau satisfactory proof of ownership of the vehicle from the originating state.

(c) A person that obtains a certificate of title for a type of vehicle that must be registered under IC 9-18 (before its expiration) or IC 9-18.1 shall register the vehicle in Indiana under IC 9-18 (before its expiration) or IC 9-18.1.

(e) (d) A person must obtain a certificate of title for all vehicles owned by the person not later than sixty (60) days after becoming an Indiana resident. Upon request by the bureau, a person must produce evidence concerning the date on which the person became an Indiana resident.

(f) A person who fails to obtain a certificate of title as required under subsection (b); (c); (d); or (e) commits a Class E infraction:

(e) Except as provided in subsection (b), an individual who operates a vehicle without a certificate of title commits a Class C infraction.

SECTION 202. IC 9-17-2-1.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 1.5: (a) This section does not apply to an off-road vehicle that is at least five (5) model years old:

(b) A person who purchases an off-road vehicle after December 31, 2005; must obtain a certificate of title for the off-road vehicle from the bureau:

(c) A person who fails to obtain a certificate of title as required under subsection (b) commits a Class E infraction:

SECTION 203. IC 9-17-2-2, AS AMENDED BY P.L.81-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A person applying for a certificate of title for a vehicle must submit an application on a form furnished in the form and manner prescribed by the bureau and provide the following information:

(1) A full description of the vehicle, including the make, model, and year of manufacture of the vehicle.

(2) A statement of any ~~lien~~ liens, mortgages, or other encumbrance encumbrances on the vehicle.

(3) The vehicle identification number or special identification number of the vehicle.

(4) The former title number, if applicable.

(5) The purchase or acquisition date.

(6) The name residence address and, if different from the residence address; mailing address; and Social Security number or federal identification number of the person.

(7) Any other information that the bureau requires, including a valid permit to transfer title issued under IC 6-1.1-7-10, if applicable.

(b) This subsection applies only to a person who that receives an interest in a vehicle under IC 9-17-3-9. To obtain a

certificate of title for the vehicle, the person must do the following:

(1) Surrender the certificate of title designating the person as a transfer on death beneficiary.

(2) Submit proof of the transferor's death.

(3) Submit an application for a certificate of title on a form furnished by the bureau that meets the requirements of subsection (a); in the form and manner prescribed by the bureau.

SECTION 204. IC 9-17-2-4, AS AMENDED BY P.L.92-2013, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. If (a) An application for a certificate of title for a vehicle for which a certificate of title (1) has been issued previously issued for a vehicle in Indiana; an application for a certificate of title must be accompanied by the previously issued certificate of title, unless otherwise provided; or

(2) (b) An application for a certificate of title for a vehicle for which a certificate of title has not been issued previously been issued for a vehicle in Indiana; an application for a certificate of title must be accompanied by the following:

(1) If the vehicle is in Indiana, a manufacturer's certificate of origin as provided in IC 9-32-5-3. unless otherwise provided in this chapter:

(2) If the vehicle is brought into Indiana from another state, the following:

(A) A sworn bill of sale or dealer's invoice fully describing the vehicle.

(B) The most recent registration receipt issued for the vehicle.

(C) Any other information that the bureau requires to establish ownership.

SECTION 205. IC 9-17-2-5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 5: If an application for a certificate of title is for a vehicle or off-road vehicle brought into Indiana from another state, the application must be accompanied by:

(1) the certificate of title issued for the vehicle or off-road vehicle by the other state if the other state has a certificate of title law;

(2) a sworn bill of sale or dealer's invoice fully describing the vehicle or off-road vehicle and the most recent registration receipt issued for the vehicle or off-road vehicle if the other state does not have a certificate of title law; or

(3) other information that the bureau requires; if the other state does not have a certificate of title or registration law that pertains to the vehicle or off-road vehicle.

SECTION 206. IC 9-17-2-6, AS AMENDED BY P.L.188-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) This section does not apply to a motor vehicle requiring a certificate of title under section 1(b)(2) or 1.5 of this chapter:

(b) (a) An application for a certificate of title issued for a vehicle that is required to be registered under this title at a declared gross weight of sixteen thousand (16,000) pounds or less must contain the odometer reading of the vehicle in miles or kilometers as of the date of sale or transfer of the vehicle to the applicant.

(b) Subsection (a) does not apply to the following:

(1) A vehicle described in IC 9-17-1-1(b)(1).

(2) A vehicle described in IC 9-17-1-1(c).

(3) A manufactured or mobile home.

(4) An off-road vehicle.

(5) A watercraft.

(6) A vehicle that is required to be registered under this title at a declared gross weight of more than sixteen thousand (16,000) pounds.

(c) A person may shall not knowingly furnish to the bureau odometer information that does not accurately indicate the total recorded miles or kilometers on the vehicle.

(d) The bureau and its license branches are not subject to a criminal or civil action by a person for an invalid odometer reading on a certificate of title.

(e) A person ~~who~~: **that**:

- (1) fails to provide an odometer reading as required under subsection ~~(b)~~; **(a)**; or
- (2) knowingly provides an erroneous odometer reading for purposes of subsection (c);

commits a Class B infraction.

SECTION 207. IC 9-17-2-8 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 8: The bureau shall use reasonable diligence in determining if the facts stated in an application for a certificate of title are true.

SECTION 208. IC 9-17-2-9 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 9: (a) This section does not apply to a vehicle requiring a certificate of title under this chapter but that is not required to be registered under IC 9-18:

(b) A person applying for a certificate of title must:

- (1) apply for registration of the vehicle described in the application for the certificate of title; or
- (2) transfer the current registration of the vehicle owned or previously owned by the person.

(c) A person who fails to:

- (1) apply for a certificate of title as required under subsection (b); or
- (2) fails to transfer the current registration of the vehicle owned or previously owned by the person;

commits a Class C infraction.

SECTION 209. IC 9-17-2-10 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 10: (a) If the bureau is satisfied that the person applying for a certificate of title is the owner of the vehicle, the bureau may issue a certificate of title for the vehicle:

(b) The bureau may not issue a certificate of title to an applicant if the bureau determines that the applicant is not an Indiana resident.

SECTION 210. IC 9-17-2-11 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 11: (a) The bureau shall deliver a certificate of title to the person who owns the vehicle if no lien or encumbrance appears on the certificate of title:

(b) If a lien or an encumbrance appears on the vehicle, the bureau shall deliver the certificate of title to the person who holds the lien or encumbrance set forth in the application for the certificate of title.

SECTION 211. IC 9-17-2-12, AS AMENDED BY P.L.262-2013, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) As used in this section, "dealer" refers to a dealer that has:

- (1) been in business for not less than five (5) years; and
- (2) sold not less than one hundred fifty (150) motor vehicles during the preceding calendar year.

(b) **(a)** This section does not apply to the following:

- (1) **A trailer or semitrailer.**
- (2) A new motor vehicle or recreational vehicle sold by a dealer licensed by the state: **under IC 9-32.**
- (2) **(3)** A motor vehicle or recreational vehicle transferred or assigned on a certificate of title issued by the bureau.
- (3) **(4)** A motor vehicle that is registered under the International Registration Plan.
- (4) **(5)** A motor vehicle that is titled in the name of a financial institution, lending institution, or insurance company in Canada and imported by a registered importer, if

(A) the registered importer **provides**: complies with section 12.5(a) of this chapter; and

(B) section 12.5(d) of this chapter does not apply to the motor vehicle:

- (A)** a copy of the registered importer's validation agreement issued by the United States customs and border protection;
- (B)** a copy of the entry summary issued by the

United States customs and border protection (CBP form 7501); and

(C) a vehicle history report issued by an independent provider of vehicle history information that includes the vehicle's title information, odometer readings, and number of owners.

~~(5)~~ **(6)** A motor vehicle that is titled in another state and is in the lawful possession of a financial institution, a lending institution, or an insurance company, a vehicle rental company, a vehicle leasing company, or a lessee of a vehicle leasing company if

~~(A)~~ the financial institution, lending institution, or insurance company, vehicle rental company, vehicle leasing company, or lessee of a vehicle leasing company:

complies with section 12.5(b) of this chapter; and

~~(B)~~ section 12.5(d) of this chapter does not apply to the motor vehicle: **(A)** provides a vehicle history report issued by an independent provider of vehicle history information that includes the vehicle's:

- (i)** title information;
- (ii)** odometer readings; and
- (iii)** number of owners; and

(B) maintains a copy of all documentation required under this subsection for at least ten (10) years.

(7) A vehicle that is purchased in another state and titled in Indiana by a vehicle rental company or a vehicle leasing company if the vehicle rental company or vehicle leasing company:

(A) provides a vehicle history report issued by an independent provider of vehicle history information that includes the vehicle's:

- (i)** title information;
- (ii)** odometer readings; and
- (iii)** number of owners; and

(B) maintains a copy of all documentation required under this subsection for at least ten (10) years.

~~(e)~~ **(b)** Subject to subsection ~~(e)~~; **(d)**, an application for a certificate of title for a motor vehicle or recreational vehicle may not be accepted by the bureau unless the motor vehicle or recreational vehicle has been inspected by one (1) of the following:

(1) An employee of a dealer designated by the secretary of state to perform an inspection: **licensed under IC 9-32.**

(2) A military police officer assigned to a military post in Indiana.

(3) A police officer.

(4) A designated employee of the bureau.

(5) An employee of a qualified person operating under a contract with the commission. ~~under IC 9-16-1-4~~ for operation of a full service license branch:

~~(6)~~ An employee of a qualified person operating under a contract with the commission under IC 9-16-1-4.5 for operation of a partial service license branch:

~~(d)~~ **(c)** A person described in subsection ~~(e)~~ **(b)** inspecting a motor vehicle, semitrailer, or recreational vehicle shall do the following:

(1) Make a record of inspection upon the application form prepared by the bureau.

(2) Verify the facts set out in the application.

~~(e)~~ **(d)** The bureau may accept an inspection performed by a police officer from a jurisdiction outside Indiana if the bureau determines that an inspection performed by an individual described in subsection ~~(e)~~ **(b)** is unavailable or otherwise insufficient to complete an application for a certificate of title.

(e) A police officer who makes an inspection under this section may charge a fee, subject to the following:

(1) The fee must be established by ordinance adopted by the unit (as defined in IC 36-1-2-23) that employs the police officer.

(2) The fee may not exceed five dollars (\$5).

(3) The revenue from the fee shall be deposited in the following manner:

(A) A special vehicle inspection fund if the police officer making the inspection is a member of the county sheriff's department. The fiscal body of the unit must appropriate the money from the inspection fund only for law enforcement purposes.

(B) A local law enforcement continuing education fund established by IC 5-2-8-2 if the police officer making the inspection is a member of a city or town police department, a town marshal, or a town marshal deputy.

SECTION 212. IC 9-17-2-12.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 12-5. (a) Except as provided in subsection (d), the bureau may accept an application for a certificate of title for a motor vehicle that is titled in the name of a financial institution, a lending institution, or an insurance company in Canada and imported by a registered importer without requiring an inspection under section 12(c) of this chapter if the registered importer presents the bureau with the following documentation relating to the motor vehicle:

(1) A copy of the registered importer's validation agreement issued by the United States Customs and Border Protection (CBP);

(2) A copy of the entry summary issued by the United States Customs and Border Protection (CBP Form 7501);

(3) A vehicle history report issued by an independent provider of vehicle history information that includes:

(A) the vehicle's title information;

(B) the vehicle's odometer readings; and

(C) the number of owners of the vehicle.

(b) Except as provided in subsection (d), the bureau may accept an application for a certificate of title for a motor vehicle that is titled in another state and is in the lawful possession of a financial institution, a lending institution, or an insurance company if the financial institution, lending institution, or insurance company presents to the bureau a vehicle history report issued by an independent provider of vehicle history information that includes:

(1) the motor vehicle's title information;

(2) the motor vehicle's odometer readings; and

(3) the number of owners of the motor vehicle.

(c) A:

(1) registered importer; or

(2) financial institution, a lending institution, or an insurance company;

must maintain a copy of all documentation required by this section for at least ten (10) years.

(d) An inspection of a motor vehicle described in subsection (a) or (b) is required under section 12(c) of this chapter if:

(1) the registered importer; or

(2) the financial institution, lending institution, or insurance company;

is unable to provide the bureau with the documentation required by this section.

SECTION 213. IC 9-17-2-13 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 13. (a) Except as provided in subsection (b), a person may not operate or permit to be operated upon the highways a motor vehicle, semitrailer, or recreational vehicle under an Indiana registration number unless a certificate of title has been issued under this chapter for the motor vehicle, semitrailer, or recreational vehicle.

(b) A person may operate a motor vehicle, semitrailer, or recreational vehicle upon highways without an Indiana certificate of title if the motor vehicle, semitrailer, or recreational vehicle:

(1) is:

(A) fully titled and registered in another state; and

(B) operating under an Indiana trip permit or temporary

registration; or

(2) is registered under apportioned registration of the International Registration Plan and based in a state other than Indiana;

(c) A person who owns a motor vehicle, semitrailer, or recreational vehicle may declare Indiana as the person's base without obtaining an Indiana certificate of title if:

(1) the person's state of residence is not a member of the International Registration Plan; and

(2) the person presents satisfactory proof of ownership from the resident state.

(d) Except as provided in subsection (b), a person who operates a motor vehicle without a certificate of title commits a Class E infraction.

SECTION 214. IC 9-17-2-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13.5. (a) The bureau may impose an additional fee of twenty-five dollars (\$25) if the bureau processes a vehicle title in a period of time that is substantially shorter than the normal processing period. The bureau shall deposit the fee in the commission fund.

(b) A fee imposed under this section is in addition to any other fee imposed under this article.

SECTION 215. IC 9-17-2-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14.5. (a) The bureau may:

(1) make investigations or require additional information; and

(2) reject an application or request;

if the bureau is not satisfied of the genuineness, regularity, or legality of an application or the truth of a statement in an application, or for any other reason.

(b) If the bureau is satisfied that the person applying for a certificate of title for a vehicle is the owner of the vehicle, the bureau shall issue a certificate of title for the vehicle after the person pays the applicable fee under subsection (c) or (d).

(c) The fee for a certificate of title for a vehicle other than a watercraft is fifteen dollars (\$15). Except as provided in subsection (e), the fee shall be distributed as follows:

(1) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(2) To the motor vehicle highway account as follows:
(A) For a title issued before January 1, 2017, one dollar (\$1).

(B) For a title issued after December 31, 2016, three dollars and twenty-five cents (\$3.25).

(3) For a title issued before January 1, 2017, three dollars (\$3) to the highway, road and street fund.

(4) Five dollars (\$5) to the crossroads 2000 fund.

(5) For a title issued before July 1, 2019, one dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(6) To the commission fund as follows:

(A) For a title issued before January 1, 2017, four dollars and twenty-five cents (\$4.25).

(B) For a title issued after December 31, 2016, and before July 1, 2019, five dollars (\$5).

(C) For a title issued after June 30, 2019, six dollars and twenty-five cents (\$6.25).

(d) The fee for a certificate of title for a watercraft is as follows:

(1) For a certificate of title issued before January 1, 2017, fifteen dollars and fifty cents (\$15.50). The fee shall be distributed as follows:

(A) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(B) Two dollars (\$2) to the crossroads 2000 fund.

(C) For a certificate of title issued before July 1,

2019, as follows:

- (i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (ii) Four dollars and seventy-five cents (\$4.75) to the commission fund.
- (D) For a certificate of title issued after June 30, 2019, six dollars (\$6) to the commission fund.
- (E) Seven dollars (\$7) to the department of natural resources.
- (2) For a certificate of title issued after December 31, 2016, fifteen dollars (\$15). The fee shall be distributed as follows:
 - (A) Fifty cents (\$0.50) to the state motor vehicle technology fund.
 - (B) Three dollars and twenty-five cents (\$3.25) to the motor vehicle highway account.
 - (C) Five dollars (\$5) to the crossroads 2000 fund.
 - (D) For a title issued before July 1, 2019, as follows:
 - (i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
 - (ii) Five dollars (\$5) to the commission fund.
 - (E) For a title issued after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.
- (e) Fees paid by dealers under this section shall be deposited in the motor vehicle odometer fund.
- (f) The bureau shall deliver a certificate of title:
 - (1) to the person that owns the vehicle for which the certificate of title was issued, if no lien or encumbrance appears on the certificate of title; or
 - (2) if a lien or an encumbrance appears on the certificate of title, to the person that holds the lien or encumbrance as set forth in the application for the certificate of title.

SECTION 216. IC 9-17-2-14.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14.7. (a) This section does not apply to a mobile home or a manufactured home.

(b) Except as provided in subsection (c), a person must apply for a certificate of title for a vehicle within forty-five (45) days after the date on which the person acquires the vehicle.

(c) A person that acquires a vehicle through a transfer on death conveyance under IC 9-17-3-9 must apply for a certificate of title for the vehicle within sixty (60) days after the date on which the person acquires the vehicle.

(d) A person that owns a vehicle and becomes an Indiana resident must apply for a certificate of title for the vehicle within sixty (60) days after the date on which the person becomes an Indiana resident.

(e) A person that violates this section with respect to a certificate of title for a vehicle other than a watercraft shall pay to the bureau an administrative penalty as follows:

- (1) For a violation that occurs before January 1, 2017, an administrative penalty of twenty-one dollars and fifty cents (\$21.50). The administrative penalty shall be distributed as follows:
 - (A) Twenty-five cents (\$0.25) to the crossroads 2000 fund.
 - (B) Fifty cents (\$0.50) to the state motor vehicle technology fund.
 - (C) Three dollars (\$3) to the highway, road and street fund.
 - (D) Five dollars (\$5) to the motor vehicle highway account.
 - (E) One dollar and fifty cents (\$1.50) to the integrated public safety communications fund.
 - (F) Eleven dollars and twenty-five cents (\$11.25) to the commission fund.
- (2) For a violation that occurs after December 31,

2016, and before July 1, 2019, an administrative penalty of thirty dollars (\$30). The administrative penalty shall be distributed as follows:

- (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (B) Twenty-eight dollars and seventy-five cents (\$28.75) to the commission fund.
- (3) For a violation that occurs after June 30, 2019, an administrative penalty of thirty dollars (\$30) to be deposited in the commission fund.
- (f) A person that violates this section with respect to a certificate of title for a watercraft shall pay to the bureau an administrative penalty as follows:
 - (1) For a violation that occurs before January 1, 2017, an administrative penalty of twenty dollars (\$20). The administrative penalty shall be distributed as follows:
 - (A) Three dollars (\$3) to the crossroads 2000 fund.
 - (B) Eight dollars (\$8) to the department of natural resources.
 - (C) Nine dollars (\$9) to the commission fund.
 - (2) For a violation that occurs after December 31, 2016, an administrative penalty of thirty dollars (\$30). The administrative penalty shall be distributed as follows:
 - (A) Twenty-five cents (\$0.25) to the state police building account.
 - (B) Two dollars and fifty cents (\$2.50) to the commission fund.
 - (C) Twenty-seven dollars and twenty-five cents (\$27.25) to the department of natural resources.

SECTION 217. IC 9-17-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. A person who that knowingly sells, offers to sell, buys, possesses, or offers as genuine a certificate of title for a motor vehicle, semitrailer, or recreational vehicle that is required to be issued by the bureau and has not been issued by the:

- (1) bureau under this article; or
- (2) appropriate governmental authority of another state; commits a Class C misdemeanor.

SECTION 218. IC 9-17-2-17 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 17. A certificate of title issued under this chapter does not relieve an owner of an off-road vehicle from any registration requirement for the off-road vehicle under ~~IC 14-16-1.~~

SECTION 219. IC 9-17-2-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. A person that owns a watercraft commits a Class A infraction if the person does any of the following:

- (1) Allows the watercraft to be operated in Indiana without having a certificate of title as required under this title.
- (2) Fails to surrender the certificate of title for the watercraft to the bureau if the bureau cancels the certificate of title.
- (3) Fails to surrender the certificate of title for the watercraft to the bureau if the watercraft is:
 - (A) destroyed;
 - (B) dismantled; or
 - (C) changed in a manner that the watercraft is no longer the watercraft described in the certificate of title.

SECTION 220. IC 9-17-2-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. A certificate of title issued for a manufactured or mobile home is valid for the life of the manufactured or mobile home:

- (1) as long as the manufactured or mobile home is owned or held by the original holder of the certificate of title or a legal transferee of the certificate of title; or
- (2) until the manufactured or mobile home is

transferred to real estate under section 15.1 of this chapter.

SECTION 221. IC 9-17-3-0.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.5. As used in this chapter, "third party" means a person having possession of a certificate of title for a

- (+) motor vehicle
- (-) semitrailer; or
- (-) recreational vehicle;

because the person has a lien or an encumbrance indicated on the certificate of title.

SECTION 222. IC 9-17-3-2, AS AMENDED BY P.L.125-2012, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) If a certificate of title:

- (1) is lost or stolen;
- (2) is mutilated;
- (3) is destroyed; or
- (4) becomes illegible;

the person ~~who~~ **that** owns the vehicle or the legal representative or legal successor in interest of the person ~~who~~ **that** owns the vehicle for which the certificate of title was issued, as shown by the records of the bureau, shall ~~immediately~~ apply for and may obtain a duplicate certificate of title.

(b) To obtain a duplicate certificate of title under subsection (a), a person must:

- (1) furnish information satisfactory to the bureau concerning the loss, theft, mutilation, destruction, or illegibility of the certificate of title; and
- (2) pay the **applicable** fee ~~provided~~ under ~~IC 9-29-~~ **subsection (e) or (f)**.

(c) The word "duplicate" shall be printed or stamped in ink on the face of a certificate of title issued under this section.

(d) When a duplicate certificate of title is issued, the previous certificate of title becomes void.

(e) The fee for a duplicate certificate of title issued before January 1, 2017, for a vehicle other than a watercraft is eight dollars (\$8). The fee shall be distributed as follows:

- (1) One dollar (\$1) to the motor vehicle highway account.**
- (2) One dollar (\$1) to the highway, road and street fund.**
- (3) Six dollars (\$6) to the commission fund.**

(f) The fee for a duplicate certificate of title issued before January 1, 2017, for a watercraft is fifteen dollars and fifty cents (\$15.50). The fee shall be distributed as follows:

- (1) Fifty cents (\$0.50) to the state motor vehicle technology fund.**
- (2) Two dollars (\$2) to the crossroads 2000 fund.**
- (3) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.**
- (4) Four dollars and seventy-five cents (\$4.75) to the commission fund.**
- (5) Seven dollars (\$7) to the department of natural resources.**

(g) The fee for a duplicate certificate of title issued after December 31, 2016, is fifteen dollars (\$15). The fee shall be distributed as follows:

- (1) Fifty cents (\$0.50) to the state motor vehicle technology fund.**
- (2) One dollar and twenty-five cents (\$1.25) to the department of natural resources.**
- (3) Three dollars and twenty-five cents (\$3.25) to the motor vehicle highway account.**
- (4) Five dollars (\$5) to the crossroads 2000 fund.**
- (5) For a duplicate title issued before July 1, 2019, as follows:**

- (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.**
- (B) Three dollars and seventy-five cents (\$3.75) to**

the commission fund.

(6) For a duplicate title issued after June 30, 2019, five dollars (\$5) to the commission fund.

SECTION 223. IC 9-17-3-3.2, AS AMENDED BY P.L.226-2014(ts), SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.2. (a) When a certificate of title is available and a vehicle is sold or transferred to a person other than a dealer licensed ~~in Indiana;~~ **under IC 9-32**, the seller or transferor shall fill in all blanks on the certificate of title relating to buyer information, including the sale price.

(b) The failure of the seller or transferor to fill in all buyer information is a Class B infraction.

SECTION 224. IC 9-17-3-4, AS AMENDED BY P.L.262-2013, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) A certificate of title for a vehicle held by an Indiana resident who is serving in the armed forces of the United States may be transferred by the Indiana resident to another person if the **Indiana** resident authorizes the transfer by a letter signed by the Indiana resident. The letter must be accompanied by proof that the Indiana resident is actively serving in the armed forces of the United States and is outside Indiana.

(b) When the bureau receives the letter and proof described in subsection (a), the bureau may make the transfer to the person named in the letter.

(c) Whenever a transfer described in subsection (a) is made, the letter:

- (1) must be attached to the certificate of title being transferred; and
- (2) becomes a permanent record of the bureau.

(d) The bureau shall use reasonable diligence in determining if the signature of the person ~~who~~ **that** signed the letter described in subsection (a) authorizing the transfer is the signature of the person.

(e) If the bureau is satisfied that the signature is the signature of the person ~~who~~ **that** owns the vehicle described in the certificate of title, the bureau shall issue an appropriate certificate of title over the signature of the bureau and sealed with the seal of the bureau to the person named in the letter.

SECTION 225. IC 9-17-3-5, AS AMENDED BY P.L.125-2012, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Whenever a vehicle for which a certificate of title is required by this article is sold ~~under~~ **or transferred**:

- (1) **under** an order or a process of an Indiana court; ~~or~~
- (2) **under** any provision of an Indiana statute; ~~or~~
- (3) **by operation of law**;

the person ~~who purchases that~~ **obtains** the vehicle may obtain a certificate of title for the vehicle by filing an application for the certificate of title with the bureau and attaching to the application written evidence showing the order, process, **operation**, or statute under which the person obtained ownership of the vehicle.

(b) The bureau shall use due diligence to ascertain that the sale was in conformity with the order, process, **operation**, or statute under which the sale **or transfer** occurred and, if the bureau is satisfied, the bureau shall issue a certificate of title to the person ~~who that~~ **obtained or purchased** the vehicle.

(c) An order or a process of an Indiana court described in subsection (a) must include the:

- (1) year of manufacture of;
- (2) make and model of;
- (3) vehicle identification number of; and
- (4) name and address of the person ~~who that~~ **is** entitled to; the vehicle.

SECTION 226. IC 9-17-3-6, AS AMENDED BY P.L.125-2012, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. ~~(a) Except as provided in subsection (b);~~ If the bureau:

(1) determines that a certificate of title is issued in error; or

(2) receives notification from another state or a foreign country that a certificate of title for a vehicle that was issued by the bureau has been surrendered by the person who that owns the vehicle in conformity with the laws of the other state or country;

the bureau may cancel the record of certificate of title in Indiana.

(b) The bureau must retain information necessary to comply with section 8 of this chapter.

SECTION 227. IC 9-17-4-0.3, AS AMENDED BY P.L.262-2013, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.3. As used in this chapter, "assembled vehicle" means:

(1) a motor vehicle, excluding a motorcycle, that has had the:

- (A) frame;
- (B) chassis;
- (C) cab; or
- (D) body;

modified from its original construction, replaced, or constructed; or

(2) a motorcycle that has had the:

- (A) frame; or
- (B) engine;

modified from its original construction, replaced, or constructed.

The term includes but is not limited to glider kits, fiberglass body kits, and vehicle reproductions or replicas and includes motor vehicles that have visible and original vehicle identification numbers.

SECTION 228. IC 9-17-4-0.5, AS AMENDED BY P.L.125-2012, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.5. As used in this chapter, "special identification number" means a distinguishing number assigned by the bureau to a privately assembled motor vehicle, semitrailer, or recreational vehicle.

SECTION 229. IC 9-17-4-1, AS AMENDED BY P.L.125-2012, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. If a motor vehicle, semitrailer, or recreational vehicle has been built, constructed, or assembled by the person who that owns the motor vehicle, semitrailer, or recreational vehicle, the person shall:

(1) indicate on a form provided by the bureau the major component parts that have been used to assemble the motor vehicle, semitrailer, or recreational vehicle;

(2) make application through the bureau for a special identification number for the motor vehicle, semitrailer, or recreational vehicle;

(3) after receipt of the special identification number described in subdivision (2), stamp or attach the special identification number received from the bureau in the manner provided in section 2(3) of this chapter; and

(4) apply for a certificate of title for the motor vehicle, semitrailer, or recreational vehicle from the bureau.

SECTION 230. IC 9-17-4-2, AS AMENDED BY P.L.125-2012, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A certificate of title may not be issued for a manufactured or privately assembled motor vehicle, semitrailer, or recreational vehicle that does not have a special identification number stamped on the motor vehicle, semitrailer, or recreational vehicle or permanently attached to the motor vehicle, semitrailer, or recreational vehicle until the person who that owns the motor vehicle, semitrailer, or recreational vehicle has:

(1) an inspection performed under IC 9-17-2-12;

(2) obtained from the bureau a special identification number designated by the bureau; and

(3) stamped or permanently attached the special identification number in a conspicuous place on the frame of the motor vehicle, semitrailer, or recreational vehicle.

(b) A special identification number obtained from the bureau under subsection (a) for a manufactured or mobile home must be the same identification number used on the certificate of title for the manufactured or mobile home.

SECTION 231. IC 9-17-4-4, AS AMENDED BY P.L.262-2013, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. A certificate of title issued under this chapter must contain the following:

(1) A description and other evidence of identification of the motor vehicle, semitrailer, or recreational vehicle as required by the bureau.

(2) A statement of any liens or encumbrances that the application shows to be on the certificate of title.

(3) The appropriate notation prominently recorded on the front of the title as follows:

(A) For a vehicle assembled using all new or used vehicle parts, "RECONSTRUCTED VEHICLE".

(B) For a vehicle assembled using a salvage vehicle or parts, "REBUILT".

SECTION 232. IC 9-17-4-4.5, AS AMENDED BY P.L.188-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.5. (a) A person must obtain a body change title whenever a vehicle is altered so that the alteration changes the type of the vehicle, as noted on the:

(1) current title; or

(2) certificate of origin;

of the vehicle.

(b) To receive a body change title, an applicant must provide:

(1) the former title or certificate of origin;

(2) a properly completed body change affidavit using a form prescribed by the bureau; designated form; and

(3) a proof of a vehicle inspection.

(c) An assembled vehicle and a vehicle that is altered such that the vehicle type is changed must meet all applicable federal and state highway safety requirements before the vehicle may be titled and registered for operation on highways.

(d) A person who that fails to obtain an updated certificate of title as required under subsection (a) commits a Class C infraction.

SECTION 233. IC 9-17-4-7, AS AMENDED BY P.L.217-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) Not more than twenty (20) days after a person becomes the owner, custodian, or possessor of a motor vehicle that:

(1) was manufactured after December 31, 1954; and

(2) either: (A) (1) does not have a manufacturer's identification number installed on the motor vehicle; or

(B) (2) has an original manufacturer's identification number that is altered, destroyed, obliterated, or defaced;

the person shall apply to the bureau for permission to make or stamp a special identification number on the motor vehicle.

(b) The bureau shall prescribe the form and manner of an application under subsection (a). The application must contain the following:

(1) A description of the motor vehicle, including the make, style, and year of model of the motor vehicle.

(2) A description of:

(A) the original manufacturer's identification number, if possible; or

(B) any distinguishing marks on the engine or body of the motor vehicle.

(3) The name and address of the applicant.

(4) The date on which the applicant purchased or took possession of the motor vehicle.

(5) The name and address of the person from whom the applicant purchased or acquired the motor vehicle.

(6) ~~Any An~~ application fee required under IC 9-29 for a special identification number: in an amount under subsection (c) or (d), as applicable.

(7) Any other information the bureau requires.

(c) The fee for an application for an identification number other than a hull identification number that is submitted before January 1, 2017, is thirteen dollars (\$13). The fee shall be distributed as follows:

(1) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(2) One dollar (\$1) to the highway, road and street fund.

(3) One dollar (\$1) to the motor vehicle highway account.

(4) One dollar and fifty cents (\$1.50) to the integrated public safety communications fund.

(5) Four dollars (\$4) to the crossroads 2000 fund.

(6) Five dollars (\$5) to the commission fund.

(d) The fee for an application for a hull identification number that is submitted before January 1, 2017, is ten dollars and fifty cents (\$10.50). The fee shall be distributed as follows:

(1) Two dollars and fifty cents (\$2.50) to the department of natural resources.

(2) Four dollars (\$4) to the crossroads 2000 fund.

(3) Four dollars (\$4) to the commission fund.

(e) The fee for an application for an identification number that is submitted after December 31, 2016, is ten dollars (\$10). The fee shall be distributed as follows:

(1) Fifty cents (\$0.50) to the state motor vehicle technology account.

(2) Three dollars and twenty-five cents (\$3.25) to the motor vehicle highway account.

(3) For an application submitted before July 1, 2019, as follows:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Five dollars (\$5) to the commission fund.

(4) For an application submitted after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

(~~e~~) (f) A person ~~who that~~ owns or possesses a motor vehicle described in subsection (a) and fails to comply with this section commits a Class B infraction.

SECTION 234. IC 9-17-4-8, AS AMENDED BY P.L.217-2014, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) The bureau shall review an application submitted under section 7 of this chapter. If the bureau determines the application is complete, the bureau shall issue to the applicant written permission to make or stamp a special identification number on the motor vehicle. The bureau shall designate the special identification number and the location of the special identification number on the motor vehicle.

(b) A new special identification number may not cover or otherwise obscure an original identification number that is visible on a motor vehicle.

(c) A new special identification number that is stamped or otherwise placed on a motor vehicle under this chapter becomes the lawful identification number of the motor vehicle for all purposes, including for purposes of selling or transferring the motor vehicle.

(d) A person ~~who that~~ covers or obscures an original or special identification number as described in subsection (b) commits a Class B infraction.

SECTION 235. IC 9-17-4-10, AS ADDED BY P.L.262-2013, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) The bureau shall designate special identification numbers under this chapter consecutively, beginning with the number one (1),

preceded by the letters "MVIN", and followed by the letters "IND" in the order of the filing of applications.

(b) This chapter does not affect the authority of a manufacturer or a manufacturer's agent, other than a dealer, to perform numbering on motor vehicles or motor vehicle parts that are removed or changed and then replaced with other numbered motor vehicle parts.

SECTION 236. IC 9-17-4-11, AS ADDED BY P.L.262-2013, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. ~~Except as specifically provided in this chapter,~~ The bureau may not register or issue a certificate of title for a motor vehicle that does not have an identification number.

SECTION 237. IC 9-17-4-12, AS ADDED BY P.L.262-2013, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) Before the bureau may issue a certificate of title for a vehicle that is required under this chapter to have a special identification number made or stamped on the motor vehicle, the bureau shall require the person applying for the certificate of title to sign a statement that the special identification number assigned to the motor vehicle by the bureau has been made or stamped on the motor vehicle in a workmanlike manner. The statement must also be signed by the law enforcement officer who inspected the motor vehicle and determined that the special identification number was made or stamped in a workmanlike manner.

(b) This section does not affect the authority of a manufacturer or a manufacturer's agent, other than a dealer licensed under IC 9-32, to perform numbering on motor vehicles or motor vehicle parts that are removed or changed and then replaced with other numbered motor vehicle parts.

SECTION 238. IC 9-17-4-19, AS ADDED BY P.L.262-2013, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. (a) A person ~~who that~~:

(1) either:

(A) with the intent to conceal evidence of the commission of a crime, operates a motor vehicle with an identification number that is concealed; or

(B) operates a motor vehicle with an identification number that is removed, defaced, destroyed, or obliterated; and

(2) has not applied under section 7 of this chapter for a new special identification number; commits a Class C infraction.

(b) If a person ~~who that~~ violates subsection (a) cannot prove to the satisfaction of the court that the person owns the motor vehicle, the court shall confiscate and sell the motor vehicle. The proceeds from the sale shall be used to pay the fine and costs of prosecution, and the balance, if any, shall be deposited in the motor vehicle highway account. ~~fund~~.

(c) If the fine and costs are not paid not later than thirty (30) days after judgment is rendered under this section, the court shall proceed to advertise and sell the motor vehicle in the manner provided by law for the sale of personal property under execution.

(d) If at any time at which the motor vehicle remains in the custody of the court or the court's officers under this section, the owner appears and establishes the owner's title to the motor vehicle to the satisfaction of the court, the motor vehicle shall be returned to the owner. The owner shall then make application for and may obtain an identification number and a title as provided in this chapter. The owner may then use the motor vehicle upon proper registration.

SECTION 239. IC 9-17-5-1, AS AMENDED BY P.L.188-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A person having possession of a certificate of title for a motor vehicle, ~~semitrailer, or recreational~~ vehicle because the person has a lien or an encumbrance on the motor vehicle, ~~semitrailer, or~~

recreational vehicle must deliver not more than ten (10) business days after receipt of the payment the satisfaction or discharge of the lien or encumbrance indicated upon the certificate of title to the person **who that**:

- (1) is listed on the certificate of title as owner of the motor vehicle, semitrailer, or recreational vehicle; or
- (2) is acting as an agent of the owner and **who that** holds power of attorney for the owner of the motor vehicle, semitrailer, or recreational vehicle.

(b) A person **who that**:

- (1) fails to remove a lien or encumbrance; or
- (2) fails to deliver a certificate of title to the owner of a motor vehicle;

as required under subsection (a) commits a Class C infraction.

SECTION 240. IC 9-17-5-2, AS AMENDED BY P.L.262-2013, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. A person **who that** holds a lien on a motor vehicle, semitrailer, or recreational vehicle, who has repossessed the motor vehicle, semitrailer, or recreational vehicle, and wants to obtain a certificate of title for the motor vehicle, semitrailer, or recreational vehicle in the person's name may obtain the certificate of title from the bureau if:

- (1) the person from whom the motor vehicle, semitrailer, or recreational vehicle has been repossessed is shown by the records of the bureau to be the last registered owner of the motor vehicle, semitrailer, or recreational vehicle; and
- (2) the person **who that** holds the lien:

- (A) has complied with this chapter; and
- (B) establishes to the satisfaction of the bureau that the person is entitled to the certificate of title.

SECTION 241. IC 9-17-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. Notwithstanding any other law, a rental transaction agreement does not create a sale or security interest in a motor vehicle or trailer solely because the transaction agreement provides that the rental price may be adjusted upon the termination of the agreement based upon the amount received for the motor vehicle or trailer upon sale or other disposition.

SECTION 242. IC 9-17-6-1 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 1: (a) A person who owns a manufactured home that is:

- (1) personal property not held for resale; or
- (2) not attached to real estate by a permanent foundation;

shall obtain a certificate of title for the manufactured home under this chapter.

(b) A person who fails to obtain a certificate of title for a manufactured home as required under subsection (a) commits a Class C infraction.

SECTION 243. IC 9-17-6-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 2: A person applying for a certificate of title under this chapter must submit an application on a form furnished by the bureau that contains the following information:

- (1) A full description of the manufactured home.
- (2) A statement of the person's title and of any lien or encumbrance upon the manufactured home.
- (3) The following printed statement:

"I swear or affirm that the information that I have entered on this form is correct. I understand that making a false statement on this form may constitute the crime of perjury."

(4) The signature of the person applying for the certificate of title directly under the statement set forth in subdivision (3).

- (5) The following numbers, if the numbers are available:
 - (A) A unique serial number assigned by the manufacturer to the manufactured home.
 - (B) The certification label number required by the United States Department of Housing and Urban Development for the manufactured home.

If neither the number described in clause (A) nor the number described in clause (B) is available, the bureau may issue a special identification number for the manufactured home under this chapter.

(6) Any other information required under rules adopted under IC 4-22-2 by the bureau.

SECTION 244. IC 9-17-6-4 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 4: Except as otherwise provided in this article, if a certificate of title:

- (1) has been previously issued for a manufactured home in Indiana; an application for a certificate of title must be accompanied by the certificate of title; or
- (2) has not previously been issued for a manufactured home in Indiana; the application must be accompanied by a manufacturer's certificate of origin as provided in IC 9-32-5-3.

SECTION 245. IC 9-17-6-5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 5: If the application for a certificate of title is for a manufactured home brought into Indiana from another state, the application must be accompanied by:

- (1) the certificate of title issued for the manufactured home by the other state if the other state has a certificate of title law; or
- (2) a sworn bill of sale or dealer's invoice fully describing the manufactured home and the most recent registration receipt if the other state does not have a certificate of title law.

SECTION 246. IC 9-17-6-6 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 6: Except as otherwise provided, IC 26-1-9-1 applies to a security interest in a manufactured home.

SECTION 247. IC 9-17-6-7 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 7: A security agreement covering a security interest in a manufactured home that is not inventory held for sale may only be perfected by indicating the security interest on the certificate of title or duplicate certificate of title for the manufactured home issued by the bureau.

SECTION 248. IC 9-17-6-8 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 8: (a) A secured party that:

- (1) submits a properly completed application for a manufactured home certificate of title to the bureau; and
- (2) pays the fee required by IC 9-29 for a certificate of title;

may have a notation of a security interest in the manufactured home made on the face of the certificate of title issued by the bureau.

(b) The bureau shall do the following:

- (1) Enter the notation and the date of the notation on the certificate of title.
- (2) Make a corresponding entry in the bureau's records.

SECTION 249. IC 9-17-6-9 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 9: When a security interest indicated on a certificate of title to a manufactured home is discharged, the person who holds the security interest shall note the discharge of the security interest over the person's signature on the certificate of title.

SECTION 250. IC 9-17-6-10 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 10: The bureau shall retain the evidence of title presented by an applicant upon which the Indiana certificate of title is issued.

SECTION 251. IC 9-17-6-11 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 11: The bureau shall use reasonable diligence in determining if the facts stated in an application for a certificate of title are true.

SECTION 252. IC 9-17-6-12 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 12: If the bureau is satisfied that the person applying for the certificate of title is the owner of the manufactured home or is otherwise entitled to have the manufactured home titled in the person's name, the bureau shall issue an appropriate certificate of title.

SECTION 253. IC 9-17-6-13 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 13: (a) If a lien or an encumbrance does not appear on the certificate of title, the bureau shall deliver a certificate of title to the person who owns the manufactured home.~~

~~(b) If a lien or an encumbrance appears on the certificate of title, the bureau shall deliver the certificate of title to the person named to receive the certificate of title in the application for the certificate of title.~~

SECTION 254. IC 9-17-6-14 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 14: A certificate of title is valid for the life of the manufactured home as long as the manufactured home is owned or held by the original holder of the certificate of title.~~

SECTION 255. IC 9-17-6-15 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 15: A certificate of title described under this chapter does not have to be renewed except as otherwise provided.~~

SECTION 256. IC 9-17-6-15.1, AS AMENDED BY P.L.262-2013, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15.1. (a) A person who: **that:**

- (1) holds a certificate of title for;
- (2) holds a certificate of origin for; or
- (3) otherwise owns as an improvement;

a manufactured home that is attached to real estate by a permanent foundation may apply for an affidavit of transfer to real estate with the bureau. **The application must be accompanied by the fee set forth in subsection (d).**

(b) An application for an affidavit of transfer to real estate must contain the following:

- (1) A full description of the manufactured home, including:

- (A) a description; and
- (B) the parcel number;

of the real estate to which the manufactured home is attached.

- (2) One (1) or more of the following numbers:

- (A) A unique serial number assigned by the manufacturer to the manufactured home.
- (B) The certification label number required by the United States Department of Housing and Urban Development for the manufactured home.
- (C) A special identification number issued by the bureau for the manufactured home.

- (3) An attestation by the owner of the manufactured home that the manufactured home has been permanently attached to the real estate upon which it is located.

(c) A certificate of title or a certificate of origin is not required for a person who applies for an affidavit of transfer to real estate under this section.

(d) The fee for an affidavit of transfer to real estate is as follows:

- (1) For an application made before January 1, 2017, twenty dollars (\$20). The fee shall be distributed as follows:**

- (A) Ten dollars (\$10) to the motor vehicle highway account.
- (B) Ten dollars (\$10) to the commission fund.

- (2) For an application made after December 31, 2017, fifteen dollars (\$15). The fee shall be distributed as follows:**

- (A) Five dollars (\$5) to the motor vehicle highway account.
- (B) Ten dollars (\$10) to the commission fund.

SECTION 257. IC 9-17-6-15.3, AS AMENDED BY P.L.106-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15.3. Upon receipt from the person filing the affidavit of transfer to real estate, with the accompanying retired certificate of title, if available, the recorder of the county in which the manufactured

home is located shall record the affidavit in the manner required by IC 36-2-11-8, ~~provided that if the auditor of the county has performed the endorsement required by IC 36-2-9-18.~~

SECTION 258. IC 9-17-6-17, AS ADDED BY P.L.203-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. A purchase contract for a **mobile or** manufactured home that is **subject to section 1 of this chapter required to be titled under IC 9-17-1-0.5** is subject to the following terms and conditions:

- (1) The seller must provide a copy of the title to the **mobile or** manufactured home.
- (2) The contract must specify whether the seller or buyer is responsible for the payment of property taxes assessed against the **mobile or** manufactured home under IC 6-1.1-7.
- (3) The buyer of the **mobile or** manufactured home must record the contract in the county recorder's office.

SECTION 259. IC 9-17-6-18 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. The bureau, the commissioner of the bureau, and employees of the bureau are not liable in a civil action for any false information that is:**

- (1) provided to the bureau by an applicant for a certificate of title;**
- (2) reasonably relied upon by the bureau in making a determination to issue a certificate of title to the applicant; and**
- (3) included in the certificate of title to a manufactured home under this chapter.**

SECTION 260. IC 9-17-7 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Trailers).

SECTION 261. IC 9-18-1-2, AS AMENDED BY HEA 1365-2016, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. This article applies to a mini-truck with the exception of the following:

- (1) IC 9-18-7.
- (2) IC 9-18-9 through IC 9-18-11.
- (3) IC 9-18-13 through IC 9-18-14.
- ~~(4) IC 9-18-28.~~
- ~~(5) IC 9-18-32.~~

SECTION 262. IC 9-18-1-3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. This article expires December 31, 2016.**

SECTION 263. IC 9-18-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. A person may operate intrastate, or combined interstate and intrastate, in Indiana a trailer or semitrailer that is properly registered and licensed in another state if the trailer or semitrailer:

- (1) does not have a fixed terminus or permanent base in Indiana; and
- (2) is at the time being drawn or propelled by a tractor or truck that is properly registered and licensed in Indiana if the trailer or semitrailer is:
 - (A) properly registered and licensed in a jurisdiction other than Indiana; and
 - (B) is exempt from registration under this chapter if the owner has complied with the laws of the jurisdiction in which the trailer or semitrailer is registered to the extent that the jurisdiction in which the vehicle is registered grants the exemptions and privileges to vehicles owned by **Indiana** residents ~~of Indiana~~ and registered under Indiana law.

SECTION 264. IC 9-18-2-6 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 6: (a) Except as provided in subsection (b), notwithstanding the time of temporary residence in Indiana, a nonresident who owns a vehicle that:~~

- ~~(1) must be registered under this article; and~~
- ~~(2) is operated intrastate upon the highways of Indiana~~

solely for the purpose of transporting, for hire, nonprocessed agricultural products grown in Indiana; is not required to apply for annual registration of the vehicle.

(b) A nonresident who owns a vehicle must obtain a permit from the bureau in the form of a decal that must be displayed on the vehicle.

(c) A nonresident agricultural permit:

- (1) may be issued by a license branch;
- (2) may be issued for a period of ninety (90) days; and
- (3) must display the expiration date of the permit.

(d) Only one (1) decal shall be issued for any one (1) vehicle in a year.

(e) A person who fails to:

- (1) obtain a permit from the bureau; or
- (2) display a permit obtained from the bureau;

as required under subsection (b) commits a Class C infraction.

SECTION 265. IC 9-18-2-7, AS AMENDED BY P.L.149-2015, SECTION 34, AND AS AMENDED BY P.L.188-2015, SECTION 20, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) A person **who that** owns a vehicle that is operated on **Indiana roadways a highway** and subject to registration shall register each vehicle owned by the person as follows:

- (1) A vehicle subject to section 8 of this chapter shall be registered under section 8 of this chapter.
- (2) Subject to subsection (e) or (f), a vehicle not subject to section 8 or 8.5 of this chapter or to the International Registration Plan shall be registered before:
 - (A) March 1 of each year;
 - (B) February 1 or later dates each year, if:
 - (i) the vehicle is being registered with the department of state revenue; and
 - (ii) staggered registration has been adopted by the department of state revenue; or
 - (C) an earlier date subsequent to January 1 of each year as set by the bureau, if the vehicle is being registered with the bureau.
- (3) School and special purpose buses owned by a school corporation are exempt from annual registration but are subject to registration under IC 20-27-7.
- (4) Subject to subsection (d), a vehicle subject to the International Registration Plan shall be registered before April 1 of each year.
- (5) (4) A school or special purpose bus not owned by a school corporation shall be registered subject to section 8.5 of this chapter.

(b) Except as provided in IC 9-18-12-2.5, a person **who that** owns or operates a vehicle may not operate or permit the operation of a vehicle that:

- (1) is required to be registered under this chapter; and
- (2) has expired license plates.

(c) If a vehicle that is required to be registered under this chapter has:

- (1) been operated on the highways; and
- (2) not been properly registered under this chapter;

the bureau shall, before the vehicle is reregistered, collect the registration fee that the owner of the vehicle would have paid if the vehicle had been properly registered.

(d) The department of state revenue may adopt rules under IC 4-22-2 to issue staggered registration to motor vehicles subject to **registration under any of the following**:

- (1) The International Registration Plan.
- (2) IC 9-18-2-4.6.
- (3) IC 9-18.1-13-3.

(e) Except as provided in section 8.5 of this chapter, the bureau may adopt rules under IC 4-22-2 to issue staggered registration to motor vehicles described in subsection (a)(2).

(f) The registration of a vehicle **under IC 9-18-16-1(a)(1) or IC 9-18-16-1(a)(2) to**:

- (1) a member of the general assembly;
- (2) the spouse of a member of the general assembly; or
- (3) a state official who receives a special license plate on an annual basis;

expires on December 14 of each year.

(g) A person **who that** fails to register or reregister a motor vehicle as required under subsection (a) or (b) commits a Class C infraction.

(h) A person **who that** operates or permits the operation of a motor vehicle in violation of subsection (b) commits a Class C infraction.

SECTION 266. IC 9-18-2-8, AS AMENDED BY P.L.149-2015, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) Except as provided in section 7(f) of this chapter, **and subsection (f)**; the bureau shall determine the schedule for registration for the following categories of vehicles:

- (1) Passenger motor vehicles.
- (2) Recreational vehicles.
- (3) Motorcycles.
- (4) Trucks that:
 - (A) are regularly rented to others for not more than twenty-nine (29) days in the regular course of the corporation's business; and
 - (B) have a declared gross weight of not more than eleven thousand (11,000) pounds.
- (5) Motor driven cycles.
- (6) Trailers that have a declared gross weight of not more than three thousand (3,000) pounds.

(b) Except as provided in IC 9-18-12-2.5, a person that owns a vehicle shall receive a license plate, renewal sticker, or other **indicia proof** upon registration of the vehicle. The bureau may determine the **indicia proof of registration** required to be displayed.

(c) A corporation that owns a vehicle that is regularly rented to others for periods of not more than twenty-nine (29) days in the regular course of the corporation's business must register the vehicle on the date prescribed by the bureau.

(d) A person that owns a vehicle in a category required to be registered under this section and desires to register the vehicle for the first time must apply to the bureau for a certificate of registration. The bureau shall do the following:

- (1) Administer the certificate of registration.
- (2) Issue the license plate according to the bureau's central fulfillment processes.
- (3) Collect the proper fee in accordance with the procedure established by the bureau.

(e) Except as provided in IC 9-18-12-2.5, the bureau shall issue a semipermanent plate under section 30 of this chapter, or:

- (1) an annual renewal sticker; or
- (2) other indicia;

to be affixed on the semipermanent plate.

(f) ~~After June 30, 2011, the registration of a vehicle under IC 9-18-16-1(a)(1) or IC 9-18-16-1(a)(2) expires on December 14 of each year. However, if a vehicle is registered under IC 9-18-16-1(a)(1) or IC 9-18-16-1(a)(2) and the registration of the vehicle is in effect on June 30, 2011, the registration of the vehicle remains valid:~~

- (1) throughout calendar year 2011; and
- (2) during the period that:
 - (A) begins January 1, 2012; and
 - (B) ends on the date on which the vehicle was due for reregistration under the law in effect before this subsection took effect.

(g) ~~After December 31, 2015;~~ (f) A person that:

- (1) owns a private bus; and
 - (2) desires to:
 - (A) register for the first time; or
 - (B) reregister;
- the private bus;

must present to the bureau an unexpired certificate indicating compliance with an inspection program established under IC 9-19-22-3, in addition to any other information required by the bureau.

SECTION 267. IC 9-18-2-16, AS AMENDED BY P.L.149-2015, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) A person ~~who~~ **that** desires to register a vehicle with the bureau must provide the following:

(1) The:

(A) name, bona fide residence, and mailing address, including the name of the county, of the person ~~who~~ **that** owns the vehicle; or

(B) business address, including the name of the county, of the person that owns the vehicle if the person is a firm, a partnership, an association, a corporation, a limited liability company, or a unit of government.

If the vehicle that is being registered has been leased and is subject to the motor vehicle excise tax under IC 6-6-5 or the commercial vehicle excise tax under IC 6-6-5.5, the address of the person ~~who~~ **that** is leasing the vehicle must be provided. If the vehicle that is being registered has been leased and is not subject to the motor vehicle excise tax under IC 6-6-5 or the commercial vehicle excise tax under IC 6-6-5.5, the address of the person ~~who~~ **that** owns the vehicle, the person ~~who~~ **that** is the lessor of the vehicle, or the person ~~who~~ **that** is the lessee of the vehicle must be provided. If a leased vehicle is to be registered under the International Registration Plan, the registration procedures are governed by the terms of the plan.

(2) A brief description of the vehicle to be registered, including the following information if available:

(A) The name of the manufacturer of the vehicle.

(B) The vehicle or special identification number.

(C) The manufacturer's rated capacity if the vehicle is a truck, tractor, trailer, or semitrailer.

(D) The type of body of the vehicle.

(E) The model year of the vehicle.

(F) The color of the vehicle.

(G) Any other information reasonably required by the bureau to enable the bureau to determine if the vehicle may be registered. The bureau may request the person applying for registration to provide the vehicle's odometer reading.

(3) The person registering the vehicle may indicate the person's desire to donate money to organizations that promote the procurement of organs for anatomical gifts. The bureau must:

(A) allow the person registering the vehicle to indicate the amount the person desires to donate; and

(B) provide that the minimum amount a person may donate is one dollar (\$1).

Funds collected under this subdivision shall be deposited with the treasurer of state in a special account. The ~~auditor of state~~ **bureau** shall monthly distribute the money in the special account to the anatomical gift promotion fund established by IC 16-19-3-26. The bureau may deduct from the funds collected under this subdivision the costs incurred by the bureau in implementing and administering this subdivision.

(b) The department of state revenue may audit records of persons ~~who~~ **that** register trucks, trailers, semitrailers, buses, and rental cars under the International Registration Plan, **IC 9-18-2-4.6, or IC 9-18.1-13-3** to verify the accuracy of the application and collect or refund fees due.

SECTION 268. IC 9-18-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 22. ~~Subject to IC 9-18-28~~, A person ~~who~~ **that**:

(1) owns a motor vehicle, except a person ~~who~~ **that** owns a truck or motor vehicle used in transporting passengers or

property for hire; and

(2) has obtained a certificate of registration under this title;

is not required to pay another license fee, obtain any other license or permit to use or operate the motor vehicle on the highways, or display upon the motor vehicle any other number other than the number issued by the bureau.

SECTION 269. IC 9-18-2-41, AS AMENDED BY P.L.188-2015, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 41. (a) In addition to:

(1) the penalty described under sections 1, 6, 7, 21, 26, 27, 29, and 29.5 of this chapter; and

(2) any judgment assessed under IC 34-28-5 (or IC 34-4-32 before its repeal);

a person ~~who~~ **that** violates section 1 of this chapter shall be assessed a judgment equal to the amount of excise tax due under IC 6-6-5 or IC 6-6-5.5 on the vehicle involved in the violation.

(b) The clerk of the court shall do the following:

(1) Collect the additional judgment described under subsection (a) in an amount specified by a court order.

(2) Transfer the additional judgment to the county auditor on a calendar year basis.

(c) The auditor shall distribute the judgments described under subsection (b) to law enforcement agencies, including the state police department, responsible for issuing citations to enforce section 1 of this chapter.

(d) The percentage of funds distributed to a law enforcement agency under subsection (c):

(1) must equal the percentage of the total number of citations issued by the law enforcement agency for the purpose of enforcing section 1 of this chapter during the applicable year; and

(2) may be used for the following:

(A) Any law enforcement purpose.

(B) Contributions to the pension fund of the law enforcement agency.

SECTION 270. IC 9-18-2-47, AS AMENDED BY P.L.26-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 47. (a) The bureau shall adopt rules under IC 4-22-2 prescribing the cycle for the issuance and replacement of license plates under this article. The rules adopted under this section shall provide that a license plate for a vehicle issued under this article is valid for:

(1) not less than five (5) years; and

(2) not more than ten (10) years.

(b) The rules adopted under this section do not apply to:

(1) truck license plates issued under section 4.5 (before its expiration), 4.6, or 18 of this chapter; and

(2) general assembly and other state official license plates issued under IC 9-18-16 (**before its expiration**) or **IC 9-18.5-3**.

SECTION 271. IC 9-18-2.5-3, AS AMENDED BY P.L.188-2015, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The following may not be operated on a ~~public roadway~~, **highway**, in accordance with IC 14-16-1-20:

(1) An off-road vehicle.

(2) A snowmobile (including a collector snowmobile).

(b) Except as provided under subsections (c) and (d), the following must be registered under this chapter:

(1) An off-road vehicle.

(2) A snowmobile.

(c) Registration is not required for the following vehicles:

(1) An off-road vehicle or snowmobile that is exclusively operated in a special event of limited duration that is conducted according to a prearranged schedule under a permit from the governmental unit having jurisdiction.

(2) An off-road vehicle or snowmobile being operated by a nonresident of Indiana as authorized under

IC 14-16-1-19.

(3) An off-road vehicle or snowmobile that is being operated for purposes of testing or demonstration and on which certificate numbers have been placed under section 11 of this chapter.

(4) An off-road vehicle or snowmobile, the operator of which has in the operator's possession a bill of sale from a dealer or private individual that includes the following:

- (A) The purchaser's name and address.
- (B) A date of purchase, which may not be more than thirty-one (31) days before the date on which the operator is required to show the bill of sale.
- (C) The make, model, and vehicle number of the off-road vehicle or snowmobile provided by the manufacturer, as required by section 12 of this chapter.

(5) An off-road vehicle or snowmobile that is owned or leased and used for official business by:

- (A) the state;
- (B) a municipal corporation (as defined in IC 36-1-2-10); ~~or~~
- (C) a volunteer fire department (as defined in IC 36-8-12-2); ~~or~~
- (D) the United States government or an agency of the United States government.**

(d) The owner of an off-road vehicle or a snowmobile that was properly registered under IC 14-16-1 is not required to register the off-road vehicle or snowmobile under this chapter until the date on which the registration expires under IC 14-16-1-11(c).

(e) A person ~~who:~~ **that:**

- (1) operates an off-road vehicle or snowmobile on a public roadway; or
- (2) fails to register an off-road vehicle or snowmobile as required by this section;

commits a Class C infraction.

SECTION 272. IC 9-18-2.5-13 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 13: Records of the bureau made or kept under this chapter are public records except as otherwise provided.~~

SECTION 273. IC 9-18-2.5-15 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 15: The bureau may adopt rules under IC 4-22-2 necessary to carry out this chapter.~~

SECTION 274. IC 9-18-3-6.5, AS AMENDED BY P.L.188-2015, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6.5. (a) An employee of an agency that is exempt from the payment of registration fees under section 1(5) through 1(7) of this chapter is exempt from the payment of any fees for licensing under ~~IC 9-24-6~~ **IC 9-24-6.1** while employed by the exempt agency if the director of the agency notifies the bureau in writing that the employee's duties include driving a commercial motor vehicle for the agency.

(b) The director of an agency that is exempt from the payment of registration fees under section 1(5) through 1(7) of this chapter shall notify the bureau if an individual who received a license without the payment of fees under subsection (a) ceases to be employed by the exempt agency.

(c) Not later than thirty (30) days following the day on which an individual ceases to be employed by an exempt agency, the individual must do the following:

- (1) Renew the individual's license.
- (2) Pay the appropriate fee for licensing under ~~IC 9-24-6~~ **IC 9-24-6.1**.

(d) A person who fails to:

- (1) renew the person's license; and
- (2) pay an appropriate license fee under ~~IC 9-24-6~~ **IC 9-24-6.1**;

subsequent to ending employment with an exempt agency commits a Class C infraction.

SECTION 275. IC 9-18-4-1, AS AMENDED BY

P.L.262-2013, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. A person may register a vehicle and request a license plate by mail if the person applying for the license plate has been issued a certificate of title for the motor vehicle, semitrailer, or recreational vehicle, unless excepted under ~~IC 9-17-2-13~~ **IC 9-17-2-1(b)** or IC 9-18-2-18.

SECTION 276. IC 9-18-4-7, AS AMENDED BY P.L.125-2012, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The bureau may ~~(+) prescribe forms and (-) adopt rules;~~ to implement this chapter.

(b) A form prescribed under this section must include the information described in IC 9-18-2-16(a)(3).

SECTION 277. IC 9-18-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. ~~A person: An individual:~~

- (1) serving in the armed forces of the United States; and
- (2) who holds an Indiana certificate of title for a vehicle that has not been registered in Indiana;

may extend authority by a letter to ~~a an Indiana~~ **an Indiana** resident ~~of Indiana~~ who is at least eighteen (18) years of age to apply for, on behalf of the holder of the certificate of title, a certificate of registration for the motor vehicle described in the certificate of title.

SECTION 278. IC 9-18-7-1, AS AMENDED BY P.L.262-2013, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A person may apply for and receive a temporary registration permit for a motor vehicle, semitrailer, trailer designed to be used with a semitrailer, or recreational vehicle.

(b) A temporary registration permit is valid for a period of thirty (30) days from the date of issuance and authorizes the use of the motor vehicle, semitrailer, trailer designed to be used with a semitrailer, or recreational vehicle on the highways if any of the following conditions exist:

- (1) The person has purchased or otherwise obtained the vehicle in Indiana and will be titling or registering the vehicle in another state or foreign country.
- (2) The person is ~~a an Indiana~~ **an Indiana** resident ~~of Indiana~~ and is intending to move to another state and the current vehicle registration or temporary permit will expire before the person moves.
- (3) The person is ~~a an Indiana~~ **an Indiana** resident ~~of Indiana~~ and the vehicle registration in another state has expired and the person has applied for an Indiana title for the vehicle.
- (4) The person owns and operates the vehicle and the person:

- (A) does not operate the vehicle as a lessor; and
- (B) moves the empty vehicle from one (1) lessee-carrier to another.

(5) The person owns a vehicle for which emissions testing is required and the vehicle will require further mechanical repairs in order to comply with the emissions testing requirements.

(c) The bureau shall prescribe the form of a temporary registration permit.

(d) A temporary registration permit shall be displayed on a vehicle in a manner determined by the bureau.

(e) Subject to IC 9-25-1-2, a temporary registration permit may be obtained under this section if the owner of the vehicle provides proof of financial responsibility in the amounts specified under IC 9-25 in a form required by the bureau.

SECTION 279. IC 9-18-9-1, AS AMENDED BY P.L.188-2015, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A trailer used on the highways ~~including a pop-up camper trailer;~~ must be registered with the bureau.

(b) A person ~~who:~~ **that:**

- (1) uses or operates a trailer; ~~or pop-up camper;~~ and

(2) fails to register the trailer or pop-up camper with the bureau;

commits a Class C infraction.

SECTION 280. IC 9-18-11-13 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 13: The bureau may adopt rules necessary to carry out the administration and enforcement of this chapter.~~

SECTION 281. IC 9-18-12-1, AS AMENDED BY P.L.188-2015, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) An antique motor vehicle must be registered annually. **The fee to register an antique motor vehicle is the fee under IC 9-29-5-28, IC 9-29-5-28.1, or IC 9-29-5-28.2, as appropriate.**

(b) The bureau may adopt a:

- (1) registration form; and
- (2) certificate of registration;

to implement this chapter.

(c) ~~After December 31, 2007, A person who: that:~~

- (1) registers an antique motor vehicle under this chapter; and
- (2) wishes to display on the antique motor vehicle an authentic license plate from the model year of the antique motor vehicle under section 2.5 of this chapter;

must pay the required fee under ~~IC 9-29-5-32.5.~~ **section 2.5(e) of this chapter.**

(d) A person ~~who that~~ fails to register an antique motor vehicle as required under subsection (a) or (c) commits a Class C infraction.

SECTION 282. IC 9-18-12-2, AS AMENDED BY P.L.262-2013, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in section 2.5 of this chapter, the bureau shall issue one (1) license plate to the person ~~who that~~ owns an antique motor vehicle that is registered under this chapter.

(b) Subject to subsection (c), a license plate for an antique motor vehicle shall be manufactured according to the bureau's specifications.

(c) A license plate issued under this chapter shall:

- (1) contain:
 - (A) the registration number assigned to the registration certificate by the bureau; and
 - (B) a designation that the vehicle is historic; and
- (2) indicate the year for which the antique motor vehicle has been registered.

(d) Instead of issuing a new license plate each time that an antique motor vehicle is registered, the bureau may issue to the person who owns the antique motor vehicle a tag or sticker that indicates the year for which the motor vehicle has been registered.

(e) A license plate issued under this chapter shall be securely attached to the rear of an antique motor vehicle.

SECTION 283. IC 9-18-12-2.5, AS AMENDED BY P.L.87-2010, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.5. (a) A person ~~who that~~ registers an antique motor vehicle under this chapter may:

- (1) furnish; and
- (2) display on the antique motor vehicle;

an Indiana license plate from the model year of the antique motor vehicle.

(b) A license plate furnished and displayed under this section must be an authentic license plate from the model year of the antique motor vehicle.

(c) Before a license plate is mounted on an antique motor vehicle under this section, the license plate must be inspected by the bureau to determine whether the license plate:

- (1) complies with this section;
- (2) is in suitable condition to be displayed; and
- (3) bears a unique plate number at the time of the registration of the antique motor vehicle.

The bureau shall authorize the display of a restored or refurbished authentic license plate, but may prohibit the display of an authentic license plate under this section if the authentic license plate is not in conformance with this subsection.

(d) If an Indiana license plate from the model year of the antique motor vehicle is displayed on a motor vehicle registered as an antique motor vehicle under this chapter, the current certificate of registration of the antique motor vehicle shall be:

- (1) kept at all times in the vehicle; and
- (2) made available for inspection upon the demand of a law enforcement officer.

Notwithstanding IC 9-18-2-21, this subsection is not satisfied by keeping a reproduction of the certificate of registration in the vehicle or making a reproduction of the certificate of registration available for inspection.

(e) The fee to register and display an authentic license plate from the model year of an antique motor vehicle is as provided in ~~IC 9-29-5-32.5.~~ **thirty-seven dollars (\$37). The fee shall be distributed as follows:**

- (1) Seven dollars (\$7) to the motor vehicle highway account.
- (2) Thirty dollars (\$30) to the commission fund.

SECTION 284. IC 9-18-12-4 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 4: (a) If a person who registers an antique motor vehicle under this chapter makes substantial alterations or changes to the vehicle after the date of the antique motor vehicle's registration, the registrant shall have the vehicle reinspected by the state police department.

(b) If the antique motor vehicle is not found to be in a mechanical condition that guarantees the vehicle's safe operation upon the highways, the mechanical condition shall be reported to the bureau. The bureau shall do the following:

- (1) Immediately cancel the registration of the antique motor vehicle.
- (2) Notify the person who registered the antique motor vehicle of the cancellation.

(c) A person who:

- (1) fails to have an antique motor vehicle inspected by the state police department subsequent to making substantial alterations or changes to the vehicle after the date of the vehicle's registration; or
- (2) operates an antique motor vehicle subsequent to the registration being canceled;

commits a Class C infraction.

SECTION 285. IC 9-18-12-5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 5: (a) Upon the transfer of ownership of an antique motor vehicle registered under this chapter:

- (1) the antique motor vehicle's registration is void; and
- (2) the license plates shall be removed from the antique motor vehicle by the person who owns the antique motor vehicle.

(b) A person who is not the original registrant of an antique motor vehicle may not possess the license plates for the antique motor vehicle.

(c) A person who originally owns the license plates for an antique motor vehicle may, for the remainder of the year in which the ownership of the vehicle is transferred, register another antique motor vehicle under the same registration.

(d) This subsection does not apply to an antique motor vehicle acquired by a conveyance subject to IC 9-17-3-9. Upon the transfer and sale of an antique motor vehicle registered under this chapter, the person who acquires ownership of the antique motor vehicle shall, not more than thirty-one (31) days after the date of acquiring ownership or before using the motor vehicle upon the highways, make an application with the bureau for registration of the antique motor vehicle under this chapter.

(e) This subsection applies only to an antique motor vehicle acquired by a conveyance subject to IC 9-17-3-9. Upon the transfer and sale of an antique motor vehicle registered under this chapter, the person who acquires ownership of the antique

motor vehicle shall, not more than sixty (60) days after the date of acquiring ownership or before using the motor vehicle upon the highways; make an application with the bureau for registration of the antique motor vehicle under this chapter.

SECTION 286. IC 9-18-12-6 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 6. An antique motor vehicle registered under this chapter is not subject to assessment and property taxation under IC 6-1-1, as provided by IC 6-1-1-2-7.

SECTION 287. IC 9-18-12-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 8. A registration or license plate issued under this chapter before January 1, 2017, remains valid until the registration or license plate expires or is suspended or revoked.**

SECTION 288. IC 9-18-12.5-6, AS ADDED BY P.L.12-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) The fleet registration program is established to accommodate requests from fleet operators for common registration dates for all fleet vehicles.

(b) The bureau shall administer the program.

(c) ~~The bureau may adopt rules under IC 4-22-2 to administer the program.~~

SECTION 289. IC 9-18-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) ~~To qualify for registration as a recovery vehicle, a vehicle must be:~~ **A person shall register a vehicle as a recovery vehicle if the following conditions are satisfied:**

(1) **The vehicle is** capable of lifting and pulling a disabled, a wrecked, an abandoned, an improperly parked, or a burnt vehicle by attaching a pickup bar with an adequate chain or steel structured lifting apparatus to the vehicle in lift.

(2) **The vehicle is** equipped with a power driven winch.

(3) **The vehicle is** equipped with proper emergency lighting for the recovery vehicle and the vehicle in lift.

(4) **The vehicle is** capable of attaching safety chains on the vehicle in lift. ~~and~~

(5) **The vehicle is** capable of traveling the highways safely at least at the minimum speed limit.

(b) ~~A vehicle that meets the qualifications listed in subsection (a) must be registered as a recovery vehicle under this chapter to operate on a highway.~~

(c) (b) A person may not operate a **recovery vehicle**

(1) ~~that has the qualifications listed in subsection (a);~~

(2) ~~that is not registered under this chapter as a recovery vehicle; and~~

(3) ~~on a highway unless the vehicle is registered as a recovery vehicle under this chapter.~~

(c) **A person that violates this section commits a Class C infraction.**

SECTION 290. IC 9-18-13-4 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 4. (a) ~~A person who operates a recovery vehicle must meet the minimum standards for financial responsibility that are set forth in IC 9-25.~~

(b) ~~A recovery vehicle may be registered only if proof of financial responsibility in amounts required under IC 9-25 is produced at the time of registration. The bureau shall retain a record of that proof in the bureau's files.~~

(c) ~~The bureau may adopt rules under IC 4-22-2 to carry out this section.~~

(d) ~~A person may not operate a recovery vehicle on a highway in violation of this section.~~

(e) ~~A person who violates this section commits a Class B infraction.~~

SECTION 291. IC 9-18-13-7, AS AMENDED BY P.L.217-2014, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) A person may not operate a vehicle:

(1) that is not qualified to register as a recovery vehicle

under this chapter;

(2) for the purpose of lifting and pulling:

(A) a disabled;

(B) a wrecked;

(C) an abandoned;

(D) an improperly parked; or

(E) a burnt;

vehicle; and

(3) on a highway.

(b) A person ~~who that~~ violates this section commits a Class C infraction.

SECTION 292. IC 9-18-15 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Personalized License Plates).

SECTION 293. IC 9-18-16 IS REPEALED [EFFECTIVE JULY 1, 2016]. (General Assembly and Other State Officials License Plates).

SECTION 294. IC 9-18-17 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Prisoner of War License Plates).

SECTION 295. IC 9-18-18 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Disabled Veteran License Plates).

SECTION 296. IC 9-18-19 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Purple Heart License Plates).

SECTION 297. IC 9-18-20 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Indiana National Guard License Plates).

SECTION 298. IC 9-18-22 IS REPEALED [EFFECTIVE JULY 1, 2016]. (License Plates for Persons With Disabilities).

SECTION 299. IC 9-18-23 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Amateur Radio Operator License Plates).

SECTION 300. IC 9-18-24 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Civic Event License Plates).

SECTION 301. IC 9-18-24.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. (In God We Trust License Plate).

SECTION 302. IC 9-18-25 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Special Group Recognition License Plates).

SECTION 303. IC 9-18-27 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Interim Manufacturer Transporter License Plates).

SECTION 304. IC 9-18-28 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Rental Vehicles and Common Carriers).

SECTION 305. IC 9-18-29 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Environmental License Plates).

SECTION 306. IC 9-18-30 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Kids First Trust License Plate).

SECTION 307. IC 9-18-31 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Education License Plate).

SECTION 308. IC 9-18-33 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Indiana FFA Trust License Plates).

SECTION 309. IC 9-18-34 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Indiana Firefighter License Plates).

SECTION 310. IC 9-18-37 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Indiana Boy Scouts Trust License Plates).

SECTION 311. IC 9-18-40 IS REPEALED [EFFECTIVE JULY 1, 2016]. (D.A.R.E. Indiana Trust License Plates).

SECTION 312. IC 9-18-41 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Indiana Arts Trust License Plates).

SECTION 313. IC 9-18-42 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Indiana Health Trust License Plates).

SECTION 314. IC 9-18-44 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Indiana Native American Trust License Plates).

SECTION 315. IC 9-18-45 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Safety First License Plates).

SECTION 316. IC 9-18-45.8 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Pearl Harbor Survivor License Plates).

SECTION 317. IC 9-18-46.2 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Indiana State Educational Institution Trust License Plates).

SECTION 318. IC 9-18-47 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Lewis and Clark Bicentennial License Plates).

SECTION 319. IC 9-18-48 IS REPEALED [EFFECTIVE

JULY 1, 2016]. (Riley Children's Foundation License Plates).

SECTION 320. IC 9-18-49 IS REPEALED [EFFECTIVE JULY 1, 2016]. (National Football League Franchised Professional Football Team License Plates).

SECTION 321. IC 9-18-50 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Hoosier Veteran License Plates).

SECTION 322. IC 9-18-51 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Support Our Troops License Plate).

SECTION 323. IC 9-18-52 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Abraham Lincoln Bicentennial License Plates).

SECTION 324. IC 9-18-53 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Earlham College Trust License Plates).

SECTION 325. IC 9-18-54 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Indiana Gold Star Family Member License Plate).

SECTION 326. IC 9-18.1 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

**ARTICLE 18.1. MOTOR VEHICLE REGISTRATION
Chapter 1. Definitions**

Sec. 1. The following definitions apply throughout this article.

Sec. 2. "Declared gross weight" means the following:

- (1) For a for-hire bus, the sum of:
 - (A) the empty weight of the bus; plus
 - (B) the product of:
 - (i) the number of seats on the bus; multiplied by
 - (ii) two hundred (200) pounds.
- (2) For a trailer, the empty weight of the trailer plus the weight of the heaviest load the trailer will carry during a registration year.
- (3) For a truck, the empty weight of the truck plus the weight of the heaviest load the truck will carry during a registration year. The term includes a truck camper that is installed on a truck. The term does not include the weight of a vehicle towed by a truck.
- (4) For a tractor used with a semitrailer, the declared gross combination weight, which is the sum of the following:
 - (A) The empty weight of the tractor.
 - (B) The empty weight of the heaviest semitrailer, or set of semitrailers, that the tractor will tow during a registration year.
 - (C) The heaviest load that the tractor will carry during a registration year.
 - (D) The heaviest load that will be carried by a semitrailer, or set of semitrailers, that the tractor will tow during a registration year.

Sec. 3. "Distinctive license plate" refers to a license plate designed and issued under IC 9-18.5.

Sec. 4. "License plate" includes the following:

- (1) A license plate issued under this article for display on a vehicle.
- (2) A distinctive license plate designed and issued under IC 9-18.5.

Sec. 5. "Proof of registration" includes the following:

- (1) A license plate.
- (2) A decal or sticker issued by the bureau to indicate registration.
- (3) A certificate of registration.
- (4) Any other indication of registration issued by the bureau or the motor carrier services division of the department of state revenue.

Chapter 2. Application

Sec. 1. (a) This article applies after December 31, 2016.

(b) A certificate of registration or proof of registration issued under IC 9-18 (before its expiration on December 31, 2016) remains valid until it expires or is revoked, suspended, or canceled.

Sec. 2. The following vehicles are not required to be registered under this article:

(1) A vehicle that is propelled by electric power obtained from overhead trolley wires but is not operated on rails or tracks.

(2) A firetruck and apparatus used for fire protection.

(3) A new motor vehicle if the new motor vehicle is being operated in Indiana solely to remove it from an accident site to a storage location because:

(A) the new motor vehicle was being transported on a railroad car or semitrailer; and

(B) the railroad car or semitrailer was involved in an accident that required the unloading of the new motor vehicle to preserve or prevent further damage to it.

(4) A vehicle that is:

(A) owned or leased; and

(B) used;

by the United States government for official government purposes.

(5) A school bus or special purpose bus that is:

(A) owned by a school corporation; and

(B) registered under IC 20-27-7.

(6) Golf carts when operated in accordance with an ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a).

(7) A vehicle that is not designed for or employed in general highway transportation of persons or property and is occasionally operated or moved over the highway, including the following:

(A) An electric personal assistive mobility device.

(B) Road construction or maintenance machinery.

(C) A movable device designed, used, or maintained to alert motorists of hazardous conditions on highways.

(D) Construction dust control machinery.

(E) A well boring apparatus.

(F) A ditch digging apparatus.

(G) An implement of agriculture designed to be operated primarily in a farm field or on farm premises.

(H) A farm tractor.

(I) A farm wagon.

(J) A tractor:

(i) that is used to move semitrailers around a terminal or a loading or spotting facility; and

(ii) for which a permit is issued under IC 6-6-4.1-13(f).

(8) An off-road vehicle or a snowmobile.

(9) A vehicle that is operated and displays a license plate in accordance with IC 9-32.

Sec. 3. Except as provided in sections 4 through 9 of this chapter, a vehicle may not be operated on a highway unless the vehicle:

(1) is registered under this article; and

(2) displays proof of registration in accordance with this article.

Sec. 4. A semitrailer or trailer that is used in combination with a vehicle that is an apportionable vehicle under the terms of the International Registration Plan may be operated on a highway if the semitrailer or trailer is registered in accordance with the laws of a jurisdiction that participates in the International Registration Plan.

Sec. 5. (a) A nonresident that owns a vehicle that:

(1) is required to be registered under this article; and

(2) is not subject to registration under the International Registration Plan;

may operate, or permit the operation of, the vehicle on a highway without registering the vehicle under this article if the vehicle is registered in accordance with the laws of the jurisdiction in which the nonresident is a resident.

(b) The exemption granted by subsection (a) applies only to the extent that Indiana residents are granted an

equivalent exemption in the jurisdiction in which the nonresident is a resident.

Sec. 6. A nonresident that becomes an Indiana resident may operate a vehicle on a highway for not more than sixty (60) days after becoming an Indiana resident without registering the vehicle under this article if the vehicle is registered in accordance with the laws of the jurisdiction in which the nonresident was a resident.

Sec. 7. An Indiana resident that:

- (1) has a legal residence in a state that is not contiguous to Indiana; and
- (2) owns or operates a vehicle that is registered in accordance with the laws of the other state of legal residence;

may operate the vehicle on a highway for not more than sixty (60) days without registering the vehicle under this article.

Sec. 8. A person that acquires a vehicle may operate the vehicle on a highway without registering the vehicle under this article under the following conditions:

- (1) For the length of a temporary permit issued under the following:
 - (A) IC 9-18-7-1 (before its expiration on December 31, 2016).
 - (B) IC 9-18-7-4 (before its expiration on December 31, 2016).
 - (C) IC 9-18.1-12-2.
 - (D) IC 9-18.1-12-3.

(2) For not more than forty-five (45) days after the date on which the person acquires the vehicle, if the person displays on the newly acquired vehicle a valid and unexpired license plate transferred from another vehicle that the person disposes of by sale or other means. While operating the newly acquired vehicle, the person must have in the person's possession a:

- (A) manufacturer's certificate of origin;
- (B) certificate of title; or
- (C) bill of sale;

indicating that the person owns the vehicle to which the unexpired license plates are affixed.

(3) For not more than forty-five (45) days after the date on which the person acquires the vehicle from a dealer licensed under IC 9-32, if the person displays on the newly acquired vehicle a valid and unexpired interim plate issued under IC 9-32-6-11.

(4) If the person acquires the vehicle from a person other than a dealer licensed under IC 9-32, for:

- (A) not more than seventy-two (72) hours after the date of acquisition; and
- (B) the sole purpose of transporting the vehicle by the most direct route from the place of acquisition to:

- (i) a place of storage, including the person's residence or place of business;
- (ii) an inspection station for purposes of emissions testing under IC 13-17-5-5.1(b); or
- (iii) a license branch or a location operated by a full service provider (as defined in IC 9-14.1-1-2) or a partial services provider (as defined in IC 9-14.1-1-3) to register the vehicle under this article.

While operating the vehicle, the person must have in the person's possession a certificate of title indicating that the person owns the vehicle.

Sec. 9. A person may operate a vehicle that is an apportionable vehicle under the terms of the International Registration Plan upon a highway if the vehicle is registered under the International Registration Plan with a valid and unexpired cab card.

Sec. 10. (a) Subject to subsection (b), a law enforcement officer authorized to enforce motor vehicle laws who

discovers a vehicle that is operated in violation of this chapter may:

- (1) take the license plate displayed on the vehicle into the officer's custody;
- (2) take the vehicle into the officer's custody;
- (3) cause the vehicle to be taken to and stored in a suitable place; or
- (4) take any combination of the actions described in subdivisions (1), (2), and (3);

until the proper certificate of registration and license plates for the vehicle are procured or the legal owner of the vehicle is found.

(b) A farm vehicle that is carrying perishable fruits or vegetables or livestock may not be impounded, and the operator may proceed to the point of destination after having been stopped by a law enforcement officer under this section.

Sec. 11. A person that fails to register a vehicle that is required to be registered under this chapter commits a Class C infraction.

Sec. 12. A person that knowingly or intentionally owns a motor vehicle that is registered outside Indiana but that is required to be registered in Indiana commits a Class B misdemeanor.

Chapter 3. General Procedures

Sec. 1. (a) A person that desires to register a vehicle under this article must provide, in the form and manner prescribed by the bureau, the following information:

- (1) The name of the person that owns the vehicle, or if the vehicle has been leased and is being registered in the name of the lessee instead of the owner, the name of the lessee.
- (2) The person's address in Indiana, including the county and township, on the date of the application, as follows:

(A) If the person is an individual, the person's residence address. However, if the person participates in the address confidentiality program under IC 5-26.5, the address may be a substitute address designated by the office of the attorney general under IC 5-26.5.

(B) If the person is not an individual, the person's principal office in Indiana.

(C) If the person does not have a physical residence or office in Indiana, the county and township in Indiana where the vehicle will be primarily operated.

(3) A brief description of the vehicle to be registered, including the identification number and the color of the vehicle.

(4) Any other information required by the bureau, including:

- (A) the manufacturer's rated capacity for the vehicle;
- (B) a statement of the vehicle's intended use;
- (C) the vehicle's odometer reading; and
- (D) the declared gross weight of the vehicle.

(b) An application to register a vehicle that is made through the United States mail or by electronic means is not required to be sworn to or notarized.

(c) A person may apply on behalf of another person to register a vehicle under this article. However, the application must be signed and verified by the person in whose name the vehicle is to be registered.

(d) A person that makes a false statement in an application to register a vehicle under this article commits a Class C infraction.

Sec. 2. (a) This section does not apply to the following:

- (1) Special machinery.
- (2) A motor vehicle that was designed to have a maximum design speed of not more than twenty-five

(25) miles per hour and that was built, constructed, modified, or assembled by a person other than the manufacturer.

(3) Snowmobiles.

(4) Motor driven cycles.

(b) The bureau may not register a vehicle unless the person applying for the certificate of registration:

(1) applies at the same time or within the immediately preceding forty-five (45) days for a certificate of title for the vehicle; or

(2) presents satisfactory evidence that a certificate of title has been previously issued to the person that covers the vehicle.

(c) If the bureau at any time determines that a certificate of title for a vehicle cannot be issued or is invalid, the bureau:

(1) shall not issue or furnish; or

(2) may invalidate;

the certificate of registration for the vehicle.

(d) A person that operates a vehicle for which a certificate of registration is required without a valid certificate of registration commits a Class C infraction.

Sec. 3. The bureau may not register a vehicle that does not have an identification number.

Sec. 4. The bureau may not register a vehicle unless the registrant:

(1) pays the applicable excise tax for the vehicle under IC 6-6; or

(2) provides proof in a manner acceptable to the bureau that the vehicle is exempt from excise taxes under IC 6-6.

Sec. 5. The bureau may not register a motor vehicle unless the person applying for registration provides proof of financial responsibility that is in effect in the amounts specified in IC 9-25 at the time the application for registration is made.

Sec. 6. The bureau may not register the following vehicles:

(1) A vehicle that:

(A) is subject under rules adopted under air pollution control laws (as defined in IC 13-11-2-6) to:

(i) inspection of vehicle air pollution control equipment; and

(ii) testing of emission characteristics; and

(B) has not been:

(i) inspected; and

(ii) certified by an inspection station under IC 13-17-5-5.1(b) that the air pollution equipment is not in a tampered condition and the vehicle meets air emission control standards.

(2) A motor vehicle that does not comply with applicable motor vehicle equipment requirements under IC 9-19.

(3) A motor vehicle that does not comply with applicable operational and equipment specifications described in 49 CFR 571.

(4) A private bus that does not have an unexpired certificate indicating compliance with an inspection program established under IC 9-19-22-3.

(5) A school bus or special purpose bus that does not have an unexpired certificate of inspection under IC 20-27-7-3.

(6) A farm wagon.

(7) A farm tractor.

(8) A golf cart.

(9) An implement of agriculture designed to be operated primarily in a farm field or on farm premises.

Sec. 7. (a) Upon receiving notice, as described in IC 9-21-3.5-10(c), of the failure of an owner of a vehicle to

pay a fine, charge, or other assessment for a toll violation documented under IC 9-21-3.5-12, the bureau shall withhold the annual registration of the vehicle that was used in the commission of the toll violation until the owner pays the fine, charge, or other assessment, plus any applicable fees, to:

(1) the bureau; or

(2) the appropriate authority under IC 9-21-3.5 that is responsible for the collection of fines, charges, or other assessments for toll violations under IC 9-21-3.5.

If the owner pays the fine, charge, or assessment, plus any applicable fees, to the bureau as described in subdivision (1), the bureau shall remit the appropriate amount to the appropriate authority under IC 9-21-3.5 that is responsible for the collection of fines, charges, assessments, or fees for toll violations under IC 9-21-3.5.

(b) Upon receiving notice, as described in IC 9-21-3.5-15(d), of the failure of an owner of a vehicle to pay a fine, charge, or other assessment for a toll violation documented under IC 9-21-3.5-12 or IC 9-21-3.5-14, the bureau shall withhold the annual registration of the vehicle that was used in the commission of the toll violation until the owner pays the fine, charge, or other assessment, plus any applicable fees, to:

(1) the operator of the private toll facility; or

(2) a person designated by the operator of the private toll facility to collect fines, charges, or other assessments for toll violations under IC 9-21-3.5;

as applicable. The bureau may impose a fee to reinstate an annual registration that was withheld under this subsection.

Sec. 8. (a) Except as provided in subsection (b), upon receipt of written notice under IC 13-17-5-8 of a violation of IC 13-17-5-1, IC 13-17-5-3, or IC 13-17-5-4, the bureau shall suspend the registration of the vehicle identified in the notice.

(b) The bureau may decline to suspend the registration of the vehicle pending verification of the statements set forth in the written notice.

(c) The bureau shall promptly notify a vehicle's owner of the suspension of the vehicle's registration under this section.

(d) Except as provided in subsection (e), upon the:

(1) receipt of written notice under IC 13-17-5-8 that the violation of IC 13-17-5-1, IC 13-17-5-3, or IC 13-17-5-4 has been corrected; or

(2) presentation of evidence to the bureau establishing that the violation of IC 13-17-5-1, IC 13-17-5-3, or IC 13-17-5-4 has been corrected;

the bureau shall reinstate the registration of the vehicle.

(e) The bureau may decline to reinstate the registration of the vehicle pending verification of the statements set forth in a written notice provided under subsection (d)(1).

Sec. 9. A person that registers a vehicle may indicate the person's desire to donate money to organizations that promote the procurement of organs for anatomical gifts. The bureau must:

(1) allow the person registering the vehicle to indicate the amount the person desires to donate; and

(2) provide that the minimum amount a person may donate is one dollar (\$1).

Funds collected under this section shall be deposited with the treasurer of state in a special account. The auditor of state shall monthly distribute the money in the special account to the anatomical gift promotion fund established by IC 16-19-3-26. The bureau may deduct from the funds collected under this subdivision the costs incurred by the bureau in implementing and administering this subdivision.

Sec. 10. (a) The bureau shall use due diligence in examining and determining the genuineness, regularity, and legality of the following:

(1) Information provided by a person as part of a

request for the registration of a vehicle.

(2) A request for any type of license plate required under this title for the operation of a vehicle upon a highway.

(3) Any other application or request made to the bureau under this article or IC 9-18.5.

(b) The bureau may:

(1) make investigations or require additional information; and

(2) reject an application or request;

if the bureau is not satisfied of the genuineness, regularity, or legality of an application or the truth of a statement contained in an application or request, or for any other reason.

Chapter 4. Proof of Registration

Sec. 1. (a) If the bureau determines that a person applying for registration is entitled to register the vehicle, the bureau shall:

- (1) register the vehicle described in the application;
- (2) issue the person a certificate of registration; and
- (3) issue proof of registration for display on the vehicle.

(b) The bureau may issue under subsection (a)(3):

- (1) a regular license plate under this article; or
- (2) if the person satisfies the applicable requirements under IC 9-18.5, a distinctive license plate designed and issued under IC 9-18.5.

Sec. 2. (a) The bureau shall adopt rules under IC 4-22-2 regarding the size, character, and content of a certificate of registration.

(b) A certificate of registration or a legible reproduction of the certificate of registration must be carried:

- (1) in the vehicle to which the registration refers; or
- (2) by the individual operating or in control of the vehicle, who shall display the registration upon the demand of a police officer.

(c) An individual who fails to carry a certificate of registration or a legible reproduction of a certificate of registration as required under subsection (b) commits a Class C infraction.

Sec. 3. The bureau shall adopt rules under IC 4-22-2 regarding the size, character, display, mounting, securing, content, issuance, replacement, and life cycle of license plates, temporary license plates, renewal stickers, and other proof of registration.

Sec. 4. (a) License plates, including temporary license plates, shall be displayed as follows:

- (1) For a tractor, a dump truck, or a truck with a rear-mounted forklift or a mechanism to carry a rear-mounted forklift or implement, upon the front of the vehicle.
- (2) For every other vehicle, upon the rear of the vehicle.

(b) A license plate shall be:

- (1) securely fastened, in a horizontal position, to the vehicle for which the plate is issued:
 - (A) to prevent the license plate from swinging;
 - (B) at a height of at least twelve (12) inches from the ground, measuring from the bottom of the license plate; and
 - (C) in a place and position that are clearly visible;
- (2) maintained free from foreign materials and in a condition to be clearly legible; and
- (3) not obstructed or obscured by tires, bumpers, accessories, or other opaque objects.

(c) An interim license plate issued or used by a dealer licensed under IC 9-32 or used by a manufacturer must be displayed:

- (1) in the manner required under subsection (a) for the type of vehicle on which the interim license plate is displayed; or

(2) in a location on the left side of a window that is:

- (A) facing the rear of the motor vehicle; and
- (B) clearly visible and unobstructed.

A plate displayed under subdivision (2) must be affixed to the window of the motor vehicle.

(d) A person that violates this section commits a Class C infraction.

Sec. 5. (a) A vehicle required to be registered under this article may not be used or operated on a highway if the vehicle displays any of the following:

- (1) A license plate belonging to any other vehicle.
- (2) A fictitious registration number.
- (3) A sign or placard bearing the words "license applied for" or "in transit" or other similar signs.

(b) A person that operates a vehicle in violation of subsection (a) commits a Class C infraction.

Sec. 6. If the ownership of a vehicle registered under this article is transferred, except a transfer from a manufacturer or a dealer licensed under IC 9-32:

- (1) the registration of the vehicle expires; and
- (2) the person transferring the vehicle shall remove the license plates and certificate of registration from the vehicle.

Sec. 7. A license plate or other proof of registration issued by the bureau under this article or IC 9-18.5:

- (1) remains the property of the bureau; and
- (2) may be revoked, canceled, or repossessed as provided by law.

Sec. 8. A person that knowingly sells, offers to sell, buys, possesses, or offers as genuine a certificate of registration for a vehicle that is required to be issued by the bureau and has not been issued by the:

- (1) bureau under this article; or
- (2) appropriate governmental authority of another state;

commits a Class C misdemeanor.

Chapter 5. Vehicle Classification and Registration Fees

Sec. 1. (a) The bureau shall classify each vehicle that is eligible to be registered under this title based on:

- (1) the application submitted under IC 9-18.1-3;
- (2) this title; and
- (3) rules adopted by the bureau under IC 4-22-2.

(b) If the bureau is unable to classify a motor vehicle that is eligible to be registered under this title, the bureau shall classify the vehicle as a truck.

(c) If the bureau is unable to classify a vehicle without motive power that is eligible to be registered under this title, the bureau shall classify the vehicle as a trailer.

(d) The bureau shall classify a tractor that is not used with a semitrailer as a truck.

Sec. 2. (a) The bureau shall classify the following as a passenger motor vehicle, regardless of the vehicle's gross vehicle weight rating:

- (1) A low speed vehicle.
- (2) A hearse.
- (3) A motor vehicle that is funeral equipment and used in the operation of funeral services (as defined in IC 25-15-2-17).
- (4) A medical services vehicle.

(b) The fee to register a passenger motor vehicle is twenty-one dollars and thirty-five cents (\$21.35). The fee shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.
- (2) Thirty cents (\$0.30) to the spinal cord and brain injury fund.
- (3) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (4) Two dollars and ninety cents (\$2.90) to the highway, road and street fund.
- (5) Three dollars (\$3) to the crossroads 2000 fund.

(6) For a vehicle registered before July 1, 2019, as follows:

- (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (B) Three dollars and ten cents (\$3.10) to the commission fund.

(7) For a vehicle registered after June 30, 2019, four dollars and thirty-five cents (\$4.35) to the commission fund.

(8) Any remaining amount to the motor vehicle highway account.

Sec. 3. The fee to register a motorcycle or motor driven cycle is twenty-six dollars and thirty-five cents (\$26.35). The fee shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.
- (2) Thirty cents (\$0.30) to the spinal cord and brain injury fund.
- (3) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (4) Two dollars and ninety cents (\$2.90) to the highway, road and street fund.
- (5) Four dollars (\$4) to the crossroads 2000 fund.

(6) For a vehicle registered before July 1, 2019, as follows:

- (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (B) Three dollars and ten cents (\$3.10) to the commission fund.

(7) For a vehicle registered after June 30, 2019, four dollars and thirty-five cents (\$4.35) to the commission fund.

(8) Seven dollars (\$7) to the motorcycle operator safety education fund.

(9) Any remaining amount to the motor vehicle highway account.

Sec. 4. The fee to register a not-for-hire bus is sixteen dollars and thirty-five cents (\$16.35). The fee shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (3) Two dollars and ninety cents (\$2.90) to the highway, road and street fund.
- (4) Four dollars (\$4) to the crossroads 2000 fund.
- (5) For a vehicle registered before July 1, 2019, as follows:

- (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (B) Three dollars and ten cents (\$3.10) to the commission fund.

(6) For a vehicle registered after June 30, 2019, four dollars and thirty-five cents (\$4.35) to the commission fund.

(7) Any remaining amount to the motor vehicle highway account.

Sec. 5. The fee to register a collector vehicle is sixteen dollars and thirty-five cents (\$16.35). The fee shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building fund.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology account.
- (3) Two dollars and ninety cents (\$2.90) to the highway, road and street fund.
- (4) Four dollars (\$4) to the crossroads 2000 fund.
- (5) For a vehicle registered before July 1, 2019, as follows:

- (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Three dollars and ten cents (\$3.10) to the commission fund.

(6) For a vehicle registered after June 30, 2019, four dollars and thirty-five cents (\$4.35) to the commission fund.

(7) Any remaining amount to the motor vehicle highway account.

Sec. 6. The fee to register a recreational vehicle is twenty-nine dollars and thirty-five cents (\$29.35). The fee shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the state police building account.

(2) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(3) Two dollars and ninety cents (\$2.90) to the highway, road and street fund.

(4) Four dollars (\$4) to the crossroads 2000 fund.

(5) For a vehicle registered before July 1, 2019, as follows:

- (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (B) Three dollars and ten cents (\$3.10) to the commission fund.

(6) For a vehicle registered after June 30, 2019, four dollars and thirty-five cents (\$4.35) to the commission fund.

(7) Any remaining amount to the motor vehicle highway account.

Sec. 7. The fee to register special machinery is sixteen dollars and thirty-five cents (\$16.35). The fee shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the state police building account.

(2) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(3) Two dollars and ninety cents (\$2.90) to the highway, road and street fund.

(4) Four dollars (\$4) to the crossroads 2000 fund.

(5) For a vehicle registered before July 1, 2019, as follows:

- (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (B) Three dollars and ten cents (\$3.10) to the commission fund.

(6) For a vehicle registered after June 30, 2019, four dollars and thirty-five cents (\$4.35) to the commission fund.

(7) Any remaining amount to the motor vehicle highway account.

Sec. 8. (a) Except as provided in section 11 of this chapter, the fee to register a trailer is as follows:

Declared Gross Weight (Pounds)		Fee (\$)
	Equal to	
Greater than	or less than	
0	3,000	\$16.35
3,000	9,000	25.35
9,000	12,000	72
12,000	16,000	108
16,000	22,000	168
22,000		228

(b) A fee described in subsection (a) shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (3) Two dollars and ninety cents (\$2.90) to the highway, road and street fund.
- (4) Four dollars (\$4) to the crossroads 2000 fund.
- (5) For a vehicle registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Three dollars and ten cents (\$3.10) to the commission fund.

(6) For a vehicle registered after June 30, 2019, four dollars and thirty-five cents (\$4.35) to the commission fund.

(7) Any remaining amount to the motor vehicle highway account.

Sec. 9. (a) Except as provided in section 11 of this chapter, the fee to register a truck, a tractor used with a semitrailer, or a for-hire bus is determined as follows:

Declared Gross Weight (Pounds)		Fee (\$)
Greater than	Equal to or less than	
0	11,000	\$30.35
11,000	16,000	144
16,000	26,000	180
26,000	36,000	300
36,000	48,000	504
48,000	66,000	720
66,000	78,000	960
78,000		1,356

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the state police building account.

(2) For a truck with a declared gross weight of eleven thousand (11,000) pounds or less, thirty cents (\$0.30) to the spinal cord and brain injury fund.

(3) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(4) Two dollars and ninety cents (\$2.90) to the highway, road and street fund.

(5) Four dollars (\$4) to the crossroads 2000 fund.

(6) For a vehicle registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Three dollars and ten cents (\$3.10) to the commission fund.

(7) For a vehicle registered after June 30, 2019, four dollars and thirty-five cents (\$4.35) to the commission fund.

(8) Any remaining amount to the motor vehicle highway account.

(c) A trailer that is towed by a truck must be registered separately, and the appropriate fee must be paid under this chapter.

Sec. 10. (a) The following vehicles shall be registered as semitrailers:

(1) A semitrailer converted to a full trailer through the use of a converter dolly.

(2) A trailer drawn behind a semitrailer.

(3) A trailer drawn by a vehicle registered under the International Registration Plan.

(b) The fee for a permanent registration of a semitrailer is eighty-two dollars (\$82). The fee shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the state police building account.

(2) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(3) Two dollars and ninety cents (\$2.90) to the highway, road and street fund.

(4) Twelve dollars (\$12) to the crossroads 2000 fund.

(5) For a vehicle registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Three dollars and ten cents (\$3.10) to the

commission fund.

(6) For a vehicle registered after June 30, 2019, four dollars and thirty-five cents (\$4.35) to the commission fund.

(7) Any remaining amount to the motor vehicle highway account.

(c) A permanent registration under subsection (b) must be renewed on an annual basis. The fee to renew a permanent registration is eight dollars and seventy-five cents (\$8.75). The fee is in addition to any applicable excise tax and shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the state police building account.

(2) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(3) Three dollars (\$3) to the crossroads 2000 fund.

(4) Three dollars and ten cents (\$3.10) to the commission fund.

(5) Any remaining amount to the motor vehicle highway account.

(d) A permanent registration under subsection (b) may be transferred under IC 9-18.1-11.

(e) A semitrailer that is registered under IC 9-18-10-2(a)(2) (before its expiration) or IC 9-18-10-2(a)(3) (before its expiration) remains valid until its expiration and is not subject to renewal under subsection (c). This subsection expires July 1, 2020.

Sec. 11. (a) This section applies to the following vehicles:

(1) A trailer with a declared gross weight greater than nine thousand (9,000) pounds.

(2) A truck with a declared gross weight greater than eleven thousand (11,000) pounds.

(3) A tractor used with a semitrailer with a declared gross weight greater than eleven thousand (11,000) pounds.

(4) A for-hire bus with a declared gross weight greater than eleven thousand (11,000) pounds.

(b) The fee to register a vehicle listed in subsection (a) for a period other than twelve (12) months is the amount determined under the following formula:

STEP ONE: Determine the number of months remaining until the vehicle's next registration date under IC 9-18.1-11-3. A partial month shall be rounded to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Multiply the STEP TWO product by the applicable registration fee under this chapter for the vehicle.

(c) A fee described in subsection (b) shall be distributed in the same manner as the applicable registration fee under this chapter for the vehicle.

Chapter 6. Recovery Vehicles

Sec. 1. A vehicle that satisfies the following conditions may be registered as a recovery vehicle:

(1) The vehicle is capable of lifting and pulling a disabled, a wrecked, an abandoned, an improperly parked, or a burnt vehicle by attaching a pickup bar with an adequate chain or steel structured lifting apparatus to the vehicle in lift.

(2) The vehicle is equipped with a power driven winch.

(3) The vehicle is equipped with proper emergency lighting for the recovery vehicle and the vehicle in lift.

(4) The vehicle is capable of attaching safety chains on the vehicle in lift.

(5) The vehicle is capable of traveling the highways safely at least at the minimum speed limit.

Sec. 2. A person may not operate a recovery vehicle unless the vehicle is registered as a recovery vehicle under this chapter. A person that violates this section commits a Class C infraction.

Sec. 3. A person may not operate a vehicle on a highway:

- (1) that is not qualified to register as a recovery vehicle under this chapter; and
- (2) for the purpose of lifting and pulling:
 - (A) a disabled;
 - (B) a wrecked;
 - (C) an abandoned;
 - (D) an improperly parked; or
 - (E) a burnt;

A person that violates this section commits a Class C infraction.

Sec. 4. (a) Except as provided in subsection (d), the fee to register a recovery vehicle with a gross vehicle weight rating greater than sixteen thousand (16,000) pounds is five hundred four dollars (\$504).

(b) Except as provided in subsection (d), the fee to register a recovery vehicle with a gross vehicle weight rating equal to or less than sixteen thousand (16,000) pounds is seventy-two dollars (\$72).

(c) A fee imposed and collected under subsection (a) or **(b)** shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (3) Two dollars and ninety cents (\$2.90) to the highway, road and street fund.
- (4) Four dollars (\$4) to the crossroads 2000 fund.
- (5) For a vehicle registered before July 1, 2019, as follows:

- (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (B) Three dollars and ten cents (\$3.10) to the commission fund.

- (6) For a vehicle registered after June 30, 2019, four dollars and thirty-five cents (\$4.35) to the commission fund.
- (7) Any remaining amount to the motor vehicle highway account.

(d) The fee to register a recovery vehicle for a period other than twelve (12) months is the amount determined under the following formula:

STEP ONE: Determine the number of months remaining until the vehicle's next registration date under IC 9-18.1-11. A partial month shall be rounded to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Multiply the STEP TWO product by the applicable registration fee under subsection (a) or **(b)** for the vehicle.

A fee imposed and collected under this subsection shall be distributed under subsection (c).

Sec. 5. This chapter does not apply to a truck or tractor with a declared gross weight of more than sixteen thousand (16,000) pounds that is used to lift or pull a vehicle or combination of vehicles if:

- (1) the same person that owns or operates the truck or tractor also owns or leases the vehicle or combination of vehicles; or
- (2) the vehicle or combination of vehicles are owned by or leased to a subsidiary or related corporation of the person that owns or operates the truck or tractor.

Chapter 7. Farm Vehicles

Sec. 1. A vehicle that satisfies the following conditions may be registered as a farm vehicle:

- (1) The vehicle must be one (1) of the following:
 - (A) A truck with a declared gross weight of more than eleven thousand (11,000) pounds.
 - (B) A tractor used with a semitrailer that has a

declared gross weight of more than eleven thousand (11,000) pounds.

(C) A trailer with a declared gross weight of more than nine thousand (9,000) pounds.

(D) A semitrailer.

(2) The owner of the vehicle or a guest occupant uses the vehicle in connection with agricultural pursuits usual and normal to the user's farming operations.

(3) The vehicle is used to transport farm products, livestock, machinery, or supplies to or from a farm or ranch.

(4) The vehicle is not used:

- (A) in the conduct of a commercial enterprise; or
- (B) to transport farm products anywhere other than to the first point of processing.

Sec. 2. A farm vehicle may be used for personal purposes if the vehicle otherwise qualifies for registration as a farm vehicle.

Sec. 3. Except as provided in section 7 of this chapter, the fee to register a farm vehicle that is a trailer with a declared gross weight of more than nine thousand (9,000) pounds is fifty percent (50%) of the fee listed in IC 9-18.1-5-8 for a trailer of the same declared gross weight.

Sec. 4. Except as provided in section 7 of this chapter, the fee to register a farm vehicle that is:

- (1) a truck; or
- (2) a tractor used with a semitrailer;

with a declared gross weight of more than eleven thousand (11,000) pounds is fifty percent (50%) of the fee listed in IC 9-18.1-5-9 for a vehicle of the same declared gross weight.

Sec. 5. A fee to register a farm vehicle under section 3 or 4 of this chapter shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (3) Two dollars (\$2) to the crossroads 2000 fund.
- (4) Two dollars and ninety cents (\$2.90) to the highway, road and street fund.
- (5) For a vehicle registered before July 1, 2019, as follows:
 - (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
 - (B) Three dollars and ten cents (\$3.10) to the commission fund.

(6) For a vehicle registered after June 30, 2019, four dollars and thirty-five cents (\$4.35) to the commission fund.

(7) Any remaining amount to the motor vehicle highway account.

Sec. 6. (a) The fee for permanent registration of a farm vehicle that is a semitrailer is forty-one dollars (\$41). The fee shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (3) Two dollars and ninety cents (\$2.90) to the highway, road and street fund.
- (4) For a vehicle registered before July 1, 2019, as follows:
 - (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
 - (B) Three dollars and ten cents (\$3.10) to the commission fund.

(5) For a vehicle registered after June 30, 2019, four dollars and thirty-five cents (\$4.35) to the commission fund.

(6) Six dollars (\$6) to the crossroads 2000 fund.

(7) Any remaining amount to the motor vehicle

highway account.

(b) A permanent registration under subsection (a) must be renewed on an annual basis. The fee to renew a permanent registration is eight dollars and seventy-five cents (\$8.75). The fee is in addition to any applicable excise tax and shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (3) Three dollars (\$3) to the crossroads 2000 fund.
- (4) Three dollars and ten cents (\$3.10) to the commission fund.
- (5) Any remaining amount to the motor vehicle highway account.

Sec. 7. The fee to register a farm vehicle for a period of other than twelve (12) months is fifty percent (50%) of the applicable registration fee determined under IC 9-18.1-5-11 for the vehicle. The fee shall be distributed in the same manner as the applicable fee under section 5 of this chapter.

Sec. 8. (a) If a person has registered a vehicle as a farm vehicle and the person:

- (1) desires to register the vehicle as a vehicle other than a farm vehicle; or
- (2) operates the vehicle in the conduct of a commercial enterprise;

the person shall apply to the bureau to change the registration from registration as a farm vehicle to the applicable registration for the vehicle under IC 9-18.1-5.

(b) The bureau shall issue to a person described in subsection (a) an amended certificate of registration and the appropriate license plate after the person pays the following:

(1) A fee of nine dollars and fifty cents (\$9.50). The fee shall be distributed as follows:

- (A) Twenty-five cents (\$0.25) to the state police building account.
- (B) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (C) One dollar (\$1) to the crossroads 2000 fund.
- (D) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.
- (E) For a registration transferred before July 1, 2019, as follows:

- (i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (ii) Five dollars (\$5) to the commission fund.

(F) For a registration transferred after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

(2) Any additional excise taxes owed under IC 6-6 on the vehicle to which the registration is transferred.

(3) If the vehicle was registered as a farm semitrailer, a fee of forty-one dollars (\$41). The fee shall be distributed to the motor vehicle highway account.

(4) If the vehicle was registered as a farm vehicle other than a farm semitrailer, the amount determined under the following formula:

STEP ONE: Determine the number of months between:

- (i) the date on which the farm vehicle is registered as a vehicle other than a farm vehicle or is operated in the conduct of a commercial enterprise; and
- (ii) the next registration date under IC 9-18.1-11 of the farm vehicle.

A partial month shall be rounded to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Determine the product of:

- (i) the STEP TWO result; multiplied by

(ii) the applicable fee under IC 9-18.1-5 for the classification to which the vehicle's registration is changed.

The amount determined under this subdivision shall be deposited in the motor vehicle highway account.

Sec. 9. A person that operates a farm vehicle:

- (1) in the conduct of a commercial enterprise; or
- (2) to transport farm products anywhere other than to the first point of processing;

commits a Class C infraction. However, the offense is a Class B infraction if, within the three (3) years preceding the commission of the offense, the person had a prior unrelated judgment under this section.

Sec. 10. The operation of a vehicle in violation of section 9 of this chapter is a continuing offense, and the venue for prosecution lies in a county in which the unlawful operation occurred. However, a:

- (1) judgment against; or
- (2) finding by the court for;

the owner or operator of the vehicle bars a prosecution in another county.

Chapter 8. Military Vehicles

Sec. 1. A person that owns a military vehicle may register the military vehicle under this chapter instead of under IC 9-18.1-5.

Sec. 2. A military vehicle that is registered under this chapter is not required to display a license plate on the military vehicle.

Sec. 3. The registration number for a military vehicle registered under this chapter is the military vehicle identification number stenciled on the military vehicle in white or yellow letters and numbers in accordance with applicable military regulations.

Sec. 4. The registration of a military vehicle under this chapter is permanent. The fee for the permanent registration of a military vehicle is twelve dollars (\$12). The fee shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (3) Two dollars and ninety cents (\$2.90) to the highway, road and street fund.
- (4) Four dollars (\$4) to the crossroads 2000 fund.
- (5) For a vehicle registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Three dollars and ten cents (\$3.10) to the commission fund.

(6) For a vehicle registered after June 30, 2019, four dollars and thirty-five cents (\$4.35) to the commission fund.

Sec. 5. A permanent registration under section 4 of this chapter must be renewed on an annual basis. There is no fee to renew the permanent registration. However, the military vehicle remains subject to all applicable excise taxes.

Chapter 9. Vehicles Used for Official Business

Sec. 1. (a) A vehicle that is owned or leased and used for official business by the following is exempt from the payment of registration fees under this article:

- (1) The state.
- (2) A municipal corporation (as defined in IC 36-1-2-10).
- (3) A volunteer fire department (as defined in IC 36-8-12-2).
- (4) A volunteer emergency ambulance service that:
 - (A) meets the requirements of IC 16-31; and
 - (B) has only members that serve for no compensation or a nominal annual compensation of not more than three thousand five hundred dollars

(S3,500).

- (5) A rehabilitation center funded under IC 12-12.
- (6) A community action agency (IC 12-14-23).
- (7) An area agency on aging (IC 12-10-1-6) and a county council on aging that is funded through an area agency.
- (8) A community mental health center (IC 12-29-2).

Sec. 2. The bureau may issue a license plate under this chapter for a vehicle owned by or leased by the United States government.

Sec. 3. The bureau may adopt rules under IC 4-22-2 to assign permanent license plates and accompanying permanent registration cards to vehicles owned or leased by an entity listed in section 1 of this chapter.

Sec. 4. The bureau may issue a confidential license plate for investigative purposes to the following:

- (1) A state agency upon the annual consent of the bureau or the Indiana department of administration.
- (2) Other investigative agencies upon the annual consent of the superintendent of the state police.

Chapter 10. Fleet Registration Program

Sec. 1. As used in this chapter, "fleet operator" means an operator who participates in the program.

Sec. 2. As used in this chapter, "fleet vehicle" means a passenger motor vehicle or a truck with a declared gross weight of not more than eleven thousand (11,000) pounds that is:

- (1) owned or leased by a fleet operator; and
- (2) registered in the program under this chapter.

Sec. 3. As used in this chapter, "operator" means an Indiana resident that owns or leases one thousand (1,000) or more fleet vehicles.

Sec. 4. As used in this chapter, "program" refers to the fleet registration program established under section 6 of this chapter.

Sec. 5. This chapter does not apply to a vehicle that is registered under:

- (1) a reciprocal agreement between the state of Indiana and another governmental entity;
- (2) the International Registration Plan; or
- (3) IC 9-18.1-13 with the department of state revenue.

Sec. 6. (a) The fleet registration program is established to accommodate requests from fleet operators for common registration dates for all fleet vehicles.

(b) The bureau shall administer the program.

(c) The bureau may adopt rules under IC 4-22-2 to administer the program.

Sec. 7. (a) An operator may apply to the bureau to participate in the program.

(b) An application must be in the form and manner prescribed by the bureau and must contain the following information:

- (1) The name and business address of the operator.
- (2) The preferred expiration month requested by the operator.
- (3) All counties in which the fleet vehicles are registered.
- (4) Any other information required by the bureau.

The bureau may designate an expiration month that differs from the preferred expiration month requested by the operator under subdivision (2).

(c) The bureau shall approve an application if the bureau is satisfied that the application is complete and accurate. Upon approval of the application, the bureau shall assign the fleet operator a fleet number.

(d) If an application does not contain a preferred expiration month, the bureau may:

- (1) deny the application; or
- (2) designate an expiration month and approve the application.

(e) An operator may not register a vehicle as a fleet

vehicle in a county that is not designated in the application.

Sec. 8. (a) The bureau shall terminate the participation in the program of a fleet operator with fewer than one thousand (1,000) fleet vehicles.

(b) A fleet operator whose participation is terminated under subsection (a) may reapply for participation in the program in the manner determined by the bureau.

Sec. 9. A certificate of registration as a fleet vehicle under this chapter is valid for the twelve (12) month period designated on the certificate.

Sec. 10. The fee to register a vehicle as a fleet vehicle under this chapter is the applicable fee for the vehicle under IC 9-18.1-5.

Sec. 11. The bureau shall design a fleet vehicle license plate. The design must include distinctive colors and graphics and the fleet number assigned under section 7(c) of this chapter. The design may not include years, months, or other indications of calendar dates. The design may indicate that the fleet license plate does not expire.

Sec. 12. A fleet vehicle is subject to all applicable laws, rules, and regulations for vehicles of the same type or class.

Chapter 11. Expiration, Replacement, and Transfer of Registrations

Sec. 1. The bureau shall establish and publish a schedule of expiration dates for vehicle registrations.

Sec. 2. (a) If the date on which the registration of a vehicle expires is a day on which all license branches located in the county in which the vehicle is registered are closed, including:

- (1) a Sunday; or
- (2) a legal holiday listed in IC 1-1-9-1;

the registration expires at midnight on the date following the next day on which a license branch located in the county in which the vehicle is registered is open for business.

(b) Except as provided in subsection (a) and IC 9-18.5-34-3, a person that owns or operates a vehicle may not operate or permit the operation of a vehicle that:

- (1) is required to be registered under this chapter; and
- (2) has expired license plates.

(c) A person that operates or permits the operation of a motor vehicle in violation of subsection (b) commits a Class C infraction.

Sec. 3. (a) Upon becoming subject to registration under this article, a vehicle must be registered for a period that is not:

- (1) less than three (3) months; or
- (2) greater than twenty-four (24) months.

(b) A registration under this article may be renewed for a period of twelve (12) months from the date on which the registration expires.

(c) Subject to subsection (a), the registration year for a registration, other than a renewal described in subsection (b), begins on the date on which the vehicle becomes subject to registration as determined under section 4 of this chapter and ends on the following date selected by the person registering the vehicle:

- (1) The date on which the vehicle's registration expires, as determined under the schedule established under section 1 of this chapter.
- (2) Twelve (12) months after the date described in subdivision (1).

Sec. 4. (a) Except as provided in subsection (b), a vehicle:

- (1) becomes subject to registration under this article:
 - (A) on the date the vehicle is acquired; or
 - (B) for a vehicle owned by a person described in IC 9-18.1-2-7, on the earlier of:
 - (i) sixty (60) days after the person becomes an Indiana resident; or
 - (ii) the date on which the person registers the vehicle under this article; and
- (2) remains subject to continuous registration under

this article until:

- (A) the vehicle is sold or otherwise disposed of; or
- (B) the person that registered the vehicle becomes a nonresident.

(b) A person is not required to register a vehicle under this article if the person submits an affidavit demonstrating that the vehicle will not be used upon a highway for a period of at least ninety (90) consecutive days.

(c) A vehicle described in subsection (b) becomes subject to registration on the date on which the vehicle is used upon a highway.

Sec. 5. (a) A person that fails to:

- (1) apply for the registration of, or transfer a registration to, a vehicle;
- (2) provide full payment for the registration of a vehicle; or
- (3) both:
 - (A) apply for the registration of, or transfer a registration to; and
 - (B) provide full payment for the registration of; a vehicle;

as required under this article is subject to an administrative penalty of fifteen dollars (\$15) to be collected by the bureau. An administrative penalty under this subsection is in addition to a civil judgment imposed under subsection (c).

(b) An administrative penalty collected under subsection (a) shall be deposited in the commission fund.

(c) A person that violates this section commits a Class C infraction.

Sec. 6. (a) A person that sells or otherwise disposes of a vehicle owned by the person before the date on which the vehicle's registration expires may apply to the bureau to transfer the registration and license plates to another vehicle acquired by the person.

(b) This subsection applies if the vehicle to which the registration and license plate are transferred is of the same type and in the same weight class as the vehicle for which the registration and license plate were originally issued. The bureau shall transfer the registration and license plate and issue an amended certificate of registration to the person applying for the transfer after the person pays the following:

(1) A fee of nine dollars and fifty cents (\$9.50). The fee shall be distributed as follows:

- (A) Twenty-five cents (\$0.25) to the state police building account.
- (B) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (C) One dollar (\$1) to the crossroads 2000 fund.
- (D) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.
- (E) For a registration transferred before July 1, 2019, as follows:
 - (i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
 - (ii) Five dollars (\$5) to the commission fund.

(F) For a registration transferred after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

(2) Any additional excise taxes owed under IC 6-6 on the vehicle to which the registration is transferred.

(c) This subsection applies if a vehicle to which the registration is transferred is of a different type or in a different weight class than the vehicle for which the registration and license plate were originally issued. The bureau shall transfer the registration and license plate and issue to the person applying for the transfer an amended certificate of registration and, if necessary, a new license plate or other proof of registration under this article or IC 9-18.5 after the person pays the following:

(1) A fee of nine dollars and fifty cents (\$9.50). The fee

shall be distributed as follows:

- (A) Twenty-five cents (\$0.25) to the state police building account.
- (B) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (C) One dollar (\$1) to the crossroads 2000 fund.
- (D) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.
- (E) For a registration transferred before July 1, 2019, as follows:
 - (i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
 - (ii) Five dollars (\$5) to the commission fund.
- (F) For a registration transferred after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

(2) Any additional excise taxes owed under IC 6-6 on the vehicle to which the registration is transferred.

(3) If the fee to register the vehicle to which the registration is transferred exceeds by more than ten dollars (\$10) the fee to register the vehicle for which the registration was originally issued, the amount determined under the following formula:

STEP ONE: Determine the number of months between:

- (i) the date on which the vehicle to which the registration is transferred was acquired; and
- (ii) the next registration date under this chapter for a vehicle registered by the person.

A partial month shall be rounded to one (1) month. STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Determine the difference between:

- (i) the registration fee for the vehicle to which the registration is transferred; minus
- (ii) the registration fee for the vehicle for which the registration was originally issued.

STEP FOUR: Determine the product of:

- (i) the STEP TWO result; multiplied by
- (ii) the STEP THREE result.

A fee collected under this subdivision shall be deposited in the motor vehicle highway account.

(d) A person may register a vehicle to which a registration is transferred under this section:

- (1) individually; or
- (2) with one (1) or more other persons.

Sec. 7. (a) Except as provided in IC 9-33-3 and subsection (b), a person is not entitled to a refund of any unused registration fees.

(b) The bureau may establish administrative procedures to provide for:

- (1) a refund; or
- (2) a credit;

of registration fees imposed under this article if a person that has registered a vehicle changes the vehicle registration from registration under any other law to registration under the International Registration Plan.

Sec. 8. (a) If a license plate or other proof of registration is lost or stolen, the person in whose name the license plate or other proof of registration was issued shall notify:

- (1) the Indiana law enforcement agency that has jurisdiction where the loss or theft occurred; or
- (2) the law enforcement agency that has jurisdiction over the address listed on the registration for the vehicle for which the license plate or other proof of registration was issued;

that the original license plate or other proof of registration has been lost or stolen.

(b) A person may apply to the bureau to replace a license plate or other proof of registration that is lost, stolen, destroyed, or damaged. The bureau shall issue a duplicate

or replacement license plate or other proof of registration after the person does the following:

(1) Pays a fee of nine dollars and fifty cents (\$9.50).

The fee shall be distributed as follows:

(A) Twenty-five cents (\$0.25) to the state police building account.

(B) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(C) One dollar (\$1) to the crossroads 2000 fund.

(D) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.

(E) For proof of registration issued before July 1, 2019, as follows:

(i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(ii) Five dollars (\$5) to the commission fund.

(F) For proof of registration issued after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

However, the bureau may waive the fee under this subsection for a duplicate certificate of registration that is processed on the Internet web site of the bureau.

(2) If the proof of registration was lost or stolen, provides proof of compliance with subsection (a) in a manner and form prescribed by the bureau.

(c) A replacement proof of registration must be kept or displayed in the same manner as the original proof of registration.

Sec. 9. (a) A person that owns a vehicle may apply to the bureau to change the ownership of the vehicle:

(1) by adding at least one (1) other person as a joint owner; or

(2) if the person is a joint owner of the vehicle, by transferring the person's ownership interest in a vehicle to at least one (1) remaining joint owner.

(b) The bureau shall issue an amended certificate of registration to a person that applies under subsection (a) after the person does the following:

(1) Complies with IC 9-17.

(2) Pays a fee of nine dollars and fifty cents (\$9.50).

(c) A person may apply to the bureau to amend any obsolete or incorrect information contained in a certificate of registration. The bureau shall issue an amended certificate of registration after the person pays a fee of nine dollars and fifty cents (\$9.50).

(d) The bureau may not impose or collect a fee for a duplicate, an amended, or a replacement certificate of registration that is issued as a result of an error on the part of the bureau.

(e) A fee described in subsection (b)(2) or (c) shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the state police building account.

(2) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(3) One dollar (\$1) to the crossroads 2000 fund.

(4) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.

(5) For a registration transferred before July 1, 2019, as follows:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Five dollars (\$5) to the commission fund.

(6) For a registration transferred after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

Sec. 10. (a) A person that owns a vehicle may apply to the bureau in a manner and form prescribed by the bureau to display on the vehicle a license plate that is different from the license plate that is displayed on the vehicle at the time

of application. The bureau shall issue the different license plate and an amended certificate of registration after the person pays the following:

(1) Any fees required under IC 9-18.5 to obtain the different license plate.

(2) If the application is not part of the person's registration or renewal process, an additional plate change fee of nine dollars and fifty cents (\$9.50).

(b) The fee described in subsection (a)(2) shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the state police building account.

(2) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(3) One dollar (\$1) to the crossroads 2000 fund.

(4) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.

(5) For a plate change before July 1, 2019, as follows:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Five dollars (\$5) to the commission fund.

(6) For a plate change after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

Chapter 12. Temporary Permits

Sec. 1. This chapter does not apply to mini-trucks.

Sec. 2. (a) A person may apply to the bureau for a temporary registration permit for a vehicle. The bureau shall issue the person a temporary registration permit after the person does the following:

(1) Provides proof of financial responsibility in effect with respect to the vehicle in the amounts specified under IC 9-25.

(2) Pays a fee of eighteen dollars (\$18). The fee shall be distributed as follows:

(A) Twenty-five cents (\$0.25) to the state police building account.

(B) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(C) For a temporary registration permit issued before July 1, 2019, as follows:

(i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(ii) Five dollars (\$5) to the commission fund.

(D) For a temporary registration permit issued after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

(E) Any remaining amount to the motor vehicle highway account.

(b) A temporary registration permit is valid for a period of thirty (30) days from the date of issuance and authorizes the use of the vehicle on a highway if any of the following conditions exist:

(1) The person has purchased or otherwise obtained the vehicle in Indiana and will be titling or registering the vehicle in another state or foreign country.

(2) The person is an Indiana resident and is intending to move to another state and the current vehicle registration or temporary permit will expire before the person moves.

(3) The person is an Indiana resident and the vehicle registration in another state has expired and the person has applied under IC 9-17 for a title for the vehicle.

(4) The person owns and operates the vehicle and the person:

(A) does not operate the vehicle as a lessor; and

(B) moves the empty vehicle from one (1) lessee-carrier to another.

(5) The person owns a vehicle for which emissions testing is required and the vehicle will require further mechanical repairs in order to comply with the

emissions testing requirements.

(c) A temporary registration permit shall be displayed on a vehicle in a manner determined by the bureau.

Sec. 3. (a) A person that owns a vehicle may apply to the bureau for a temporary delivery permit to operate the vehicle without obtaining a certificate of title or registration for the vehicle as set forth in subsection (b). The bureau shall issue the person a temporary delivery permit after the person does the following:

- (1) Provides proof of financial responsibility in effect with respect to the vehicle in the amounts specified under this article in the form required by the bureau.
- (2) Pays a fee of eighteen dollars (\$18). The fee shall be distributed as follows:

(A) Twenty-five cents (\$0.25) to the state police building account.

(B) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(C) For a temporary registration permit issued before July 1, 2019, as follows:

(i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(ii) Five dollars (\$5) to the commission fund.

(D) For a temporary registration permit issued after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

(E) Any remaining amount to the motor vehicle highway account.

(b) A temporary delivery permit issued under subsection (a) is valid for a period of ninety-six (96) hours beginning with the time of issuance and authorizes the person or the person's agent or employee to operate the vehicle upon a highway for the purpose of delivering, or having delivered, the vehicle to any of the following locations:

(1) A place of storage, including the person's residence or place of business.

(2) An inspection station for purposes of emissions testing under IC 13-17-5-5.1(b).

(3) A license branch or a location operated by a full service provider (as defined in IC 9-14.1-1-2) or a partial services provider (as defined in IC 9-14.1-1-3) to register the vehicle under this article.

(c) A person that uses a temporary permit:

(1) for a period greater than ninety-six (96) hours; or

(2) for a purpose not specified in subsection (b);

commits a Class C infraction.

Sec. 4. (a) This section does not apply to a vehicle registered as a recovery vehicle under IC 9-18.1-6.

(b) A transport operator may, instead of registering each motor vehicle transported, make a verified application upon a form prescribed by the bureau and furnished by the bureau for a general distinctive registration number for all motor vehicles transported by the transport operator and used and operated for the purposes provided. The application must contain the following:

(1) A brief description of each style or type of motor vehicle transported.

(2) The name and address, including the county of residence, of the transport operator.

(3) Any other information the bureau requires.

(c) The bureau, upon receiving:

(1) an application for a transport operator license plate; and

(2) the fee under subsection (i);

shall issue to the person that submitted the application and fee two (2) certificates of registration and the license plates with numbers corresponding to the numbers of the certificates of registration. A transport operator may obtain as many additional pairs of license plates as desired upon application and the payment to the bureau of the fee under subsection (k) for each pair of additional license plates.

(d) A license plate or sign other than those furnished and approved by the bureau may not be used.

(e) A transport operator license plate may not be used on a vehicle used or operated on a highway, except for the purpose of transporting vehicles in transit. A person may haul other vehicles or parts of vehicles in transit in the same combination.

(f) A transport operator may not operate a vehicle or any combination of vehicles in excess of the size and weight limits specified by law.

(g) A license plate issued under this section shall be displayed on the front and rear of each combination, and if only one (1) motor vehicle is transported, a license plate shall be displayed on both the front and rear of the motor vehicle.

(h) The bureau may not issue transport operator license plates to a transport operator that has been convicted of violating this section until the bureau is satisfied that the transport operator is able to comply with the requirements of this section.

(i) The fee for one (1) set of license plates for each transport operator is one hundred thirty-nine dollars and twenty-five cents (\$139.25). The fee shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the state police building account.

(2) Five dollars (\$5) to the crossroads 2000 fund.

(3) Nine dollars (\$9) to the commission fund.

(4) Thirty dollars (\$30) to the highway, road and street fund.

(5) Ninety-five dollars (\$95) to the motor vehicle highway account.

(j) The fee for the first two (2) sets of license plates for each transport operator is one hundred fifty-eight dollars and twenty-five cents (\$158.25). The fee shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the state police building account.

(2) Fifteen dollars (\$15) to the crossroads 2000 fund.

(3) Eighteen dollars (\$18) to the commission fund.

(4) Thirty dollars (\$30) to the highway, road and street fund.

(5) Ninety-five dollars (\$95) to the motor vehicle highway account.

(k) The fee for each additional set of license plates for a transport operator is thirty-four dollars and twenty-five cents (\$34.25). The fee shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the state police building account.

(2) Nine dollars (\$9) to the commission fund.

(3) Ten dollars (\$10) to the crossroads 2000 fund.

(4) Fifteen dollars (\$15) to the motor vehicle highway account.

Chapter 13. Department of State Revenue Registrations and Permits

Sec. 1. As used in this chapter, "commercial vehicle" means a motor vehicle used in commerce to transport property if the motor vehicle:

(1) has a declared gross vehicle weight of at least sixteen thousand (16,000) pounds; and

(2) is subject to the commercial motor vehicle excise tax under IC 6-6-5.5.

Sec. 2. (a) The authority granted to the bureau throughout this article extends to the department of state revenue when the department administers transactions under IC 9-17-2, IC 9-17-3, IC 9-18, or IC 9-18.1. The department's authority includes the following:

(1) Registering vehicles (IC 9-18.1-3 and IC 9-18.1-4).

(2) Withholding registration of a vehicle when the vehicle was used in the commission of a toll violation (IC 9-18.1-3).

(3) Determining the size, character, display, mounting, securing, content, issuance, replacement, and life cycle of license plates, temporary license plates, renewal stickers, and other proof of registration issued by the department (IC 9-18.1-4).

(4) Publishing a schedule of expiration dates (IC 9-18.1-11).

(5) Transferring registration and license plates (IC 9-18.1-11).

(6) Issuing a duplicate license plate that is lost, stolen, or destroyed (IC 9-18.1-11).

(7) Changing ownership information (IC 9-18.1-11).

(8) Issuing temporary permits (IC 9-18.1-12).

(9) Issuing certificates of title (IC 9-17-2).

(b) Plates issued by the department of state revenue remain the property of the department (IC 9-18.1-4).

(c) The department of state revenue may adopt rules under IC 4-22-2 to administer this chapter.

Sec. 3. (a) Upon payment of the annual registration fee under IC 9-29-5 and any applicable commercial vehicle excise tax under IC 6-6-5.5, the department of state revenue may issue a license plate for each commercial vehicle registered to the owner of at least twenty-five (25) commercial vehicles. The license plate issued under this section for a commercial vehicle is permanently valid.

(b) The application of registration for the commercial vehicles must be on an aggregate basis by electronic means. If the application is approved, the department of state revenue shall issue a certificate of registration that shall be carried at all times in the vehicle for which it is issued.

(c) The registration for a commercial vehicle is void when the registered owner:

(1) sells (and does not replace);

(2) disposes of; or

(3) does not renew the registration of;

the commercial vehicle or the commercial vehicle is destroyed.

(d) This section does not relieve the owner of a vehicle from payment of any applicable commercial vehicle excise tax under IC 6-6-5.5 on a yearly basis.

(e) A registered license plate issued under subsection (a) may be transferred to another vehicle in a fleet of the same weight and plate type, with a new certificate of registration issued under subsection (b), upon application to the department of state revenue. A commercial vehicle excise tax credit may be applied to any plate transfer of the same vehicle type and same weight category.

(f) The following apply to rules adopted by the bureau before January 1, 2014, under IC 9-18-2-4.5(f) (before its expiration):

(1) The rules are transferred to the department of state revenue and are considered rules of the department of state revenue.

(2) The rules are treated as if they had been adopted by the department of state revenue.

(g) Upon qualification under this section, a vehicle subject to the commercial vehicle excise tax under IC 6-6-5.5, including trailers and semi-trailers, must be registered with the department of state revenue and issued a permanent license plate.

(h) A registered owner may continue to register commercial vehicles under this section even after a reduction in the registered owner's fleet to fewer than twenty-five (25) commercial vehicles.

Sec. 4. (a) The department of state revenue shall administer vehicle registrations that are subject to the International Registration Plan according to the terms of the International Registration Plan and rules adopted by the department of state revenue under IC 4-22-2.

(b) A person that registers a vehicle under the International Registration Plan shall file electronically with

the department of state revenue an application for the registration of the vehicle.

(c) The department of state revenue may audit records of persons that register trucks, trailers, semitrailers, buses, and rental cars under the International Registration Plan to verify the accuracy of the application and collect or refund fees due.

(d) The department of state revenue may issue a certificate of registration or a license plate for a vehicle that is:

(1) subject to registration under apportioned registration of the International Registration Plan; and

(2) based and titled in a state other than Indiana subject to the conditions of the plan.

(e) A person that owns or leases a vehicle required to be registered under the International Registration Plan shall receive an apportioned plate and cab card as determined by the department of state revenue.

(f) A distinctive cab card:

(1) shall be issued for a vehicle registered under the International Registration Plan; and

(2) must be carried in the vehicle.

(g) The fee for a cab card issued under subsection (f) is five dollars (\$5). The fee for a duplicate cab card is one dollar (\$1). However, the department of state revenue may waive the fee for a duplicate cab card processed on the Internet web site of the department.

(h) A recovery vehicle may be registered under the International Registration Plan and be issued an apportioned license plate.

(i) The department of state revenue shall issue a document to a person applying for registration under the International Registration Plan to serve as a temporary registration authorization pending issuance of a permanent registration plate and cab card. The document must be carried in the vehicle for which the document is issued.

Sec. 5. (a) A trip permit may be issued for:

(1) a vehicle that could be operated in Indiana for a period of seventy-two (72) hours instead of full registration; and

(2) both interstate and intrastate travel.

(b) A trip permit may not be used to evade full registration.

(c) The department of state revenue or agents for the department of state revenue may issue trip permits under rules adopted under IC 4-22-2.

(d) A person that uses a trip permit:

(1) for a period greater than seventy-two (72) hours; or

(2) to evade full registration;

commits a Class C infraction.

Sec. 6. (a) When a hunter's permit is applied for under this section, the department of state revenue shall issue a hunter's permit to a common carrier (as defined under IC 8-2.1-17-4) that contracts for common carrier services from an individual who owns and operates a motor vehicle subject to the International Registration Plan.

(b) If a motor vehicle under subsection (a) is registered in the name of the common carrier that contracts for services from the person that is the owner and operator of the motor vehicle, when the person no longer provides services to the common carrier, the common carrier shall transfer a hunter's permit issued to the common carrier under subsection (a) to the person upon the person's request. The common carrier may charge the person receiving the hunter's permit an amount that does not exceed the amount the common carrier paid for the hunter's permit under subsection (a).

(c) A hunter's permit transferred to a person under subsection (b) allows the person to move the motor vehicle

under subsection (a) within Indiana for thirty (30) days to search for a new independent contract for services with a common carrier without first registering the motor vehicle.

Sec. 7. (a) Except as provided in subsection (b), a person that fails to:

- (1) apply for the registration of, or transfer a registration to, a vehicle;
- (2) provide full payment for the registration of a vehicle; or
- (3) both:
 - (A) apply for the registration of, or transfer a registration to, a vehicle; and
 - (B) provide full payment for the registration of a vehicle;

as required under this chapter is subject to the penalties and interest imposed under IC 6-8.1-10.

(b) A person that fails to:

- (1) apply for the registration of, or transfer a registration to, a vehicle;
- (2) provide full payment for the registration of a vehicle; or
- (3) both:
 - (A) apply for the registration of, or transfer a registration to, a vehicle; and
 - (B) provide full payment for the registration of a vehicle;

as required under IC 9-18-2-4.6 or IC 9-18.1-13-3 is subject to the administrative penalty imposed under IC 9-18.1-11-5.

(c) An administrative penalty collected under subsection (b) shall be deposited in the commission fund.

Chapter 14. Off-Road Vehicles and Snowmobiles

Sec. 1. (a) Except as provided under subsections (b) and (c), an off-road vehicle or a snowmobile must be registered under this chapter to be operated in Indiana.

(b) Registration is not required for the following vehicles:

- (1) An off-road vehicle or snowmobile that is exclusively operated in a special event of limited duration that is conducted according to a prearranged schedule under a permit from the governmental unit having jurisdiction.
- (2) An off-road vehicle or snowmobile that is registered in another state or country and being operated by a nonresident of Indiana for a period not to exceed twenty (20) days in one (1) calendar year.
- (3) An off-road vehicle or snowmobile that is being operated for purposes of testing or demonstration and on which certificate numbers have been placed under section 9 of this chapter.
- (4) An off-road vehicle or snowmobile, the operator of which has in the operator's possession a bill of sale from a dealer licensed under IC 9-32 or a private individual that includes the following:
 - (A) The purchaser's name and address.
 - (B) A date of purchase, which may not be more than forty-five (45) days before the date on which the operator is required to show the bill of sale.
 - (C) The make, model, and vehicle number of the off-road vehicle or snowmobile provided by the manufacturer.

(5) An off-road vehicle or snowmobile that is owned or leased and used for official business by:

- (A) the state;
- (B) a municipal corporation (as defined in IC 36-1-2-10);
- (C) a volunteer fire department (as defined in IC 36-8-12-2); or
- (D) the United States government or an agency of the United States government.

(c) The owner of an off-road vehicle or a snowmobile that was properly registered under IC 14-16-1 or IC 9-18-2.5 (before its expiration) is not required to register the off-road

vehicle or snowmobile under this chapter until the date on which the previous registration expires.

(d) A person that:

- (1) operates an off-road vehicle or snowmobile on a public roadway; or
- (2) fails to register an off-road vehicle or snowmobile as required by this section;

commits a Class C infraction.

Sec. 2. (a) A person that desires to register an off-road vehicle or a snowmobile must submit an application, in a form and manner prescribed by the bureau, that contains the following:

- (1) The name of the owner of the off-road vehicle or snowmobile and, if the off-road vehicle or snowmobile is leased, the name of the lessee.
- (2) The person's address in Indiana, including the county and township, on the date of the application, as follows:
 - (A) If the person is an individual, the person's residence address. However, if the person participates in the address confidentiality program under IC 5-26.5, the address may be a substitute address designated by the office of the attorney general under IC 5-26.5.
 - (B) If the person is not an individual, the person's principal office in Indiana.
 - (C) If the person does not have a physical residence or office in Indiana, the county and township in Indiana where the off-road vehicle or snowmobile will be primarily operated.
- (3) A description of the off-road vehicle or snowmobile to be registered, including the identification number and color of the off-road vehicle or snowmobile.
- (4) Any other information required by the bureau.

The bureau may not register an off-road vehicle or a snowmobile that does not have an identification number.

(b) An application made online or through the United States mail is not required to be sworn or notarized.

(c) A person may apply on behalf of another person to register an off-road vehicle or a snowmobile under this chapter. However, the person in whose name the off-road vehicle or snowmobile will be registered must sign and verify the application.

(d) A person that makes a false statement in an application under this section commits a Class C infraction.

Sec. 3. (a) The bureau shall use due diligence in examining and determining the genuineness, regularity, and legality of the information provided by a person as part of a request to register an off-road vehicle or a snowmobile under this chapter.

(b) The bureau may:

- (1) make investigations or require additional information; and
- (2) reject an application or request;

if the bureau is not satisfied of the genuineness, regularity, or legality of an application or the truth of a statement contained in an application or request, or for any other reason.

(c) If the bureau determines that a person applying to register an off-road vehicle or a snowmobile is entitled to register the off-road vehicle or snowmobile, the bureau shall register the off-road vehicle or snowmobile and issue to the applicant the following:

- (1) A certificate of registration.
- (2) Two (2) decals.

A person that fails to maintain registration for an off-road vehicle or snowmobile under this section commits a Class C infraction.

(d) Certificates of registration and decals issued under this section:

- (1) remain the property of the bureau; and

(2) may be revoked, canceled, or repossessed as provided by law.

Sec. 4. (a) The fee to register an off-road vehicle or snowmobile is thirty dollars (\$30). The fee shall be deposited in the off-road vehicle and snowmobile fund established by IC 14-16-1-30.

(b) The registration of an off-road vehicle or a snowmobile under this chapter is valid until the earlier of the following:

(1) Three (3) years from the date of registration under this chapter.

(2) The date on which the off-road vehicle or snowmobile is sold or transferred to another person.

(c) If a person sells or otherwise disposes of an off-road vehicle or snowmobile:

(1) the certificate of registration and decals for the off-road vehicle or snowmobile are canceled; and

(2) except as provided in IC 9-33-3, the person is not entitled to a refund of any unused part of a fee paid by the person under this section.

(d) A person that acquires an off-road vehicle or a snowmobile that is registered under this chapter must apply to the bureau under this chapter to register the off-road vehicle or snowmobile.

Sec. 5. (a) The bureau may adopt rules under IC 4-22-2 concerning the size, character, and content of a certificate of registration or decals issued under this chapter.

(b) A certificate of registration issued under this chapter, or a legible reproduction of the certificate of registration, must:

(1) be pocket size;

(2) accompany the off-road vehicle or snowmobile; and

(3) be made available for inspection upon demand by a law enforcement officer.

(c) A person that fails to carry or produce an off-road vehicle's or snowmobile's registration under subsection (b) commits a Class C infraction.

(d) Decals issued under section 3(c)(2) of this chapter shall be attached and displayed on the forward half of the off-road vehicle or snowmobile or as prescribed in rules adopted by the bureau. All decals shall be maintained in a legible condition and displayed only for the period for which the registration is valid.

(e) A person that fails to properly display a decal as prescribed under subsection (d) commits a Class C infraction.

Sec. 6. (a) The bureau shall collect an administrative penalty of fifteen dollars (\$15) from the following:

(1) A person that fails to:

(A) register; or

(B) provide full payment for the registration of; an off-road vehicle or a snowmobile within forty-five (45) days after the date on which the person acquires the off-road vehicle or snowmobile.

(2) A person that fails to:

(A) renew; or

(B) provide full payment for the renewal of; the registration of an off-road vehicle or a snowmobile by the date on which the registration expires.

(3) A person that:

(A) owns an off-road vehicle or a snowmobile;

(B) becomes an Indiana resident; and

(C) fails to:

(i) register; or

(ii) provide full payment for the registration of; the off-road vehicle or snowmobile within sixty (60) days after the person becomes an Indiana resident.

(b) A penalty collected under subsection (a) shall be deposited in the commission fund.

(c) A person described in subsection (a) commits a Class C infraction.

Sec. 7. (a) If a certificate of registration or decal issued for an off-road vehicle or a snowmobile that is registered under this chapter is lost, stolen, destroyed, or damaged, the owner of the off-road vehicle or snowmobile may apply to the bureau for a replacement certificate of registration or decal. If the certificate of registration or decal is lost or stolen, the owner shall provide notice of the loss or theft to a law enforcement agency with jurisdiction over:

(1) the site of the loss or theft; or

(2) the address listed on the certificate of registration.

(b) The bureau shall issue a replacement certificate of registration or decal to the owner of an off-road vehicle or a snowmobile after the owner:

(1) pays a fee of nine dollars and fifty cents (\$9.50); and

(2) provides notice as required under subsection (a), if applicable.

(c) The fee imposed under subsection (b) shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the state police building account.

(2) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(3) One dollar (\$1) to the crossroads 2000 fund.

(4) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.

(5) For a certificate of registration or decal issued before July 1, 2019:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Five dollars (\$5) to the commission fund.

(6) For a certificate of registration or decal issued after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

(d) A replacement certificate of registration or decal issued under this section must be attached and displayed in the same manner as the original certificate of registration or decal.

Sec. 8. (a) A person that owns an off-road vehicle or a snowmobile that is registered under this chapter may apply to the bureau to change the ownership of the off-road vehicle or snowmobile:

(1) by adding at least one (1) other person as a joint owner; or

(2) if the person is a joint owner of the off-road vehicle or snowmobile, by transferring the person's ownership interest in the off-road vehicle or snowmobile to at least one (1) remaining joint owner.

(b) The bureau shall issue an amended certificate of registration to a person that applies under subsection (a) after the person does the following:

(1) Complies with IC 9-17.

(2) Pays a fee of nine dollars and fifty cents (\$9.50).

(c) A person may apply to the bureau to amend any obsolete or incorrect information contained in the certificate of registration issued with respect to the off-road vehicle or snowmobile. The bureau shall issue an amended certificate of registration after the person pays a fee of nine dollars and fifty cents (\$9.50).

(d) The bureau may not impose or collect a fee for a duplicate, an amended, or a replacement certificate of registration that is issued as a result of an error on the part of the bureau.

(e) A fee described in subsection (b)(2) or (c) shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the state police building account.

(2) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(3) One dollar (\$1) to the crossroads 2000 fund.

(4) One dollar and fifty cents (\$1.50) to the motor

vehicle highway account.

(5) For a certificate of registration or decal issued before July 1, 2019:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Five dollars (\$5) to the commission fund.

(6) For a certificate of registration or decal issued after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

Sec. 9. (a) A manufacturer or person engaged in the commercial sale of off-road vehicles or snowmobiles may apply to the bureau to obtain certificates of registration for use in the testing or demonstrating of off-road vehicles or snowmobiles.

(b) A manufacturer or person engaged in the commercial sale of off-road vehicles or snowmobiles may use a certificate of registration issued under this section only in the testing or demonstrating of off-road vehicles and snowmobiles by temporarily placing the numbers of the certificate of registration on the off-road vehicle or snowmobile being tested or demonstrated. The temporary placement of numbers must conform to the requirements of this chapter or rules adopted under this chapter.

(c) A certificate of registration issued under this section may be used on only one (1) off-road vehicle or snowmobile at any given time.

(d) The fee for each certificate of registration issued under this section is thirty dollars (\$30). The fee shall be deposited in the off-road vehicle and snowmobile fund established by IC 14-16-1-30.

Sec. 10. (a) A manufacturer of an off-road vehicle or snowmobile shall stamp an identifying vehicle number into the frame of the off-road vehicle or snowmobile. The vehicle number shall be stamped where the number may be easily seen with a minimum of physical effort. A manufacturer that violates this subsection commits a Class A infraction.

(b) Upon request, a manufacturer shall furnish information as to the location of vehicle numbers on off-road vehicles and snowmobiles the manufacturer produces to a police officer or the bureau. A manufacturer that violates this subsection commits a Class A infraction.

(c) A person may not possess an off-road vehicle or snowmobile with an altered, defaced, or obliterated vehicle number. A person that knowingly or intentionally violates this subsection commits a Class B misdemeanor.

SECTION 327. IC 9-18.5 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

ARTICLE 18.5. DISTINCTIVE LICENSE PLATES

Chapter 1. Application

Sec. 1. This chapter applies to a person that:

- (1) is the registered owner or lessee of a vehicle; or
- (2) applies to register or renew the registration of a vehicle;

that is eligible to display a license plate under this article.

Sec. 2. The bureau may not issue a license plate under this article to a person that is not eligible to be issued a license plate under IC 9-18 (before its expiration) or IC 9-18.1.

Sec. 3. Except as otherwise provided, the following vehicles may display any license plate designed under this article:

- (1) A passenger motor vehicle.
- (2) A motorcycle.
- (3) A recreational vehicle.
- (4) A truck with a declared gross weight of not more than eleven thousand (11,000) pounds.

Sec. 4. (a) A vehicle that displays a license plate issued under this article is not subject to dual registration fees or dual excise taxes.

(b) A fee for a license plate issued under this article

covers the entire registration period for which the license plate is issued.

Chapter 2. Personalized License Plates

Sec. 1. (a) A person may apply to the bureau for a personalized license plate to display on the person's vehicle.

(b) The following license plates may be designed as a personalized license plate under this chapter:

- (1) IC 9-18.5-4 (prisoner of war license plates).
- (2) IC 9-18.5-5 (disabled Hoosier veteran license plates).
- (3) IC 9-18.5-6 (Purple Heart license plates).
- (4) IC 9-18.5-7 (National Guard license plates).
- (5) IC 9-18.5-8 (license plates for persons with disabilities).
- (6) IC 9-18.5-9 (amateur radio operator license plates).
- (7) IC 9-18.5-10 (civic event license plates).
- (8) IC 9-18.5-11 (In God We Trust license plates).
- (9) IC 9-18.5-12 (special group recognition license plates).
- (10) IC 9-18.5-13 (environmental license plates).
- (11) IC 9-18.5-14 (kids first trust license plates).
- (12) IC 9-18.5-15 (education license plates).
- (13) IC 9-18.5-16 (Indiana FFA trust license plates).
- (14) IC 9-18.5-17 (Indiana firefighter license plates).
- (15) IC 9-18.5-18 (Indiana boy scouts trust license plates).
- (16) IC 9-18.5-19 (D.A.R.E. Indiana trust license plates).
- (17) IC 9-18.5-20 (Indiana arts trust license plates).
- (18) IC 9-18.5-21 (Indiana health trust license plates).
- (19) IC 9-18.5-22 (Indiana Native American trust license plates).
- (20) IC 9-18.5-24 (Pearl Harbor survivor license plates).
- (21) IC 9-18.5-25 (Indiana state educational institution trust license plates).
- (22) IC 9-18.5-26 (Lewis and Clark expedition license plates).
- (23) IC 9-18.5-27 (Riley Children's Foundation license plates).
- (24) IC 9-18.5-28 (National Football League franchised professional football team license plates).
- (25) IC 9-18.5-29 (Hoosier veteran license plates).
- (26) IC 9-18.5-30 (support our troops license plates).
- (27) IC 9-18.5-31 (Abraham Lincoln bicentennial license plates).
- (28) IC 9-18.5-32 (Earlham College Trust license plates).
- (29) IC 9-18.5-33 (Indiana Gold Star family member license plates).
- (30) A license plate issued under IC 9-18 (before its expiration) or IC 9-18.1.

Sec. 2. (a) A personalized license plate may be the same color and size and contain similar required information as regular license plates issued under IC 9-18 (before its expiration) or IC 9-18.1 for the respective class of vehicle.

(b) A personalized license plate is limited to the:

- (1) numerals 0 through 9; or
- (2) letters A through Z;

in a continuous combination of numbers and letters with at least two (2) positions.

(c) A personalized license plate may not duplicate a regularly issued plate.

(d) Only one (1) personalized plate, without regard to classification of registration, may be issued by the bureau with the same configuration of numbers and letters.

Sec. 3. A personalized license plate may be issued only to the person registered as the owner or lessee of the vehicle on which the license plate will be displayed.

Sec. 4. (a) A person that applies for:

- (1) a personalized license plate; or

(2) the renewal of a personalized license plate in the subsequent period; must file an application in the manner the bureau requires, indicating the combination of letters or numerals, or both, requested by the person.

(b) The bureau may refuse to issue a combination of letters or numerals, or both, that:

- (1) carries a connotation offensive to good taste and decency;
- (2) would be misleading; or
- (3) the bureau otherwise considers improper for issuance.

Sec. 5. If a person that has been issued a personalized license plate reserves the same configuration of letters or numbers, or both, for the next plate cycle, that configuration of letters or numbers, or both, is not available to another person until the following plate cycle.

Sec. 6. If a person that has been issued a personalized license plate for a registered vehicle releases ownership of the registered vehicle without transferring the registration to another vehicle, the combination of numbers or letters, or both, becomes available in the next registration year to any person.

Sec. 7. If a person has been issued a personalized license plate for use on a leased vehicle and:

- (1) the person cancels the lease; or
- (2) the lease expires during the registration year;

the person may transfer the license plate to another vehicle registered under IC 9-18 (before its expiration) or under IC 9-18.1-11.

Sec. 8. The bureau shall issue a personalized license plate under this chapter to a person that does the following:

- (1) Complies with IC 9-18 (before its expiration) or IC 9-18.1.
- (2) Pays any additional fee associated with a license plate described in section 1(b) of this chapter.
- (3) Pays a fee of forty-five dollars (\$45). The fee shall be distributed as follows:
 - (A) Four dollars (\$4) to the crossroads 2000 fund.
 - (B) Seven dollars (\$7) to the motor vehicle highway account.
 - (C) Thirty-four dollars (\$34) to the commission fund.

Upon the payment of the fee, the bureau shall issue a receipt.

Sec. 9. If a person that applies for a personalized license plate with a given configuration of letters or numbers is not able to obtain the license plate requested or a satisfactory alternative configuration, the bureau shall refund the entire personalized license plate fee under section 8(3) of this chapter to the person. However, a refund of a personalized license plate fee may not be made when the person that applies for the personalized license plate cancels the request.

Chapter 3. General Assembly and Other State Officials License Plates

Sec. 1. (a) License plates shall be issued to the following:

- (1) Members of the general assembly.
- (2) Spouses of members of the general assembly.
- (3) Other state officials who receive special license plates on an annual basis.

(b) A license plate issued under this chapter may also be issued to a company or business owned by a person described in subsection (a).

Chapter 4. Prisoner of War License Plates

Sec. 1. (a) Except as provided in subsection (b), the bureau shall issue license plates for a vehicle that designate the vehicle as being owned or leased by a former prisoner of war.

(b) The bureau may issue one (1) or more former prisoner of war license plates to the surviving spouse of a former prisoner of war.

Sec. 2. A former prisoner of war license plate must display the following:

- (1) An identification number.
- (2) The legend "Ex-POW".
- (3) Any other information and design selected by the bureau.

Sec. 3. A former prisoner of war license plate may only be:

- (1) assigned to; and
- (2) displayed on;

a vehicle registered under IC 9-18 (before its expiration) or IC 9-18.1.

Sec. 4. (a) An individual who has been issued under this chapter a license plate designating the individual's vehicle as being owned or leased by a former prisoner of war may not be:

- (1) charged a fee for parking the vehicle displaying the license plate in a metered space; or
- (2) assessed a penalty for parking the vehicle displaying the license plate in a metered space for longer than the time permitted.

(b) This section does not authorize parking of a vehicle in a parking place during a time when parking in the space is prohibited if the prohibition is:

- (1) posted; and
- (2) authorized:
 - (A) by ordinance in a city or town; or
 - (B) by order of the Indiana department of transportation.

(c) An individual other than the owner or lessee of a vehicle displaying a former prisoner of war license plate authorized by this chapter is not entitled to the parking privileges established by this section.

Sec. 5. (a) A vehicle for which a license plate is issued under section 1 of this chapter is exempt from the applicable registration fee for the vehicle under IC 9-18 (before its expiration), IC 9-29-5 (before its repeal), or IC 9-18.1-5.

(b) A vehicle described in subsection (a) is subject to a service charge as follows:

- (1) For a license plate issued before January 1, 2017, five dollars and seventy-five cents (\$5.75). The service charge shall be distributed as follows:
 - (A) Twenty-five cents (\$0.25) to the state police building account.
 - (B) Fifty cents (\$0.50) to the state motor vehicle technology fund.
 - (C) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
 - (D) Three dollars and seventy-five cents (\$3.75) to the commission fund.

(2) For a license plate issued after December 31, 2016, five dollars (\$5). The service charge shall be distributed as follows:

- (A) Twenty-five cents (\$0.25) to the state police building account.
- (B) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (C) For a vehicle registered before July 1, 2019, as follows:
 - (i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
 - (ii) Three dollars (\$3) to the commission fund.
- (D) For a vehicle registered after June 30, 2019, four dollars and twenty-five cents (\$4.25) to the commission fund.

Chapter 5. Disabled Hoosier Veteran License Plates

Sec. 1. (a) An individual may apply for, receive, and display a disabled Hoosier veteran license plate on the individual's vehicle for private and personal use if the individual, as the result of having served in the armed forces of the United States, has:

- (1) lost sight in both eyes or suffered permanent impairment of vision in both eyes to the extent of being eligible for service connected compensation for the loss;
- (2) suffered the loss of one (1) or both feet or the permanent loss of use of one (1) or both feet;
- (3) suffered the loss of one (1) or both hands or the permanent loss of use of one (1) or both hands;
- (4) a United States Department of Veterans Affairs disability rating for a physical condition that precludes the individual from walking without pain or difficulty; or
- (5) been rated by the United States Department of Veterans Affairs as being at least fifty percent (50%) disabled and is receiving service related compensation from the United States Department of Veterans Affairs. At least sixty percent (60%) of the disability rating under this subdivision must be attributable to a mobility disability.

(b) An application for a disabled Hoosier veteran license plate must be accompanied by a certificate from the:

- (1) United States Department of Veterans Affairs; or
- (2) appropriate branch of the armed forces of the United States;

confirming the eligibility of the individual submitting the application for the disabled Hoosier veteran license plate.

Sec. 2. (a) An individual qualifying under section 1 of this chapter may not be:

- (1) charged a fee for parking in a metered space; or
- (2) assessed a penalty for parking in a metered space for longer than the time permitted.

(b) This section does not authorize parking of a vehicle in a parking space during a time when parking in the space is prohibited if the prohibition is:

- (1) posted; and
- (2) authorized:
 - (A) by ordinances in cities and towns; or
 - (B) by order of the Indiana department of transportation.

(c) An individual other than the owner of the vehicle displaying a disabled Hoosier veteran license plate authorized by this chapter is not entitled to the parking privileges authorized by this section.

Sec. 3. The bureau:

- (1) may design and issue disabled Hoosier veteran license plates to implement this chapter; and
- (2) shall administer this chapter relating to proper certification for a person applying for a disabled Hoosier veteran license plate.

Sec. 4. The disabled Hoosier veteran license plates authorized under this chapter shall be issued by the bureau for any classification of vehicle required to be registered under Indiana law, but the license plate may not be used for commercial vehicles.

Sec. 5. A disabled Hoosier veteran license plate must be gold in color with blue lettering and contain the following:

- (1) Identification numerals.
- (2) The words "Disabled Hoosier Veteran".

Sec. 6. There is no additional fee for a disabled Hoosier veteran license plate issued under this chapter.

Chapter 6. Purple Heart License Plates

Sec. 1. (a) The bureau shall design a license plate that will designate a vehicle as being registered to an individual who has been awarded a Purple Heart decoration.

(b) Upon proper application, the bureau may modify a license plate designed under subsection (a) to designate a vehicle as being registered to an individual who is:

- (1) described in subsection (a); and
- (2) eligible to be issued:
 - (A) a placard under IC 9-14-5 (before its repeal) or IC 9-18.5-8; or

(B) a person with a disability registration plate under IC 9-18.5-8.

(c) An individual who:

- (1) knowingly; or
- (2) intentionally;

falsely professes to have the qualifications to obtain a license plate under subsection (b) commits a Class C misdemeanor.

(d) An individual who owns a vehicle bearing a license plate issued under subsection (b) and knows that the individual is not entitled to a license plate issued under subsection (b) commits a Class C misdemeanor.

Sec. 2. An Indiana resident who is a recipient of a Purple Heart decoration may apply for and receive one (1) or more Purple Heart plates.

Sec. 3. (a) An individual who qualifies for a Purple Heart license plate under section 1 of this chapter may not be charged the following:

- (1) A fee for parking the individual's vehicle displaying the license plate issued under section 1 of this chapter in a metered space.
- (2) A penalty for parking the individual's vehicle displaying the license plate issued under section 1 of this chapter in a metered space for longer than the time permitted.

(b) This section does not authorize parking of a vehicle in places where parking is not allowed at any time or at a specified time if the prohibition is posted and authorized by ordinances in cities and towns or by order of the Indiana department of transportation.

(c) An individual other than the owner of the vehicle displaying a Purple Heart license plate authorized by this chapter is not entitled to the parking privileges authorized by this section.

Sec. 4. A Purple Heart license plate must be displayed on a vehicle registered by an individual described in section 2 of this chapter.

Chapter 7. Indiana National Guard License Plates

Sec. 1. The bureau shall design and issue a vehicle license plate under IC 9-18.5-12 that will designate a vehicle as being registered under IC 9-18 (before its expiration) or IC 9-18.1 by an active member of the National Guard.

Sec. 2. A National Guard license plate must display the following:

- (1) An identification number.
- (2) Any other information and design selected by the bureau.

Sec. 3. (a) An Indiana resident who is an active member of the Army or Air National Guard may apply for and receive one (1) or more license plates under this chapter.

(b) An individual applying for a National Guard license plate under this chapter must demonstrate the individual's status as an active member of the Army or Air National Guard by presenting the following with the person's application:

- (1) A current United States armed forces identification card.
- (2) A letter signed by the individual's commanding officer identifying the individual as a current active member.

Sec. 4. A National Guard license plate must be displayed on a vehicle legally registered under IC 9-18 (before its expiration) or IC 9-18.1 by the individual described in section 3 of this chapter.

Chapter 8. License Plates for Persons With Disabilities

Sec. 1. The bureau shall issue a license plate for a person with a disability that designates a vehicle as a vehicle that is regularly used to transport a person who:

- (1) has been issued a permanent parking placard under IC 9-14-5 (before its repeal) or section 4 of this chapter; or
- (2) is eligible to receive, but has not been issued, a

permanent parking placard under section 4 of this chapter.

Sec. 2. The bureau shall design a license plate and placard for display in or on a vehicle used to transport a person with a disability. A license plate or placard must bear the following:

(1) The official international wheelchair symbol, a reasonable facsimile of the international wheelchair symbol, or another symbol selected by the bureau to designate the vehicle as being used to transport a person with a disability.

(2) An expiration date.

Sec. 3. (a) A person that knowingly and falsely professes to have the qualifications to obtain a license plate for a person with a disability under this chapter commits a Class C misdemeanor.

(b) A person that owns a vehicle bearing a license plate for a person with a disability when the person knows the person is not entitled to the license plate for a person with a disability under this chapter commits a Class C misdemeanor.

(c) A person that knowingly and falsely professes to have the qualifications to obtain a placard under section 4 of this chapter commits a Class C misdemeanor.

Sec. 4. (a) The bureau shall issue a permanent parking placard to an individual who:

(1) is certified by a health care provider listed in subsection (b) as having:

(A) a permanent physical disability that requires the use of a wheelchair, a walker, braces, or crutches;

(B) permanently lost the use of one (1) or both legs; or

(C) a permanent and severe restriction in mobility due to a pulmonary or cardiovascular disability, an arthritic condition, or an orthopedic or neurological impairment; or

(2) is certified to be permanently:

(A) blind (as defined in IC 12-7-2-21(2)); or

(B) visually impaired (as defined in IC 12-7-2-198); by an optometrist or ophthalmologist who has a valid unrestricted license to practice optometry or ophthalmology in Indiana.

The certification must be provided in a manner and form prescribed by the bureau.

(b) A certification required under subsection (a)(1) may be provided by the following:

(1) A physician having a valid and unrestricted license to practice medicine.

(2) A physician who is a commissioned medical officer of:

(A) the armed forces of the United States; or

(B) the United States Public Health Service.

(3) A physician who is a medical officer of the United States Department of Veterans Affairs.

(4) A chiropractor with a valid and unrestricted license under IC 25-10-1.

(5) A podiatrist with a valid and unrestricted license under IC 25-29-1.

(6) An advanced practice nurse with a valid and unrestricted license under IC 25-23.

(c) A permanent placard issued under this section remains in effect until:

(1) a health care provider listed in subsection (b); or

(2) an optometrist or ophthalmologist that has a valid unrestricted license to practice optometry or ophthalmology in Indiana;

certifies that the recipient's disability is no longer considered to be permanent.

Sec. 5. (a) The bureau shall issue a temporary placard to an individual who is certified by:

(1) a health care provider listed in section 4(b) of this

chapter as having:

(A) a temporary physical disability that requires the temporary use of a wheelchair, a walker, braces, or crutches;

(B) temporarily lost the use of one (1) or both legs; or

(C) a temporary and severe restriction in mobility due to a pulmonary or cardiovascular disability, an arthritic condition, or an orthopedic or neurological impairment; or

(2) an optometrist or ophthalmologist who has a valid unrestricted license to practice optometry or ophthalmology in Indiana to be temporarily:

(A) blind (as defined in IC 12-7-2-21(2)); or

(B) visually impaired (as defined in IC 12-7-2-198).

(b) A certification under this section must:

(1) be in a manner and form prescribed by the bureau; and

(2) state the expected duration, including an end date, of the condition on which the certification is based.

(c) A temporary placard issued under this section expires on the earlier of the following:

(1) Six (6) months after the date on which the placard is issued.

(2) The end date set forth in the certification under subsection (b).

Sec. 6. (a) The bureau shall issue a placard to any corporation, limited liability company, partnership, unincorporated association, or any legal successor of a corporation, limited liability company, partnership, or unincorporated association, that is authorized by the state or a political subdivision to operate programs, including the provision of transportation, or facilities for individuals with disabilities.

(b) A placard issued under subsection (a) expires on the earlier of the following:

(1) January 1 of the fourth year after the year in which the placard is issued.

(2) The date on which the corporation, limited liability company, partnership, or unincorporated association ceases to operate programs or facilities for individuals with disabilities.

Sec. 7. (a) If a placard issued under this chapter is lost, stolen, damaged, or destroyed, the bureau shall issue a duplicate placard upon application by the individual to whom the placard was issued.

(b) There is no fee to issue an original or a duplicate placard under section 4 of this chapter.

(c) The fee to issue an original or a duplicate placard under section 5 of this chapter is five dollars (\$5). The fee shall be deposited in the commission fund.

(d) There is no additional fee for a license plate issued under this chapter.

Chapter 9. Amateur Radio Operator License Plates

Sec. 1. The bureau shall issue a license plate to a person that:

(1) is an Indiana resident; and

(2) holds an unrevoked and unexpired official amateur radio station and operator's license issued by the Federal Communications Commission;

upon receiving an application accompanied by proof of ownership of the amateur radio station and operator's license.

Sec. 2. (a) The bureau shall design and issue amateur radio operator license plates as needed to administer this chapter.

(b) A license plate issued under this chapter shall be imprinted with the official amateur radio call letters assigned to the applicant by the Federal Communications Commission.

Sec. 3. A license plate designed under section 2 of this

chapter may not be displayed on a motorcycle.

Sec. 4. This chapter does not exempt an applicant from the motor vehicle excise tax under IC 6-6-5 or any fee or requirement for registration under this title.

Sec. 5. The bureau shall issue a license plate under this chapter on a semipermanent basis.

Sec. 6. (a) The fee for a license plate issued under this chapter is eight dollars (\$8).

(b) A fee collected under subsection (a) before January 1, 2017, shall be distributed as follows:

- (1) Two dollars (\$2) to the motor vehicle highway account.
- (2) Two dollars (\$2) to the crossroads 2000 fund.
- (3) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (4) Two dollars and seventy-five cents (\$2.75) to the commission fund.

This subsection expires January 1, 2017.

(c) A fee collected under subsection (a) after December 31, 2016, shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (3) For a license plate issued before July 1, 2019, as follows:
 - (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
 - (B) Five dollars (\$5) to the commission fund.
- (4) For a license plate issued after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.
- (5) Any remaining amount to the motor vehicle highway account.

Chapter 10. Civic Event License Plates

Sec. 1. The bureau may issue a civic event license plate for use in promoting civic events that the bureau finds beneficial to the state or to a unit (as defined in IC 36-1-2-23).

Sec. 2. (a) A civic event license plate issued under this chapter is supplemental to a license plate displayed on a vehicle otherwise registered or in the inventory of a dealer licensed under IC 9-32 or a manufacturer.

(b) Proof:

- (1) of registration; or
- (2) for a manufacturer or a dealer licensed under IC 9-32, of ownership;

must be in the vehicle at all times.

Sec. 3. The bureau may adopt rules under IC 4-22-2 to establish the following:

- (1) The term of a civic event license plate.
- (2) The qualifications of a person applying for a civic event license plate.
- (3) The conditions that apply to the use of a civic event license plate.
- (4) The fee to display a civic event license plate.

Sec. 4. An individual who operates a vehicle that displays a civic event license plate without proof of registration or ownership commits a Class C infraction.

Sec. 5. The bureau shall set the fee for a license plate issued under this chapter by rule.

Chapter 11. In God We Trust License Plates

Sec. 1. The bureau shall design an In God We Trust license plate.

Sec. 2. An In God We Trust license plate must include the following:

- (1) A basic design for the plate with consecutive numbers or letters, or both, to properly identify the vehicle.
- (2) A background design, an emblem, or colors that designate the license plate as an In God We Trust

license plate.

(3) Any other information the bureau considers necessary.

Sec. 3. A license plate issued under this chapter may not be displayed on a motorcycle.

Sec. 4. A person that is a resident of Indiana and that is eligible to register and display a license plate on a vehicle under this title may apply for and receive an In God We Trust license plate for one (1) or more vehicles after completing an application for an In God We Trust license plate. There is no additional fee for an In God We Trust license plate.

Chapter 12. Special Group Recognition License Plates

Sec. 1. As used in this chapter, "committee" means the interim study committee on roads and transportation established by IC 2-5-1.3-4.

Sec. 2. This chapter does not apply to the following:

- (1) Historic vehicle license plates (IC 9-18.5-34).
- (2) Personalized license plates (IC 9-18.5-2).
- (3) Disabled Hoosier veteran license plates (IC 9-18.5-5).
- (4) Purple Heart license plates (IC 9-18.5-6).
- (5) National Guard license plates (IC 9-18.5-7).
- (6) Person with a disability license plates (IC 9-18.5-8).
- (7) Amateur radio operator license plates (IC 9-18.5-9).
- (8) In God We Trust license plates (IC 9-18.5-11).
- (9) Pearl Harbor survivor license plates (IC 9-18.5-24).
- (10) Hoosier veteran license plates (IC 9-18.5-29).
- (11) Support our troops license plates (IC 9-18.5-30).
- (12) Abraham Lincoln bicentennial license plates (IC 9-18.5-31).
- (13) Indiana Gold Star family member license plates (IC 9-18.5-33).

Sec. 3. (a) A special group that seeks initial participation in the special group recognition license plate program must submit a completed application to the bureau not later than April 1 for potential issuance in the following year. The application must contain the following:

- (1) The name and address of the resident agent of the special group.
- (2) Evidence of governance by a board of directors consisting of at least five (5) members, a majority of whom are outside directors, who meet at least semiannually to establish policy for the special group and review the accomplishments of the special group.
- (3) A copy of the:
 - (A) ethics statement;
 - (B) constitution and bylaws; and
 - (C) articles of incorporation as an entity that is exempt from federal income taxation under Section 501(c) of the Internal Revenue Code;
 of the special group.
- (4) Copies of the last three (3) consecutive:
 - (A) annual reports; and
 - (B) annual generally accepted auditing standards or government auditing standards audits;
 of the special group.
- (5) Evidence of appropriate use of resources and compliance with federal and state laws, including evidence of appropriate management and internal controls in order to ensure:
 - (A) compliance with law;
 - (B) that finances are used in compliance with the purpose statement of the special group; and
 - (C) maintenance as an entity that is exempt from taxation under Section 501(c) of the Internal Revenue Code.
- (6) Evidence of transparency of financial and operational activities to include availability of current financial statements at any time upon the request of

the bureau or a donor to the special group.

(7) Evidence of internal controls to prevent conflict of interest by board members and employees.

(8) A petition with the signatures of at least five hundred (500) residents of Indiana who pledge to purchase the special group recognition license plate.

(9) A statement of the designated use of any annual fee to be collected by the bureau.

(10) A copy of a certified motion passed by the board of directors of the special group requesting that the special group recognition license plate be issued by the bureau and stating the designated use of any annual fee to be collected by the bureau.

(11) Evidence of statewide public benefit from the special group.

(12) Evidence of statewide public benefit from the use of the annual fee collected by the bureau.

(13) Evidence that the special group's use of the annual fee to be collected by the bureau and the organizational purpose statement of the special group conform with at least one (1) of the following categories:

(A) Direct health care or medical research.

(B) Fraternal or service organizations.

(C) Government and quasi-government. For purposes of this clause, a special group that designates the use of the fees collected for deposit in the capital projects fund established by IC 9-18.5-28-5(a) is considered to have a quasi-government purpose.

(D) Military and veterans' affairs.

(E) Public and transportation safety.

(F) A state educational institution (as defined in IC 21-7-13-32) or an approved postsecondary educational institution (as defined in IC 21-7-13-6) for scholarships for Indiana residents.

(G) Agriculture, animals, and environment.

(14) Evidence that the organization has prohibitions and internal controls prohibiting advocacy of the following:

(A) Violation of federal or state law.

(B) Violation of generally accepted ethical standards or societal behavioral standards.

(C) Individual political candidates.

(b) The bureau shall review the application for a special group recognition license plate that has been submitted to the bureau under subsection (a). Upon satisfaction to the bureau of the completeness of the information in the application, the bureau shall forward the application to the executive director of the legislative services agency in an electronic format under IC 5-14-6 for review by the committee.

Sec. 4. (a) The committee shall review applications for special group recognition license plates that have been forwarded to the committee by the bureau under section 3 of this chapter.

(b) After reviewing the applications, the committee shall:

(1) compile a list recommending new special group recognition license plates; and

(2) forward to the bureau by written means the list of recommended special groups that meet the suitability for issuance of a special group recognition license plate.

The committee may not recommend more than five (5) new special group recognition license plates to the bureau under this subsection in a calendar year.

(c) After receiving the list forwarded under subsection (b)(2), the bureau shall conduct an independent review of the applications, taking into consideration the recommendations of the committee. The bureau may issue a special group recognition license plate in the absence of a

positive recommendation from the committee. However, the bureau may not issue a special group recognition license plate unless the license plate has first been reviewed by the committee and has been given a positive or negative recommendation to the bureau regarding that special group.

(d) The bureau may not issue more than five (5) special group recognition license plates for the first time in a year.

Sec. 5. (a) The bureau shall forward to the executive director of the legislative services agency in an electronic format under IC 5-14-6 for review by the committee the name of a special group:

(1) that was awarded initially a special group recognition license plate by the bureau more than ten (10) years in the past; and

(2) whose special group recognition license plate has not been reviewed by the special group recognition license plate committee established by IC 2-5-36.2-4 (repealed) or the committee during the ten (10) year period following the initial or subsequent award of the special group recognition license plate.

Upon receipt of the name of a special group, the committee shall require the special group to submit to the committee evidence of the criteria set forth in section 3 of this chapter. Upon submission of the criteria, the committee shall review the suitability of the special group to continue participating in the special group recognition license plate program. In the review, the committee shall consider the criteria set forth in section 3 of this chapter and may seek additional evidence of the criteria from a special group. The committee shall recommend to the bureau that participation in the special group recognition license plate program be terminated if the committee finds that termination is appropriate because the special group is not suitable for inclusion in the special group license plate program.

(b) Upon receiving a recommendation of termination for a special group under subsection (a), the bureau may:

(1) terminate the special group from participation in the special group recognition license plate program; or

(2) allow the special group to continue participating in the special group recognition license plate program for a period of not more than eighteen (18) months.

(c) If the bureau terminates the participation of a special group under subsection (b)(1):

(1) the bureau may not issue additional special group recognition license plates of the special group to plateholders; and

(2) a plateholder may not renew a special group recognition license plate of the special group.

If the special group desires to continue participating in the special group recognition license plate program, the special group must submit an application to the bureau containing the criteria set forth in section 3 of this chapter. The bureau shall then follow the procedure set forth in section 3 of this chapter.

(d) If the bureau allows a special group to continue participating in the special group recognition license plate program for a period under subsection (b)(2), the bureau shall:

(1) establish the duration of the set period under subsection (b)(2); and

(2) require the special group to submit to the bureau:

(A) evidence of the criteria set forth in section 3 of this chapter; and

(B) any additional information the bureau determines is necessary.

(e) The bureau shall:

(1) review the evidence and additional information submitted by a special group under subsection (d)(2); and

(2) determine whether to terminate or continue the participation of the special group in the special group

recognition license plate program.

(f) After the review under subsection (e), if the bureau terminates the participation of the special group and the special group desires to continue participating, the special group must submit an application to the bureau containing the criteria set forth in section 3 of this chapter. The bureau shall then follow the procedure set forth in section 3 of this chapter.

(g) After the review under subsection (e), if the bureau continues the participation of the special group in the special group recognition license plate program, the bureau may do one (1) or more of the following:

- (1) Allow the special group to remedy the defect or the violation that caused the special group to not be suitable for inclusion in the special group recognition license plate program.
- (2) Place restrictions on or temporarily suspend the sales of special group recognition license plates for the special group.
- (3) Require the special group to appear before the commission for review or reinstatement, or both.

(h) The bureau may suspend the issuance of a special group recognition license plate for a special group if the bureau, upon investigation, has determined that the special group has advocated or committed a violation of federal or state law.

Sec. 6. The total number of special group recognition license plate designs in circulation each year may not exceed one hundred fifty (150).

Sec. 7. The design of a special group recognition license plate issued under this chapter must be a distinct design and include an emblem that identifies the vehicle as being registered to a person who is a member of a special group.

Sec. 8. The bureau:

- (1) shall require representatives of a special group to confer with the bureau concerning the design of the emblem that identifies the vehicle as being registered to a person that is a member of a special group; and
- (2) may request a list of the names and addresses of the persons that are:
 - (A) members of the special group; and
 - (B) eligible for a special group recognition license plate.

Sec. 9. The bureau may issue a license plate under this chapter only to a person that qualifies for a special group recognition license plate.

Sec. 10. A person that owns a vehicle on which is displayed a special group recognition license plate may transfer the special group recognition license plate from the vehicle to another vehicle that is registered to the person under this title.

Sec. 11. (a) Except as provided in subsection (c), a vehicle bearing a special group recognition license plate issued under this chapter may be used only for private and personal purposes.

(b) A person that does not qualify for the special group recognition license plate may not display a special group recognition license plate on a vehicle the person is required to register under this title.

(c) A vehicle:

- (1) owned by a corporation (as defined in IC 6-5.5-1-6), a municipal corporation (as defined in IC 36-1-2-10), a partnership (as defined in IC 6-3-1-19), or a sole proprietor; and
- (2) bearing an environmental license plate issued under IC 9-18.5-13;

may be used for any lawful purpose.

Sec. 12. A person that violates this chapter commits a Class C infraction.

Sec. 13. (a) In order to continue participation in the special group recognition license plate program, a special

group must:

- (1) sell at least five hundred (500) special group recognition license plates of the special group in the first two (2) years in which the license plate is offered for sale; and
- (2) maintain the sale or renewal of at least five hundred (500) special group recognition license plates during each subsequent year after the initial two (2) year period of sale.

(b) If the special group fails to sell or renew special group recognition license plates in the manner provided in subsection (a), the bureau shall place the issuance of the special group recognition license plates for the special group on probation for the subsequent year. If, in that subsequent year on probation, the special group fails to sell or renew at least five hundred (500) special group recognition license plates, the bureau shall terminate the participation of the special group in the special group recognition license plate program. If the special group sells or renews at least five hundred (500) special group recognition license plates in the year on probation, the participation of the special group in the special group recognition license plate program is continued. A special group shall be afforded only one (1) probationary period under this subsection.

(c) Notwithstanding subsection (b), an independent college of Indiana (listed in IC 21-7-13-6) that fails to sell or renew five hundred (500) special group recognition license plates as required by subsection (a)(2) is placed on a probationary period until December 31, 2017. If an independent college placed on a probationary period under this subsection fails to sell or renew at least five hundred (500) special group recognition license plates before December 31, 2017, the bureau shall terminate the participation of the independent college in the special group recognition license plate program. If an independent college placed on a probationary period under this subsection sells or renews at least five hundred (500) special group recognition license plates before December 31, 2017, the independent college's participation in the special group recognition license plate program is continued.

(d) The bureau may terminate the participation of a special group in the special group recognition license plate program if the special group:

- (1) ceases operations; or
- (2) fails to use the annual fee collected by the bureau in a manner consistent with the statement submitted by the special group under section 3(a)(9) of this chapter.

(e) A special group that desires to participate in the special group recognition license plate program after termination by the bureau under this section must follow the procedure set forth in section 3 of this chapter.

(f) Upon termination under this section of a special group's participation in the special group recognition license plate program, the bureau shall distribute any money remaining in the trust fund established under section 14 of this chapter for the special group to the state general fund.

Sec. 14. (a) This section applies to a special group if at least five thousand (5,000) of the special group's license plates are issued under this chapter during one (1) calendar year beginning after December 31, 2004.

(b) The representatives of the special group may petition the bureau to design a distinctive license plate that identifies a vehicle as being registered to a person who is a member of the special group.

(c) The design of the special group license plate must include a basic design for the special group recognition license plate, with consecutive numerals or letters, or both, to properly identify the vehicle.

(d) Beginning with the calendar year following the year in which the representatives petition the bureau under subsection (b), the bureau shall issue the special group's

license plate to a person that is eligible to register a vehicle under this title and does the following:

(1) Completes an application for the license plate.

(2) Pays an annual special group recognition license plate fee of twenty-five dollars (\$25).

(e) The annual fee referred to in subsection (d)(2) and any other amounts remitted to the bureau as required under law shall be collected by the bureau and deposited in a trust fund for the special group established under subsection (f). However, the bureau shall retain two dollars (\$2) for each license plate issued until the cost of designing and issuing the special group license plate is recovered by the bureau.

(f) The treasurer of state shall establish a trust fund for each special group for which the bureau collects fees under this section.

(g) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds are invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund is continuously appropriated for the purposes of this section. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(h) The bureau shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(i) On June 30 of each year, the bureau shall distribute the money from the fund to the special group for which the bureau has:

(1) collected fees under this section; or

(2) received and deposited amounts as required by law.

(j) The bureau may not disclose information that identifies the persons to whom special group license plates have been issued under this section.

Sec. 15. (a) Notwithstanding any other law, representatives of a special group that participates in the special group recognition plate program may request that the bureau collect an annual fee of twenty-five dollars (\$25) or less on behalf of the special group.

(b) If a request is made under subsection (a), the bureau shall collect an annual fee of twenty-five dollars (\$25) or less, as requested by the special group.

(c) The annual fee referred to in subsection (b) shall be collected by the bureau and deposited in a trust fund for the special group established under subsection (d).

(d) The treasurer of state shall establish a trust fund for each special group for which the bureau collects fees under this section.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds are invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund is continuously appropriated for the purposes of this section. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) The bureau shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(g) Before June 30 of each year, the bureau shall distribute the money from the fund to the special group for which the bureau has collected fees under this section.

(h) Subject to section 16 of this chapter, the bureau may not disclose information that identifies the persons to whom special group license plates have been issued under this section.

(i) If:

(1) representatives of a special group have collected an annual fee as set forth in subsection (a) from purchasers of the special group recognition license plates that was paid directly to the special group; and

(2) the representatives of the special group request the bureau to collect the annual fee on behalf of the special group as set forth in subsection (a);

representatives of the special group may request the bureau to change the method of collection of the annual fee for the following calendar year. The representatives of the special group must make a request under this subsection by July 1 of the year preceding the year for which the change has been requested. The group may request only one (1) change in the method of collection in a plate cycle.

(j) If:

(1) the bureau collects an annual fee as set forth in subsection (a) on behalf of a special group; and

(2) representatives of the special group request the bureau to cease collection of the annual fee as set forth in subsection (a) on behalf of the special group, as the annual fee will be paid directly to the special group by purchasers of the special group recognition license plates;

representatives of the special group may request the bureau to change the method of collection of the annual fee for the following calendar year. The representatives of the special group must make a request under this subsection by July 1 of the year preceding the year for which the change has been requested. The group may request only one (1) change in the method of collection in a plate cycle.

Sec. 16. (a) Except as provided in IC 9-18.5-28, the bureau shall collect an annual supplemental fee of fifteen dollars (\$15) with respect to each special group recognition license plate issued under this article. The annual supplemental fee is in addition to a fee imposed under section 14(d)(2) or 15(b) of this chapter.

(b) An annual supplemental fee collected under subsection (a) before January 1, 2017, shall be distributed as follows:

(1) Five dollars (\$5) to the motor vehicle highway account.

(2) Five dollars (\$5) to the commission fund.

(3) One dollar (\$1) to the crossroads 2000 fund.

(4) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(5) Two dollars and seventy-five cents (\$2.75) to the commission fund.

This subsection expires January 1, 2017.

(c) An annual supplemental fee collected under subsection (a) after December 31, 2016, shall be distributed as follows:

(1) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(2) One dollar (\$1) to the crossroads 2000 fund.

(3) For a license plate issued before July 1, 2019, as follows:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Five dollars (\$5) to the commission fund.

(4) For a license plate issued after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

(5) Any remaining amount to the motor vehicle highway account.

Sec. 17. (a) This section applies to an application form for a special group recognition license plate that:

(1) is subject to an annual special group fee; and

(2) does not require an applicant to obtain authorization from the special group that sponsors the license plate.

(b) The application form must include a box for the applicant to check that states the following:

"By checking the above box, I am authorizing the bureau of motor vehicles to disclose my personal information included on this application form to the special group that sponsors the license plate for which

I am applying. I understand that:

- (1) the special group may contact me with information about its activities but may not use my personal information primarily for fundraising or solicitation purposes;
- (2) the bureau will not disclose my personal information to any other person or group; and
- (3) the special group will not disclose my personal information to any other person or group without my written consent."

(c) If an applicant checks the box described in subsection (b), the bureau may disclose personal information about the applicant included on the application form only to the special group that sponsors the license plate.

(d) If a special group receives personal information disclosed under subsection (c), the special group:

- (1) may contact the applicant with information about the special group's activities;
- (2) may not contact the applicant primarily for fundraising or solicitation purposes; and
- (3) may not disclose the applicant's personal information to any other person or group without the applicant's written consent.

Sec. 18. The bureau and a special group may enter into agreements to do the following:

- (1) Restrict the issuance of the special group's license plates to individuals authorized by the special group.
- (2) Restrict the issuance of the special group's license plates with numbers one (1) through one hundred (100) to individuals authorized by the special group.

Sec. 19. (a) Notwithstanding section 17 of this chapter, the bureau shall disclose personal information included on the application form for a special group recognition license plate from a special group described in section 3(a)(13)(F) of this chapter unless the applicant makes an affirmative statement against the disclosure.

(b) If the applicant does not make an affirmative statement against disclosure as described in subsection (a), the bureau shall disclose personal information about the applicant included on the application form only to the special group that sponsors the license plate.

(c) If a special group receives personal information disclosed under subsection (a), the special group may:

- (1) contact the applicant with information about activities of the special group;
- (2) not contact the applicant primarily for fundraising or solicitation purposes; and
- (3) not disclose the personal information of the applicant to any other person or group without the written consent of the applicant.

Chapter 13. Environmental License Plates

Sec. 1. The bureau shall design and issue an environmental license plate. The environmental license plate shall be designed and issued as a special group recognition license plate under IC 9-18.5-12 and must include the following:

- (1) A basic design for the plate with consecutive numbers or letters, or both, to properly identify the vehicle.
- (2) A background design, an emblem, or colors that designate the license plate as an environmental license plate.
- (3) Any other information the bureau considers necessary.

Sec. 2. A person is eligible to receive an environmental license plate under this chapter upon doing the following:

- (1) Completing an application for an environmental license plate.
- (2) Paying the appropriate fees under section 3 of this chapter.

Sec. 3. (a) The fees for an environmental license plate are

as follows:

- (1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.
- (2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

(b) The annual fee referred to in subsection (a)(2) shall be collected by the bureau and deposited with the treasurer of state in a special fund. The bureau shall distribute monthly the money in the special fund to the President Benjamin Harrison conservation trust fund established by IC 14-12-2-25.

Sec. 4. (a) A corporation (as defined in IC 6-5.5-1-6), a municipal corporation (as defined in IC 36-1-2-10), a partnership (as defined in IC 6-3-1-19), or a sole proprietor that registers a vehicle under this title is eligible to receive an environmental license plate under this chapter.

(b) A corporation, partnership, or sole proprietor must comply with section 3 of this chapter to receive an environmental license plate.

(c) This subsection applies only to a license plate issued under IC 9-18-3-5(b) (before its expiration) or IC 9-18.1-9-4. If an officer or employee of a municipal corporation requests an environmental license plate for a vehicle that is assigned to or customarily used by the officer or employee, the officer or employee is responsible for paying all fees associated with the environmental license plate under this chapter and all annual registration fees under IC 9-18 (before its expiration), IC 9-18.1, and, if applicable, IC 9-29 for the vehicle on which the environmental license plate is displayed.

(d) Notwithstanding subsection (c):

- (1) an environmental license plate that is issued under this section; and
- (2) all fees and taxes that have been paid to have the plate issued;

are considered issued to and paid by the corporation, municipal corporation, partnership, or sole proprietor that registered the vehicle for which the plate was issued, and the corporation, municipal corporation, partnership, or sole proprietor is entitled to retain possession of the plate.

Chapter 14. Kids First Trust License Plates

Sec. 1. The bureau shall design and issue a kids first trust license plate. The kids first trust license plate shall be designed and issued as a special group recognition license plate under IC 9-18.5-12. The final design of the plate must be approved by the board (as defined in IC 31-26-4-2).

Sec. 2. A kids first trust license plate designed under IC 9-18.5-12 must include the following:

- (1) A basic design for the plate, with consecutive numbers or letters, or both, to properly identify the vehicle.
- (2) A background design, an emblem, or colors that designate the license plate as a children's trust license plate.
- (3) Any other information the bureau considers necessary.

Sec. 3. A person that is eligible to register a vehicle under this title is eligible to receive a kids first trust license plate under this chapter upon doing the following:

- (1) Completing an application for a kids first trust license plate.
- (2) Paying the appropriate fees under section 4 of this chapter.

Sec. 4. (a) The fees for a kids first trust license plate are as follows:

- (1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.
- (2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

(b) The annual fee referred to in subsection (a)(2) shall be collected by the commission and deposited with the treasurer of state in a special account. The bureau shall distribute monthly the money in the special account to the Indiana kids first trust fund established by IC 31-26-4-12.

Sec. 5. (a) This section applies only to a license plate issued under IC 9-18-3-5(b) (before its expiration) or IC 9-18.1-9-4.

(b) A municipal corporation (as defined in IC 36-1-2-10) that registers a vehicle under this title is eligible to receive a kids first trust license plate under this chapter.

(c) If an officer or employee of a municipal corporation requests a kids first trust license plate for a vehicle that is assigned to or customarily used by the officer or employee, the officer or employee is responsible for paying the annual fee for the kids first trust license plate under section 4(a)(2) of this chapter, the annual supplemental fee under section 4(a)(1) of this chapter, and all applicable annual registration fees under IC 9-18 (before its expiration), IC 9-18.1, or IC 9-29, as applicable.

(d) Notwithstanding subsection (c):

(1) a kids first trust license plate that is issued under this section; and

(2) all fees and taxes that have been paid to have the plate issued;

are considered issued to and paid by the municipal corporation that registered the vehicle for which the license plate was issued, and the municipal corporation is entitled to retain possession of the license plate.

Chapter 15. Education License Plates

Sec. 1. As used in this chapter, "school corporation" has the meaning set forth in IC 36-1-2-17.

Sec. 2. The bureau shall design and issue an education license plate. The education license plate shall be designed and issued as a special group recognition license plate under IC 9-18.5-12 and must include the following:

(1) A basic design for the plate, with consecutive numbers or letters, or both, to properly identify the vehicle.

(2) A background design, an emblem, or colors that designate the license plate as an education license plate.

(3) Any other information the bureau considers necessary.

Sec. 3. A person that is eligible to register a vehicle under this title is eligible to receive an education license plate upon doing the following:

(1) Completing an application for an education license plate.

(2) Paying the appropriate fees under section 4 of this chapter.

Sec. 4. (a) The fees for an education license plate are as follows:

(1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.

(2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

(b) The annual fee referred to in subsection (a)(2) shall be collected by the bureau.

(c) The bureau shall require a person that purchases an education license plate under this chapter to designate the Indiana school corporation the person wants to receive the fee that the person pays under subsection (a)(2).

Sec. 5. The fees collected under this chapter shall be distributed as follows:

(1) Twenty-five percent (25%) to the state superintendent of public instruction to administer the school intervention and career counseling development program and fund under IC 20-20-17.

(2) Seventy-five percent (75%) as provided under

section 6 of this chapter.

Sec. 6. (a) If an educational foundation that is exempt from federal income taxation under Internal Revenue Code Section 501(c)(3) is established as an Indiana nonprofit corporation for the benefit of a school corporation designated to receive a fee under section 4(c) of this chapter, fees designated to go to the school corporation shall be distributed to an educational foundation that provides benefit to the designated school corporation. A school corporation that receives benefit from an educational foundation that meets the requirements of this section shall:

(1) obtain a certificate from the educational foundation that certifies to the school corporation and the county auditor that the educational foundation:

(A) is exempt from federal income taxation under Internal Revenue Code Section 501(c)(3); and

(B) is established as an Indiana nonprofit corporation to provide benefit to the school corporation; and

(2) provide a copy of the certificate described in subdivision (1) to the county auditor.

(b) If a school corporation designated to receive a fee under section 4(c) of this chapter does not receive benefit from an educational foundation described under subsection (a), the fees designated to go to the school corporation shall be distributed to the school corporation and may be used only for purposes other than salaries and related fringe benefits.

(c) Before the twentieth day of the calendar month following the calendar month in which a fee was collected, the bureau shall distribute the fees collected under this chapter to the county auditor of the county in which the designated school corporation's administration office is located. Each monthly distribution under this subsection shall be accompanied by a report to the auditor that shows:

(1) the total amount of the monthly distribution for all school corporations in the county that were designated to receive an education license plate fee under this chapter; and

(2) the amount of the fees that are to be distributed to each designated school corporation in the county.

(d) Within thirty (30) days of receipt of a distribution from the bureau under subsection (c), the county auditor shall distribute the fees received to:

(1) an educational foundation under subsection (a), if the school corporation has provided a copy of the certificate described in subsection (a); or

(2) the school corporation under subsection (b);

whichever subsection is applicable. The county auditor shall designate which school corporation is to receive benefit in connection with a distribution to an educational foundation under this subsection. If the school corporation receives benefit from more than one (1) educational foundation, the superintendent of the benefited school corporation shall determine, and inform the auditor in writing, how fees received are to be distributed to the educational foundations. The county auditor shall, simultaneously with a distribution to an educational foundation, send the school corporation to receive benefit a notice of the distribution that identifies the recipient educational foundation and the date and the amount of the distribution.

(e) Funds received by an educational foundation under this chapter must be used to provide benefit to the designated school corporation.

Chapter 16. Indiana FFA Trust License Plates

Sec. 1. The bureau shall design and issue an Indiana FFA trust license plate. The Indiana FFA trust license plate shall be designed and issued as a special group recognition license plate under IC 9-18.5-12.

Sec. 2. A person that is eligible to register a vehicle under this title is eligible to receive an Indiana FFA trust license

plate under this chapter upon doing the following:

- (1) Completing an application for an Indiana FFA trust license plate.
- (2) Paying the fees under section 3 of this chapter.

Sec. 3. (a) The fees for an Indiana FFA trust license plate are as follows:

- (1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.
- (2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

(b) The bureau shall collect the annual fee referred to in subsection (a)(2) and deposit the fee in the fund established by section 4 of this chapter.

Sec. 4. (a) The Indiana FFA trust fund is established.

(b) The treasurer of state shall invest the money in the Indiana FFA trust fund not currently needed to meet the obligations of the Indiana FFA trust fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the Indiana FFA trust fund.

(c) The bureau shall administer the Indiana FFA trust fund. Expenses of administering the Indiana FFA trust fund shall be paid from money in the Indiana FFA trust fund.

(d) On June 30 of each year, the bureau shall distribute the money from the fund to the FFA Foundation that is located within Indiana.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Chapter 17. Indiana Firefighter License Plates

Sec. 1. As used in this chapter, "Indiana firefighter" means an individual who is:

- (1) a full-time, salaried firefighter; or
- (2) a volunteer firefighter (as defined in IC 36-8-12-2).

Sec. 2. (a) The bureau shall design and issue an Indiana firefighter license plate as a special group recognition license plate under IC 9-18.5-12.

(b) The bureau shall confer with representatives of the Professional Firefighters Union of Indiana and the Indiana Firefighters Association concerning a design for the emblem that identifies the vehicle as being registered to a firefighter as prescribed under IC 9-18.5-12-8.

Sec. 3. An individual who is an Indiana firefighter and who is eligible to register a vehicle under this title is eligible to receive at least one (1) Indiana firefighter license plate upon doing the following:

- (1) Completing an application for an Indiana firefighter license plate.
- (2) Paying an annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.
- (3) Paying an annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

Chapter 18. Indiana Boy Scouts Trust License Plates

Sec. 1. The bureau shall design and issue an Indiana boy scouts trust license plate as a special group recognition license plate under IC 9-18.5-12.

Sec. 2. A person that is eligible to register a vehicle under this title is eligible to receive an Indiana boy scouts trust license plate under this chapter upon doing the following:

- (1) Completing an application for an Indiana boy scouts trust license plate.
- (2) Paying the fees under section 3 of this chapter.

Sec. 3. (a) The fees for an Indiana boy scouts trust license plate are as follows:

- (1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.
- (2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

(b) The annual fee referred to in subsection (a)(2) shall be

collected by the bureau and deposited in the fund established by section 4 of this chapter.

Sec. 4. (a) The Indiana boy scouts trust fund is established.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(c) The bureau shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(d) On June 30 of each year, the bureau shall distribute money from the fund to the organization established under section 5 of this chapter.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 5. (a) The representatives of the councils of the Boy Scouts of America that are located entirely or partially within Indiana shall establish an organization that:

- (1) is a charitable organization under Section 501(c) of the Internal Revenue Code;
- (2) is registered to do business in Indiana;
- (3) is located in Indiana; and
- (4) exists for the purpose of raising funds on the behalf of all of the councils of the Boy Scouts of America that are located entirely or partially within Indiana.

(b) The organization shall distribute the money received under section 4 of this chapter to each council of the Boy Scouts of America that is located entirely or partially within Indiana.

Chapter 19. D.A.R.E. Indiana Trust License Plates

Sec. 1. The bureau shall design and issue a D.A.R.E. Indiana trust license plate as a special group recognition license plate under IC 9-18.5-12.

Sec. 2. A person that is eligible to register a vehicle under this title is eligible to receive a D.A.R.E. Indiana trust license plate under this chapter upon doing the following:

- (1) Completing an application for a D.A.R.E. Indiana trust license plate.
- (2) Paying the fees under section 3 of this chapter.

Sec. 3. (a) The fees for a D.A.R.E. Indiana trust license plate are as follows:

- (1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.
- (2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

(b) The annual fee referred to in subsection (a)(2) shall be collected by the bureau and deposited in the fund established by section 4 of this chapter.

Sec. 4. (a) The D.A.R.E. Indiana trust fund is established.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(c) The bureau shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(d) On June 30 of each year, the bureau shall distribute the money from the fund to D.A.R.E. Indiana, Inc.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Chapter 20. Indiana Arts Trust License Plates

Sec. 1. The bureau shall design and issue an Indiana arts trust license plate as a special group recognition license plate under IC 9-18.5-12.

Sec. 2. A person that is eligible to register a vehicle under this title is eligible to receive an Indiana arts trust license plate under this chapter upon doing the following:

(1) Completing an application for an Indiana arts trust license plate.

(2) Paying the fees under section 3 of this chapter.

Sec. 3. (a) The fees for an Indiana arts trust license plate are as follows:

(1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.

(2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

(b) The annual fee referred to in subsection (a)(2) must be collected by the bureau and deposited in the Indiana arts commission trust fund established under IC 4-23-2.5-4.

Chapter 21. Indiana Health Trust License Plates

Sec. 1. The bureau shall design and issue an Indiana health trust license plate as a special group recognition license plate under IC 9-18.5-12.

Sec. 2. A person that is eligible to register a vehicle under this title is eligible to receive an Indiana health trust license plate under this chapter upon doing the following:

(1) Completing an application for an Indiana health trust license plate.

(2) Paying the fees under section 3 of this chapter.

Sec. 3. (a) The fees for an Indiana health trust license plate are as follows:

(1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.

(2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

(b) The annual fee referred to in subsection (a)(2) must be collected by the bureau and deposited in the fund established by section 4 of this chapter.

Sec. 4. (a) The Indiana health trust fund is established.

(b) The treasurer of state shall invest the money in the Indiana health trust fund not currently needed to meet the obligations of the Indiana health trust fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the Indiana health trust fund.

(c) The bureau shall administer the Indiana health trust fund. Expenses of administering the Indiana health trust fund shall be paid from money in the Indiana health trust fund.

(d) On June 30 of each year, the bureau shall distribute the money from the fund to the organization established under section 5 of this chapter.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 5. (a) Representatives of the following nonprofit health organizations shall establish an organization that meets the requirements of subsection (b) for the purpose of receiving money from the Indiana health trust fund:

- (1) AIDServe Indiana.
- (2) American Cancer Society.
- (3) American Heart Association, Indiana Affiliate.
- (4) American Lung Association of Indiana.
- (5) American Red Cross.
- (6) Arthritis Foundation, Indiana Chapter.
- (7) Hemophilia of Indiana.
- (8) Indiana AIDS Fund.
- (9) National Kidney Foundation of Indiana.

(b) An organization established for the purpose of receiving money from the Indiana health trust fund must:

- (1) be a charitable organization under Section 501(c) of the Internal Revenue Code;
- (2) be registered to do business in Indiana;
- (3) be located in Indiana; and
- (4) exist for the purpose of raising funds on the behalf of all of the organizations described in subsection (a).

(c) The organization shall distribute the money received

under section 4 of this chapter to each of the organizations described in subsection (a).

Chapter 22. Indiana Native American Trust License Plates

Sec. 1. The bureau shall, with the advice of the Native American Indian affairs commission established under IC 4-23-32, design and issue an Indiana Native American trust license plate as a special group recognition license plate under IC 9-18.5-12.

Sec. 2. A person that is eligible to register a vehicle under this title is eligible to receive an Indiana Native American trust license plate under this chapter upon doing the following:

(1) Completing an application for an Indiana Native American trust license plate.

(2) Paying the fees under section 3 of this chapter.

Sec. 3. (a) The fees for an Indiana Native American trust license plate are as follows:

(1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.

(2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

(b) The annual fee referred to in subsection (a)(2) must be collected by the bureau and deposited in the fund established by section 4 of this chapter.

Sec. 4. (a) The Indiana Native American trust fund is established.

(b) The treasurer of state shall invest the money in the Indiana Native American trust fund not currently needed to meet the obligations of the Indiana Native American trust fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the Indiana Native American trust fund.

(c) The bureau shall administer the Indiana Native American trust fund. Expenses of administering the Indiana Native American trust fund shall be paid from money in the Indiana Native American trust fund.

(d) On June 30 of each year, the bureau shall distribute the money from the fund to the Native American Indian affairs commission established under IC 4-23-32.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) The Native American Indian affairs commission may use money received under this section for any lawful purpose of the Native American Indian affairs commission.

Chapter 23. Safety First License Plates

Sec. 1. The bureau shall design and issue a safety first license plate. The safety first license plate shall:

(1) be designed and issued as a special group recognition license plate under IC 9-18.5-12; and

(2) replace the emergency medical services license plate issued by the bureau.

Sec. 2. A person that is eligible to register a vehicle under this title is eligible to receive a safety first license plate under this chapter upon doing the following:

(1) Completing an application for a safety first license plate.

(2) Paying the fees under section 3 of this chapter.

Sec. 3. (a) The fees for a safety first license plate are as follows:

(1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.

(2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

(b) The annual fee referred to in subsection (a)(2) shall be collected by the bureau and deposited in the fund established under IC 10-15-3-1.

Chapter 24. Pearl Harbor Survivor License Plates

Sec. 1. As used in this chapter, "Pearl Harbor survivor"

means an individual who was an active member of the armed forces of the United States serving at Pearl Harbor at the time of the Pearl Harbor attack.

Sec. 2. The bureau shall design and issue license plates for a vehicle that designates the vehicle as being registered to a Pearl Harbor survivor.

Sec. 3. (a) A resident of Indiana who is a Pearl Harbor survivor may apply for and receive one (1) or more Pearl Harbor survivor license plates.

(b) The bureau may issue one (1) or more Pearl Harbor survivor license plates to the surviving spouse of a Pearl Harbor survivor.

Sec. 4. A Pearl Harbor survivor license plate may be assigned only to and displayed only on a vehicle registered under this title.

Chapter 25. Indiana State Educational Institution Trust License Plates

Sec. 1. At the request of a state educational institution, the bureau shall design and issue a state educational institution trust license plate as a special group recognition license plate under IC 9-18.5-12.

Sec. 2. A state educational institution trust license plate designed under IC 9-18.5-12 must include the following:

- (1) A basic design for the plate, with consecutive numbers or letters, or both, to properly identify the vehicle.
- (2) A background design, an emblem, or colors that designate the license plate as an education license plate.
- (3) Any other information the bureau considers necessary.

Sec. 3. A person that is eligible to register a vehicle under this title is eligible to receive a state educational institution trust license plate upon doing the following:

- (1) Completing an application for a state educational institution trust license plate.
- (2) Designating the state educational institution trust special group license plate desired.
- (3) Paying the fees under section 4 of this chapter.

Sec. 4. The fee for a state educational institution trust license plate is as follows:

- (1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.
- (2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

Sec. 5. (a) This section applies with regard to a state educational institution trust license plate supporting a state educational institution in a year following a year in which at least ten thousand (10,000) of the state educational institution trust license plates are sold or renewed.

(b) The treasurer of state shall establish a special account within a trust fund for each state educational institution described in subsection (a).

(c) The bureau shall require a person that purchases a state educational institution trust license plate under this section to designate the state educational institution the person chooses to receive the annual fee that the person pays under section 4(2) of this chapter as the corresponding state educational institution designated in section 3 of this chapter.

(d) The treasurer of state shall deposit the annual fee collected under section 4(2) of this chapter into a special account within a trust fund for the state educational institution designated by the purchaser in subsection (c).

(e) The treasurer of state shall invest the money in the special account not distributed in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the special account.

(f) The bureau shall monthly distribute the money from the special account to the state educational institution's

authorized alumni association.

(g) Money in the special account at the end of a state fiscal year does not revert to the state general fund.

Chapter 26. Lewis and Clark Expedition License Plates
 Sec. 1. The bureau shall design and issue a Lewis and Clark expedition license plate as a special group recognition license plate under IC 9-18.5-12.

Sec. 2. A person that is eligible to register a vehicle under this title is eligible to receive a Lewis and Clark expedition license plate under this chapter upon doing the following:

- (1) Completing an application for a Lewis and Clark expedition license plate.
- (2) Paying the fees under section 3 of this chapter.

Sec. 3. (a) The fees for a Lewis and Clark expedition license plate are as follows:

- (1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.
- (2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

(b) The annual fee described in subsection (a)(2) shall be collected by the bureau and deposited in the Lewis and Clark expedition fund established by section 4 of this chapter.

Sec. 4. (a) The Lewis and Clark expedition fund is established.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds are invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund is continuously appropriated for the purposes of this section.

(c) The bureau shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(d) The bureau shall monthly distribute the money from the fund to the Lewis and Clark expedition commission established by IC 14-20-15.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Chapter 27. Riley Children's Foundation License Plates
 Sec. 1. The bureau shall design and issue a Riley Children's Foundation license plate as a special group recognition license plate under IC 9-18.5-12.

Sec. 2. A person that is eligible to register a vehicle under this title is eligible to receive a Riley Children's Foundation license plate under this chapter upon doing the following:

- (1) Completing an application for a Riley Children's Foundation license plate.
- (2) Paying the fees under section 3 of this chapter.

Sec. 3. (a) The fees for a Riley Children's Foundation license plate are as follows:

- (1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.
- (2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

(b) The annual fee described in subsection (a)(2) shall be collected by the bureau and deposited in the Riley Children's Foundation trust fund established by section 4 of this chapter.

Sec. 4. (a) The Riley Children's Foundation trust fund is established.

(b) The treasurer of state shall invest the money in the Riley Children's Foundation trust fund not currently needed to meet the obligations of the Riley Children's Foundation trust fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the Riley Children's Foundation trust fund. Money in the fund is continuously appropriated for the purposes of this section.

(c) The bureau shall administer the Riley Children's Foundation trust fund. Expenses of administering the Riley Children's Foundation trust fund shall be paid from money in the Riley Children's Foundation trust fund.

(d) On June 30 of each year, the bureau shall distribute the money from the Riley Children's Foundation trust fund to the Riley Children's Foundation.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Chapter 28. National Football League Franchised Professional Football Team License Plates

Sec. 1. The bureau shall design and issue a National Football League franchised football team license plate for a National Football League franchised football team from which the bureau secures an agreement for the production and sale of license plates. A National Football League franchised football team license plate shall be designed and issued as a special group recognition license plate under IC 9-18.5-12.

Sec. 2. The bureau shall:

- (1) negotiate for the purpose of entering; or
- (2) delegate the authority to enter;

into license agreements with a professional sports franchise in order to design and issue a National Football League franchised football team license plate authorized under section 1 of this chapter.

Sec. 3. A person that is eligible to register a vehicle under this title is eligible to receive a specified National Football League franchised football team license plate issued under a licensing agreement entered into under section 2 of this chapter with a specified National Football League franchised football team upon doing the following:

- (1) Completing an application for a specified National Football League franchised football team license plate.
- (2) Paying the fees under section 4 of this chapter.

Sec. 4. The fees for a National Football League franchised football team license plate are as follows:

- (1) An annual supplemental fee of ten dollars (\$10). The fee shall be distributed as follows:

- (A) Five dollars (\$5) to the commission fund.
- (B) Five dollars (\$5) to the motor vehicle highway account.

- (2) An annual fee of twenty dollars (\$20) for deposit in the capital projects fund established by section 5 of this chapter.

Sec. 5. (a) The capital projects fund is established.

(b) The treasurer of state shall invest the money in the capital projects fund not currently needed to meet the obligations of the capital projects fund in the same manner as other public funds are invested. Money in the fund is continuously appropriated for the purposes of this section.

(c) The budget director shall administer the capital projects fund. Expenses of administering the capital projects fund shall be paid from money in the capital projects fund.

(d) On:

- (1) June 30 of every year; or

(2) any other date designated by the budget director; an amount designated by the budget director shall be transferred from the fund to the state general fund, a capital improvement board of managers created by IC 36-10-9, or the designee chosen by the budget director under IC 5-1-17-28.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 6. The budget agency shall adopt rules under IC 4-22-2 to implement this chapter.

Chapter 29. Hoosier Veteran License Plates

Sec. 1. The bureau shall design a Hoosier veteran license plate that includes the following:

- (1) A basic design for the plate, with consecutive numbers or letters, or both, to properly identify the

vehicle.

(2) A background design or colors that designate the license plate as a Hoosier veteran license plate.

(3) An area on the plate for display of an emblem denoting the branch of service or conflict in which the veteran served.

(4) Any other information the bureau considers necessary.

Sec. 2. The bureau shall confer with members of armed forces retiree organizations concerning the design of the Hoosier veteran license plate and the emblems denoting the branch of service or conflict in which the veteran served.

Sec. 3. (a) An individual who registers a vehicle under this title may apply for and receive a Hoosier veteran license plate for one (1) or more vehicles upon doing the following:

(1) Completing an application for a Hoosier veteran license plate.

(2) Presenting one (1) of the following to the bureau:

- (A) A United States Uniformed Services Retiree Identification Card.
- (B) A DD 214 or DD 215 record.
- (C) United States military discharge papers.

(D) A current armed forces identification card.

(E) A credential issued to the individual that contains an indication of veteran status under IC 9-24-11-5.5.

(3) Paying a fee in an amount of fifteen dollars (\$15).

(b) The bureau shall distribute the fee described in subsection (a)(3) to the director of veterans' affairs for deposit in the military family relief fund established under IC 10-17-12-8.

Chapter 30. Support Our Troops License Plates

Sec. 1. The bureau shall design and issue a support our troops license plate that includes the following:

(1) A basic design for the plate, with consecutive numbers or letters, or both, to properly identify the vehicle.

(2) A background design, an emblem, or colors that designate the license plate as a support our troops license plate.

(3) Any other information the bureau considers necessary.

Sec. 2. A person may receive a support our troops license plate under this chapter upon doing the following:

(1) Completing an application for a support our troops license plate.

(2) Paying an annual fee of twenty dollars (\$20).

The bureau shall distribute the fee described in subdivision (2) to the director of veterans' affairs for deposit in the military family relief fund established under IC 10-17-12-8.

Chapter 31. Abraham Lincoln Bicentennial License Plates

Sec. 1. The bureau shall design an Abraham Lincoln bicentennial license plate.

Sec. 2. An Abraham Lincoln bicentennial license plate shall be available for issuance through December 31, 2013.

Sec. 3. The renewal of the registration of an Abraham Lincoln bicentennial license plate must be available through the renewal cycle in 2016, subject to IC 9-18-2-8(a) (before its expiration) or IC 9-18.1-11. A vehicle may display an Abraham Lincoln bicentennial license plate in 2017, subject to IC 9-18-2-8(a) (before its expiration) or IC 9-18.1-11.

Sec. 4. An Abraham Lincoln bicentennial license plate must include the following:

(1) A basic design for the plate, with consecutive numbers or letters, or both, to properly identify the vehicle.

(2) A background design, an emblem, or colors that designate the license plate as an Abraham Lincoln bicentennial license plate.

(3) Any other information the bureau considers

necessary.

Sec. 5. A person that is a resident of Indiana may apply for and receive an Abraham Lincoln bicentennial license plate for one (1) or more vehicles after doing the following:

(1) Completing an application for an Abraham Lincoln bicentennial license plate.

(2) Paying the fees under section 6 of this chapter.

Sec. 6. (a) The fee for an Abraham Lincoln bicentennial license plate is twenty-five dollars (\$25).

(b) The fee described in subsection (a) shall be collected by the bureau and deposited in the Indiana State Museum Foundation trust fund established by section 7 of this chapter.

Sec. 7. (a) The Indiana State Museum Foundation trust fund is established.

(b) The treasurer of state shall invest the money in the Indiana State Museum Foundation trust fund not currently needed to meet the obligations of the Indiana State Museum Foundation trust fund in the same manner as other public funds are invested. Interest that accrues from these investments shall be deposited in the Indiana State Museum Foundation trust fund. Money in the Indiana State Museum Foundation trust fund is continuously appropriated for the purposes of this section.

(c) The bureau shall administer the Indiana State Museum Foundation trust fund. Expenses of administering the Indiana State Museum Foundation trust fund shall be paid from money in the fund.

(d) On June 30 of each year, the bureau shall distribute the money from the Indiana State Museum Foundation trust fund to the Indiana State Museum Foundation, Inc. for use concerning the Lincoln collection.

(e) Money in the Indiana State Museum Foundation trust fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 8. This chapter expires December 31, 2017.

Chapter 32. Earlham College Trust License Plates

Sec. 1. The bureau shall design and issue an Earlham College trust license plate as a special group recognition license plate under IC 9-18.5-12.

Sec. 2. A person may receive an Earlham College trust license plate under this chapter upon doing the following:

(1) Completing an application for an Earlham College trust license plate.

(2) Paying the fees under section 3 of this chapter.

Sec. 3. (a) The fees for an Earlham College trust license plate are as follows:

(1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.

(2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

(b) The bureau shall collect the annual fee described in subsection (a)(2) and deposit the fee in the Earlham College trust fund established by section 4 of this chapter.

Sec. 4. (a) The Earlham College trust fund is established.

(b) The treasurer of state shall invest the money in the Earlham College trust fund not currently needed to meet the obligations of the Earlham College trust fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the Earlham College trust fund. Money in the fund is continuously appropriated for the purposes of this section.

(c) The bureau shall administer the Earlham College trust fund. Expenses of administering the Earlham College trust fund shall be paid from money in the Earlham College trust fund.

(d) On June 30 of each year, the bureau shall distribute the money from the Earlham College trust fund to Earlham College.

(e) Money in the fund at the end of a state fiscal year does

not revert to the state general fund.

Chapter 33. Indiana Gold Star Family Member License Plates

Sec. 1. As used in this chapter, "Gold Star family member" means:

- (1) a biological parent;
- (2) an adoptive parent;
- (3) a stepparent;
- (4) a biological child;
- (5) an adopted child;
- (6) a stepchild;
- (7) a sibling by blood;
- (8) a sibling by half blood;
- (9) a sibling by adoption;
- (10) a stepsibling;
- (11) a grandparent;
- (12) a great-grandparent; or
- (13) the spouse;

of an individual who has died while serving on active duty, or dies as a result of injuries sustained while serving on active duty, as a member of the armed forces of the United States or the national guard (as defined in IC 10-16-1-13).

Sec. 2. The bureau shall design and issue an Indiana Gold Star family member license plate that includes the following:

- (1) A basic design for the plate, with consecutive numbers or letters, or both, to properly identify the vehicle.
- (2) A background design, an emblem, or colors that designate the license plate as an Indiana Gold Star family member license plate.
- (3) Any other information that the bureau considers necessary.

Sec. 3. An individual who is an Indiana Gold Star family member may receive an Indiana Gold Star family member license plate for one (1) or more vehicles after doing the following:

- (1) Completing an application for an Indiana Gold Star family member license plate.
- (2) Providing the bureau with appropriate documentation as defined by the bureau to establish eligibility as an Indiana Gold Star family member.

Sec. 4. There is no additional fee for an Indiana Gold Star family member license plate.

Chapter 34. Historic Vehicles

Sec. 1. This chapter applies after December 31, 2016.

Sec. 2. (a) The bureau shall design and issue a license plate that designates a vehicle as a historic vehicle.

(b) A license plate issued under this section may be displayed on the following vehicles:

- (1) A collector vehicle registered under IC 9-18.1-5-5.
- (2) A military vehicle registered under IC 9-18.1-8.
- (3) Any other vehicle that is:
 - (A) registered under IC 9-18-12.5 (before its expiration) or IC 9-18.1; and
 - (B) more than twenty-five (25) years old.

(c) There is no fee for a license plate issued under this section.

Sec. 3. (a) A person that:

- (1) registers a collector vehicle under IC 9-18.1-5-5; and
- (2) wishes to display on the collector vehicle an authentic license plate from the model year of the collector vehicle under section 4 of this chapter;

must pay the required fee under subsection (b).

(b) The fee to display an authentic license plate under subsection (a) is thirty-seven dollars (\$37). The fee shall be distributed as follows:

- (1) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (2) Six dollars and fifty cents (\$6.50) to the motor

vehicle highway account.

(3) Thirty dollars (\$30) to the commission fund.

Sec. 4. (a) A person that registers a collector vehicle under IC 9-18.1-5-5 may:

(1) furnish; and

(2) display on the collector vehicle;

an Indiana license plate from the model year of the collector vehicle.

(b) A license plate furnished and displayed under this section must be an authentic license plate from the model year of the collector vehicle.

(c) Before a license plate is mounted on a collector vehicle under this section, the license plate must be inspected by the bureau to determine whether the license plate:

(1) complies with this section;

(2) is in suitable condition to be displayed; and

(3) bears a unique plate number at the time of the registration of the collector vehicle.

The bureau shall authorize the display of a restored or refurbished authentic license plate, but may prohibit the display of an authentic license plate under this section if the authentic license plate is not in conformance with this subsection.

(d) If an Indiana license plate from the model year of the collector vehicle is displayed on a collector vehicle under this chapter, the current certificate of registration of the collector vehicle shall be:

(1) kept at all times in the collector vehicle; and

(2) made available for inspection upon the demand of a law enforcement officer.

Notwithstanding IC 9-18.1-4-2(b), this subsection is not satisfied by keeping a reproduction of the certificate of registration in the collector vehicle or making a reproduction of the certificate of registration available for inspection.

SECTION 328. IC 9-19-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. Except as otherwise provided in this article, a person may not operate or move upon a highway in Indiana a vehicle or combination of vehicles that are not constructed or equipped in compliance with this article.

SECTION 329. IC 9-19-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. Except as otherwise provided in this article, an owner of a vehicle may not cause or knowingly permit to be operated or moved upon a highway in Indiana a vehicle or combination of vehicles that is not constructed or equipped in compliance with this article.

SECTION 330. IC 9-19-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. A vehicle with a frame or body that extends more than sixty (60) inches beyond the rear of the rear axle and is more than forty-two (42) inches above the roadway may not be operated on a highway in Indiana unless the vehicle is equipped with a bumper on the extreme rear of the frame or body. The bumper must extend downward from the rear of the frame or body to within thirty (30) inches of the roadway and must be of substantial construction.

SECTION 331. IC 9-19-6-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. (a) The Indiana department of transportation shall adopt standards and specifications applicable to:

(1) head lamps;

(2) clearance lamps;

(3) identification lamps; and

(4) other lamps;

on snow removal equipment when operated on Indiana highways instead of the lamps otherwise required on motor vehicles by this chapter.

(b) The standards and specifications adopted under subsection (a) may permit the use of flashing lights for purposes

of identification on snow removal equipment when in service upon the highways.

(c) The standards and specifications for lamps referred to in this section must correlate with and, so far as possible, conform with those approved by the American Association of State Highway Officials.

(d) A person may not operate snow-removal equipment on a highway unless the lamps on the equipment comply with and are lighted when and as required by the standards and specifications adopted under this section.

SECTION 332. IC 9-19-7-2, AS AMENDED BY P.L.82-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in subsections (b) and (c), a motorcycle or motor driven cycle operated on the streets or highways by a **an Indiana resident of Indiana** must meet the following requirements:

(1) Be equipped with brakes in good working order on both front and rear wheels.

(2) Be equipped with footrests or pegs for both operator and passenger.

(3) Be equipped with lamps and reflectors meeting the standards of the United States Department of Transportation.

(b) A motorcycle or motor driven cycle manufactured before January 1, 1956, is not required to be equipped with lamps and other illuminating devices under subsection (a) if the motorcycle or motor driven cycle is not operated at the times when lighted head lamps and other illuminating devices are required under IC 9-21-7-2.

(c) An antique cycle is not required to be equipped with footrests or pegs under subsection (a).

SECTION 333. IC 9-19-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. This chapter applies to every motor vehicle, except ~~an antique motor vehicle registered under IC 9-18-12-1~~: **a vehicle that is at least twenty-five (25) years old.**

SECTION 334. IC 9-19-10-1, AS AMENDED BY P.L.216-2014, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. This chapter does not apply to an occupant of a motor vehicle who meets any of the following conditions:

(1) For medical reasons should not wear safety belts, provided the occupant has written documentation of the medical reasons from a physician.

(2) Is a child required to be restrained by a child restraint system under IC 9-19-11.

(3) Is traveling in a commercial or a United States Postal Service vehicle that makes frequent stops for the purpose of pickup or delivery of goods or services.

(4) Is a rural carrier of the United States Postal Service and is operating a vehicle while serving a rural postal route.

(5) Is a newspaper motor route carrier or newspaper bundle hauler who stops to make deliveries from a vehicle.

(6) Is a driver examiner designated and appointed ~~under IC 9-14-2-3~~ **by the bureau** and is conducting an examination of an applicant for a permit or license under IC 9-24-10.

(7) Is an occupant of a farm truck being used on a farm in connection with agricultural pursuits that are usual and normal to the farming operation. ~~as set forth in IC 9-21-21-1.~~

(8) Is an occupant of a motor vehicle participating in a parade.

(9) Is an occupant of the living quarters area of a recreational vehicle.

(10) Is an occupant of the treatment area of an ambulance (as defined in IC 16-18-2-13).

(11) Is an occupant of the sleeping area of a tractor.

- (12) Is an occupant other than the operator of a vehicle described in IC 9-20-11-1(1).
- (13) Is an occupant other than the operator of a truck on a construction site.
- (14) Is a passenger other than the operator in a cab of a ~~Class A recovery vehicle or a Class B~~ recovery vehicle who is being transported in the cab because the ~~motor~~ vehicle of the passenger is being towed by the recovery vehicle.
- (15) Is an occupant other than the operator of a motor vehicle being used by a public utility in an emergency as set forth in IC 9-20-6-5.

SECTION 335. IC 9-19-11-1, AS AMENDED BY P.L.175-2015, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. This chapter does not apply to a person who operates any of the following vehicles:

- (1) A school bus.
- (2) A taxicab.
- ~~(3) An ambulance.~~
- ~~(4) A public passenger bus.~~
- ~~(5) A motor vehicle having a seating capacity greater than nine (9) individuals that is owned or leased and operated by a religious or not-for-profit youth organization.~~
- (3) A medical services vehicle.**
- ~~(6) An antique motor vehicle.~~ **(4) A passenger motor vehicle or truck that was manufactured without a safety belt as a part of the standard equipment installed by the manufacturer at each designated seating position, before the requirement of the installation of safety belts in the motor vehicle according to the standards stated in the Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208).**
- ~~(7) (5) A motorcycle.~~
- (6) A motor driven cycle.**
- ~~(8) (7) A motor vehicle that is owned or leased by a governmental unit and is being used in the performance of official law enforcement duties.~~
- ~~(9) (8) A motor vehicle that is being used in an emergency.~~
- ~~(10) (9) A motor vehicle that is funeral equipment used in the operation of funeral services when used in:~~
 - (A) a funeral procession;
 - (B) the return trip to a funeral home (as defined in IC 25-15-2-15); or
 - (C) both the funeral procession and return trip.
- ~~(11) (10) A motor vehicle used to provide prearranged rides (as defined in IC 8-2.1-17-13.5).~~

SECTION 336. IC 9-20-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. Except as otherwise provided in this article, a person, including a transport operator, may not operate or move upon a highway ~~in Indiana~~ a vehicle or combination of vehicles of a size or weight exceeding the limitations provided in this article.

SECTION 337. IC 9-20-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. Except as otherwise provided in this article, an owner of a vehicle may not cause or knowingly permit to be operated or moved upon a highway ~~in Indiana~~ a vehicle or combination of vehicles of a size or weight exceeding the limitations provided in this article.

SECTION 338. IC 9-20-1-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. **The Indiana department of transportation shall adopt emergency rules in the manner provided under IC 4-22-2-37.1 for the:**

- (1) issuance, fee structure, and enforcement of permits for overweight divisible loads;**
- (2) fee structure of permits for loads on extra heavy duty highways; and**

(3) fee structure of permits for overweight loads.

A rule adopted under this section expires only with the adoption of a new superseding rule.

SECTION 339. IC 9-20-4-1, AS AMENDED BY P.L.5-2015, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as provided in subsections (b) and (c), a person may not operate or cause to be operated upon ~~an Indiana~~ a highway a vehicle or combination of vehicles having weight in excess of one (1) or more of the following limitations:

- (1) The total gross weight, with load, in pounds of any vehicle or combination of vehicles may not exceed an overall gross weight on a group of two (2) or more consecutive axles produced by application of the following formula:

$$W = 500 \{ [(LN) \div (N-1)] + 12N + 36 \}$$

where W equals the overall gross weight on any group of two (2) or more consecutive axles to the nearest five hundred (500) pounds, L equals the distance in feet between the extreme of any group of two (2) or more consecutive axles, and N equals the number of axles in the group under consideration, except that two (2) consecutive sets of tandem axles may carry a gross load of thirty-four thousand (34,000) pounds each, providing the overall distance between the first and last axles of the consecutive sets of tandem axles is thirty-six (36) feet or more. The overall gross weight limit, calculated under this subdivision, may not exceed eighty thousand (80,000) pounds.

- (2) The weight concentrated on the roadway surface from any tandem axle group may not exceed the following:

- (A) Thirty-four thousand (34,000) pounds total weight.
- (B) Twenty thousand (20,000) pounds on an individual axle in a tandem group.

- (3) A vehicle may not have a maximum wheel weight, unladen or with load, in excess of eight hundred (800) pounds per inch width of tire, measured between the flanges of the rim or an axle weight in excess of twenty thousand (20,000) pounds.

(b) The enforcement of weight limits under this section is subject to the following:

- (1) It is lawful to operate within the scope of a permit, under weight limitations established by the Indiana department of transportation and in effect on July 1, 1956, as provided in IC 9-20-6.

- (2) It is lawful to operate or cause to be operated a vehicle or combination of vehicles on a heavy duty highway or an extra heavy duty highway designated by the Indiana department of transportation if operated within the imposed limitations.

- (3) Subsection (a) does not apply to any highway, road, street, or bridge for which a lesser weight limit is imposed by local authorities under IC 9-20-1-3 or IC 9-20-7-2. However, the local authority may by appropriate action establish and designate a county or city highway, road, or street or part of a highway, road, or street as a heavy duty highway subject to the weight limitations established under IC 9-20-5.

- (4) Vehicles operated on toll road facilities are subject to rules of weight adopted for toll road facilities by the Indiana department of transportation under IC 8-15-2 and are not subject to subsection (a) when operated on a toll road facility.

- (5) For purposes of a heavy duty vehicle that is equipped with an auxiliary power unit, the weight limitations provided in subsection (a) are increased by four hundred (400) pounds.

- (6) For purposes of a vehicle that uses natural gas as a motor fuel, the weight limitations provided in subsection (a) are increased by two thousand (2,000) pounds.

(c) The greater of the weight limits imposed under subsection (a) or this subsection applies to vehicles operated upon ~~an Indiana~~ a highway. The weight limits in effect on January 4, 1975, for any highway that is not designated as a heavy duty highway under IC 9-20-5 are the following:

(1) The total gross weight, with load, in pounds of a vehicle or combination of vehicles may not exceed seventy-three thousand two hundred eighty (73,280) pounds.

(2) The total weight concentrated on the roadway surface from a tandem axle group may not exceed sixteen thousand (16,000) pounds for each axle of a tandem assembly.

(3) A vehicle may not have a maximum wheel weight, unladen or with load, in excess of eight hundred (800) pounds per inch width of tire, measured between the flanges of the rim, or an axle weight greater than eighteen thousand (18,000) pounds.

(d) For purposes of this section, "auxiliary power unit" means an integrated system that:

(1) provides heat, air conditioning, engine warming, or electricity to components on a heavy duty vehicle; and
(2) is certified by the administrator of the United States Environmental Protection Agency under 40 CFR 89 as meeting applicable emission standards.

(e) For purposes of this section, "heavy duty vehicle" means a vehicle that:

(1) has a gross vehicle weight rating greater than eight thousand five hundred (8,500) pounds; and
(2) is powered by a diesel engine.

SECTION 340. IC 9-20-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The Indiana department of transportation may not designate ~~an Indiana~~ a highway as a heavy duty highway unless the department finds that the highway is:

- (1) so constructed and can be so maintained; or
- (2) in such condition;

that the use of the highway as a heavy duty highway will not materially decrease or contribute materially to the decrease of the ordinary useful life of the highway.

SECTION 341. IC 9-20-5-7, AS AMENDED BY P.L.120-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. **(a)** The owner or operator of a vehicle or combination of vehicles having a total gross weight in excess of eighty thousand (80,000) pounds but less than two hundred sixty-four thousand (264,000) pounds must:

- (1) obtain a special weight registration permit;
- (2) register annually and pay annually a registration fee to the department of state revenue; and
- (3) install an approved automated vehicle identifier in each vehicle operating with a special weight permit;

to travel on an extra heavy duty highway.

(b) The fee for an annual registration under subsection (a) is twenty-five dollars (\$25). The fee imposed under this section must be deposited in the motor carrier regulation fund established under IC 8-2.1-23.

(c) The department of state revenue may impose an additional permit fee in an amount that may not exceed one dollar (\$1) on each trip permitted for a vehicle registered under subsection (a). This additional fee is for the use and maintenance of an automated vehicle identifier. The fee imposed under this section must be deposited in the motor carrier regulation fund established under IC 8-2.1-23.

SECTION 342. IC 9-20-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. **(a)** An annual toll road gate permit also may be issued by the Indiana department of transportation to a commercial motor vehicle for the pulling of a combination unit that meets the size and weight standards for Indiana toll roads, prescribed by the Indiana

department of transportation. The annual permit may not be issued for a distance greater than fifteen (15) total miles to or from a gate of the toll road and is valid only when used in conjunction with toll road travel.

(b) The fee for an annual toll road gate permit issued under subsection (a) in conjunction with travel on the Indiana toll road is twenty dollars (\$20).

SECTION 343. IC 9-20-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. **(a)** If a breakdown or threatened breakdown of electric, gas, water, or telephone public utility facilities occurs in Indiana, the public utility whose services to the public are or may be affected may in the emergency, without securing a permit, transport over ~~Indiana~~ highways or streets heavy vehicles and loads or other objects not conforming to this article if it is reasonably necessary to do so to restore utility service at the earliest practicable time or to prevent the interruption of utility service. The public utility shall, not later than the second succeeding day that is not a Sunday or holiday, report the fact of the transportation to the public authority from whom a permit would otherwise have been required.

(b) The public utility shall pay to the public authority **an amount equal to** the fee ~~under IC 9-29~~ that would have been due for a permit **under this article**. The making of the report and payment of the fee satisfies all requirements of this chapter concerning the securing of a permit for the trip required by the emergency.

SECTION 344. IC 9-20-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. **(a)** The Indiana department of transportation or local unit authorized to issue permits under this chapter may issue permits for transporting:

- (1) semitrailers or trailers designed to be used with semitrailers that exceed the width and length limitations imposed under this article; and
- (2) recreational vehicles that exceed the maximum width limitation set forth in IC 9-20-3-2;

from the manufacturing facility to the person taking title to the vehicle, including any other destination in the marketing cycle.

(b) A permit issued under this section may designate the route to be traversed and may contain any other restrictions or conditions required for the safe movement of the vehicle.

(c) A permit issued to the manufacturer under this section must be applied for and reissued annually after the permit's initial issuance.

(d) A limit is not imposed on the number of movements generated by a manufacturer that is issued an annual permit under this section.

(e) The fee for an annual permit issued under this section is two hundred dollars (\$200). The fee may be paid in quarterly installments.

SECTION 345. IC 9-20-6-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. **(a) The fees for a special permit issued under this chapter to exceed the legal length, width, or height limit for vehicles, loaded or unloaded, are as follows:**

- (1) A permit not subject to subdivision (2) or (3), twenty dollars (\$20).**
- (2) A permit issued to exceed ninety-five (95) feet overall length, one hundred forty-eight (148) inches overall width, or the height limit, thirty dollars (\$30).**
- (3) The ninety (90) day permit issued under this chapter, one hundred dollars (\$100).**
- (4) The one (1) year permit issued under this chapter, four hundred five dollars (\$405).**

(b) Whenever a permit is issued by the Indiana department of transportation under this chapter, the Indiana department of transportation shall fix the fee to be paid. Upon payment of the fee, the Indiana department of

transportation shall validate the permit. The revenue from the fee shall be credited to the state highway fund.

SECTION 346. IC 9-20-8-2, AS AMENDED BY P.L.114-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. The maximum length limitations for buses are as follows:

- (1) For an articulating bus used for public transportation purposes, sixty-five (65) feet.
- (2) For a ~~conventional~~ school bus, forty-two (42) feet.
- ~~(3) For a transit school bus, forty-two (42) feet.~~
- ~~(4)~~ (3) For all others, forty-five (45) feet.

SECTION 347. IC 9-20-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. A combination of vehicles, including a towing vehicle and a disabled vehicle or disabled combination of vehicles, that exceeds the dimensional and weight restrictions imposed by this article may be operated on a highway in ~~Indiana~~ upon the following conditions and in accordance with the rules that the Indiana department of transportation prescribes:

- (1) The towing vehicle must be:
 - (A) specifically designed for such operations;
 - (B) equipped with amber flashing lights; and
 - (C) capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles if the systems are operational.
- (2) The disabled vehicle or disabled combination of vehicles may not exceed the dimensional or weight restrictions imposed by this article unless a permit for operation in excess of those restrictions has been granted to the disabled vehicle or disabled combination of vehicles under this article. However, an owner or operator of a towing vehicle that is assisting a disabled vehicle or disabled combination of vehicles is not subject to the penalties imposed by IC 9-20-18-1 through IC 9-20-18-10 and IC 9-20-18-12 if the disabled vehicle or disabled combination of vehicles exceeds the dimensional or weight restrictions imposed by IC 9-20-3 or IC 9-20-4 and a permit for the excess has not been granted.

SECTION 348. IC 9-20-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) Instead of complying with the requirements of section 9 of this chapter, a special towing permit allowing the operation of a combination of vehicles on a highway in ~~Indiana~~ may be granted by the Indiana department of transportation or local authorities having jurisdiction over a highway or street and responsible for the repair and maintenance of the highway or street.

(b) A permit may be granted under this section upon good cause shown if the Indiana department of transportation or local authority finds the public interest will be served, considering public safety and the protection of public and private property.

(c) A permit issued under this section may designate the route to be traversed by the combination of vehicles and may contain other restrictions or conditions considered necessary by the Indiana department of transportation or local authority granting the permit.

(d) The Indiana department of transportation may allow a vehicle or load permitted in accordance with IC 9-20-6-2 to tow a light passenger vehicle with a manufacturer designed seating capacity of not more than ten (10) passengers including the driver. However, the light passenger vehicle may not cause the combination to exceed the maximum allowable size and weight limitations set forth in IC 9-20-4 and ~~IC 9-20-9; this chapter.~~

(e) The fee for a special towing permit issued under this chapter is ten dollars (\$10). The fee must be paid not later than thirty (30) days after the permit was issued.

SECTION 349. IC 9-20-14-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.5. As used in this chapter, "person" means:

- (1) a mobile home or sectionalized building transport

company;

(2) a mobile home or sectionalized building manufacturer;

(3) a mobile home or sectionalized building dealer; or

(4) a mobile home or sectionalized building owner.

SECTION 350. IC 9-20-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. Except as otherwise provided in section 4 of this chapter, a person may not operate a tractor-mobile home rig on ~~an Indiana~~ a highway unless the person has a permit to operate the rig from:

- (1) the Indiana department of transportation; or
- (2) an agency or a political subdivision of the state designated by the Indiana department of transportation to issue permits.

SECTION 351. IC 9-20-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The Indiana department of transportation or any agency or political subdivision of the state designated by the Indiana Department of Transportation shall grant a permit to operate a tractor-mobile home rig on ~~an Indiana~~ a highway to a person upon the following conditions and upon the rules that the Indiana Department of Transportation prescribes:

- (1) The tractor-mobile home rig must be operated in a manner that will not impede traffic or increase the hazard to traffic.
- (2) The tractor-mobile home rig may be operated only on days other than Sunday and the legal holidays that the Indiana department of transportation prescribes. The tractor-mobile home rig may be operated between one-half (1/2) hour before sunrise and one-half (1/2) hour after sunset on any weekday, and between one-half (1/2) hour before sunrise and noon on Saturday.
- (3) The tractor-mobile home rig may be operated only over the roads or highways in the state highway system, including, except to the extent provided in section 5 of this chapter, the routes designated as federal highways and the state maintained routes through cities and towns. The tractor-mobile home rig may not extend past the center line of those roads and highways.
- (4) The person to whom the permit is granted shall present satisfactory evidence of the person's financial responsibility, as provided in IC 9-25, to the granting authority.
- (5) If in use as a towing vehicle component of a tractor-mobile home rig, the towing vehicle for which the permit is granted must have a wheelbase of not less than one hundred twenty (120) inches.
- (6) A permit granted for the towing vehicle component of a tractor-mobile home rig may be suspended or revoked by the Indiana department of transportation for violation of any of the conditions of the permit set forth in this section.
- (7) The towing vehicle may be operated only over the roads or highways approved by the authority granting the permits.

(b) Except as provided in section 5 of this chapter, this section does not prevent a local authority with respect to highways and roads under the authority's jurisdiction from granting permission to operate a tractor-mobile home rig on roads and highways under the authority's jurisdiction that are not highways in the state highway system or state maintained routes through cities and towns.

(c) Except as provided in subsections (d) and (e), the fee for a person that is not a mobile home or sectionalized building retail dealer to move a tractor-mobile home rig under this section is ten dollars (\$10) per trip.

(d) Notwithstanding subsection (c), a person that is not a mobile home or sectionalized building retail dealer may purchase a quarterly permit for unlimited trips during the quarter to move a tractor-mobile home rig under this

section. The fee for a quarterly permit is two hundred fifty dollars (\$250).

(e) Notwithstanding subsection (c), a person that is not a mobile home or sectionalized building retail dealer may purchase an annual permit for unlimited trips during the year to move a tractor-mobile home rig under this section. The fee for an annual permit is one thousand dollars (\$1,000).

(f) The fee for a person that is a mobile home or sectionalized building retail dealer to move tractor-mobile home rigs under this section is forty dollars (\$40). The fee shall be paid annually.

SECTION 352. IC 9-20-14-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) This section applies to a person ~~who~~ that purchases a quarterly or an annual permit under ~~IC 9-29-6-7~~ **section 2 of this chapter** to move a tractor-mobile home rig.

(b) A person described in subsection (a) shall use only the permissible routes for moving a tractor-mobile home rig. The person must check the daily detour and restriction bulletin before choosing a route to travel. If the person moves a tractor-mobile home rig on a route that is restricted or prohibited, the person's quarterly or annual permit may be revoked.

(c) If a person's quarterly or annual permit is revoked under subsection (b), the person may not obtain a new quarterly or annual permit for a period of ninety (90) days. The person may move a tractor-mobile home rig under a single trip permit until the person is eligible to obtain a new quarterly or annual permit.

SECTION 353. IC 9-20-15-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 0.5. As used in this chapter, "person" means:**

(1) a mobile home or sectionalized building transport company;

(2) a mobile home or sectionalized building manufacturer;

(3) a mobile home or sectionalized building dealer; or

(4) a mobile home or sectionalized building owner.

SECTION 354. IC 9-20-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A person may not operate a special tractor-mobile home rig on an ~~Indiana~~ **Indiana** highway unless the person first secures a permit to operate the rig from:

(1) the Indiana department of transportation; or

(2) an agency or a political subdivision of the state designated by the department to issue the permits.

(b) **Except as provided in subsections (c) and (d), the fee for a person to move a special tractor-mobile home rig under subsection (a) is eighteen dollars (\$18) per trip.**

(c) Notwithstanding subsection (b), a person may purchase a quarterly permit for unlimited trips during the quarter to move a special tractor-mobile home rig under subsection (a). The fee for a quarterly permit is five hundred dollars (\$500).

(d) Notwithstanding subsection (b), a person may purchase an annual permit for unlimited trips during the year to move a special tractor-mobile home rig under subsection (a). The fee for an annual permit is two thousand dollars (\$2,000).

SECTION 355. IC 9-20-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The Indiana department of transportation may grant a permit to operate a special tractor-mobile home rig on an ~~Indiana~~ **Indiana** highway to a person upon the following conditions and in accordance with the rules that the department prescribes:

(1) The special tractor-mobile home rig must be operated in a manner that will not unduly impede traffic or increase the hazard to traffic.

(2) The special tractor-mobile home rig may be operated

only over the highways in the state highway system, including, except as provided in section 5 of this chapter, the routes designated as federal highways and the state maintained routes through cities and towns. However, the special tractor-mobile home rig may not extend over the lines delineating highway lanes into another lane except when passing.

(3) The special tractor-mobile home rig may be operated on the roads and highways only after sunrise and before sunset. However, the Indiana Department of Transportation may restrict hours of operation in first and second class cities if the department determines that rush hour traffic would cause an undue hazard to the motoring public.

(4) The special tractor-mobile home rig may be operated only on days other than Sunday and the legal holidays that the Indiana Department of Transportation designates. The special tractor-mobile home rig may be operated between one-half (1/2) hour before sunrise and one-half (1/2) hour after sunset on any weekday and between one-half (1/2) hour before sunrise and noon on Saturday.

(5) The special tractor-mobile home rig may be accompanied by a distinctively marked escort vehicle.

(6) The operator of the special tractor-mobile home rig must be at least eighteen (18) years of age.

(7) The low beam headlights of the towing vehicle for which the permit is granted must be on while the vehicle is in use as a towing vehicle component of a special tractor-mobile home rig.

(8) The special tractor-mobile home rig may not be operated closer than one thousand (1,000) feet to any other special tractor-mobile home rig traveling in the same direction.

(9) Whenever there may be a clear roadway ahead of the special tractor-mobile home rig and more than three (3) vehicles immediately behind the tractor-mobile home rig, the operator of a special tractor-mobile home rig shall pull over to the right of the traveled portion of the road or highway at the first opportunity to do so safely, so as to allow following vehicles to pass.

(10) The special tractor-mobile home rig may not be operated at a speed in excess of fifty-five (55) miles per hour on roads and highways, other than divided highways of at least four (4) lanes, except as otherwise provided by law.

(11) The special tractor-mobile home rig may not be operated as follows:

(A) During the existence of hazardous weather conditions causing visibility to be less than five hundred (500) feet.

(B) During times when the steady wind velocity exceeds twenty-five (25) miles per hour.

(C) At other times and under other conditions that the Indiana Department of Transportation by rule or emergency notice prescribes.

(12) The person to whom the permit is granted shall present satisfactory evidence of the person's financial responsibility as provided in IC 9-25 to the granting authority.

(13) When in use as a towing vehicle component of a special tractor-mobile home rig, the towing vehicle for which the permit is granted must have an overall length of not less than twelve (12) feet.

(14) A permit granted for the towing vehicle component of a special tractor-mobile home rig may be suspended or revoked by the Indiana Department of Transportation for violation of any of the conditions of the permit set forth in this section or for violation of a rule or notice as provided for in this chapter.

(15) The special tractor-mobile home rig may be operated

only over roads or highways approved by the authority granting the permits.

(16) The rules pertaining to special tractor-mobile home rigs do not apply to other vehicles.

(b) This section may not be construed to prevent a local authority with respect to highways and roads under the authority's jurisdiction from granting permission to operate a special tractor-mobile home rig on roads and highways under the authority's jurisdiction that are not highways in the state highway system or state maintained routes through cities and towns.

SECTION 356. IC 9-20-15-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.1. (a) Notwithstanding IC 9-20-14 or this chapter, a manufacturer of mobile homes or an agent of a manufacturer of mobile homes may transport a tractor-mobile home rig of any size permitted under IC 9-20-14 or this chapter from the manufacturing facility to a storage lot if:

(1) before transporting a tractor-mobile home rig the manufacturer or agent:

- (A) receives a permit from the motor carrier service division of the department of state revenue; and
- (B) complies with the requirements of IC 9-20-14-2; and

(2) the distance between the manufacturing facility and the storage lot is less than fifteen (15) miles.

(b) The fee for an annual permit to move tractor-mobile home rigs under subsection (a) is forty dollars (\$40) for each three (3) mile increment that a tractor-mobile home rig is transported up to a maximum of fifteen (15) miles. A fee imposed under this section may not exceed two hundred dollars (\$200).

SECTION 357. IC 9-20-15-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) As used in this section, "extra wide manufactured home rig" means any combination of a manufactured home or sectionalized building and a towing vehicle having all of the following dimensions:

(1) Some part of the combination with a width greater than one hundred seventy-two (172) inches but not greater than one hundred ninety-two (192) inches.

(2) The:

- (A) manufactured home part of the combination, including the hitch; or
- (B) sectionalized building part of the combination, including the hitch;

with a length that does not exceed eighty-five (85) feet.

(3) The tractor part of the combination with a length not less than twelve (12) feet.

(4) None of the combination with a height greater than fourteen (14) feet six (6) inches.

(b) The Indiana department of transportation may adopt rules under IC 4-22-2 to implement a permit system regulating the transportation of extra wide manufactured home rigs.

(c) Rules adopted by the Indiana department of transportation under this section must address the following:

(1) The competitive nature of Indiana's manufactured housing industry.

(2) The safety of persons who use the highways.

(d) If the Indiana department of transportation adopts rules under this section to issue permits for extra wide manufactured home rigs, the fee for a permit is thirty dollars (\$30).

SECTION 358. IC 9-20-15-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) This section applies to a person ~~who~~ **that** purchases a quarterly or an annual permit under ~~IC 9-29-6-9~~ **section 1 of this chapter** to move a special tractor-mobile home rig.

(b) A person described in subsection (a) shall use only the permissible routes for moving a special tractor-mobile home rig. The person must check the daily detour and restriction bulletin

before choosing a route to travel. If the person moves a special tractor-mobile home rig on a route that is restricted or prohibited, the person's quarterly or annual permit may be revoked.

(c) If a person's quarterly or annual permit is revoked under subsection (b), the person may not obtain a new quarterly or annual permit for a period of ninety (90) days. The person may move a special tractor-mobile home rig under a single trip permit until the person is eligible to obtain a new quarterly or annual permit.

SECTION 359. IC 9-20-18-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) A person who operates a special tractor-mobile home rig who violates IC 9-20-15 is considered to be committing a moving violation and is subject to the penalties provided under rules adopted under IC 9-25.

(b) A person **(as defined in IC 9-20-15-0.5)** or an individual owner who violates a rule adopted under IC 9-20-15-6 commits a Class C infraction.

SECTION 360. IC 9-20-18-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. The Indiana state police board, the state police department, and the Indiana department of transportation shall cooperate in enforcement of Indiana laws relating to the height, width, length, gross weights, and load weights of vehicles or combinations of vehicles, with or without motive power, being operated, drawn, driven, moved, or transported on or over ~~Indiana~~ highways.

SECTION 361. IC 9-21-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. Each traffic signal upon a ~~street or highway in Indiana~~ that does not conform to this chapter shall be removed by the governmental agency having jurisdiction over the highway.

SECTION 362. IC 9-21-3.5-15, AS ADDED BY P.L.152-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) The operator of a private toll facility may enter into an agreement with the bureau to obtain information under ~~IC 9-14-3 and IC 9-14-3.5~~ **IC 9-14-12** necessary to enforce violations of section 9.1 of this chapter, including information regarding the registered owner of a vehicle operated in violation of section 9.1 of this chapter.

(b) The bureau may use any reciprocal arrangement that applies to the bureau to obtain information for purposes of subsection (a).

(c) An operator may use information provided under this section only for the purposes of this section.

(d) The operator of a private toll facility shall inform the bureau of the operator's process to notify the bureau of an owner's failure to pay a fine, charge, fee, or other assessment for a toll violation following the expiration of the deadline for payment of the fine, charge, fee, or other assessment as set forth in the operator's notice requirements published on the Internet web site of the private toll facility under section 14(b) of this chapter.

SECTION 363. IC 9-21-7-2, AS AMENDED BY P.L.34-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in subsection (b) and section 8 of this chapter, each vehicle upon ~~an Indiana~~ **a** highway:

(1) between the time from sunset to sunrise; and

(2) at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred (500) feet ahead;

must display lighted head lamps and other illuminating devices as required for different classes of vehicles under this chapter.

(b) All lamp equipment required for vehicles described in IC 9-19-6, including each tail lamp required by law, shall be lighted at the times mentioned in subsection (a), except that clearance and sidemarker lamps are not required to be lighted

on a vehicle when the vehicle is operated within a municipality if there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet.

SECTION 364. IC 9-21-8-52, AS AMENDED BY P.L.188-2015, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 52. (a) A person who operates a vehicle and who recklessly:

(1) drives at such an unreasonably high rate of speed or at such an unreasonably low rate of speed under the circumstances as to:

(A) endanger the safety or the property of others; or
(B) block the proper flow of traffic;

(2) passes another vehicle from the rear while on a slope or on a curve where vision is obstructed for a distance of less than five hundred (500) feet ahead;

(3) drives in and out of a line of traffic, except as otherwise permitted; or

(4) speeds up or refuses to give one-half (1/2) of the roadway to a driver overtaking and desiring to pass;

commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if it causes bodily injury to a person.

(b) A person who operates a vehicle and who recklessly passes a school bus stopped on a roadway when the arm signal device specified in IC 9-21-12-13 is in the device's extended position commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if it causes bodily injury to a person.

(c) If an offense under subsection (a) or (b) results in damage to the property of another person, it is a Class B misdemeanor and the court may recommend the suspension of the current driving license of the person convicted of the offense described in this subsection for a fixed period of not more than one (1) year.

(d) If an offense under subsection (a) or (b) causes bodily injury to a person, the court may recommend the suspension of the driving privileges of the person convicted of the offense described in this subsection for a fixed period of not more than one (1) year.

SECTION 365. IC 9-21-11-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. ~~A person may not ride a bicycle unless the bicycle is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet. A bicycle may not be equipped with and a person may not use upon a bicycle a siren or whistle.~~

SECTION 366. IC 9-21-11-12, AS AMENDED BY P.L.221-2014, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. A Class B motor driven cycle may not be operated under any of the following conditions:

(1) By a ~~person~~ **an individual** less than fifteen (15) years of age.

(2) By a ~~person~~ **an individual** who has not obtained **does not have:**

(A) an **unexpired** identification card with a Class B motor driven cycle endorsement **issued to the individual by the bureau** under ~~IC 9-24~~, **IC 9-24-16;**

(B) a **valid driver's license; or**

(C) a **valid learner's permit**. ~~under IC 9-24~~, **an operator's license under IC 9-24, a chauffeur's license under IC 9-24, or a public passenger chauffeur's license under IC 9-24.**

(3) On an interstate highway or a sidewalk.

(4) At a speed greater than thirty-five (35) miles per hour.

SECTION 367. IC 9-21-11-13.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. ~~13.5~~. ~~IC 9-21-3-7(b)(3)(D) applies to the operation of a:~~

~~(1) motorized bicycle;~~

~~(2) motor scooter; or~~

~~(3) bicycle.~~

SECTION 368. IC 9-21-21-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 0.5. This chapter expires December 31, 2016.**

SECTION 369. IC 9-22-1-21.5, AS AMENDED BY P.L.262-2013, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 21.5. ~~An individual; a firm; a partnership; a limited liability company; or a corporation~~ **A person** that provides towing services for a ~~motor vehicle, trailer, semitrailer, or recreational vehicle:~~

(1) at the request of the person that owns the ~~motor vehicle, trailer, semitrailer, or recreational vehicle;~~

(2) at the request of ~~an individual; a firm; a partnership; a limited liability company; or a corporation~~ **a person** on whose property an abandoned ~~motor vehicle, trailer, semitrailer, or recreational vehicle~~ is located; or

(3) in accordance with this chapter;

has a lien on the vehicle for the reasonable value of the charges for the towing services and other related costs in accordance with IC 9-22-6. ~~An individual; a firm; a partnership; a limited liability company; or a corporation~~ **A person** that obtains a lien for an abandoned vehicle under this section must comply with sections 16, 17, and 19 of this chapter and IC 9-22-6.

SECTION 370. IC 9-22-1-24, AS AMENDED BY P.L.191-2007, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 24. A person ~~who that~~ purchases a vehicle under section 23 of this chapter shall be furnished a bill of sale for each abandoned vehicle sold by the public agency upon paying the fee for a bill of sale ~~under IC 9-29-7~~. **imposed by the public agency. The fee may not exceed six dollars (\$6) for each bill of sale.** A person ~~who that~~ purchases a vehicle under section 23 of this chapter must:

(1) present evidence from a law enforcement agency that the vehicle purchased is roadworthy, if applicable; and

(2) ~~pay the appropriate title fee under IC 9-29-4; comply with the applicable requirements under IC 9-17;~~

to obtain a certificate of title ~~under IC 9-17~~ for the vehicle.

SECTION 371. IC 9-22-1.5-2, AS AMENDED BY P.L.71-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A private ~~property owner landowner~~ who finds a mobile home that the person believes to be abandoned on ~~property real estate~~ the person owns or controls, including rental property, may sell or salvage the mobile home if it was built at least fifteen (15) years ago and has been left without permission on the ~~owner's landowner's property real estate~~ for at least sixty (60) days. The sixty (60) day period begins on the day the ~~property owner landowner~~ sends notice under section 3 of this chapter to the owner of the mobile home.

SECTION 372. IC 9-22-1.5-3, AS AMENDED BY P.L.71-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A ~~property owner landowner~~ shall send notice of a mobile home described in section 2 of this chapter as follows:

(1) To the owner of the mobile home at the last known address of the owner as shown by:

(A) the records of the bureau; or

(B) if the unique serial number or special identification number assigned to the mobile home is removed or otherwise illegible, the records of the assessor of the county in which the mobile home is located.

If the ~~property owner landowner~~ is unable to determine the address of the mobile home owner, the ~~property owner landowner~~ may serve the mobile home owner by posting the notice on the mobile home.

(2) To:

(A) a lienholder with a perfected security interest in the mobile home; or

(B) any other person known to claim an interest in the mobile home;

as shown by the records of the bureau. Notice under this subsection must include a description of the mobile home, the location of the mobile home, and a conspicuous statement that the mobile home is on the ~~owner's~~ **landowner's property real estate** without the owner's permission. If the owner of a mobile home changes the owner's address from that maintained in the records of the bureau, the owner shall immediately notify the ~~property owner~~ **landowner** of the new address.

(b) A ~~property owner~~ **landowner** may provide notice under subsection (a) by the following methods:

- (1) Certified mail, return receipt requested.
- (2) Personal delivery.
- (3) Electronic service under IC 9-22-1-19.

(c) If, before the ~~thirty (30)~~ **sixty (60)** day period described in section 2 of this chapter expires, the mobile home owner requests by certified mail, return receipt requested, additional time to remove the mobile home, the period described in section 2 of this chapter shall be extended by an additional thirty (30) days. The mobile home owner may only request one (1) ~~thirty (30)~~ day extension of time.

SECTION 373. IC 9-22-1.5-4, AS AMENDED BY P.L.71-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The ~~property owner~~ **landowner** shall:

- (1) request that a search be performed in the records of the bureau or the county assessor, in accordance with section 3(a)(1) of this chapter, for the name and address of the owner of the mobile home and the name and address of any person holding a lien or security interest on the mobile home;
- (2) after receiving the results of the search required by subdivision (1), give notice by certified mail, return receipt requested, or in person, to:
 - (A) the last known address of the owner of the mobile home;
 - (B) any lien holder with a perfected security interest in the mobile home;
 - (C) all other persons known to claim an interest in the mobile home; and
 - (D) the county treasurer of the county in which the mobile home is located.

The notice must include a description of the mobile home, the location of the mobile home, a demand that the ~~owner remove the mobile home be removed~~ **owner remove the mobile home** within a specified time not less than ten (10) days after receipt of the notice, and a conspicuous statement that unless the mobile home is removed within that time, the mobile home will be advertised for sale and offered for sale by auction at a specified time and place;

- (3) advertise that the mobile home will be offered for sale at public auction. The advertisement of sale must be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the county where the mobile home has been left without permission. The advertisement must include a description of the mobile home, the name of the owner of the mobile home, if ascertainable, and the time and place of the sale. The sale must take place at least fifteen (15) days after the first publication. If there is no newspaper of general circulation where the sale is to be held, the advertisement must be posted at least ten (10) days before the sale in not less than six (6) conspicuous places in the neighborhood of the proposed sale;
- (4) provide a reasonable time before the sale for prospective purchasers to examine the mobile home;
- (5) sell the mobile home to the highest bidder, if any; and
- (6) immediately after the auction, execute an affidavit of sale or disposal on a form prescribed by the bureau stating:

- (A) that the requirements of this section have been met;
- (B) the length of time that the mobile home was left on the ~~property real estate~~ **property real estate** without permission;
- (C) any expenses incurred by the ~~property owner,~~ **landowner**, including the expenses of the sale;
- (D) the name and address of the purchaser of the mobile home at the auction, if any; and
- (E) the amount of the winning bid, if any.

If the auction produces no purchaser, the ~~property owner~~ **landowner** shall note that fact on the affidavit. The ~~property owner~~ **landowner** shall list the ~~property owner,~~ **landowner** or any donee as the purchaser on the affidavit of sale or disposal.

SECTION 374. IC 9-22-1.5-5, AS AMENDED BY P.L.71-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Upon payment of the bid price by the purchaser, the ~~property owner~~ **landowner** shall provide the purchaser with the affidavit of sale or disposal described in this chapter.

(b) If the auction produces a purchaser, notwithstanding IC 6-1.1-23, the ~~property owner~~ **landowner** shall distribute the amount of the bid price received from the purchaser in the following order of priority:

- (1) Reasonable attorney's fees incurred by the ~~property owner~~ **landowner** for the sale of the mobile home.
- (2) Amounts owed to creditors known to have a lien or security interest on the mobile home, according to the priorities of the creditors' respective security interests.
- (3) Delinquent taxes, including any associated penalties, interest, or collection expenses, that are attributable to the mobile home as of the date of sale.

If the amount of the bid price received from the purchaser exceeds the sum of the items described in subdivisions (1) through (3), the ~~property owner~~ **landowner** may retain the remaining amount.

(c) If the auction produces no purchaser, the mobile home becomes the property of the ~~property owner~~ **landowner**, and the ~~property owner~~ **landowner** shall note that fact on the affidavit of sale or disposal.

(d) If the ~~property owner~~ **landowner** wishes to donate the mobile home to any willing donee, a ~~property owner~~ **landowner** who has obtained ownership of a mobile home under this section may transfer ownership to a willing donee by listing the donee as the purchaser on the affidavit of sale or disposal.

(e) If the auction produces no purchaser and the ~~property owner~~ **landowner** does not intend to sell or transfer the mobile home to another person, the ~~property owner~~ **landowner** may, without further administrative application, dismantle the unit for salvage or disposal.

(f) A ~~property owner~~ **landowner** or willing donee who obtains ownership of a mobile home under this section has the same right of ownership as a purchaser who was the highest bidder at auction.

(g) Within thirty (30) days after the auction is held, the ~~property owner~~ **landowner** shall submit the following to the county treasurer:

- (1) A copy of the affidavit of sale or disposal.
- (2) The amount, if any, to be distributed under subsection (b)(3), if the auction produced a purchaser.

SECTION 375. IC 9-22-1.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. The affidavit of sale or disposal under this chapter constitutes proof of ownership and right to have the mobile home titled in the purchaser's, ~~property owner's,~~ **landowner's**, or donee's name under ~~IC 9-17-6-12: section 7 of this chapter.~~

SECTION 376. IC 9-22-1.5-7, AS AMENDED BY P.L.262-2013, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. After the purchaser, ~~property owner,~~ **landowner**, or donee:

- (1) presents the bureau with the affidavit of sale;

(2) completes an application for title **under IC 9-17** with any other information the bureau requires; and

(3) pays any applicable fee;

the bureau shall issue to the purchaser, or property owner **landowner, or donee** a certificate of title to the mobile home.

SECTION 377. IC 9-22-1.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 1.7. Abandoned Manufactured Homes in Mobile Home Communities

Sec. 1. This chapter applies to a manufactured home that is located in a mobile home community (as defined in IC 16-41-27-5).

Sec. 2. As used in this chapter, "manufactured home" means either of the following:

(1) A nonself-propelled vehicle designed for occupancy as a dwelling or sleeping place.

(2) A dwelling, including the equipment sold as a part of the dwelling, that:

(A) is factory assembled;

(B) is transportable;

(C) is intended for year-round occupancy;

(D) is designed for transportation on its own chassis; and

(E) was manufactured before the effective date of the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).

Sec. 3. A landowner who finds a manufactured home that the landowner believes to be abandoned on property the landowner owns or controls, including:

(1) a mobile home community (as defined in IC 16-41-27-5); or

(2) rental property;

may sell or salvage the manufactured home if the manufactured home has been left without permission on the landowner's property for at least thirty (30) days. The thirty (30) day period begins on the day the landowner sends notice under section 4 of this chapter to the manufactured home owner.

Sec. 4. (a) A landowner shall send notice of a manufactured home described in section 3 of this chapter as follows:

(1) To the manufactured home owner at the last known address of the manufactured home owner as shown by the records of the bureau. However, if the landowner is unable to determine the address of the manufactured home owner, the landowner may serve the manufactured home owner by posting notice on the manufactured home.

(2) To:

(A) a lienholder with a perfected security interest in the manufactured home; or

(B) any other person known to claim an interest in the manufactured home;

as shown by the records of the bureau.

Notice under this section must include a description of the manufactured home and a conspicuous statement that the manufactured home is on the landowner's property without the landowner's permission. If the manufactured home owner changes the manufactured home owner's address from that maintained in the records of the bureau, the manufactured home owner shall immediately notify the landowner of the new address.

(b) A landowner may provide notice under subsection (a) by the following methods:

(1) Certified mail, return receipt requested.

(2) Personal delivery.

(3) Electronic service under IC 9-22-1-19.

(4) Posting of the notice on the manufactured home, if the landowner is unable to determine the

manufactured home owner's address.

(c) If, before the thirty (30) day period described in section 3 of this chapter expires, the manufactured home owner requests by certified mail, return receipt requested, additional time to remove the manufactured home, the period described in section 3 of this chapter shall be extended by an additional thirty (30) days. The manufactured home owner may request only one (1) thirty (30) day extension of time.

Sec. 5. A landowner shall do the following:

(1) Request that a search be performed in the records of the bureau for the name and address of the manufactured home owner and the name and address of any person holding a lien or security interest on the manufactured home.

(2) After receiving the results of the search required by subdivision (1) and after the expiration of the thirty (30) day period described in sections 3 and 4 of this chapter, give notice to all the following:

(A) The manufactured home owner:

(i) by certified mail, return receipt requested, to the last known address of the manufactured home owner; or

(ii) in person to the manufactured home owner; or

(iii) if the landowner is unable to determine the manufactured home owner's address or provide notice to the manufactured home owner in person, the landowner may satisfy the notice requirement under this subdivision by posting of the notice to the manufactured home owner on the manufactured home.

(B) Any lien holder (other than the landowner) with a perfected security interest in the manufactured home either by certified mail, return receipt requested, or in person.

(C) All other persons known to claim an interest in the manufactured home either by certified mail, return receipt requested, or in person.

(D) The county treasurer of the county in which the manufactured home is located, by certified mail, return receipt requested, or in person.

The notice must include a description of the manufactured home, a demand that the owner remove the manufactured home within a specified time not less than ten (10) days after receipt of the notice, a conspicuous statement that unless the manufactured home is removed within that time, the manufactured home will be advertised for sale by auction at a specified time and place, and a conspicuous statement that, in the case of a sale by auction of the manufactured home, a person or lienholder other than the county treasurer that fails to appear at the auction, or otherwise participate in the auction, waives any right the person may have as a lien holder in the manufactured home and any other rights that the person may have regarding the sale of the manufactured home. In addition, the notice must include a statement that, if the manufactured home is removed before the auction takes place, all statutory liens against the manufactured home under IC 16-41-27-29 and all debts owed to the landowner that are associated with the placement of the manufactured home on the landowner's property must be paid.

(3) After the expiration of the ten (10) day period in subdivision (2), advertise that the manufactured home will be offered for sale at public auction in conformity with IC 26-1-2-328 and IC 26-1-7-210. The advertisement of sale must be published once each week for two (2) consecutive weeks in a newspaper of

general circulation in the county where the manufactured home has been left without permission. The advertisement must include a description of the manufactured home, the name of the owner of the manufactured home, if ascertainable, and the time and place of the sale. The sale must take place at least fifteen (15) days after the first publication. If there is no newspaper of general circulation in the county where the sale is to be held, the advertisement must be posted at least ten (10) days before the sale in not less than six (6) conspicuous places in the neighborhood of the proposed sale.

(4) Provide a reasonable time before the sale for prospective purchasers to examine the manufactured home.

(5) Sell the manufactured home to the highest bidder, if any.

(6) Immediately after the auction, execute an affidavit of sale of disposal on a form prescribed by the bureau stating:

(A) that the requirements of this section have been met;

(B) the length of time that the manufactured home was left on the property without permission;

(C) any expenses incurred by the landowner, including the expenses of the sale and any lien of the landowner;

(D) the name and address of the purchaser of the manufactured home at the auction, if any; and

(E) the amount of the winning bid, if any.

If the manufactured home is not purchased by a bidder at the auction, the landowner shall note that fact on the affidavit and shall list the landowner, or any donee, as the purchaser on the affidavit of sale or disposal.

Sec. 6. (a) Upon payment of the bid price by the purchaser, the landowner shall provide the purchaser with the affidavit of sale or disposal described in this chapter.

(b) If the manufactured home is not purchased by a bidder at the auction, the manufactured home becomes the property of the landowner, and the landowner shall note that fact on the affidavit of sale or disposal.

(c) If the landowner wishes to donate the manufactured home to any willing donee, a landowner who has obtained ownership of a manufactured home under this section may transfer ownership to a willing donee by listing the donee as the purchaser on the affidavit of sale or disposal.

(d) If the manufactured home is not purchased by a bidder at the auction and the landowner does not intend to sell or transfer the manufactured home to another person, the landowner may, upon submitting an affidavit of sale or disposal to the bureau, dismantle the manufactured home for salvage or disposal, or transport the manufactured home to a licensed solid waste landfill.

(e) A landowner or willing donee who obtains ownership of a manufactured home under this section has the same right of ownership as a purchaser who was the highest bidder at auction.

(f) If the manufactured home is purchased by a bidder at the auction under this chapter, the landowner shall distribute the amount of the bid price received from the purchaser in the following order of priority:

(1) Reasonable attorney's fees incurred by the landowner for the sale of the manufactured home.

(2) Amounts owed to persons known to have a lien or security interest on the manufactured home, including any lien or secured amounts due the landowner under IC 16-41-27-29, and according to the priority of the creditor's secured interest in the manufactured home.

(3) Delinquent property taxes that were assessed on the manufactured home and that were due and

payable at the time of the sale of the manufactured home at auction, including any special assessments, interest, penalties, judgments, and costs that are attributable to the delinquent property taxes.

If the amount of the bid price received from the purchaser exceeds the sum of the items described in subdivisions (1) through (3), the landowner may retain the remaining amount.

Sec. 7. The affidavit of sale or disposal under this chapter constitutes proof of ownership and right to have the manufactured home titled in the purchaser's, landowner's, or donee's name under IC 9-17-6-12.

Sec. 8. (a) All liens and security interests of any person or entity, other than the county treasurer, that fails to appear or otherwise participate in the auction under this chapter are waived and are void as of the date of the sale of the manufactured home at the auction.

(b) After the purchaser, landowner, or donee:

(1) presents the bureau with the affidavit of sale or disposal;

(2) completes an application for title with any other information the bureau requires;

(3) pays any applicable fee; and

(4) provides evidence of the payment of any delinquent property taxes and any associated interest and penalties as provided under section 6(f)(3) of this chapter;

the bureau shall issue to the purchaser, landowner, or donee a certificate of title to the manufactured home.

SECTION 378. IC 9-22-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The report required under section 3 of this chapter must include the following information about the motor vehicle:

(1) The license plate number.

(2) The make.

(3) The motor and vehicle identification number.

SECTION 379. IC 9-22-3-0.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 0.5: For purposes of this chapter, "motor vehicle" does not include:

(1) an off-road vehicle;

(2) a golf cart; or

(3) a snowmobile.

SECTION 380. IC 9-22-3-1, AS AMENDED BY P.L.125-2012, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies each year to a motor vehicle, semitrailer, or recreational vehicle manufactured within the last seven (7) model years, including the current model year. The bureau shall establish guidelines for determining the applicability of the model year effective dates for each year.

(b) The bureau may extend the model years to be covered each year by this chapter up to a maximum of fifteen (15) model years, which includes the current model year.

SECTION 381. IC 9-22-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this chapter, "fair market value" means:

(1) the average trade-in value found in the National Automobile Dealers Association (NADA) Official Used Car Guide, vehicle valuations determined by CCC Information Services, Inc. (CCC), or valuations determined by such other authorities as are approved by the bureau; or

(2) the fair market value determined by the bureau under IC 9-22-3-3, upon request.

SECTION 382. IC 9-22-3-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.5. (a) As used in this chapter, "flood damaged vehicle" means a passenger motor vehicle that satisfies either of the following:

(1) The vehicle has been acquired by an insurance

company as part of a damage settlement due to water damage.

(2) The vehicle has been submerged in water to the point that rising water has reached over the door sill, has entered the passenger or trunk compartment, and has exposed any electrical, computerized, or mechanical component to water.

(b) The term does not include a passenger motor vehicle that an inspection conducted by an insurance adjuster or estimator, a motor vehicle repairer, or a ~~motor vehicle~~ dealer licensed under IC 9-32 determines:

(1) has no electrical, computerized, or mechanical components that were damaged by water; or

(2) has one (1) or more electrical, computerized, or mechanical components that were damaged by water and all such damaged components have been repaired or replaced.

SECTION 383. IC 9-22-3-3, AS AMENDED BY P.L.188-2015, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A certificate of salvage title is required for a ~~motor vehicle, motorcycle, semitrailer, or recreational~~ vehicle that is **manufactured within the last seven (7) model years and meets any of the following criteria:**

(1) An insurance company has determined that it is economically impractical to repair the wrecked, **destroyed**, or damaged ~~motor vehicle, motorcycle, semitrailer, or recreational~~ vehicle and has made an agreed settlement with the insured or claimant.

(2) If the owner of the vehicle:

(A) is a business that insures its own vehicles; or

(B) **acquired the vehicle after the vehicle was wrecked, destroyed, or damaged;**

the cost of repairing the wrecked, **destroyed**, or damaged ~~motor vehicle, motorcycle, semitrailer, or recreational~~ vehicle exceeds seventy percent (70%) of the fair market value immediately before the ~~motor vehicle, motorcycle, semitrailer, or recreational~~ vehicle was wrecked, **destroyed**, or damaged.

(3) The ~~motor vehicle~~ is a flood damaged vehicle.

~~(b) For the purposes of this section, the bureau shall, upon request, determine the fair market value of a wrecked or damaged motor vehicle, motorcycle, semitrailer, or recreational vehicle if the fair market value cannot be determined from the source referred to in section 2(1) of this chapter.~~

~~(c) Except as described in section 11(c) of this chapter, an insurance company shall apply for a salvage title for a vehicle that the insurance company has determined is economically impractical to repair.~~

~~(d) An owner described in subsection (a)(2) shall apply for a salvage title for any vehicle that has sustained damages of seventy percent (70%) or more of the fair market value immediately before the motor vehicle, motorcycle, semitrailer, or recreational vehicle was wrecked or damaged if the vehicle meets the criteria specified in subsection (a)(2).~~

(b) The bureau may issue a salvage title to a vehicle that is subject to IC 9-17 upon the request of the owner of the vehicle.

~~(c) (c) A person who that knowingly or intentionally fails to apply for a salvage title as required by subsection (a) (e), or (d) commits a Class A infraction.~~

SECTION 384. IC 9-22-3-4 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 4. The bureau shall issue a certificate of salvage title as proof of ownership for a salvage motor vehicle when the acquiring insurance company, recycling facility, or person does the following:

(1) Applies for the certificate of salvage title.

(2) Pays the appropriate fee under IC 9-29-7.

(3) Surrenders the motor vehicle's original certificate of title or other proof of ownership as determined by the

~~bureau.~~

SECTION 385. IC 9-22-3-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.1. (a) **This section applies to a vehicle:**

(1) **for which an insurance company has made and paid an agreed settlement; and**

(2) **that meets at least one (1) of the criteria set forth in section 3 of this chapter.**

(b) **A person that owns or holds a lien upon a vehicle described in subsection (a) shall assign the certificate of title to the insurance company described in subsection (a) not more than thirty (30) days after the date of settlement.**

(c) **The insurance company shall:**

(1) **apply to the bureau within forty-five (45) days after receipt of the certificate of title for a certificate of salvage title for each vehicle subject to this chapter; and**

(2) **surrender the certificate of title or other proof of ownership to the bureau and pay a salvage title fee of four dollars (\$4). The fee shall be deposited in the motor vehicle highway account.**

(d) **After the bureau has received the items set forth in subsection (c)(2), the bureau shall issue a certificate of salvage title for a vehicle to:**

(1) **the owner, if the owner retains possession of the vehicle as part of an agreed settlement with an insurance company for the vehicle; or**

(2) **the insurance company, if the owner does not retain possession.**

(e) **Except as provided in section 4.4 of this chapter, a person that violates this section commits a Class D infraction.**

SECTION 386. IC 9-22-3-4.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.2. (a) **A self-insured entity that owns a vehicle that meets at least one (1) of the criteria set forth in section 3 of this chapter shall apply to the bureau within forty-five (45) days after the date of loss for a certificate of salvage title in the name of the self-insured entity's name.**

(b) **Any other person acquiring a wrecked or damaged vehicle that meets at least one (1) of the criteria set forth in section 3 of this chapter, which acquisition is not evidenced by a certificate of salvage title, shall apply to the bureau within forty-five (45) days after acquiring the vehicle for a certificate of salvage title.**

(c) **The bureau shall issue a certificate of salvage title as proof of ownership for a salvage vehicle when the acquiring person does the following:**

(1) **Makes a proper application in the manner and form prescribed by the bureau.**

(2) **Pays a salvage title fee of four dollars (\$4). The fee shall be deposited in the motor vehicle highway account.**

(3) **Surrenders the vehicle's original certificate of title or other proof of ownership as determined by the bureau.**

(d) **Except as provided in section 4.4 of this chapter, a person that violates this section commits a Class D infraction.**

SECTION 387. IC 9-22-3-4.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.3. (a) **The bureau shall collect an administrative penalty of ten dollars (\$10) if:**

(1) **a purchaser or transferee of a salvage vehicle fails to apply for a certificate of salvage title or a transfer of title, by assignment, not later than forty-five (45) days after the salvage vehicle is purchased or otherwise acquired; or**

(2) the owner of a salvage vehicle retains possession of the salvage vehicle and the owner fails to apply for a certificate of salvage title not later than forty-five (45) days after the settlement of loss with the insurance company.

The fee shall be deposited in the motor vehicle highway account.

(b) Except as provided in section 4.4 of this chapter, a person that violates this section commits a Class D infraction.

SECTION 388. IC 9-22-3-4.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.4. (a) For purposes of sections 4.1, 4.2, and 4.3 of this chapter, "other proof of ownership" with respect to a vehicle includes the following items that contain the electronic signature of the owner without notarization:

- (1) A document granting an insurance company a limited power of attorney.
- (2) An affidavit transferring title to an insurance company.
- (3) Another document authorizing an insurance company to assign ownership of the motor vehicle.

(b) A person that violates section 4.1, 4.2, or 4.3 of this chapter by knowingly or intentionally submitting a fraudulent document or affidavit described in subsection (a) commits a Class A infraction.

SECTION 389. IC 9-22-3-5, AS AMENDED BY P.L.125-2012, SECTION 129, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. A certificate of salvage title issued under ~~section 4~~ of this chapter must contain the following information:

- (1) The same vehicle information as a certificate of title issued by the bureau.
- (2) The notation "SALVAGE TITLE" prominently recorded on the front ~~and back~~ of the title.
- (3) If the motor vehicle is a flood damaged vehicle, the notation "FLOOD DAMAGED" prominently recorded on the front ~~and back~~ of the title.

SECTION 390. IC 9-22-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. A certificate of salvage title issued under ~~section 4~~ of this chapter may be assigned by the person who owns the salvage vehicle to another buyer.

SECTION 391. IC 9-22-3-7, AS AMENDED BY P.L.217-2014, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) A ~~business that is registered with the secretary of state as a dealer licensed under IC 9-23 IC 9-32~~ may reassign a certificate of salvage title one (1) time without applying to the bureau for the issuance of a new certificate of salvage title.

(b) A ~~business dealer~~ that violates this section commits a Class A infraction.

SECTION 392. IC 9-22-3-7.5, AS AMENDED BY P.L.188-2015, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.5. (a) A dealer licensed as a dealer under ~~IC 9-23~~ on the date of receiving a title by sale or transfer ~~IC 9-32~~ shall secure an affidavit from the person ~~who that~~ holds the certificate of title ~~on the date of receiving a title by sale or transfer~~. The affidavit must state whether the vehicle is a flood damaged vehicle.

(b) The dealer shall file the affidavit secured under subsection (a) with the bureau upon receiving the affidavit and shall retain a copy of the affidavit with the records of the dealer.

(c) The bureau shall retain an affidavit regarding flood damage to the vehicle submitted to the bureau by a dealer under this section:

(d) (c) Submission of a fraudulent affidavit under subsection (a) will subject the affiant to civil liability for all damages

incurred by a dealer subsequent purchaser or transferee of the title, including reasonable attorney's fees and court costs (including fees).

(e) (d) A dealer that knowingly or intentionally fails to comply with subsection (a) or (b) commits a Class B misdemeanor.

(f) (e) A person ~~who that~~ knowingly or intentionally submits a fraudulent affidavit under subsection (a) commits a Class A infraction.

SECTION 393. IC 9-22-3-8 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec: 8: (a) If a salvage motor vehicle has been flood damaged; extensively burned; vandalized; or severely wrecked so that one (1) or more component parts are required to restore the motor vehicle to an operable condition, the person or business that restored the motor vehicle must furnish, on an affidavit of restoration for a salvage motor vehicle form, the name; identification number; and source of all component parts that were included in the restoration of the vehicle. The affidavit must be attached to the certificate of salvage title and be submitted to the bureau upon application by a person for a certificate of title for the vehicle:

(b) A person or business that violates this section commits a Class A infraction:

SECTION 394. IC 9-22-3-10, AS AMENDED BY P.L.125-2012, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) If a certificate of salvage title is lost, mutilated, or destroyed or becomes illegible, the person ~~who that~~ owns the vehicle or the legal representative or legal successor in interest of the person ~~who that~~ owns the motor vehicle; semitrailer; or recreational vehicle for which the certificate of salvage title was issued, as shown by the records of the bureau, shall ~~immediately~~ apply for a duplicate certificate of salvage title.

(b) A person described in subsection (a) may obtain a duplicate certificate of salvage title when the person furnishes information concerning the loss, mutilation, destruction, or illegibility satisfactory to the bureau and pays ~~the a salvage title fee set forth in IC 9-29-7. of four dollars (\$4). The fee shall be deposited in the motor vehicle highway account.~~

(c) Upon the issuance of a duplicate certificate of salvage title, the most recent certificate of salvage title issued is considered void by the bureau.

(e) (d) A certificate of salvage title issued under this section must have recorded upon the title's ~~face and back front~~ the words "DUPLICATE SALVAGE TITLE".

(d) (e) If the lost, mutilated, destroyed, or illegible certificate of salvage title contained the notation "FLOOD DAMAGED", the duplicate certificate of salvage title must have recorded upon the title's ~~face and back front~~ the words "FLOOD DAMAGED".

SECTION 395. IC 9-22-3-11 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec: 11: (a) This section applies to the following persons:

(1) An insurance company that declares a wrecked or damaged motor vehicle; motorcycle; semitrailer; or recreational vehicle that meets at least one (1) of the criteria set forth in section 3 of this chapter and the ownership of which is not evidenced by a certificate of salvage title:

(2) An insurance company that has made and paid an agreed settlement for the loss of a stolen motor vehicle; motorcycle; semitrailer; or recreational vehicle that:

- (A) has been recovered by the titled owner; and
- (B) meets at least one (1) of the criteria set forth in section 3 of this chapter.

(b) A person who owns or holds a lien upon a vehicle described in subsection (a) shall assign the certificate of title to the insurance company described in subsection (a): The insurance company shall apply to the bureau within thirty-one (31) days after receipt of the certificate of title for a certificate

of salvage title for each salvage or stolen vehicle subject to this chapter. The insurance company shall surrender the certificate of title to the bureau and pay the fee prescribed under IC 9-29-7 for a certificate of salvage title.

(c) When the owner of a vehicle described in subsection (a) retains possession of the vehicle:

(1) the person who possesses the certificate of title shall surrender the certificate of title to the insurance company described in subdivision (2);

(2) the insurance company that completes an agreed settlement for the vehicle shall:

(A) obtain the certificate of title; and

(B) submit to the bureau:

(i) the certificate of title;

(ii) the appropriate fee; and

(iii) a request for a certificate of salvage title on a form prescribed by the bureau; and

(3) after the bureau has received the items set forth in subdivision (2)(B), the bureau shall issue a certificate of salvage title to the owner.

(d) When a self-insured entity is the owner of a salvage motor vehicle, motorcycle, semitrailer, or recreational vehicle that meets at least one (1) of the criteria set forth in section 3 of this chapter, the self-insured entity shall apply to the bureau within thirty-one (31) days after the date of loss for a certificate of salvage title in the name of the self-insured entity's name.

(e) Any other person acquiring a wrecked or damaged motor vehicle, motorcycle, semitrailer, or recreational vehicle that meets at least one (1) of the criteria set forth in section 3 of this chapter, which acquisition is not evidenced by a certificate of salvage title, shall apply to the bureau within thirty-one (31) days after receipt of the certificate of title for a certificate of salvage title.

(f) A person that violates this section commits a Class D infraction.

SECTION 396. IC 9-22-3-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) If a salvage motor vehicle is rebuilt for operation upon the highways and ownership is evidenced by a certificate of salvage title, the person who that owns the vehicle shall apply to the bureau for a certificate of title with a rebuilt designation. The bureau shall issue a certificate of title under IC 9-17 with a rebuilt designation, that lists each person who holds a lien on the vehicle, to the person who owns the vehicle when subject to the following are completed: conditions:

(1) The inspection of the vehicle by A state police officer
(2) The verification of inspects the vehicle and verifies proof of ownership of major component parts used and the source of the major component parts.

(2) The person that owns the vehicle submits, on a form prescribed by the bureau, a properly executed affidavit from the person that restored the motor vehicle. The affidavit must:

(A) include the name, identification number, and source of all component parts that were included in the restoration of the vehicle; and

(B) be attached to the certificate of salvage title.

(3) The surrender of person that owns the vehicle surrenders the certificate of salvage title. properly executed with an affidavit concerning the major component parts on a form prescribed by the bureau.

(4) The payment of the fee required under IC 9-29-7.

A condition under this subsection is in addition to any requirements under IC 9-17.

(b) Except as provided in subsection (c), a certificate of title issued under this section must conspicuously bear the designation:

(1) "REBUILT VEHICLE" if the vehicle is not a flood damaged vehicle; or

(2) "REBUILT FLOOD DAMAGED VEHICLE" if

the vehicle is a flood damaged vehicle.

(c) An insurance company authorized to do business in Indiana may obtain a certificate of title that does not bear the rebuilt designation if the company submits to the bureau, in the form and manner the bureau requires, satisfactory evidence that the damage, if any, to a recovered stolen vehicle did not meet the criteria set forth in section 3 of this chapter.

(d) A person that knowingly or intentionally violates this section commits a Class A infraction.

SECTION 397. IC 9-22-3-16 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 16: (a) Except as provided in subsection (b), a certificate of title issued under this chapter and a certificate of title subsequently issued must conspicuously bear the designation:

(1) "REBUILT VEHICLE--MILEAGE NOT ACTUAL" if the motor vehicle is not a flood damaged vehicle; or

(2) "REBUILT FLOOD DAMAGED VEHICLE" if the motor vehicle is a flood damaged vehicle.

(b) An insurance company authorized to do business in Indiana may obtain a certificate of title that does not bear the designation if the company submits to the bureau, in the form and manner the bureau requires, satisfactory evidence that the damage, if any, to a recovered stolen motor vehicle did not meet the criteria set forth in section 3 of this chapter.

(c) An affidavit submitted under section 8 of this chapter must conspicuously bear the designation:

(1) "REBUILT VEHICLE" if the motor vehicle is not a flood damaged vehicle; or

(2) "REBUILT FLOOD DAMAGED VEHICLE" if the motor vehicle is a flood damaged vehicle.

(d) A certificate of title for a salvage motor vehicle issued under subsection (a) may not designate the mileage of the vehicle.

(e) A person who knowingly or intentionally fails to comply with subsection (c) commits a Class A infraction.

SECTION 398. IC 9-22-3-18.5, AS AMENDED BY P.L.188-2015, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18.5. (a) This section does not apply to a person who sells, exchanges, or transfers golf carts:

(b) (a) A seller that is:

(1) a dealer; or

(2) another person who sells, exchanges; or transfers at least five (5) vehicles each year; person

may not sell, exchange, or transfer a rebuilt vehicle without disclosing in writing to the purchaser, customer, or transferee before consummating the sale, exchange, or transfer, the fact that the vehicle is a rebuilt vehicle if the dealer or other person knows or should reasonably know the vehicle is a rebuilt vehicle.

(c) (b) A person who that knowingly or intentionally sells, exchanges, or transfers a rebuilt vehicle without disclosing in writing under subsection (b) (a) the fact that the vehicle is a rebuilt vehicle commits a Class A misdemeanor.

SECTION 399. IC 9-22-3-19, AS AMENDED BY P.L.188-2015, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. (a) The secretary of state shall prescribe recordkeeping forms to be used by (1) a recycling facility; (2) an automotive salvage rebuilders; and (3) a used parts dealer licensed under IC 9-32-9; recycler licensed under IC 9-32 to preserve information about salvage vehicles or major component parts acquired or sold by the business.

(b) The recordkeeping forms required under subsection (a) must contain the following information:

(1) For each new or used vehicle acquired or disposed of or for the major component parts of a new or used vehicle, the following:

(A) A description of the vehicle or major component

part, including numbers or other marks identifying the vehicle or major component part.

(B) The date the vehicle or major component part was acquired and disposed of.

(C) The name and address of the person from whom the vehicle or major component part was acquired.

(D) Verification of the purchaser of the vehicle or major component part by driver's license, state identification card, or other reliable means.

(2) For ~~motor~~ vehicles acquired or disposed of, in addition to the information required by subdivision (1), the following:

(A) The vehicle's trade name.

(B) The vehicle's manufacturer.

(C) The vehicle's type.

(D) The model year and vehicle identification number.

(E) A statement of whether any number has been defaced, destroyed, or changed.

(3) For wrecked, dismantled, or rebuilt vehicles, the date the vehicle was dismantled or rebuilt.

(c) Separate records for each vehicle or major component part must be maintained.

(d) The recordkeeping requirements of this section do not apply to hulk crushers or to scrap metal processors when purchasing scrap from a person ~~who that~~ is licensed under ~~IC 9-32-9 IC 9-32~~ and ~~who that~~ is required to keep records under this section.

(e) ~~A recycling facility; An automotive salvage rebuilder; or used parts dealer recycler~~ licensed under ~~IC 9-32-9 IC 9-32~~ that knowingly or intentionally fails to:

(1) maintain records regarding salvage vehicles or major component parts acquired or sold by the business; or

(2) maintain records regarding salvage vehicles or major component parts on forms that comply with subsection (b);

commits a Class A infraction.

SECTION 400. IC 9-22-3-20, AS AMENDED BY P.L.188-2015, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. (a) Unless otherwise specified or required, the records required under section 19 of this chapter shall be retained for a period of five (5) years from the date the vehicle or major component part was acquired, in the form prescribed by the secretary of state.

(b) ~~A recycling facility; An automotive salvage rebuilder; or used parts dealer recycler~~ that knowingly or intentionally fails to comply with subsection (a) commits a Class B misdemeanor.

SECTION 401. IC 9-22-3-21, AS AMENDED BY P.L.188-2015, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 21. (a) The records required under section 19 of this chapter must be available to and produced at the request of a police officer or an authorized agent of the secretary of state under this chapter.

(b) ~~A recycling facility; An automotive salvage rebuilder; or used parts dealer recycler~~ that fails to make available or produce the records described under section 19 of this chapter for a police officer or an authorized agent of the secretary of the state commits a Class A infraction.

SECTION 402. IC 9-22-3-24, AS AMENDED BY P.L.188-2015, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 24. (a) The secretary of state, a police officer, or an agent of the secretary of state or a police officer may enter upon the premises of a ~~recycling facility; insurance company; or other business dealing in salvage vehicles~~ **an automotive salvage recycler** during normal business hours to inspect a ~~motor vehicle; semitrailer; recreational~~ vehicle, major component part, records, certificate of title, and other ownership documents to determine compliance with this chapter.

(b) A person ~~who that~~ knowingly or intentionally prevents the secretary of state, a police officer, or agent of the secretary

of state from inspecting a ~~motor vehicle; a semitrailer; a recreational~~ vehicle, a major component part, a record, a certificate of title, or another ownership document during normal business hours commits a Class A infraction.

SECTION 403. IC 9-22-3-31, AS AMENDED BY P.L.217-2014, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 31. A person ~~who that~~ knowingly or intentionally possesses, buys, sells, exchanges, gives away, or offers to buy, sell, exchange or give away a manufacturer's identification plate or serial plate that has been removed from a ~~motor vehicle; motorcycle; semitrailer; or recreational~~ vehicle that is a total loss or salvage commits a Level 6 felony.

SECTION 404. IC 9-22-3-32, AS AMENDED BY P.L.158-2013, SECTION 150, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 32. A person ~~who that~~ knowingly possesses, buys, sells, exchanges, gives away, or offers to buy, sell, exchange, or give away a certificate of title or ownership papers from a nontitle state of a ~~motor vehicle; motorcycle; semitrailer; or recreational~~ vehicle that is a total loss or salvage commits a Level 6 felony.

SECTION 405. IC 9-22-3-37, AS AMENDED BY P.L.109-2015, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 37. A person who violates this chapter (other than section ~~4~~ 4 of this chapter) commits a deceptive act that is actionable by the attorney general and is subject to the remedies and penalties under IC 24-5-0.5.

SECTION 406. IC 9-22-5-1.1, AS ADDED BY P.L.262-2013, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.1. A person ~~who that~~ owns and has a certificate of title for a vehicle may sell, give away, or dispose of the vehicle for scrap metal without applying for a certificate of authority under this chapter. The person must sign and surrender the certificate of title to the ~~scrap metal processor or other appropriate facility~~ **automotive salvage recycler** to dispose of the vehicle.

SECTION 407. IC 9-22-5-2, AS AMENDED BY P.L.125-2012, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. **A person:**

(1) ~~person; firm; corporation; limited liability company; or unit of government~~ upon whose property or in whose possession is found an abandoned vehicle; or

(2) ~~person who that~~ owns a vehicle that has a title that is faulty, lost, or destroyed;

may apply in accordance with this chapter for authority to sell, give away, or dispose of the vehicle **to an automotive salvage recycler** for scrap metal.

SECTION 408. IC 9-22-5-3, AS AMENDED BY P.L.125-2012, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The application required under section 2 of this chapter shall be made in a manner prescribed by the bureau ~~The application shall be and~~ filed with the bureau.

(b) **The application required by section 2 of this chapter must include the following:**

(1) **The name and address of the applicant.**

(2) **The year, make, model, and vehicle identification number of the vehicle, if ascertainable, together with any other identifying features.**

(3) **A concise statement of the facts surrounding the abandonment of the vehicle, that the title of the vehicle is faulty, lost, or destroyed, or the reasons for disposal of the vehicle.**

(4) **An affidavit executed by the applicant stating that the facts alleged in the application are true and that no material fact has been withheld.**

(c) **The bureau shall issue a certificate of authority if:**

(1) **the bureau determines that the application satisfies the requirements of this chapter; and**

(2) the applicant pays a fee of four dollars (\$4) for each certificate of authority.

The fee under subdivision (2) shall be deposited in the motor vehicle highway account.

(d) A certificate of authority issued under this chapter must contain the following information:

(1) The name and address of the person that filed the application required under section 2 of this chapter.

(2) The year, make, model, and vehicle identification number, if ascertainable, together with any other identifying features of the vehicle that has been authorized to be sold for scrap metal.

SECTION 409. IC 9-22-5-4 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 4: (a) The application required under section 2 of this chapter must include the following information:

(1) The name and address of the applicant.

(2) The year, make, model, and vehicle identification number of the vehicle, if ascertainable, together with any other identifying features.

(3) A concise statement of the facts surrounding the abandonment of the vehicle, that the title of the vehicle is faulty, lost, or destroyed, or the reasons for disposal of the vehicle.

(b) The person making the application required under section 2 of this chapter shall execute an affidavit stating that the facts alleged in the application are true and that no material fact has been withheld.

SECTION 410. IC 9-22-5-8 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 8: The certificate of authority to scrap or dismantle the vehicle required under this chapter shall be made on forms prescribed and furnished by the bureau. The certificate of authority must contain the following information:

(1) The name and address of the person who filed the application required under section 2 of this chapter.

(2) The year, make, model, and vehicle identification number, if ascertainable, together with any other identifying features of the vehicle that has been authorized to be sold for scrap metal.

SECTION 411. IC 9-22-5-10, AS AMENDED BY P.L.125-2012, SECTION 150, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. After a certificate of authority required under this chapter has been delivered to the bureau by the automobile scrapyard, an automotive salvage recycler, a certificate of title may not be issued for the vehicle that is described in the certificate of authority. ~~and is~~ **The vehicle shall be** noted in the records of the bureau as "junk".

SECTION 412. IC 9-22-5-13, AS AMENDED BY P.L.125-2012, SECTION 153, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) A person not described in section 12 of this chapter ~~who that~~ sells a vehicle under this chapter may retain from the proceeds of sale the cost of publication of notice and the cost of preserving the motor vehicle during the period of the vehicle's abandonment. The person shall pay the remaining balance of the proceeds of the sale to the circuit court clerk of the county in which the vehicle is located.

(b) At any time within ten (10) years after the money is paid to the clerk, the person ~~who that~~ owns the vehicle sold under this chapter may make a claim with the clerk for the sale proceeds deposited with the clerk. If ownership of the proceeds is established to the satisfaction of the clerk, the clerk shall pay the proceeds to the person ~~who that~~ owns the vehicle.

(c) If a claim for the proceeds of the sale of a vehicle under subsection (b) is not made within ten (10) years, claims for the proceeds are barred. The clerk shall notify the attorney general and upon demand pay the proceeds to the attorney general. The attorney general shall turn the proceeds over to the treasurer of state. The proceeds vest in and escheat to the state general fund.

SECTION 413. IC 9-22-5-18, AS AMENDED BY

P.L.217-2014, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. (a) Before a person sells a vehicle to, gives a vehicle to, or disposes of a vehicle with an ~~automobile scrapyard~~, **automotive salvage recycler**, the person shall give the ~~automobile scrapyard~~: **automotive salvage recycler**:

(1) a certificate of authority for the vehicle that:

(A) is issued by the bureau under this chapter; and

(B) authorizes the scrapping or dismantling of the vehicle; or

(2) a certificate of title for the vehicle issued by the bureau under IC 9-17-3.

(b) A person ~~who that~~ knowingly or intentionally violates this section commits a Class C misdemeanor.

SECTION 414. IC 9-22-5-19 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 19: A person ~~who knowingly or intentionally purchases or accepts a vehicle with intent to scrap or dismantle the vehicle without obtaining a certificate of authority described in section 18(a)(1) of this chapter or a certificate of title issued by the bureau under IC 9-17-3 from the person who sells, gives away, or disposes of the vehicle~~ commits a Class B misdemeanor:

SECTION 415. IC 9-22-6-1, AS AMENDED BY P.L.217-2014, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) ~~An individual, a firm, a limited liability company, or a corporation~~ **A person** engaged in the business of storing, furnishing supplies for, providing towing services for, or repairing ~~motor vehicles, trailers, semitrailers, or recreational vehicles~~ shall obtain the name and address of the person that owns a ~~motor vehicle, trailer, semitrailer, or recreational owner of a vehicle~~ that is left in the custody of the ~~individual, firm, limited liability company, or corporation~~ **person** for storage, furnishing of supplies, or repairs at the time the vehicle is left.

(b) The ~~individual, firm, limited liability company, or corporation~~ **person described in subsection (a)** shall record in a book the following information concerning the vehicle described in subsection (a):

(1) The name and address of the ~~person that owns~~ **owner** of the vehicle.

(2) The license number of the vehicle.

(3) The date on which the vehicle was left.

(c) The book shall be provided and kept by the ~~individual, firm, limited liability company, or corporation~~ **person** and must be open for inspection by an authorized police officer of the state, a city, or a town or by the county sheriff.

(d) If a ~~motor vehicle, trailer, semitrailer, or recreational vehicle~~ is stored by the week or by the month, only one (1) entry on the book is required for the time during which the vehicle is stored.

(e) A person ~~who that~~ violates this section commits a Class A infraction.

SECTION 416. IC 9-22-6-2, AS AMENDED BY P.L.217-2014, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) ~~An individual, a firm, a limited liability company, or a corporation~~ **A person** that performs labor, furnishes materials or storage, or does repair work on a ~~motor vehicle, trailer, semitrailer, or recreational vehicle~~ at the request of the ~~person that owns~~ **owner** of the vehicle has a mechanic's lien on the vehicle for the reasonable value of the charges for the labor, materials, storage, or repairs.

(b) ~~An individual, a firm, a partnership, a limited liability company, or a corporation~~ **A person** that provides towing services for a ~~motor vehicle, trailer, semitrailer, or recreational vehicle~~ at the request of the ~~person that owns the motor vehicle, trailer, semitrailer, or recreational owner of the vehicle~~ has a mechanic's lien on the vehicle for the reasonable value of the charges for the towing services and other related costs.

(c) **A person that has a mechanic's lien on a vehicle under**

subsection (a) or (b) may advertise the vehicle for sale if:

- (1) the charges made under subsection (a) or (b) are not paid; and
- (2) the ~~motor vehicle, trailer, semitrailer, or recreational vehicle~~ is not claimed;

~~not later than within thirty (30) days after the date on which the vehicle is left in or comes into the possession of the individual, firm, limited liability company, or corporation person for repairs, storage, towing, or the furnishing of materials. the individual, firm, limited liability company, or corporation may advertise the vehicle for sale. The vehicle may not be sold earlier than until the later of fifteen (15) days after the date the advertisement required by subsection (d) has been placed or fifteen (15) days after notice required by subsection (e) has been sent. whichever is later.~~

(d) Before a vehicle may be sold under subsection (c), an advertisement must be placed in a newspaper that is printed in English and of general circulation in the city or town in which the lienholder's place of business is located. If the lienholder is located outside the corporate limits of a city or a town, the advertisement must be placed in a newspaper of general circulation in the county in which the place of business of the lienholder is located. The advertisement must contain at least the following information:

- (1) A description of the vehicle, including make, type, and manufacturer's identification number.
- (2) The amount of the unpaid charges.
- (3) The time, place, and date of the sale.

(e) In addition to the advertisement required under subsection (d), the person that holds the mechanic's lien must notify the ~~person that owns owner of the vehicle and any other person that holds a lien of record at the person's last known address by certified mail, return receipt requested, at the last known address of the owner or person, as applicable,~~ that the vehicle will be sold at public auction on a specified date to satisfy the mechanic's lien imposed by this section.

(f) A person that holds a mechanic's lien of record on a vehicle subject to sale under this section may pay the storage, repair, towing, or service charges due. If the person that holds the mechanic's lien of record elects to pay the charges due, the person is entitled to possession of the vehicle and becomes the holder of the mechanic's lien imposed by this section.

(g) If the person that owns a vehicle subject to sale under this section does not claim the vehicle and satisfy the mechanic's lien on the vehicle, the vehicle may be sold at public auction to the highest and best bidder. A person that holds a mechanic's lien under this section may purchase a vehicle subject to sale under this section.

(h) A person that holds a mechanic's lien under this section may deduct and retain the amount of the mechanic's lien and the cost of the advertisement required under subsection (d) from the purchase price received for a vehicle sold under this section. After deducting from the purchase price the amount of the mechanic's lien and the cost of the advertisement, the person shall pay the surplus of the purchase price to the ~~person that owns owner of the vehicle if the person's owner's address or whereabouts are known. If the address or whereabouts of the person that owns owner of the vehicle are not known, the surplus of the purchase price shall be paid over to the clerk of the circuit court of the county in which the person that holds the mechanic's lien has a place of business for the use and benefit of the person that owns owner of the vehicle.~~

(i) A person that holds a mechanic's lien under this section shall execute and deliver to the purchaser of a vehicle under this section a sales certificate in the form designated by the bureau, setting forth the following information:

- (1) The facts of the sale.
- (2) The vehicle identification number.
- (3) The certificate of title if available.
- (4) A certification from the newspaper showing that the

advertisement was made as required under subsection (d).

- (5) Any other information that the bureau requires.

Whenever the bureau receives from the purchaser an application for certificate of title accompanied by these items, the bureau shall issue a certificate of title for the vehicle under IC 9-17.

(j) A person ~~who that~~ violates this section commits a Class A infraction.

SECTION 417. IC 9-24-1-1, AS AMENDED BY P.L.188-2015, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as otherwise provided in section 7 of this chapter, an individual must have a valid: ~~Indiana:~~

- (1) ~~operator's driver's license; or~~
- (2) ~~permit; chauffeur's license;~~
- (3) ~~public passenger chauffeur's license;~~
- (4) ~~commercial driver's license;~~
- (5) ~~driver's license listed in subdivision (1); (2); (3); or (4) with:~~
 - (A) a motorcycle endorsement; or
 - (B) a motorcycle endorsement with a Class A motor driven cycle restriction;
- (6) ~~learner's permit; or~~
- (7) ~~motorcycle learner's permit;~~

~~including any necessary endorsements, issued to the individual by the bureau under this article to operate upon an Indiana a highway the type of motor vehicle for which the driver's license, endorsement, or permit was issued.~~

(b) An individual must have:

- (1) an unexpired identification card with a Class B motor driven cycle endorsement issued to the individual by the bureau under IC 9-24-16; or
- (2) a valid driver's license; ~~described in subsection (a); or~~
- (3) a valid learner's permit;

~~to operate a Class B motor driven cycle upon an Indiana a highway.~~

~~(c) A person An individual who violates this section operates a motor vehicle or motor driven cycle upon a road or highway without the proper license commits a Class C infraction.~~

SECTION 418. IC 9-24-1-1.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 1.5: (a) An individual who is an Indiana resident is eligible to apply for a license under this article:

(b) This section does not prevent the bureau from issuing a license under this article to an individual who is:

- (1) not required by this article to reside in Indiana to receive the license; and
- (2) otherwise qualified to receive the license.

SECTION 419. IC 9-24-1-4 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 4: (a) Except as otherwise provided in this chapter, an individual must:

- (1) have a valid Indiana driver's license; and
- (2) be at least eighteen (18) years of age;

~~to drive a medical services vehicle upon an Indiana highway.~~

(b) A person who violates subsection (a) commits a Class C infraction.

SECTION 420. IC 9-24-1-5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 5: (a) An individual must have:

- (1) a valid operator's, chauffeur's, public passenger chauffeur's, or commercial driver's license with a motorcycle endorsement;
- (2) a valid motorcycle learner's permit subject to the limitations imposed under IC 9-24-8; or
- (3) a valid driver's license from any other jurisdiction that is valid for the operation of a motorcycle in that jurisdiction;

~~to operate a motorcycle upon an Indiana highway.~~

(b) An individual who held a motorcycle operator's license on December 31, 2011, must hold a valid operator's, chauffeur's, public passenger chauffeur's, or commercial driver's license with a motorcycle endorsement in order to operate a motorcycle after

December 31, 2011, without restrictions:

(c) An individual must have:

- (1) a driver's license or learner's permit described in subsection (a); or
- (2) a valid operator's, chauffeur's, public passenger chauffeur's, or commercial driver's license with a motorcycle endorsement with a Class A motor driven cycle restriction under IC 9-24-8-4(g);

to operate a Class A motor driven cycle upon an Indiana highway.

(d) A person who operates a Class A motor driven cycle in violation of subsection (a), (b), or (c) commits a Class C infraction:

SECTION 421. IC 9-24-1-6 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 6: (a) Except as provided in subsection (b) or as otherwise provided in this article, an individual must hold a valid commercial driver's license to drive a commercial motor vehicle upon an Indiana highway:

(b) Subsection (a) does not apply if the individual:

- (1) holds a valid driver's license of any type;
- (2) is enrolled in a commercial motor vehicle training course approved by the bureau; and
- (3) is operating a commercial motor vehicle under the direct supervision of a licensed commercial motor vehicle driver.

(c) A person who knowingly or intentionally violates subsection (a) commits a Class C misdemeanor:

SECTION 422. IC 9-24-1-7, AS AMENDED BY P.L.259-2013, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) Sections Section 1 through 5 of this chapter do does not apply to the following individuals:

(1) An individual in the service of the armed forces of the United States while operating an official motor vehicle in that service.

(2) An individual who is at least sixteen (16) years and one hundred eighty (180) days of age, while operating:

- (A) a road roller;
- (B) (A) road construction or maintenance machinery; except where the road roller or machinery is required to be registered under Indiana law;
- (C) (B) a ditch digging apparatus;
- (D) (C) a well drilling apparatus; or
- (E) (D) a concrete mixer;

that is being temporarily drawn, moved, or propelled on a public highway.

(3) A nonresident who:

(A) is:

- (i) at least sixteen (16) years and one hundred eighty (180) days of age; or
- (ii) employed in Indiana;

(B) has in the nonresident's immediate possession a valid driver's license that was issued to the nonresident in the nonresident's home state or country; and

(C) is lawfully admitted into the United States;

while operating a on a highway the type of motor vehicle upon a public highway only as an operator; for which the driver's license was issued, subject to the restrictions imposed by the home state or country of the individual's residence.

(4) A nonresident who:

(A) is at least eighteen (18) years of age;

(B) has in the nonresident's immediate possession a valid chauffeur's license that was issued to the nonresident in the nonresident's home state or country; and

(C) is lawfully admitted into the United States;

while operating a motor vehicle upon a public highway, either as an operator or a chauffeur.

(5) A nonresident who:

(A) is at least eighteen (18) years of age; and

(B) has in the nonresident's immediate possession a valid license issued by the nonresident's home state for the operation of any motor vehicle upon a public highway when in use as a public passenger carrying vehicle;

while operating a motor vehicle upon a public highway, either as an operator or a public passenger chauffeur.

(6) An individual who is legally licensed to operate a motor vehicle in the state of the individual's residence and who is employed in Indiana, subject to the restrictions imposed by the state of the individual's residence:

(7) (4) A new Indiana resident of Indiana who:

(A) possesses a valid unrestricted driver's license issued by the resident's former state or country of the individual's former residence; and

(B) is lawfully admitted in the United States;

for a period of sixty (60) days after becoming a an Indiana resident, and subject to the restrictions imposed by the state or country of the individual's former residence while operating upon a highway the type of motor vehicle for which the driver's license was issued. of Indiana:

(8) An individual who is an engineer, a conductor, a brakeman, or another member of the crew of a locomotive or a train that is being operated upon rails, including the operation of the locomotive or the train on a crossing over a street or a highway. An individual described in this subdivision is not required to display a license to a law enforcement officer in connection with the operation of a locomotive or a train in Indiana:

(9) (5) An individual while operating

(A) a farm tractor;

(B) a farm wagon (as defined in IC 9-13-2-60(a)(2)); or

(C) an implement of agriculture designed to be operated primarily in a farm field or on farm premises; that is being temporarily drawn, moved, or propelled on a public highway. However, to operate a the farm wagon (as defined in IC 9-13-2-60(a)(2)) on a highway, other than to temporarily draw, move, or propel the farm wagon (as defined in IC 9-13-2-60(a)(2)); an it, the individual must be at least fifteen (15) years of age.

(b) An ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a) must require that an individual who operates a golf cart or off-road vehicle in the city, county, or town hold a driver's license.

SECTION 423. IC 9-24-2-2.5, AS AMENDED BY P.L.125-2012, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.5. (a) The bureau shall suspend the driving privileges or invalidate the learner's permit of an individual who is under an order entered by a court under IC 35-43-1-2(c).

(b) The bureau shall suspend the driving privileges or invalidate the learner's permit of a person an individual who is the subject of an order issued under IC 31-37-19-17 (or IC 31-6-4-15.9(f) before its repeal) or IC 35-43-1-2(c).

SECTION 424. IC 9-24-2-3, AS AMENDED BY P.L.2-2014, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The bureau may not issue a driver's license or learner's permit or grant driving privileges to the following individuals:

(1) An individual whose driving privileges have been suspended, during the period for which the driving privileges are suspended, or to an individual whose driver's license has been revoked, until the time the bureau is authorized under Indiana law to issue the individual a new driver's license.

(2) An individual whose learner's permit has been suspended or revoked until the time the bureau is authorized under Indiana law to issue the individual a new

learner's permit.

(3) An individual who, in the opinion of the bureau, is afflicted with or suffering from a physical or mental disability or disease that prevents the individual from exercising reasonable and ordinary control over a motor vehicle while operating the motor vehicle upon the public highways on a highway.

(4) An individual who is unable to understand highway warnings or direction signs written in the English language.

(5) An individual who is required under this article to take an examination unless:

(A) the person individual successfully passes the examination; or

(B) the bureau waives the examination requirement.

(6) An individual who is required under IC 9-25 or any other statute to deposit or provide proof of financial responsibility and who has not deposited or provided that proof.

(7) An individual when the bureau has good cause to believe that the operation of a motor vehicle on a public highway of Indiana by the individual would be inimical to public safety or welfare.

(8) An individual who is the subject of an order issued by:

(A) a court under IC 31-16-12-7 (or IC 31-1-11.5-13, IC 31-6-6.1-16, or IC 31-14-12-4 before their repeal); or

(B) the Title IV-D agency;

ordering that a driver's license or permit not be issued to the individual.

(9) An individual who has not presented valid documentary evidence to the bureau of the person's individual's legal status in the United States, as required by IC 9-24-9-2.5.

(10) An individual who does not otherwise satisfy the requirements of this article.

(b) An individual subject to epileptic seizures may not be denied a driver's license or permit under this section if the individual presents a statement from a licensed physician, on a form prescribed by the bureau, that the individual is under medication and is free from seizures while under medication.

SECTION 425. IC 9-24-2-3.1, AS AMENDED BY P.L.85-2013, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.1. (a) If a petitioner named in an order issued under section 3(a)(8) of this chapter has a valid commercial driver's license, the bureau shall not immediately suspend the person's individual's commercial driving privileges but shall indicate on the person's individual's driving record that the person individual has conditional driving privileges to operate a motor vehicle to and from the person's individual's place of employment and in the course of the person's individual's employment.

(b) Conditional driving privileges described in subsection (a) are valid for thirty (30) days from the date of the notice sent by the bureau. If the person individual obtains an order for conditional driving privileges within the thirty (30) days, the person individual may continue to operate a motor vehicle with the conditional driving privileges beyond the thirty (30) day period.

(c) If the person individual does not obtain an amended order within the thirty (30) day period, the bureau shall suspend the person's individual's driving privileges.

SECTION 426. IC 9-24-2-4, AS AMENDED BY P.L.149-2015, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) If a person an individual is less than eighteen (18) years of age and is a habitual truant, is under a suspension or an expulsion or has withdrawn from school as described in section 1 of this chapter, the bureau shall, upon notification by an authorized representative of the person's individual's school corporation,

suspend the person's individual's driving privileges until the earliest of the following:

(1) The person individual becomes eighteen (18) years of age.

(2) One hundred twenty (120) days after the person individual is suspended.

(3) The suspension, expulsion, or exclusion is reversed after the person individual has had a hearing under IC 20-33-8.

(b) The bureau shall promptly mail a notice to the person's individual's last known address that states the following:

(1) That the person's individual's driving privileges will be suspended for a specified period commencing five (5) days after the date of the notice.

(2) That the person individual has the right to appeal the suspension of the driving privileges.

(c) If an aggrieved person individual believes that:

(1) the information provided was technically incorrect; or

(2) the bureau committed a technical or procedural error; the aggrieved person individual may appeal the invalidation of a driver's license under section 5 of this chapter.

(d) If a person an individual satisfies the conditions for reinstatement of a driver's license under this section, the person individual may submit to the bureau for review the necessary information certifying that at least one (1) of the events described in subsection (a) has occurred.

(e) Upon reviewing and certifying the information received under subsection (d), the bureau shall reinstate the person's individual's driving privileges.

(f) A person An individual may not operate a motor vehicle in violation of this section.

(g) A person An individual whose driving privileges are suspended under this section is eligible to apply for specialized driving privileges under IC 9-30-16.

(h) The bureau shall reinstate the driving privileges of a person an individual whose driving privileges were suspended under this section if the person individual does the following:

(1) Establishes to the satisfaction of the principal of the school where the action occurred that caused the suspension of the driving privileges that the person individual has:

(A) enrolled in a full-time or part-time program of education; and

(B) participated for thirty (30) or more days in the program of education.

(2) Submits to the bureau a form developed by the bureau that contains:

(A) the verified signature of the principal or the president of the governing body of the school described in subdivision (1); and

(B) notification to the bureau that the person has complied with subdivision (1).

A person An individual may appeal the decision of a principal under subdivision (1) to the governing body of the school corporation where the principal's school is located.

SECTION 427. IC 9-24-2-5, AS AMENDED BY P.L.217-2014, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) A person An individual whose driving privileges have been suspended under section 4 of this chapter is entitled to a prompt judicial hearing. The person individual may file a petition that requests a hearing in a circuit, superior, county, or municipal court in the county where:

(1) the person individual resides; or

(2) the school attended by the person individual is located.

(b) The petition for review must:

(1) be in writing; and

(2) be verified by the person individual seeking review and:

(A) allege specific facts that indicate the suspension or expulsion was improper; or

(B) allege that, due to the ~~person's~~ **individual's** emancipation or dependents, ~~that~~ an undue hardship exists that requires the granting of a restricted driving permit.

(c) The hearing conducted by the court under this section shall be limited to the following issues:

(1) Whether the school followed proper procedures when suspending or expelling the ~~person~~ **individual** from school, including affording the ~~person~~ **individual** due process under IC 20-33-8.

(2) Whether the bureau followed proper procedures in suspending the ~~person's~~ **individual's** driving privileges.

(d) If the court finds:

(1) that the school failed to follow proper procedures when suspending or expelling the ~~person~~ **individual** from school; or

(2) that the bureau failed to follow proper procedures in suspending the ~~person's~~ **individual's** driving privileges;

the court may order the bureau to reinstate the ~~person's~~ **individual's** driving privileges.

(e) The prosecuting attorney of the county in which a petition has been filed under this section shall represent the state on behalf of the bureau with respect to the petition. A school that is made a party to an action filed under this section is responsible for the school's own representation.

(f) In an action under this section, the petitioner has the burden of proof by a preponderance of the evidence.

(g) The court's order is a final judgment appealable in the manner of civil actions by either party. The attorney general shall represent the state on behalf of the bureau with respect to the appeal.

SECTION 428. IC 9-24-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. ~~A person~~ **An individual** who violates this chapter commits a Class C infraction.

SECTION 429. IC 9-24-3-1, AS AMENDED BY P.L.125-2012, SECTION 173, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as otherwise provided in this article, the bureau shall issue an operator's license to an individual who meets the following conditions:

(1) Satisfies the age requirements set forth in section 2.5 of this chapter.

(2) Makes proper application to the bureau under IC 9-24-9 upon a form prescribed by the bureau. The form must include an attestation concerning the number of hours of supervised driving practice that the individual has completed if the individual is required under section 2.5 of this chapter to complete a certain number of hours of supervised driving practice in order to receive an operator's license. The:

(A) parent or guardian of an applicant less than eighteen (18) years of age; or

(B) applicant, if the applicant is at least eighteen (18) years of age;

shall attest in writing under penalty of perjury to the time logged in practice driving.

(3) Satisfactorily passes the examination and tests required for issuance of an operator's license under IC 9-24-10.

(4) Pays the **following applicable fee**: ~~prescribed by IC 9-29-9.~~

(A) For an individual who is less than seventy-five (75) years of age, seventeen dollars and fifty cents (\$17.50).

(B) For an individual who is at least seventy-five (75) years of age but less than eighty-five (85) years of age, eleven dollars (\$11).

(C) For an individual who is at least eighty-five (85)

years of age, seven dollars (\$7).

(b) A fee described in subsection (a)(4)(A) shall be distributed as follows:

(1) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(2) Two dollars (\$2) to the crossroads 2000 fund.

(3) Four dollars and fifty cents (\$4.50) to the motor vehicle highway account.

(4) For an operator's license issued before July 1, 2019, as follows:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Nine dollars and twenty-five cents (\$9.25) to the commission fund.

(5) For an operator's license issued after June 30, 2019, ten dollars and fifty cents (\$10.50) to the commission fund.

(c) A fee described in subsection (a)(4)(B) shall be distributed as follows:

(1) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(2) One dollar and fifty cents (\$1.50) to the crossroads 2000 fund.

(3) Three dollars (\$3) to the motor vehicle highway account.

(4) For an operator's license issued before July 1, 2019, as follows:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Four dollars and seventy-five cents (\$4.75) to the commission fund.

(5) For an operator's license issued after June 30, 2019, six dollars (\$6) to the commission fund.

(d) A fee described in subsection (a)(4)(C) shall be distributed as follows:

(1) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(2) One dollar (\$1) to the crossroads 2000 fund.

(3) Two dollars (\$2) to the motor vehicle highway account.

(4) For an operator's license issued before July 1, 2019, as follows:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Two dollars and twenty-five cents (\$2.25) to the commission fund.

(5) For an operator's license issued after June 30, 2019, three dollars and fifty cents (\$3.50) to the commission fund.

SECTION 430. IC 9-24-3-2.5, AS AMENDED BY P.L.150-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.5. (a) Except as provided in section 3 of this chapter, an individual must satisfy the requirements set forth in one (1) of the following subdivisions to receive an operator's license:

(1) The individual meets the following conditions:

(A) Is at least sixteen (16) years and ninety (90) days of age.

(B) Has held a valid learner's permit for at least one hundred eighty (180) days.

(C) Obtains an instructor's certification that the individual has satisfactorily completed an approved driver education course.

(D) Passes the required ~~examination~~: **examinations.**

(E) Completes at least fifty (50) hours of supervised driving practice, of which at least ten (10) hours are nighttime driving, as provided in subsection (b).

(2) The individual meets the following conditions:

(A) Is at least sixteen (16) years and two hundred seventy (270) days of age.

(B) Has held a valid learner's permit for at least one

hundred eighty (180) days.

(C) Passes the required ~~examination.~~ **examinations.**

(D) Completes at least fifty (50) hours of supervised driving practice, of which at least ten (10) hours are nighttime driving, as provided in subsection (b).

(3) The individual meets the following conditions:

(A) Is at least sixteen (16) years and one hundred eighty (180) days of age but less than eighteen (18) years of age.

(B) Has previously been a nonresident of Indiana, but, at the time of application, qualifies as an Indiana resident.

(C) Has held **for at least one hundred eighty (180) days** a valid driver's license, excluding a learner's permit or the equivalent, in the state or a combination of states in which the individual formerly resided. ~~for at least one hundred eighty (180) days.~~

(D) Passes the required examinations.

(4) The individual meets the following conditions:

(A) Is at least eighteen (18) years of age.

(B) Has previously been a nonresident of ~~Indiana~~ but, at the time of application, qualifies as an Indiana resident.

(C) Held a valid driver's license, excluding a learner's permit or the equivalent, from the state **or country** of prior residence.

(D) Passes the required examinations.

(5) The individual meets the following conditions:

(A) Is at least eighteen (18) years of age.

(B) Is a person with a disability.

(C) Has successfully completed driver rehabilitation training by a certified driver rehabilitation specialist recognized by the bureau.

(D) Passes the required examinations.

(b) An applicant who is required to complete at least fifty (50) hours of supervised practice driving under subsection (a)(1)(E) or (a)(2)(D) must do the following:

(1) If the applicant is less than eighteen (18) years of age, complete the practice driving with:

(A) a licensed driver, with valid driving privileges, who is:

(i) at least twenty-five (25) years of age; and

(ii) related to the applicant by blood, marriage, or legal status;

(B) the spouse of the applicant who is:

(i) a licensed driver with valid driving privileges; and

(ii) at least twenty-one (21) years of age; or

(C) an individual with valid driving privileges who:

(i) is licensed as a driver education instructor under IC 9-27-6-8 and is working under the direction of a driver training school described in IC 9-27-6-3(a)(2); or

(ii) is a certified driver rehabilitation specialist recognized by the bureau who is employed through a driver rehabilitation program.

(2) If the applicant is at least eighteen (18) years of age, complete the driving practice with:

(A) a licensed driver, with valid driving privileges, who is at least twenty-five (25) years of age; or

(B) the spouse of the applicant who is:

(i) a licensed driver with valid driving privileges; and

(ii) at least twenty-one (21) years of age.

(3) Submit to the commission under IC 9-24-9-2(c) evidence of the time logged in practice driving.

SECTION 431. IC 9-24-3-4 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 4. To receive an operator's license, an individual must surrender to the bureau any and all driver's licenses, identification cards, or photo exempt identification

cards issued under IC 9-24 to the individual by Indiana or any other jurisdiction.

SECTION 432. IC 9-24-3-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.5. (a) This section applies after December 31, 2016.

(b) The holder of an operator's license is entitled to operate a motor vehicle on a highway. An operator's license does not entitle the holder to operate the following:

(1) A commercial motor vehicle.

(2) A motorcycle, other than an autocycle.

(3) A Class A motor driven cycle.

(4) A vehicle that is operated for hire.

(c) A commercial driver's license or commercial learner's permit is required to operate a commercial motor vehicle.

(d) A motorcycle endorsement under IC 9-24-8.5 or a motorcycle learner's permit is required to operate the following:

(1) A motorcycle, other than an autocycle.

(2) A Class A motor driven cycle.

(e) A for-hire endorsement under IC 9-24-8.5 entitles the holder to operate the following:

(1) A motor vehicle that is:

(A) registered as having a gross weight of at least sixteen thousand (16,000) pounds; and

(B) used to transport property for hire.

(2) A motor vehicle that is used to transport passengers for hire.

(f) The following are not considered transporting for hire:

(1) Operating a medical services vehicle.

(2) Transporting a recreational vehicle before the first retail sale of the recreational vehicle when:

(A) the gross weight of the recreational vehicle is not more than twenty-six thousand (26,000) pounds; or

(B) the gross combination weight of the recreational vehicle and towing vehicle is not greater than twenty-six thousand (26,000) pounds, including the gross weight of the towed recreational vehicle, and the weight of the towed recreational vehicle is not greater than ten thousand (10,000) pounds.

(3) Operating a motor vehicle that is:

(A) registered as having a gross weight of less than sixteen thousand (16,000) pounds; and

(B) used to transport property for hire.

SECTION 433. IC 9-24-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.5. (a) The bureau may not issue a chauffeur's license after December 31, 2016.

(b) Notwithstanding subsection (a), a chauffeur's license issued before January 1, 2017, remains valid, unless otherwise suspended or revoked, until the expiration date printed on the chauffeur's license.

(c) This chapter expires July 1, 2024.

SECTION 434. IC 9-24-4-1, AS AMENDED BY P.L.125-2012, SECTION 176, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as otherwise provided in this article, the bureau shall issue a chauffeur's license to an individual who meets the following conditions:

(1) Satisfies the age requirements described in section 2 of this chapter.

(2) Has operated a motor vehicle, excluding operation under a learner's permit, for more than one (1) year.

(3) Makes proper application to the bureau under IC 9-24-9 upon a form prescribed by the bureau.

(4) Satisfactorily passes the examination and tests required for issuance of a chauffeur's license under IC 9-24-10.

(5) Pays the following applicable fee: ~~prescribed in IC 9-29-9.~~

(A) For an individual who is less than seventy-five (75) years of age, twenty-two dollars and fifty cents (\$22.50).

(B) For an individual who is at least seventy-five (75) years of age, eighteen dollars and fifty cents (\$18.50).

(b) A fee described in subsection (a)(5)(A) shall be distributed as follows:

(1) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(2) Four dollars (\$4) to the crossroads 2000 fund.

(3) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(4) Seven dollars and seventy-five cents (\$7.75) to the commission fund.

(5) Nine dollars (\$9) to the motor vehicle highway account.

(c) A fee described in subsection (a)(5)(B) shall be distributed as follows:

(1) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(2) Four dollars (\$4) to the crossroads 2000 fund.

(3) Six dollars (\$6) to the motor vehicle highway account.

(4) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(5) Six dollars and seventy-five cents (\$6.75) to the commission fund.

(d) This section expires December 31, 2016.

SECTION 435. IC 9-24-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in subsection (b), an individual must be at least eighteen (18) years of age to receive a chauffeur's license.

(b) The bureau may waive up to six (6) months of the age and experience requirements for an individual making an application for the individual's initial chauffeur's license due to hardship conditions.

(c) The bureau shall adopt rules under IC 4-22-2 to state the conditions under which the age requirements may be waived.

(d) This section expires December 31, 2016.

SECTION 436. IC 9-24-4-3, AS AMENDED BY P.L.125-2012, SECTION 177, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) To receive a chauffeur's license, an individual must surrender to the bureau all driver's licenses issued to the individual by Indiana or any other jurisdiction.

(b) This section expires December 31, 2016.

SECTION 437. IC 9-24-4-4, AS AMENDED BY P.L.221-2014, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) A chauffeur's license entitles the licensee to operate a motor vehicle, except a motorcycle, Class A motor driven cycle, or commercial motor vehicle without a proper permit or endorsement, upon a public highway. A chauffeur's license does not entitle the licensee to operate a motor vehicle as a public passenger chauffeur.

(b) This section expires December 31, 2016.

SECTION 438. IC 9-24-4-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.1. (a) This section applies after December 31, 2016.

(b) The holder of a valid chauffeur's license is entitled to the same driving privileges as the holder of an operator's license with a for-hire endorsement under IC 9-24-8.5.

SECTION 439. IC 9-24-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) A person may not employ another person as a chauffeur to operate a motor vehicle unless the other person is licensed as chauffeur

under this chapter.

(b) This section expires December 31, 2016.

SECTION 440. IC 9-24-4-5.3, AS ADDED BY P.L.76-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5.3. (a) An individual is not required to hold a chauffeur's license in order to transport a recreational vehicle prior to the first retail sale of the recreational vehicle if:

(1) the gross weight of the recreational vehicle is not more than twenty-six thousand (26,000) pounds; or

(2) the gross combination weight of the combination of recreational vehicle and towing vehicle is not more than twenty-six thousand (26,000) pounds, including a towed recreational vehicle with a gross weight of not more than ten thousand (10,000) pounds.

(b) This section expires December 31, 2016.

SECTION 441. IC 9-24-4-5.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 5-5: Notwithstanding any other law, a person holding a chauffeur's license that is renewed or issued after June 30, 1991, is not entitled by that license to operate a commercial motor vehicle.

SECTION 442. IC 9-24-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) A person who that violates this chapter commits a Class C infraction.

(b) This section expires December 31, 2016.

SECTION 443. IC 9-24-5-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.5. (a) The bureau may not issue a public passenger chauffeur's license after December 31, 2016.

(b) Notwithstanding subsection (a), a public passenger chauffeur's license issued before January 1, 2017, remains valid, unless otherwise suspended or revoked, until the expiration date printed on the public passenger chauffeur's license.

(c) This chapter expires July 1, 2022.

SECTION 444. IC 9-24-5-1, AS AMENDED BY P.L.125-2012, SECTION 180, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as otherwise provided in this article, the bureau shall issue a public passenger chauffeur's license to an individual who meets the following conditions:

(1) Is at least eighteen (18) years of age.

(2) Makes proper application to the bureau under IC 9-24-9, upon a form prescribed by the bureau.

(3) Successfully passes the physical examination given by a practicing physician licensed to practice medicine in Indiana.

(4) Has operated a motor vehicle, excluding operation under a learner's permit, for at least two (2) years.

(5) Satisfactorily passes the examination and tests for a public passenger chauffeur's license.

(6) Pays the fee prescribed in ~~IC 9-29-9~~: a fee of eighteen dollars and fifty cents (\$18.50). The fee shall be distributed as follows:

(A) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(B) Four dollars (\$4) to the crossroads 2000 fund.

(C) Six dollars (\$6) to the motor vehicle highway account.

(D) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(E) Six dollars and seventy-five cents (\$6.75) to the commission fund.

(b) This section expires December 31, 2016.

SECTION 445. IC 9-24-5-3, AS AMENDED BY P.L.221-2014, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A public passenger chauffeur's license entitles the licensee to:

(1) transport persons for hire; and

(2) operate a motor vehicle, except a commercial motor vehicle, a Class A motor driven cycle, or a motorcycle without the proper permit or endorsement; upon a public highway.

(b) This section expires December 31, 2016.

SECTION 446. IC 9-24-5-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.1. (a) This section applies after December 31, 2016.

(b) The holder of a valid public passenger chauffeur's license is entitled to the same driving privileges as the holder of an operator's license with a for-hire endorsement under IC 9-24-8.5.

SECTION 447. IC 9-24-5-4, AS AMENDED BY P.L.125-2012, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) To receive a public passenger chauffeur's license, an individual must surrender all driver's licenses issued to the individual by Indiana or any other jurisdiction.

(b) This section expires December 31, 2016.

SECTION 448. IC 9-24-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) A person may not employ another person as a public passenger chauffeur to operate a motor vehicle unless the other person is licensed as a public passenger chauffeur under this chapter.

(b) This section expires December 31, 2016.

SECTION 449. IC 9-24-5-5.5, AS AMENDED BY P.L.125-2012, SECTION 184, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5.5. (a) Notwithstanding any other law, a person holding a public passenger chauffeur's license that is renewed or issued after June 30, 1991, is not entitled by that license to operate a commercial motor vehicle.

(b) This section expires December 31, 2016.

SECTION 450. IC 9-24-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) A person who that violates this chapter commits a Class C infraction.

(b) This section expires December 31, 2016.

SECTION 451. IC 9-24-6 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Commercial Driver's License).

SECTION 452. IC 9-24-6.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 6.1. Commercial Driver's License Program

Sec. 1. This chapter, including any rules adopted by the bureau to implement this chapter, applies to the following:

- (1) The holder of a commercial driver's license or commercial learner's permit.
- (2) The operator of a commercial motor vehicle.
- (3) A person that employs an operator of a commercial motor vehicle.
- (4) A person that:
 - (A) educates or trains an individual; or
 - (B) prepares an individual for:
 - (i) an examination given by the bureau; or
 - (ii) testing described in section 5 of this chapter; to operate a commercial motor vehicle as a vocation.
- (5) A student of a person described in subdivision (4).

Sec. 2. (a) The bureau shall develop and implement a commercial driver's license program to:

- (1) issue commercial driver's licenses, commercial learner's permits, and related endorsements; and
- (2) regulate persons required to hold a commercial driver's license.

(b) Subject to IC 8-2.1-24-18, the program under subsection (a) must include procedures required to comply with 49 CFR 383 through 49 CFR 399.

(c) The bureau may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to implement this chapter.

Sec. 3. (a) An individual may not operate a commercial

motor vehicle unless the individual holds a valid commercial driver's license or commercial learner's permit issued by the bureau or another jurisdiction.

(b) An individual who violates this section commits a Class C infraction.

Sec. 4. (a) The fee for a commercial driver's license issued before January 1, 2017, is thirty-six dollars (\$36). The fee shall be distributed as follows:

- (1) One dollar and fifty cents (\$1.50) to the state motor vehicle technology fund.
- (2) Fifteen dollars (\$15) to the motor vehicle highway account.
- (3) Five dollars (\$5) to the integrated public safety communications fund.
- (4) Fourteen dollars and fifty cents (\$14.50) to the commission fund.

(b) The fee for a commercial driver's license issued after December 31, 2016, is thirty-five dollars (\$35). The fee shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (3) Two dollars (\$2) to the crossroads 2000 fund.
- (4) For a commercial driver's license issued before July 1, 2019, as follows:
 - (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
 - (B) Four dollars and seventy-five cents (\$4.75) to the commission fund.
- (5) For a commercial driver's license issued after June 30, 2019, six dollars (\$6) to the commission fund.
- (6) Any remaining amount to the motor vehicle highway account.

(c) The fee for a commercial learner's permit is seventeen dollars (\$17). The fee shall be distributed as follows:

- (1) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (2) Two dollars (\$2) to the crossroads 2000 fund.
- (3) For a commercial learner's permit issued before July 1, 2019, one dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (4) To the commission fund as follows:
 - (A) For a commercial learner's permit issued before January 1, 2017, twelve dollars and seventy-five cents (\$12.75).
 - (B) For a commercial learner's permit issued after December 31, 2016, and before July 1, 2019, five dollars (\$5).
 - (C) For a commercial learner's permit issued after June 30, 2019, six dollars and twenty-five cents (\$6.25).
- (5) To the motor vehicle highway account as follows:
 - (A) For a commercial learner's permit issued before January 1, 2017, fifty cents (\$0.50).
 - (B) For a commercial learner's permit issued after December 31, 2016, eight dollars and twenty-five cents (\$8.25).

(d) The payment of a fee imposed under this section does not relieve the holder of a commercial driver's license or commercial learner's permit of responsibility for the following fees, as applicable:

- (1) The fee to issue an amended or a replacement license or permit.
- (2) A fee to add or remove an endorsement to a license or permit.
- (3) The administrative penalty for the delinquent renewal of a license or permit.

Sec. 5. The bureau may contract with public and private institutions, agencies, businesses, and organizations to conduct testing required to implement the program. A

person that conducts testing under this section may impose, collect, and retain fees for conducting the testing.

Sec. 6. An individual may not operate a commercial motor vehicle with an alcohol concentration equivalent to at least four-hundredths (0.04) gram but less than eight-hundredths (0.08) gram of alcohol per:

- (1) one hundred (100) milliliters of the individual's blood; or
- (2) two hundred ten (210) liters of the individual's breath.

An individual who violates this section commits a Class C infraction.

Sec. 7. An individual who:

- (1) is:
 - (A) disqualified from operating a commercial motor vehicle by the bureau or the appropriate authority from another jurisdiction; or
 - (B) subject to an out-of-service order; and
- (2) operates a commercial motor vehicle;

commits a Class C misdemeanor.

Sec. 8. A person that knowingly allows, requires, permits, or authorizes an individual to operate a commercial motor vehicle during a period in which:

- (1) the individual is disqualified from operating a commercial motor vehicle by the bureau or the appropriate authority from another jurisdiction; or
- (2) the individual, the commercial motor vehicle, or the motor carrier operation is subject to an out-of-service order;

commits a Class C misdemeanor.

Sec. 9. (a) A person that violates or fails to comply with an out-of-service order is subject to a civil penalty in accordance with federal law.

(b) A civil penalty assessed under this section:

- (1) must be collected by the clerk of the court and transferred:
 - (A) to the motor vehicle highway account; or
 - (B) to the bureau for deposit in the motor vehicle highway account; and
- (2) is a judgment subject to proceedings supplemental by the bureau.

SECTION 453. IC 9-24-6.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Hazardous Materials Endorsement Application and Renewal).

SECTION 454. IC 9-24-7-1, AS AMENDED BY P.L.125-2012, SECTION 196, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The bureau shall issue a learner's permit to an individual who satisfies the following conditions:

- (+) is at least fifteen (15) years of age;
- (1) Makes a proper application in the form and manner prescribed by the bureau.
- (2) Pays a fee under subsection (b) or (c), as applicable.
- (2) (3) If less than eighteen (18) years of age, is not ineligible under IC 9-24-2-1.
- (3) is enrolled in an approved driver education course; and
- (4) Has passed a written examination as required under IC 9-24-10.

(b) The bureau shall issue a learner's permit to an individual who:

- (+) (5) Either:
 - (A) is at least sixteen (16) years of age;
 - (2) if less than eighteen (18) years of age; is not ineligible under IC 9-24-2; and
 - (3) has passed a written examination as required under IC 9-24-10; or
 - (B) if at least fifteen (15) years of age but less than sixteen (16) years of age, is enrolled in an approved driver education course.

(b) The fee for a learner's permit issued before January 1, 2017, is nine dollars and fifty cents (\$9.50). The fee shall

be distributed as follows:

- (1) Fifty cents (\$0.50) to the motor vehicle highway account.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (3) Two dollars (\$2) to the crossroads 2000 fund.
- (4) One dollar and seventy-five cents (\$1.75) to the integrated public safety communications fund.
- (5) Four dollars and seventy-five cents (\$4.75) to the commission fund.

(c) The fee for a learner's permit issued after December 31, 2016, is nine dollars (\$9). The fee shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the motor vehicle highway account.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (3) Two dollars (\$2) to the crossroads 2000 fund.
- (4) For a learner's permit issued before July 1, 2019, as follows:
 - (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
 - (B) Five dollars (\$5) to the commission fund.
- (5) For a learner's permit issued after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

SECTION 455. IC 9-24-7-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 2. The instructor of an approved driver education course shall validate or certify a learner's permit when the holder has satisfactorily completed the course. If the instructor is unable to certify the actual learner's permit, the instructor may certify that the holder has satisfactorily completed the course in a manner the bureau prescribes.

SECTION 456. IC 9-24-7-4, AS AMENDED BY P.L.150-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. A learner's permit authorizes the permit holder to operate a motor vehicle, except a motorcycle, a Class A motor driven cycle, or a commercial motor vehicle, upon a public highway under the following conditions:

(1) While the holder is participating in practice driving in an approved driver education course and is accompanied in the front seat of the motor vehicle beside the holder by an individual with valid driving privileges who:

- (A) is licensed as a driver education instructor under IC 9-27-6-8 and is working under the direction of a driver training school described in IC 9-27-6-3(a)(2); or
- (B) is a certified driver rehabilitation specialist recognized by the bureau who is employed through a driver rehabilitation program.

(2) While the holder is participating in practice driving after having commenced an approved driver education course and is accompanied in the front seat of the motor vehicle beside the holder is occupied by an individual a licensed driver with valid driving privileges who is at least:

- (A) twenty-five (25) years of age and related to the applicant by blood, marriage, or legal status; or
- (B) if the licensed driver individual is the holder's spouse, twenty-one (21) years of age.

(3) If the holder is not participating in an approved driver education course, and is less than eighteen (18) years of age, the holder may participate in practice driving if accompanied in the front seat of the motor vehicle beside the holder is occupied by an individual who is:

- (A) a licensed driver, with valid driving privileges, who is:
 - (i) at least twenty-five (25) years of age; and
 - (ii) related to the applicant by blood, marriage, or

legal status;

- (B) the spouse of the applicant who is:
 - (i) a licensed driver with valid driving privileges; and
 - (ii) at least twenty-one (21) years of age; or
- (C) an individual with valid driving privileges who:
 - (i) is licensed as a driver education instructor under IC 9-27-6-8 and is working under the direction of a driver training school described in IC 9-27-6-3(a)(2); or
 - (ii) is a certified driver rehabilitation specialist recognized by the bureau who is employed through a driver rehabilitation program.

(4) If the holder is not participating in an approved driver education course, and is at least eighteen (18) years of age, the holder may participate in practice driving if accompanied in the front seat of the motor vehicle by an individual who is:

- (A) a licensed driver, with valid driving privileges, who is at least twenty-five (25) years of age; or
- (B) the spouse of the applicant who is:
 - (i) a licensed driver with valid driving privileges; and
 - (ii) at least twenty-one (21) years of age.

SECTION 457. IC 9-24-8-0.5, AS ADDED BY P.L.82-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.5. The operator of an autocycle is not required to hold a motorcycle learner's permit. ~~or motorcycle endorsement.~~

SECTION 458. IC 9-24-8-1 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 1. The bureau shall determine reasonable standards for, develop, and issue the following:~~

- ~~(1) A motorcycle learner's permit.~~
- ~~(2) A motorcycle license endorsement.~~

SECTION 459. IC 9-24-8-3, AS AMENDED BY P.L.221-2014, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The bureau shall issue a motorcycle learner's permit to an individual who meets the following conditions:

- (1) The individual holds a valid ~~operator's, chauffeur's, public passenger chauffeur's, or commercial driver's~~ license issued under this article.
- (2) The individual passes a written examination developed by the bureau concerning the safe operation of a motorcycle.
- (3) The individual makes a proper application in the form and manner prescribed by the bureau.**
- (4) The individual pays the appropriate fee under subsection (c) or (d).**

(b) A motorcycle learner's permit authorizes the ~~permit's~~ holder to operate a motorcycle or Class A motor driven cycle upon a highway ~~during a period of one (1) year~~ under the following conditions:

- (1) The holder wears a helmet that meets the standards ~~established by the United States Department of Transportation under described in 49 CFR 571.218 as in effect January 1, 1979; 2000.~~
- (2) The motorcycle or Class A motor driven cycle is operated only during ~~daylight hours; the period from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.~~
- (3) The motorcycle or Class A motor driven cycle does not carry passengers other than the operator.

~~(c) A motorcycle learner's permit may be renewed one (1) time for a period of one (1) year. An individual who does not obtain a motorcycle operator endorsement before the expiration of the renewed learner's permit must wait one (1) year to reapply for a new motorcycle learner's permit.~~

(c) The fee for a motorcycle learner's permit issued before January 1, 2017, is nine dollars and fifty cents

(\$9.50). The fee shall be distributed as follows:

- (1) One dollar (\$1) to the state motor vehicle technology fund.**
- (2) One dollar (\$1) to the motor vehicle highway account.**
- (3) Two dollars (\$2) to the crossroads 2000 fund.**
- (4) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.**
- (5) Four dollars and twenty-five cents (\$4.25) to the commission fund.**

(d) The fee for a motorcycle learner's permit issued after December 31, 2016, is nine dollars (\$9). The fee shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the motor vehicle highway account.**
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.**
- (3) Two dollars (\$2) to the crossroads 2000 fund.**
- (4) For a motorcycle learner's permit issued before July 1, 2019, as follows:**

- (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.**
- (B) Five dollars (\$5) to the commission fund.**

- (5) For a motorcycle learner's permit issued after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.**

(e) The fee for a motorcycle operational skills test administered under this chapter is as follows:

- (1) For tests given by state employees, the fee is five dollars (\$5) and shall be deposited in the motor vehicle highway account under IC 8-14-1.**
- (2) For tests given by a contractor approved by the bureau, the fee is:**

- (A) determined under rules adopted by the bureau under IC 4-22-2 to cover the direct costs of administering the test; and**
- (B) paid to the contractor.**

SECTION 460. IC 9-24-8-4, AS AMENDED BY P.L.149-2015, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) Except as provided in subsections (b) and (c), the bureau shall validate an operator's, a chauffeur's, a public passenger chauffeur's, or a commercial driver's license for motorcycle operation upon a highway by endorsement to a person who:

- (1) satisfactorily completes the written and approved operational skills tests;
- (2) satisfactorily completes a motorcycle operator safety education course approved by the bureau as set forth in IC 9-27-7; or
- (3) holds a current motorcycle operator endorsement or motorcycle operator's license from any other jurisdiction and successfully completes the written test.

The bureau may waive the testing requirements for an individual who has completed a course described in subdivision (2).

(b) The bureau may not issue a motorcycle endorsement or a motorcycle endorsement with a Class A motor driven cycle restriction to an individual less than sixteen (16) years and one hundred eighty (180) days of age.

(c) If an applicant for a motorcycle license endorsement or a motorcycle endorsement with a Class A motor driven cycle restriction is less than eighteen (18) years of age, the bureau may not issue a license endorsement described in subsection (a) or (g), as applicable, if the applicant is ineligible under IC 9-24-2-1.

(d) The bureau shall develop and implement both a written test and an operational skills test to determine whether an applicant for a motorcycle endorsement or a motorcycle endorsement with a Class A motor driven cycle restriction demonstrates the necessary knowledge and skills to operate a motorcycle upon a highway. The written test must be made

available at license branch locations approved by the bureau. The operational skills test must be given at locations designated by the bureau. The bureau may adopt rules under IC 4-22-2 to establish standards for persons administering operational skills tests and the provisions of the operational skills test. An individual applying for a motorcycle endorsement or a motorcycle endorsement with a Class A motor driven cycle restriction must pass the written exam before taking the operational skills test. If an applicant fails to satisfactorily complete either the written or operational tests, the applicant may reapply for and must be offered the examination upon the same terms and conditions as applicants may reapply for and be offered examinations for an operator's license. The bureau shall publish and make available at all locations where an individual may apply for an operator's license information concerning a motorcycle endorsement or a motorcycle endorsement with a Class A motor driven cycle restriction.

(e) An individual may apply for a motorcycle endorsement or a motorcycle endorsement with a Class A motor driven cycle restriction not later than the expiration date of the permit. However, an individual who holds a learner's permit and does not pass the operating skills examination after a third attempt is not eligible to take the examination until two (2) months after the date of the last failed examination.

(f) ~~A person~~ **An individual** who held a valid Indiana motorcycle operator's license on December 31, 2011, may be issued a motorcycle operator's endorsement after December 31, 2011, on a valid Indiana operator's, chauffeur's, public passenger chauffeur's, or commercial driver's license after:

- (1) making the appropriate application for endorsement;
- (2) passing the appropriate examinations; and
- (3) paying the **following** appropriate fee: ~~set forth in IC 9-29-9-7 or IC 9-29-9-8.~~

(A) For validation of a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction of an operator's or commercial driver's license issued to an individual who is less than seventy-five (75) years of age, twelve dollars (\$12). The fee shall be distributed as follows:

- (i) One dollar (\$1) to the crossroads 2000 fund.**
- (ii) Two dollars and twenty-five cents (\$2.25) to the motor vehicle highway account.**
- (iii) One dollar (\$1) to the state motor vehicle technology fund.**
- (iv) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.**
- (v) Six dollars and fifty cents (\$6.50) to the commission fund.**

(B) For validation of a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction of an operator's or commercial driver's license issued to an individual who is at least seventy-five (75) years of age, ten dollars and fifty cents (\$10.50). The fee shall be distributed as follows:

- (i) Seventy-five cents (\$0.75) to the motor vehicle highway account.**
- (ii) One dollar (\$1) to the state motor vehicle technology fund.**
- (iii) One dollar (\$1) to the crossroads 2000 fund.**
- (iv) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.**
- (v) Six dollars and fifty cents (\$6.50) to the commission fund.**

(C) For validation of a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction under this section and

IC 9-24-12-7 of a chauffeur's license issued to an individual who is less than seventy-five (75) years of age, twelve dollars (\$12). The fee shall be distributed as follows:

- (i) One dollar (\$1) to the crossroads 2000 fund.**
- (ii) Two dollars and twenty-five cents (\$2.25) to the motor vehicle highway account.**
- (iii) Fifty cents (\$0.50) to the state motor vehicle technology fund.**
- (iv) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.**
- (v) Seven dollars (\$7) to the commission fund.**

(D) For validation of a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction under this section and IC 9-24-12-7 of a chauffeur's license issued to an individual who is at least seventy-five (75) years of age, ten dollars and fifty cents (\$10.50). The fee shall be distributed as follows:

- (i) Seventy-five cents (\$0.75) to the motor vehicle highway account.**
- (ii) One dollar (\$1) to the crossroads 2000 fund.**
- (iii) One dollar (\$1) to the state motor vehicle technology fund.**
- (iv) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.**
- (v) Six dollars and fifty cents (\$6.50) to the commission fund.**

(E) For validation of a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction under this section and IC 9-24-12-7 of a public passenger chauffeur's license, eight dollars and fifty cents (\$8.50). The fee shall be distributed as follows:

- (i) Fifty cents (\$0.50) to the state motor vehicle technology fund.**
- (ii) One dollar (\$1) to the crossroads 2000 fund.**
- (iii) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.**
- (iv) Five dollars and fifty cents (\$5.50) to the commission fund.**

(g) Except as provided in subsections (b) and (c), the bureau may validate a driver's license described in subsection (a) for Class A motor driven cycle operation upon a highway by endorsement with a Class A motor driven cycle restriction to a person who:

- (1) makes the appropriate application for endorsement;
- (2) satisfactorily completes:
 - (A) the written and approved operational skills tests described in subsection (a)(1); or
 - (B) a motorcycle operator safety education course described in IC 9-27-7; and
- (3) pays the ~~appropriate fees under IC 9-29-9.~~ **following applicable fee:**

(A) For an individual who is less than seventy-five (75) years of age, twelve dollars (\$12). The fee shall be distributed as follows:

- (i) One dollar (\$1) to the crossroads 2000 fund.**
- (ii) Two dollars and twenty-five cents (\$2.25) to the motor vehicle highway account.**
- (iii) One dollar (\$1) to the state motor vehicle technology fund.**
- (iv) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.**
- (v) Six dollars and fifty cents (\$6.50) to the commission fund.**

(B) For an individual who is at least seventy-five (75) years of age, ten dollars and fifty cents (\$10.50).

The fee shall be distributed as follows:

- (i) Seventy-five cents (\$0.75) to the motor vehicle highway account.
- (ii) One dollar (\$1) to the state motor vehicle technology fund.
- (iii) One dollar (\$1) to the crossroads 2000 fund.
- (iv) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (v) Six dollars and fifty cents (\$6.50) to the commission fund.

(h) This section expires December 31, 2016.

SECTION 461. IC 9-24-8.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 8.5. Endorsements

Sec. 1. This chapter applies to an operator's license or a commercial driver's license that is issued or renewed after December 31, 2016.

Sec. 2. (a) An operator's license may include one (1) or more of the following:

- (1) A motorcycle endorsement under IC 9-24-8-4 (before its expiration) or section 3 of this chapter.
- (2) A for-hire endorsement under section 5 of this chapter.

(b) A commercial driver's license may include one (1) or more of the following:

- (1) A motorcycle endorsement under IC 9-24-8-4 (before its expiration) or section 3 of this chapter.
- (2) An endorsement under IC 9-24-6.1, including under any rules adopted under IC 9-24-6.1.

Sec. 3. (a) The bureau shall add a motorcycle endorsement to a driver's license if the holder meets the following conditions:

- (1) Is at least sixteen (16) years and one hundred eighty (180) days of age.
- (2) Makes a proper application in the form and manner prescribed by the bureau.
- (3) Has passed a written examination developed by the bureau concerning the safe operation of a motorcycle.
- (4) Satisfactorily completes an operational skills test at a location approved by the bureau.
- (5) Pays a fee of nineteen dollars (\$19). The fee shall be distributed as follows:

- (A) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (B) One dollar and twenty-five cents (\$1.25) to the motor vehicle highway account.
- (C) For an endorsement issued before July 1, 2019:
 - (i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
 - (ii) Sixteen dollars (\$16) to the commission fund.
- (D) For an endorsement issued after June 30, 2019, seventeen dollars and twenty-five cents (\$17.25) to the commission fund.

(b) The bureau may waive the testing requirements under subsection (a)(3) and (a)(4) for an individual who satisfactorily completes a motorcycle operator safety course approved by the bureau as set forth in IC 9-27-7.

(c) The bureau may waive the operational skills test under subsection (a)(4) for an individual who holds a valid motorcycle endorsement or motorcycle license from any other jurisdiction.

(d) An individual who fails the operational skills test under subsection (a)(4) three (3) consecutive times is not eligible to retake the test until two (2) months after the date of the most recent failed test.

(e) The fee for a motorcycle operational skills test administered under this chapter is as follows:

- (1) For tests given by state employees, the fee is five dollars (\$5) and shall be deposited in the motor vehicle

highway account under IC 8-14-1.

(2) For tests given by a contractor approved by the bureau, the fee is:

- (A) determined under rules adopted by the bureau under IC 4-22-2 to cover the direct costs of administering the test; and
- (B) paid to the contractor.

Sec. 4. (a) In addition to the operating privileges granted to the holder of an operator's license, the holder of an operator's license with a motorcycle endorsement is entitled to operate a motorcycle or a Class A motor driven cycle on a highway.

(b) In addition to the operating privileges granted to the holder of an operator's license, the holder of an operator's license with a motorcycle endorsement with a Class A motor driven cycle restriction is entitled to operate a Class A motor driven cycle upon a highway.

(c) A motorcycle endorsement is not required to operate an autocycle.

Sec. 5. The bureau shall add a for-hire endorsement to an operator's license if the holder meets the following conditions:

- (1) Is at least eighteen (18) years of age.
- (2) Has held a valid driver's license for more than one (1) year.
- (3) Makes a proper application in a form and manner prescribed by the bureau.
- (4) Satisfactorily passes a written test approved by the bureau.
- (5) Pays a fee of nineteen dollars (\$19). The fee shall be distributed as follows:

- (A) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (B) One dollar and twenty-five cents (\$1.25) to the motor vehicle highway account.
- (C) For an endorsement issued before July 1, 2019:
 - (i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
 - (ii) Sixteen dollars (\$16) to the commission fund.
- (D) For an endorsement issued after June 30, 2019, seventeen dollars and twenty-five cents (\$17.25) to the commission fund.

Sec. 6. (a) In addition to the operating privileges granted to the holder of an operator's license, an operator's license with a for-hire endorsement entitles the holder to operate the following:

- (1) A motor vehicle that is:
 - (A) registered as having a gross weight of at least sixteen thousand (16,000) pounds but not more than twenty-six thousand (26,000) pounds; and
 - (B) operated for the purpose of transporting property for hire.
- (2) A motor vehicle that is:
 - (A) designed to transport fewer than sixteen (16) passengers, including the driver; and
 - (B) operated for the purpose of transporting passengers for hire.

(b) The holder of an operator's license with a for-hire endorsement is not entitled to operate a commercial motor vehicle.

Sec. 7. A person may not employ an individual to operate a motor vehicle in a manner for which a for-hire endorsement is required unless the individual holds one (1) of the following:

- (1) A valid operator's license with a for-hire endorsement.
- (2) A valid commercial driver's license.
- (3) A valid chauffeur's license issued under IC 9-24-4 (before its expiration).
- (4) A valid public passenger chauffeur's license issued under IC 9-24-5 (before its expiration).

Sec. 8. A person that violates this chapter commits a Class C infraction.

SECTION 462. IC 9-24-9-1, AS AMENDED BY P.L.128-2015, SECTION 226, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Each application for a permit or **driver's** license under this chapter must:

- (1) be made upon the approved form for the application furnished by the bureau;
- (2) include a signed affidavit in which the applicant swears or affirms that the information set forth in the application by the applicant is correct; and
- (3) include a voter registration form as provided in IC 3-7-14 and 52 U.S.C. 20504(c)(1).

However, an online application does not have to include a voter registration form under subdivision (3).

(b) The Indiana election commission may prescribe a voter registration form for use under subsection (a) that is a separate document from the remaining portions of the application described in subsection (a)(1) and (a)(2) if the voter registration form remains a part of the application, as required under 52 U.S.C. 20504(c)(1).

SECTION 463. IC 9-24-9-2, AS AMENDED BY P.L.149-2015, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in subsection (b), each application for a **driver's** license or permit under this chapter must require the following information:

- (1) The full legal name of the applicant.
- (2) The applicant's date of birth.
- (3) The gender of the applicant.
- (4) The applicant's height, weight, hair color, and eye color.
- (5) The principal address and mailing address of the applicant.
- (6) A:
 - (A) valid Social Security number; or
 - (B) verification of an applicant's:
 - (i) ineligibility to be issued a Social Security number; and
 - (ii) identity and lawful status.
- (7) Whether the applicant has been subject to fainting spells or seizures.
- (8) Whether the applicant has been licensed as an operator, a chauffeur, or a public passenger chauffeur issued a **driver's** license or has been the holder of a learner's permit, and if so, when and by what state jurisdiction.
- (9) Whether the applicant's **driver's** license or permit has ever been suspended or revoked, and if so, the date of and the reason for the suspension or revocation.
- (10) Whether the applicant has been convicted of:
 - (A) a crime punishable as a felony under Indiana motor vehicle law; or
 - (B) any other felony in the commission of which a motor vehicle was used; that has not been expunged by a court.
- (11) Whether the applicant has a physical or mental disability, and if so, the nature of the disability, and other information the bureau directs.
- (12) The signature of the applicant showing the applicant's legal name as it appears or will appear on the **driver's** license or permit.
- (13) A digital photograph of the applicant.
- (14) Any other information the bureau requires.

The bureau shall maintain records of the information provided under subdivisions (1) through (13):

(b) For purposes of subsection (a), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the individual's

principal address and mailing address, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the individual's principal address and mailing address.

(c) In addition to the information required by subsection (a), an applicant who is required to complete at least fifty (50) hours of supervised practice driving under IC 9-24-3-2.5(a)(1)(E) or IC 9-24-3-2.5(a)(2)(D) must submit to the bureau evidence of the time logged in practice driving. The bureau shall maintain a record of the time log provided.

(d) In addition to the information required under subsection (a), an application for a license or permit to be issued under this chapter must enable the applicant to indicate that the applicant is a member of the armed forces of the United States and wishes to have an indication of the applicant's veteran or active military or naval service status appear on the license or permit. An applicant who wishes to have an indication of the applicant's veteran or active military or naval service status appear on a license or permit must:

- (1) indicate on the application that the applicant:
 - (A) is a member of the armed forces of the United States; and
 - (B) wishes to have an indication of the applicant's veteran or active military or naval service status appear on the license or permit; and
- (2) verify the applicant's:
 - (A) veteran status by providing proof of discharge or separation, other than a dishonorable discharge, from the armed forces of the United States; or
 - (B) active military or naval service status by means of a current armed forces identification card.

The bureau shall maintain records of the information provided under this subsection:

- (e) The bureau may adopt rules under IC 4-22-2 to:
 - (1) verify an applicant's identity, lawful status, and residence; and
 - (2) invalidate on a temporary basis a license or permit that has been issued based on fraudulent documentation.

SECTION 464. IC 9-24-9-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.3. (a) An application for a **driver's** license or permit to be issued under this article must enable the applicant to indicate the following:

- (1) The applicant is a veteran and wishes to have an indication of the applicant's veteran status appear on the **driver's** license or permit.
- (2) The applicant has a medical condition of note and wishes to have an identifying symbol and a brief description of the medical condition appear on the **driver's** license or permit.

(b) The bureau shall inform an applicant that submission of information under this section is voluntary.

SECTION 465. IC 9-24-9-2.5, AS AMENDED BY P.L.162-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.5. In addition to the information required from the applicant for a **driver's** license or permit under sections 1 and 2 of this chapter, the bureau shall require an applicant to present to the bureau valid documentary evidence that the applicant:

- (1) is a citizen or national of the United States;
- (2) is an alien lawfully admitted for permanent residence in the United States;
- (3) has conditional permanent resident status in the United States;
- (4) has an approved application for asylum in the United States or has entered into the United States in refugee status;
- (5) is an alien lawfully admitted for temporary residence in the United States;

- (6) has a valid unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;
- (7) has a pending application for asylum in the United States;
- (8) has a pending or approved application for temporary protected status in the United States;
- (9) has approved deferred action status; or
- (10) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

SECTION 466. IC 9-24-9-3, AS AMENDED BY P.L.156-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The application of an individual less than eighteen (18) years of age for a permit or **driver's** license under this chapter must be signed and sworn to or affirmed by one (1) of the following in order of preference:

- (1) The parent having custody of the minor applicant or a designee of the custodial parent specified by the custodial parent.
- (2) The noncustodial parent (as defined in IC 31-9-2-83) of the minor applicant or a designee of the noncustodial parent specified by the noncustodial parent.
- (3) The guardian having custody of the minor applicant.
- (4) In the absence of a person described in subdivisions (1) through (3), any other adult who is willing to assume the obligations imposed by the provisions of this chapter.

(b) The bureau shall require an individual signing an application under subsection (a) to present a valid form of identification in a manner prescribed by the bureau.

SECTION 467. IC 9-24-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) An individual who signs an application for a permit or **driver's** license under this chapter agrees to be responsible jointly and severally with the minor applicant for any injury or damage that the minor applicant causes by reason of the operation of a motor vehicle if the minor applicant is liable in damages.

(b) An individual who has signed the application of a minor applicant for a permit or **driver's** license may subsequently file with the bureau a verified written request that the permit or **driver's** license be canceled. The bureau shall cancel the permit or **driver's** license, and the individual who signed the application of the minor applicant shall be relieved from the liability that is imposed under this chapter by reason of having signed the application and that is subsequently incurred by the minor applicant in operating a motor vehicle.

(c) When a minor applicant becomes eighteen (18) years of age, the individual who signed the minor's application is relieved from the liability imposed under this chapter and subsequently incurred by the applicant operating a motor vehicle.

SECTION 468. IC 9-24-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) If the individual who signs an application of a minor applicant dies, the minor permittee or licensee shall notify the bureau of the death and obtain a new signer.

(b) The bureau, upon:

- (1) receipt of satisfactory evidence of the death of the individual who signed an application of a minor applicant for a permit or **driver's** license; and
- (2) the failure of the minor permittee or licensee to obtain a new signer;

shall cancel the minor's permit or **driver's** license and may not issue a new permit or **driver's** license until the time that a new application is signed and an affidavit described in section 1 of this chapter is made.

SECTION 469. IC 9-24-9-5.5, AS ADDED BY P.L.62-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5.5. (a) Any male who:

- (1) applies for issuance or renewal of ~~any a~~ **driver's** license; ~~listed in IC 9-24-1-1;~~
- (2) is less than twenty-six (26) years of age; and
- (3) is or will be required to register under 50 U.S.C. App. 453(a);

may authorize the bureau to register him with the Selective Service System in compliance with the requirements of the federal Military Selective Service Act under 50 U.S.C. App. 451 et seq.

(b) The application form for a driver's license or driver's license renewal must include a box that an applicant can check to:

- (1) identify the applicant as a male who is less than twenty-six (26) years of age; and
- (2) indicate the applicant's intention to authorize the bureau to submit the necessary information to the Selective Service System to register the applicant with the Selective Service System in compliance with federal law.

(c) The application form for a driver's license or driver's license renewal shall contain the following statement beneath the box described in subsection (b):

"Failure to register with the Selective Service System in compliance with the requirements of the federal Military Selective Service Act, 50 U.S.C. App. 451 et seq., is a felony and is punishable by up to five (5) years imprisonment and a two hundred fifty thousand dollar (\$250,000) fine. Failure to register may also render you ineligible for certain federal benefits, including student financial aid, job training, and United States citizenship for male immigrants. By checking the above box, I am consenting to registration with the Selective Service System. If I am less than eighteen (18) years of age, I understand that I am consenting to registration with the Selective Service System when I become eighteen (18) years of age."

(d) When authorized by the applicant in conformity with this section, the bureau shall forward the necessary registration information provided by the applicant to the Selective Service System in the electronic format or other format approved by the Selective Service System.

(e) Failure of an applicant to authorize the bureau to register the applicant with the Selective Service System is not a basis for denying the applicant driving privileges.

~~(f) This section is effective January 1, 2009.~~

SECTION 470. IC 9-24-9-7 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 7: ~~The bureau may:~~

- ~~(1) adopt rules under IC 4-22-2; and~~
- ~~(2) prescribe all necessary forms;~~

~~to implement this chapter.~~

SECTION 471. IC 9-24-10-1, AS AMENDED BY P.L.85-2013, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. An individual who applies **under this chapter** for a permit or **driver's** license ~~under this chapter~~ and who is required by this chapter to take an examination shall:

- (1) appear before a member of the bureau ~~designated by the commissioner; or commission;~~ or
- (2) appear before an instructor having an endorsement under IC 9-27-6-8 who did not instruct the individual applying for the license or permit in driver education;

and be examined concerning the applicant's qualifications and ability to operate a motor vehicle upon ~~Indiana highways: a~~ **highway.**

SECTION 472. IC 9-24-10-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 2: ~~The bureau may adopt rules under IC 4-22-2 necessary for the conduct of examinations for a learner's permit, an operator's license, a chauffeur's license, and a public passenger chauffeur's license in accordance with this chapter concerning the qualifications and ability of applicants to operate motor vehicles in accordance with the rights and~~

privileges of those permits and licenses.

SECTION 473. IC 9-24-10-3 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 3: An applicant may take any or all of the tests required by section 4(a)(1)(B), 4(a)(1)(C), and 4(a)(2) of this chapter at any license branch location in Indiana.~~

SECTION 474. IC 9-24-10-4, AS AMENDED BY P.L.149-2015, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) Except as provided in subsection (c), an examination for a learner's permit or driver's license must include the following:

- (1) A test of the following of the applicant:
 - (A) Eyesight.
 - (B) Ability to read and understand highway signs regulating, warning, and directing traffic.
 - (C) Knowledge of Indiana traffic laws, including IC 9-26-1-1.5.
- (2) An actual demonstration of the applicant's skill in exercising ordinary and reasonable control in the operation of a motor vehicle under the type of permit or **driver's** license applied for.

(b) The examination may include further physical and mental examination that the bureau finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon ~~Indiana highways: a highway~~. The applicant must provide the motor vehicle used in the examination. An autocycle may not be used as the motor vehicle provided for the examination.

(c) The bureau:

- (1) may waive the actual demonstration required under subsection (a)(2) for ~~a person~~ **an individual** who has passed:

- (A) a driver's education class and a skills test given by a driver training school; or
- (B) a driver education program given by an entity licensed under IC 9-27; and

- (2) may waive the testing, other than **eyesight** testing under subsection (a)(1)(A), of an applicant who has passed:

- (A) an examination concerning:
 - (i) subsection (a)(1)(B); and
 - (ii) subsection (a)(1)(C); and
- (B) a skills test;

given by a driver training school or an entity licensed under IC 9-27.

~~(d) The bureau shall adopt rules under IC 4-22-2 specifying requirements for a skills test given under subsection (c) and the testing required under subsection (a)(1).~~

~~(e) (d)~~ An instructor having a license under IC 9-27-6-8 who did not instruct the applicant for the **driver's** license or permit in driver education is not civilly or criminally liable for a report made in good faith to the:

- (1) bureau;
- (2) commission; or
- (3) driver licensing medical advisory board;

concerning the fitness of the applicant to operate a motor vehicle in a manner that does not jeopardize the safety of individuals or property.

SECTION 475. IC 9-24-10-6, AS AMENDED BY P.L.85-2013, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) The bureau, before issuing an initial or a renewal **driver's** license, permit, or endorsement, may require an applicant to submit to an examination, an investigation, or both an examination and investigation, under section 7 of this chapter. The bureau may cause the examination or investigation to be made whenever it appears from:

- (1) the face of the application;
- (2) the apparent physical or mental condition of the applicant;
- (3) the records of the bureau; or
- (4) any information that has come to the attention of the

bureau;

that the applicant does not apparently possess the physical, mental, or other qualifications to operate a motor vehicle in a manner that does not jeopardize the safety of individuals or property.

(b) Upon the conclusion of all examinations or investigations under this section, the bureau shall take appropriate action and may:

- (1) refuse to issue or reissue the **driver's** license, permit, endorsement, or **driving** privileges;
- (2) suspend or revoke the **driver's** license, permit, endorsement, or **driving** privileges;
- (3) issue restricted driving privileges subject to restrictions the bureau considers necessary in the interest of public safety; or
- (4) permit the **licensed driver applicant** to retain or obtain the **driver's** license, permit, endorsement, or **driving** privileges.

(c) An applicant may appeal an action taken by the bureau under this section to the circuit or superior court of the county in which the applicant resides.

SECTION 476. IC 9-24-10-7, AS AMENDED BY P.L.85-2013, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) If the bureau has good cause to believe that a licensed driver is:

- (1) incompetent; or
- (2) otherwise unfit to operate a **motor** vehicle;

the bureau may, upon written notice of at least five (5) days, require the licensed driver to submit to an examination, an investigation of the driver's continued fitness to operate a motor vehicle safely, including requesting medical information from the driver or the driver's health care sources, or both an examination and an investigation.

(b) Upon the conclusion of all examinations and investigations of a driver under this section, the bureau:

- (1) shall take appropriate action; and
- (2) may:

- (A) suspend or revoke the **driver's** license or driving privileges of the licensed driver;
- (B) permit the licensed driver to retain the **driver's** license or driving privileges of the licensed driver; or
- (C) issue restricted driving privileges subject to restrictions the bureau considers necessary in the interest of public safety.

(c) If a licensed driver refuses or neglects to submit to an examination or investigation under this section, the bureau may suspend or revoke the **driver's** license or driving privileges of the licensed driver. The bureau may not suspend or revoke the **driver's** license or driving privileges of the licensed driver until a reasonable investigation of the driver's continued fitness to operate a motor vehicle safely has been made by the bureau.

(d) A licensed driver may appeal an action taken by the bureau under this section to the circuit court or superior court of the county in which the licensed driver resides.

SECTION 477. IC 9-24-11-1, AS AMENDED BY P.L.125-2012, SECTION 207, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The bureau shall issue a permit or **driver's** license to every applicant who meets the following conditions:

- (1) Qualifies as required.
- (2) Makes the proper application.
- (3) Pays the required fee.
- (4) Passes the required examinations.

SECTION 478. IC 9-24-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. The bureau may issue all permits and **driver's** licenses required by law for the operation of a motor vehicle in a manner the bureau considers necessary and prudent.

SECTION 479. IC 9-24-11-3.3 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 3-3: (a) This section applies~~

to a probationary operator's license issued after June 30, 2009:

(b) A license issued to or held by an individual less than twenty-one (21) years of age is a probationary license. An individual holds a probationary license subject to the following conditions:

(1) Except as provided in subdivision (3); the individual may not operate a motor vehicle from 10 p.m. until 5 a.m. of the following morning during the first one hundred eighty (180) days after issuance of the probationary license.

(2) Except as provided in subdivision (3); after one hundred eighty (180) days after issuance of the probationary license; and until the individual becomes eighteen (18) years of age; an individual may not operate a motor vehicle:

(A) between 1 a.m. and 5 a.m. on a Saturday or Sunday;

(B) after 11 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; or

(C) before 5 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.

(3) The individual may operate a motor vehicle during the periods described in subdivisions (1) and (2) if the individual operates the motor vehicle while:

(A) participating in; going to; or returning from:

- (i) lawful employment;
- (ii) a school sanctioned activity; or
- (iii) a religious event; or

(B) accompanied in the front seat of the motor vehicle by a licensed driver with valid driving privileges who is:

- (i) at least twenty-five (25) years of age; or
- (ii) if the licensed driver is the individual's spouse; at least twenty-one (21) years of age.

(4) The individual may not operate a motor vehicle while using a telecommunications device until the individual becomes twenty-one (21) years of age unless the telecommunications device is being used to make a 911 emergency call.

(5) Except as provided in subdivision (6); during the one hundred eighty (180) days after the issuance of the probationary license; the individual may not operate a motor vehicle in which there are passengers until the individual becomes twenty-one (21) years of age unless accompanied in the front seat of the motor vehicle by:

(A) a certified driver education instructor; or

(B) a licensed driver with valid driving privileges who is:

- (i) at least twenty-five (25) years of age; or
- (ii) if the licensed driver is the individual's spouse; at least twenty-one (21) years of age.

(6) The individual may operate a motor vehicle and transport:

(A) a child or stepchild of the individual;

(B) a sibling of the individual; including step or half siblings;

(C) the spouse of the individual; or

(D) any combination of individuals described in clauses (A) through (C);

without another accompanying individual present in the motor vehicle.

(7) The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle are:

(A) properly restrained by a properly fastened safety belt; or

(B) if the occupant is a child; restrained in a properly fastened child restraint system according to the manufacturer's instructions under IC 9-19-11;

properly fastened about the occupant's body at all times when the motor vehicle is in motion.

(c) An individual who holds a probationary license issued under this section for at least one hundred eighty (180) days may be eligible to receive an operator's license; a chauffeur's license; a public passenger chauffeur's license; or a commercial driver's license when the individual is at least eighteen (18) years of age.

(d) Except as provided in IC 9-24-12-1(d); a probationary license issued under this section:

(1) expires at midnight of the date thirty (30) days after the twenty-first birthday of the holder; and

(2) may not be renewed.

(e) Nothing in this section limits the authority of a court to require an individual who holds a probationary license to attend and complete:

(1) a driver safety program under IC 9-30-3-12; or

(2) a driver improvement or safety course under IC 9-30-3-16;

if the individual is otherwise eligible or required to attend the program or course.

SECTION 480. IC 9-24-11-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.5. (a) This section applies:**

(1) to an individual who is less than twenty-one (21) years of age; and

(2) during the period ending one hundred eighty (180) days after the individual is issued a driver's license under this article.

(b) An individual may not operate a motor vehicle:

(1) from 10 p.m. until 5 a.m. of the following morning, unless the individual is:

(A) participating in, going to, or returning from:

- (i) lawful employment;
- (ii) a school sanctioned activity; or
- (iii) a religious event; or

(B) accompanied in the front seat of the motor vehicle by a licensed driver with valid driving privileges who is:

- (i) at least twenty-five (25) years of age; or
- (ii) if the licensed driver is the individual's spouse, at least twenty-one (21) years of age; or

(2) in which there are passengers, unless:

(A) each passenger in the motor vehicle is:

- (i) a child or stepchild of the individual;
- (ii) a sibling of the individual, including step or half siblings;
- (iii) the spouse of the individual; or
- (iv) any combination of individuals described in items (i) through (iii); or

(B) the individual is accompanied in the front seat of the motor vehicle by a licensed driver with valid driving privileges who is:

- (i) at least twenty-five (25) years of age; or
- (ii) if the licensed driver is the individual's spouse, at least twenty-one (21) years of age.

SECTION 481. IC 9-24-11-3.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.6. (a) This section applies to an individual who is less than eighteen (18) years of age.**

(b) An individual may not operate at any time:

(1) a medical services vehicle; or

(2) a vehicle transporting passengers for hire.

(c) Except as provided in subsection (d), an individual may not operate a motor vehicle during the following periods:

(1) Between 1 a.m. and 5 a.m. on a Saturday or Sunday.

(2) After 11 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday.

(3) Before 5 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.

(d) An individual may operate a motor vehicle during a period described in subsection (c) if the individual is:

(1) participating in, going to, or returning from:

- (A) lawful employment;
- (B) a school sanctioned activity; or
- (C) a religious event; or

(2) accompanied in the front seat of the motor vehicle by a licensed driver with valid driving privileges who is:

- (A) at least twenty-five (25) years of age; or
- (B) if the licensed driver is the individual's spouse, at least twenty-one (21) years of age.

SECTION 482. IC 9-24-11-3.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.7. An individual who is less than twenty-one (21) years of age may not operate a motor vehicle while using a telecommunications device, unless the individual is using the telecommunications device to make a 911 emergency call.**

SECTION 483. IC 9-24-11-4, AS AMENDED BY P.L.197-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4.** (a) An individual may not hold or possess more than one (1) credential driver's license; bureau issued identification card issued to the individual under IC 9-24; or photo exempt identification card issued under IC 9-24-16.5 at a time.

(b) An individual may not hold a driver's license and:

- (1) an identification card issued under IC 9-24; or
- (2) a photo exempt identification card issued under IC 9-24-16.5;

at the same time.

(c) (b) A person An individual may not hold or possess:

- (1) a credential; and
- (2) an Indiana a driver's license or identification card issued under IC 9-24 and a driver's license or identification card that is issued by a government authority that issues driver's licenses and identification cards from another state, territory, federal district, commonwealth, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(c) An individual shall destroy or surrender to the bureau any and all credentials, driver's licenses, or identification cards that would cause the individual to violate subsection (a) or (b).

(d) A person An individual who violates subsection (a); (b); or (c) this section commits a Class C infraction.

(e) The bureau may adopt rules under IC 4-22-2 to administer this section.

SECTION 484. IC 9-24-11-5, AS AMENDED BY P.L.149-2015, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5.** (a) Except as provided in subsection (h), a learner's permit or driver's license issued under this chapter article must contain the following information:

- (1) The full legal name of the permittee or licensee.
- (2) The date of birth of the permittee or licensee.
- (3) The address of the principal residence of the permittee or licensee.
- (4) The hair color and eye color of the permittee or licensee.
- (5) The date of issue and expiration date of the permit or license.
- (6) The gender of the permittee or licensee.
- (7) The unique identifying number of the permit or license.
- (8) The weight of the permittee or licensee.
- (9) The height of the permittee or licensee.
- (10) A reproduction of the signature of the permittee or

licensee.

(11) If the permittee or licensee is less than eighteen (18) years of age at the time of issuance, the dates, **printed prominently**, on which the permittee or licensee will become:

- (A) eighteen (18) years of age; and
- (B) twenty-one (21) years of age.

(12) If the permittee or licensee is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date, **printed prominently**, on which the permittee or licensee will become twenty-one (21) years of age.

(13) Except as provided in subsections subsection (b), (c); and (f); a digital photograph of the permittee or licensee.

(b) A motorcycle learner's permit issued under IC 9-24-8 does not require a digital photograph.

(c) (b) The bureau may provide for the omission of a photograph or computerized image from any driver's license or learner's permit if there is good cause for the omission. However, a driver's license or learner's permit issued without a digital photograph must include the language described in subsection (f): a statement that indicates that the driver's license or learner's permit may not be accepted by a federal agency for federal identification or any other federal purpose.

(d) The information contained on the permit or license as required by subsection (a)(11) or (a)(12) for a permittee or licensee who is less than twenty-one (21) years of age at the time of issuance shall be printed prominently on the permit or license.

(e) This subsection applies to a permit or license issued after January 1, 2007: If the applicant for a permit or license submits information to the bureau concerning the applicant's medical condition; the bureau shall place an identifying symbol on the face of the permit or license to indicate that the applicant has a medical condition of note: The bureau shall include information on the permit or license that briefly describes the medical condition of the holder of the permit or license: The information must be printed in a manner that alerts a person reading the permit or license to the existence of the medical condition: The permittee or licensee is responsible for the accuracy of the information concerning the medical condition submitted under this subsection: The bureau shall inform an applicant that submission of information under this subsection is voluntary.

(f) Any license or permit issued by the state that does not require a digital photograph must include a statement that indicates that the license or permit may not be accepted by any federal agency for federal identification or any other federal purpose.

(g) (c) A driver's license or learner's permit issued by the state to an individual who:

- (1) has a valid, unexpired nonimmigrant visa or has nonimmigrant visa status for entry in the United States;
- (2) has a pending application for asylum in the United States;
- (3) has a pending or approved application for temporary protected status in the United States;
- (4) has approved deferred action status; or
- (5) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent residence status in the United States;

must be clearly identified as a temporary driver's license or learner's permit. A temporary driver's license or learner's permit issued under this subsection may not be renewed without the presentation of valid documentary evidence proving that the licensee's or permittee's temporary status has been extended.

(h) The bureau may adopt rules under IC 4-22-2 to carry out this section.

(i) (d) For purposes of subsection (a), an individual certified

as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the address of the individual's principal residence, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the address of the individual's principal residence.

SECTION 485. IC 9-24-11-5.5, AS AMENDED BY P.L.77-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5.5. (a) If a ~~permittee or licensee~~ **an individual** has: ~~under IC 9-24-9-2(d):~~

(1) indicated on the application **for a driver's license or learner's permit** that the ~~permittee or licensee~~ **individual** is a member of the armed forces of the United States **veteran** and wishes to have an indication of the ~~permittee's or licensee's~~ **individual's** ~~veteran or active military or naval service~~ status appear on the **driver's license or learner's permit**; and

(2) provided proof **at the time of application** of
 (A) ~~discharge or separation, other than a dishonorable discharge, from the armed forces of the United States; or~~
 (B) ~~active military or naval service~~ **the individual's veteran** status;

an indication of the ~~permittee's or licensee's~~ **individual's** ~~veteran or active military or naval service~~ status shall be shown on the **driver's license or learner's permit**.

(b) **If an individual submits information concerning the individual's medical condition in conjunction with the individual's application for a driver's license or learner's permit, the bureau shall place an identifying symbol on the face of the driver's license or learner's permit to indicate that the individual has a medical condition of note. The bureau shall include information on the individual's driver's license or learner's permit that briefly describes the individual's medical condition. The information must be printed in a manner that alerts an individual reading the driver's license or learner's permit to the existence of the medical condition. The individual submitting the information concerning the medical condition is responsible for its accuracy.**

SECTION 486. IC 9-24-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. The bureau, when issuing a permit or **driver's license**, ~~under this article~~; may, whenever good cause appears, impose restrictions suitable to the licensee's or permittee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle that the licensee operates. The bureau may impose other restrictions applicable to the licensee or permittee that the bureau determines ~~is~~ **are** appropriate to assure the safe operation of a motor vehicle by the licensee or permittee, including a requirement to take prescribed medication. When the restrictions are imposed, the bureau may issue either a special restricted license or shall set forth the restrictions upon the usual license form.

SECTION 487. IC 9-24-11-8, AS AMENDED BY P.L.188-2015, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) Except as provided in subsections (b) and (c), ~~a person~~ **an individual** who violates this chapter commits a Class C infraction.

(b) ~~A person~~ **An individual** who:

(1) has been issued a permit or **driver's license** on which there is a printed or stamped restriction as provided under section 7 of this chapter; and

(2) operates a motor vehicle in violation of the restriction; commits a Class C infraction.

(c) ~~A person~~ **An individual** who causes serious bodily injury to or the death of another ~~person~~ **individual** when operating a motor vehicle after knowingly or intentionally failing to take prescribed medication, the taking of which was a condition of the issuance of the ~~operator's~~ **restricted driver's license** under section 7 of this chapter, commits a Class A misdemeanor.

However, the offense is a Level 6 felony if, within the five (5) years preceding the commission of the offense, the ~~person~~ **individual** had a prior unrelated conviction under this subsection.

(d) ~~A person~~ **An individual** who violates subsection (c) commits a separate offense for each ~~person~~ **individual** whose serious bodily injury or death is caused by the violation of subsection (c).

SECTION 488. IC 9-24-11-10, AS AMENDED BY P.L.217-2014, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) In addition to any other penalty imposed for a conviction under section 8(b) of this chapter, the court may recommend that the ~~person's~~ **individual's** driving privileges be suspended for a fixed period of not more than two (2) years and the court may also order specialized driving privileges under IC 9-30-16.

(b) The court shall specify:

(1) the length of the fixed period of suspension; and

(2) the date the fixed period of suspension begins;

whenever the court issues an order under subsection (a).

SECTION 489. IC 9-24-12-0.5, AS ADDED BY P.L.101-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.5. (a) ~~This section applies beginning January 1, 2010.~~ A learner's permit ~~issued under this article~~ expires two (2) years after the date of issuance.

(b) **A motorcycle permit expires one (1) year after the date of issuance. A motorcycle permit may be renewed one (1) time for a period of one (1) year. An individual who does not obtain a motorcycle endorsement under IC 9-24-8.5 before the expiration of the renewed motorcycle permit may not reapply for a new motorcycle permit for a period of one (1) year after the date of expiration of the renewed motorcycle permit.**

(c) **A commercial learner's permit expires one hundred eighty (180) days after the date of issuance. The bureau may issue not more than three (3) commercial learner's permits to an individual within a twenty-four (24) month period.**

(d) **The fee to renew a permit that expires under this section is the applicable fee to issue the permit under this article.**

SECTION 490. IC 9-24-12-1, AS AMENDED BY P.L.150-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Notwithstanding subsection (c) and except as provided in subsection (b) and sections 10 ~~and 11~~ ~~and 12~~ of this chapter, the expiration date of an operator's license that is the renewal license for ~~a~~ **an operator's license** that contains a 2012 expiration date is as follows:

(1) If the **operator's license** was previously issued or renewed after May 14, 2007, and before January 1, 2008, the ~~renewal license~~ **renewal operator's license** expires at midnight on the birthday of the holder that occurs in 2017.

(2) If the **operator's license** was previously issued or renewed after December 31, 2007, and before January 1, 2009, the ~~renewal license~~ **renewal operator's license** expires at midnight on the birthday of the holder that occurs in 2018.

(3) If the **operator's license** was previously issued or renewed after December 31, 2005, and before January 1, 2007, the ~~renewal license~~ **renewal operator's license** expires at midnight on the birthday of the holder that occurs in 2016.

This subsection expires January 1, 2019.

(b) Except as provided in sections 10 ~~and 11~~ ~~and 12~~ of this chapter, an operator's license issued to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

(c) Except as provided in subsections (a), (b), and ~~(c)~~ (d) and

sections 10 ~~and 11 and 12~~ of this chapter, an operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

~~(d) A probationary operator's license issued under IC 9-24-11-3.3 to an individual who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9) expires:~~

~~(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or~~

~~(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:~~

~~(A) At midnight of the date the authorization to remain in the United States expires.~~

~~(B) At midnight of the date thirty (30) days after the twenty-first birthday of the holder.~~

~~(e) Except as provided in subsection (d); (d) a probationary An operator's license issued under IC 9-24-11-3.3 to an individual who is less than twenty-one (21) years of age expires at midnight of the date thirty (30) days after the twenty-first birthday of the holder. However, if the individual complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9), the operator's license expires:~~

~~(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or~~

~~(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:~~

~~(A) At midnight of the date the authorization to remain in the United States expires.~~

~~(B) At midnight of the date thirty (30) days after the twenty-first birthday of the holder.~~

SECTION 491. IC 9-24-12-2, AS AMENDED BY P.L.125-2012, SECTION 211, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in subsection (b) and sections 10 ~~and 11 and 12~~ of this chapter, a chauffeur's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(b) Except as provided in sections 10 ~~and 11 and 12~~ of this chapter, a chauffeur's license issued to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

(c) This section expires July 1, 2023.

SECTION 492. IC 9-24-12-3, AS AMENDED BY P.L.85-2013, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) Except as provided in ~~sections section 11 and 12~~ of this chapter, a public passenger chauffeur's license issued under this article expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) Except as provided in sections 10 ~~and 11 and 12~~ of this chapter, a public passenger chauffeur's license issued under this article to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs two (2) years following the date of issuance.

(c) This section expires July 1, 2021.

SECTION 493. IC 9-24-12-4, AS AMENDED BY P.L.197-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) Except as provided in subsections (b) and (c), the application for renewal of:

(1) an operator's license;

(2) a chauffeur's license **(before the expiration of IC 9-24-4 on July 1, 2024);**

(3) a public passenger chauffeur's license **(before the expiration of IC 9-24-5 on July 1, 2022);**

(4) an identification card; or

(5) a photo exempt identification card;

under this article may be filed not more than twelve (12) months before the expiration date of the license, identification card, or photo exempt identification card held by the applicant.

(b) When the applicant complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(10), an application for renewal of a driver's license in subsection (a)(1), (a)(2), or (a)(3) may be filed not more than one (1) month before the expiration date of the license held by the applicant.

(c) When the applicant complies with IC 9-24-16-3.5(1)(E) through IC 9-24-16-3.5(1)(J), an application for renewal of an identification card under subsection (a)(4) may be filed not more than one (1) month before the expiration date of the identification card held by the applicant.

SECTION 494. IC 9-24-12-5, AS AMENDED BY P.L.85-2013, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Except as provided in subsection (b), **and subject to subsection (d)**, an individual applying for renewal of an operator's, a chauffeur's, or a public passenger chauffeur's license, **including any endorsements in effect with respect to the license**, must apply in person at a license branch and do the following:

(1) Pass an eyesight examination.

(2) Pass a written examination if:

(A) the applicant has at least six (6) active points on the applicant's driving record maintained by the bureau;

(B) the applicant ~~holds a valid operator's license~~; has not reached the applicant's twenty-first birthday and has active points on the applicant's driving record maintained by the bureau; or

(C) the applicant is in possession of a driver's license that is expired beyond one hundred eighty (180) days.

(b) The bureau may adopt rules under IC 4-22-2 concerning the ability of a holder of an operator's, a chauffeur's, or a public passenger chauffeur's license to renew the license, **including any endorsements in effect with respect to the license**, by mail or by electronic service. If rules are adopted under this subsection, the rules must provide that an individual's renewal ~~of a license~~ by mail or by electronic service is subject to the following conditions:

(1) A valid computerized image of the individual must exist within the records of the bureau.

(2) The previous renewal of the individual's operator's, chauffeur's, or public passenger chauffeur's license must not have been by mail or by electronic service.

(3) The application for or previous renewal of the individual's license must have included a test of the individual's eyesight approved by the bureau.

(4) If the individual were applying for the license renewal in person at a license branch, the individual would not be required under subsection (a)(2) to submit to a written examination.

(5) The individual must be a citizen of the United States, as shown in the records of the bureau.

(6) There must not have been any change in the:

(A) address; or

(B) name;

of the individual since the issuance or previous renewal of the individual's operator's, chauffeur's, or public passenger chauffeur's license.

(7) The operator's, chauffeur's, or public passenger chauffeur's license of the individual must not be:

(A) suspended; or

(B) expired more than one hundred eighty (180) days; at the time of the application for renewal.

(8) The individual must be less than seventy-five (75) years of age at the time of the application for renewal.

(c) An individual applying for the renewal of an operator's, a chauffeur's, or a public passenger chauffeur's license,

including any endorsements in effect with respect to the license, must apply in person at a license branch under subsection (a) if the individual is not entitled to apply by mail or by electronic service under rules adopted under subsection (b).

(d) The bureau may not issue or renew a chauffeur's or a public passenger chauffeur's license after December 31, 2016. If a holder of a chauffeur's or a public passenger chauffeur's license applies after December 31, 2016, for renewal of the chauffeur's or public passenger chauffeur's license, the bureau shall issue to the holder an operator's license with a for-hire endorsement if the holder:

- (1) applies in a form and manner prescribed by the bureau; and
- (2) satisfies the requirements for renewal of an operator's license, including the fee and examination requirements under this section.

(e) An individual applying for the renewal of an operator's license shall pay the following applicable fee:

(1) If the individual is less than seventy-five (75) years of age, seventeen dollars and fifty cents (\$17.50). The fee shall be distributed as follows:

- (A) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (B) Two dollars (\$2) to the crossroads 2000 fund.
- (C) Four dollars and fifty cents (\$4.50) to the motor vehicle highway account.
- (D) For an operator's license renewed before July 1, 2019, as follows:

- (i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (ii) Nine dollars and twenty-five cents (\$9.25) to the commission fund.

(E) For an operator's license renewed after June 30, 2019, ten dollars and fifty cents (\$10.50) to the commission fund.

(2) If the individual is at least seventy-five (75) years of age and less than eighty-five (85) years of age, eleven dollars (\$11). The fee shall be distributed as follows:

- (A) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (B) One dollar and fifty cents (\$1.50) to the crossroads 2000 fund.
- (C) Three dollars (\$3) to the motor vehicle highway account.
- (D) For an operator's license renewed before July 1, 2019, as follows:

- (i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (ii) Four dollars and seventy-five cents (\$4.75) to the commission fund.

(E) For an operator's license renewed after June 30, 2019, six dollars (\$6) to the commission fund.

(3) If the individual is at least eighty-five (85) years of age, seven dollars (\$7). The fee shall be distributed as follows:

- (A) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (B) One dollar (\$1) to the crossroads 2000 fund.
- (C) Two dollars (\$2) to the motor vehicle highway account.
- (D) For an operator's license renewed before July 1, 2019, as follows:

- (i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (ii) Two dollars and twenty-five cents (\$2.25) to the commission fund.

(E) For an operator's license renewed after June 30, 2019, three dollars and fifty cents (\$3.50) to the commission fund.

A fee paid under this subsection after December 31, 2016, includes the renewal of any endorsements that are in effect

with respect to the operator's license at the time of renewal.

(f) An individual applying for the renewal of a chauffeur's license shall pay the following applicable fee:

(1) For an individual who is less than seventy-five (75) years of age, twenty-two dollars and fifty cents (\$22.50). The fee shall be distributed as follows:

- (A) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (B) Four dollars (\$4) to the crossroads 2000 fund.
- (C) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (D) Seven dollars and seventy-five cents (\$7.75) to the commission fund.
- (E) Nine dollars (\$9) to the motor vehicle highway account.

(2) For an individual who is at least seventy-five (75) years of age, eighteen dollars and fifty cents (\$18.50). The fee shall be distributed as follows:

- (A) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (B) Four dollars (\$4) to the crossroads 2000 fund.
- (C) Six dollars (\$6) to the motor vehicle highway account.
- (D) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (E) Six dollars and seventy-five cents (\$6.75) to the commission fund.

This subsection expires December 31, 2016.

(g) An individual applying for the renewal of a public passenger chauffeur's license shall pay a fee of eighteen dollars and fifty cents (\$18.50). The fee shall be distributed as follows:

- (1) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (2) Four dollars (\$4) to the crossroads 2000 fund.
- (3) Six dollars (\$6) to the motor vehicle highway account.
- (4) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (5) Six dollars and seventy-five cents (\$6.75) to the commission fund.

This subsection expires December 31, 2016.

SECTION 495. IC 9-24-12-7, AS AMENDED BY P.L.221-2014, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. A motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction (a) An endorsement added to a driver's license remains in effect for the same term as the driver's license being endorsed and is subject to renewal at and after the expiration of the driver's license in accordance with this chapter.

(b) After December 31, 2016, there is no fee to renew an endorsement that is in effect with respect to a driver's license.

SECTION 496. IC 9-24-12-10, AS AMENDED BY P.L.85-2013, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. Except as provided in section 11 of this chapter, after June 30, 2005-

- (1) an operator's;
- (2) a chauffeur's; or
- (3) a public passenger chauffeur's; a driver's license issued to or renewed by a driver who is at least eighty-five (85) years of age expires at midnight of the birthday of the holder that occurs two (2) years following the date of issuance.

SECTION 497. IC 9-24-12-11, AS AMENDED BY P.L.149-2015, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) This section applies to a driver's license issued under:

- (1) IC 9-24-3;

(2) IC 9-24-4; or

(3) IC 9-24-5, other than a commercial driver's license.

(b) If the birthday of a holder on which the holder's driver's license issued under a chapter referred to in subsection (a) would otherwise expire falls on:

(1) Sunday;

(2) a legal holiday (as set forth in IC 1-1-9-1); or

(3) a weekday when all license branches in the county of residence of the holder are closed;

the driver's license of the holder does not expire until midnight of the first day after the birthday on which a license branch is open for business in the county of residence of the holder.

(c) A driver's license issued to an applicant who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(10) expires:

(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires.

(B) At midnight of the birthday of the holder that occurs six (6) years after the date of issuance.

SECTION 498. IC 9-24-12-12 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 12. (a) This section applies to a driver's license issued under:

(1) IC 9-24-3;

(2) IC 9-24-4; and

(3) IC 9-24-5.

(b) A driver's license listed in subsection (a) that is issued after December 31, 2007, to an applicant who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(10) expires:

(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires.

(B) At midnight of the birthday of the holder that occurs six (6) years after the date of issuance.

SECTION 499. IC 9-24-12-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. An individual who fails to renew the individual's driver's license on or before the driver's license expiration date shall pay to the bureau an administrative penalty as follows:

(1) Before January 1, 2017, an administrative penalty of five dollars (\$5).

(2) After December 31, 2016, an administrative penalty of six dollars (\$6).

An administrative penalty shall be deposited in the commission fund.

SECTION 500. IC 9-24-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. An individual licensed holding a driver's license issued under this article may exercise the privilege granted by the driver's license upon all Indiana streets and highways and is not required to obtain any other driver's license to exercise the privilege by a county, municipal, or local board or by any body having authority to adopt local police regulations.

SECTION 501. IC 9-24-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. An individual holding a permit or driver's license issued under this article must have the permit or driver's license in the

individual's immediate possession when driving or operating a motor vehicle. The permittee or licensee individual shall display the driver's license or permit upon demand of a court or a police officer authorized by law to enforce motor vehicle rules.

SECTION 502. IC 9-24-13-4, AS AMENDED BY P.L.109-2011, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. If:

(1) an individual holding a driver's license or permit issued under this article changes the address shown on the driver's license or permit application; or

(2) the name of a licensee or permittee is changed by marriage or otherwise;

the licensee or permittee shall make application for an amended driver's license or permit under IC 9-24-9 containing the correct information within thirty (30) days of the change.

SECTION 503. IC 9-24-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) Subject to subsection (b), in a proceeding to enforce section 3 of this chapter, the burden is on the defendant to prove by a preponderance of the evidence that the defendant had been issued a driving driver's license or permit that was valid at the time of the alleged violation.

(b) A person An individual may not be convicted of violating section 3 of this chapter if the person, individual, within five (5) days from the time of apprehension, produces to the apprehending officer or headquarters of the apprehending officer satisfactory evidence of a permit or driver's license issued to the person individual that was valid at the time of the person's individual's apprehension.

SECTION 504. IC 9-24-14-1, AS AMENDED BY P.L.125-2012, SECTION 213, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. If a permit or driver's license issued under this article is lost or destroyed, and as provided in section 3.5 of this chapter, the individual to whom the permit or driver's license was issued may obtain a replacement if the individual pays the required a fee for a replacement permit or license under IC 9-29-9: as follows:

(1) For a replacement permit or driver's license, other than a commercial driver's license, issued before January 1, 2017, ten dollars and fifty cents (\$10.50).

The fee shall be distributed as follows:

(A) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(B) One dollar and fifty cents (\$1.50) to the crossroads 2000 fund.

(C) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.

(D) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(E) Five dollars and seventy-five cents (\$5.75) to the commission fund.

(2) For a replacement commercial driver's license issued before January 1, 2017, five dollars and fifty cents (\$5.50). The fee shall be distributed as follows:

(A) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(B) One dollar (\$1) to the crossroads 2000 fund.

(C) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.

(D) Two dollars and fifty cents (\$2.50) to the commission fund.

(3) For a replacement permit or driver's license issued after December 31, 2016, nine dollars (\$9). The fee shall be distributed as follows:

(A) Twenty-five cents (\$0.25) to the motor vehicle highway account.

(B) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(C) One dollar and twenty-five cents (\$1.25) as

follows:

(i) For a replacement issued before July 1, 2019, to the integrated public safety communications fund.

(ii) For a replacement issued after June 30, 2019, to the commission fund.

(D) Two dollars (\$2) to the crossroads 2000 fund.

(E) Five dollars (\$5) to the commission fund.

SECTION 505. IC 9-24-14-3.5, AS AMENDED BY P.L.109-2011, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.5. (a) The bureau may adopt rules under IC 4-22-2 concerning the ability of an individual to apply for a replacement of ~~an operator's; a chauffeur's, or a public passenger chauffeur's~~ **a driver's** license or a learner's permit ~~to the holder of the license or learner's permit~~ by electronic service. If rules are adopted under this subsection, the rules must provide that issuance of a replacement **driver's** license or learner's permit by electronic service is subject to the following conditions:

- (1) A valid computerized image or digital photograph of the individual must exist within the records of the bureau.
- (2) The individual must be a citizen of the United States, as shown in the records of the bureau.

(b) An individual applying for a replacement of ~~an operator's; a chauffeur's; or a public passenger chauffeur's~~ **a driver's** license or a learner's permit must apply in person at a license branch if the individual is not entitled to apply by mail or by electronic service under rules adopted under subsection (a).

SECTION 506. IC 9-24-14-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5. (a) If a holder of a chauffeur's license applies after December 31, 2016, for a replacement of the chauffeur's license, the bureau shall issue to the holder an operator's license with a for-hire endorsement if the holder:**

- (1) applies in a form and manner prescribed by the bureau; and**
- (2) satisfies the requirements for replacement of an operator's license, including the fee requirements under this chapter.**

(b) An operator's license with a for-hire endorsement issued under this section remains valid until the date on which the chauffeur's license that was replaced expires.

(c) This section expires July 1, 2023.

SECTION 507. IC 9-24-14-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 6. (a) If a holder of a public passenger chauffeur's license applies after December 31, 2016, for a replacement of the public passenger chauffeur's license, the bureau shall issue to the holder an operator's license with a for-hire endorsement if the holder:**

- (1) applies in a form and manner prescribed by the bureau; and**
- (2) satisfies the requirements for replacement of an operator's license, including the fee requirements under this chapter.**

(b) An operator's license with a for-hire endorsement issued under this section remains valid until the date on which the public passenger chauffeur's license that was replaced expires.

(c) This section expires July 1, 2021.

SECTION 508. IC 9-24-16-1, AS AMENDED BY P.L.184-2007, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The bureau shall issue an identification card to an individual who meets the following conditions:

- (1) Makes an application.
- (2) Is ~~a an Indiana resident. of Indiana.~~
- (3) Has presented valid documentary evidence to the

bureau of the individual's legal status in the United States, as required by section 3.5 of this chapter.

SECTION 509. IC 9-24-16-1.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 1.5. An individual must have:~~

- ~~(1) an unexpired identification card with a Class B motor driven cycle endorsement issued to the individual by the bureau under this chapter; or~~
 - ~~(2) a valid driver's license described in IC 9-24-1-1(a);~~
- ~~to operate a Class B motor driven cycle upon an Indiana highway.~~

SECTION 510. IC 9-24-16-2, AS AMENDED BY P.L.77-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) An application for an identification card issued under this chapter must require the following information concerning an applicant:

- (1) The full legal name of the applicant.
- (2) The applicant's date of birth.
- (3) The gender of the applicant.
- (4) The applicant's height, weight, hair color, and eye color.
- (5) The principal address and mailing address of the applicant.
- (6) A:
 - (A) valid Social Security number; or
 - (B) verification of an applicant's:
 - (i) ineligibility to be issued a Social Security number; and
 - (ii) identity and lawful status.
- (7) A digital photograph of the applicant.
- (8) The signature of the applicant showing the applicant's legal name as it will appear on the identification card.
- (9) If the applicant is also applying for a Class B motor driven cycle endorsement, verification that the applicant has satisfactorily completed the test required under section 3.6 of this chapter.

~~The bureau shall maintain records of the information provided under subdivisions (1) through (9).~~

(b) The bureau may invalidate an identification card that the bureau believes to have been issued as a result of fraudulent documentation.

(c) The bureau:

- (1) shall adopt rules under IC 4-22-2 to establish a procedure to verify an applicant's identity and lawful status; and
- (2) may adopt rules to establish a procedure to temporarily invalidate an identification card that it believes to have been issued based on fraudulent documentation.

(d) For purposes of subsection (a), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the individual's principal address and mailing address, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the individual's principal address and mailing address.

(e) In addition to the information required under subsection (a), an application for an identification card to be issued under this chapter must enable the applicant to indicate that the applicant is a ~~member of the armed forces of the United States veteran~~ and wishes to have an indication of the applicant's ~~veteran or active military or naval service~~ status appear on the identification card. An applicant who wishes to have an indication of the applicant's ~~veteran or active military or naval service~~ status appear on the identification card must:

- (1) indicate on the application that the applicant:
 - (A) is a ~~member of the armed forces of the United States; veteran;~~ and
 - (B) wishes to have an indication of the applicant's ~~veteran or active military or naval service~~ status appear on the identification card; and

(2) ~~verify provide proof at the time of application of the applicant's (A) veteran status. by providing proof of discharge or separation; other than a dishonorable discharge, from the armed forces of the United States; or (B) active military or naval service status by means of a current armed forces identification card.~~

The bureau shall maintain records of the information provided under this subsection:

SECTION 511. IC 9-24-16-3, AS AMENDED BY P.L.77-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) An identification card must have the same dimensions and shape as a driver's license, but the card must have markings sufficient to distinguish the card from a driver's license.

(b) Except as provided in subsection (g), the front side of an identification card must contain the expiration date of the identification card and the following information about the individual to whom the card is being issued:

- (1) Full legal name.
- (2) The address of the principal residence.
- (3) Date of birth.
- (4) Date of issue and date of expiration.
- (5) Unique identification number.
- (6) Gender.
- (7) Weight.
- (8) Height.
- (9) Color of eyes and hair.
- (10) Reproduction of the signature of the individual identified.
- (11) Whether the individual is blind (as defined in IC 12-7-2-21(1)).
- (12) If the individual is less than eighteen (18) years of age at the time of issuance, the dates on which the individual will become:
 - (A) eighteen (18) years of age; and
 - (B) twenty-one (21) years of age.
- (13) If the individual is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the individual will become twenty-one (21) years of age.
- (14) Digital photograph of the individual.

(c) The information contained on the identification card as required by subsection (b)(12) or (b)(13) for an individual who is less than twenty-one (21) years of age at the time of issuance shall be printed prominently on the identification card.

(d) If the individual

~~(+) indicated on the application that the individual is a member of the armed forces of the United States and wishes to have an indication of the individual's veteran or active military or naval service status appear on the identification card; and~~

~~(2) provided proof of:~~

~~(A) any discharge or separation; other than a dishonorable discharge, from the armed forces of the United States; or~~

~~(B) active military or naval service status;~~

complies with section 2(e) of this chapter, an indication of the individual's veteran ~~or active military or naval service~~ status shall be shown on the identification card.

(e) If the applicant for an identification card submits information to the bureau concerning the applicant's medical condition, the bureau shall place an identifying symbol on the face of the identification card to indicate that the applicant has a medical condition of note. The bureau shall include information on the identification card that briefly describes the medical condition of the holder of the card. The information must be printed in a manner that alerts a person reading the card to the existence of the medical condition. The applicant for an identification card is responsible for the accuracy of the information concerning the medical condition submitted under

this subsection. The bureau shall inform an applicant that submission of information under this subsection is voluntary.

(f) An identification card issued by the state to an individual who:

- (1) has a valid, unexpired nonimmigrant visa or has nonimmigrant visa status for entry in the United States;
- (2) has a pending application for asylum in the United States;
- (3) has a pending or approved application for temporary protected status in the United States;
- (4) has approved deferred action status; or
- (5) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent residence status in the United States;

must be clearly identified as a temporary identification card. A temporary identification card issued under this subsection may not be renewed without the presentation of valid documentary evidence proving that the holder of the identification card's temporary status has been extended.

(g) For purposes of subsection (b), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the address of the individual's principal residence, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the address of the individual's principal residence.

(h) The bureau shall validate an identification card for Class B motor driven cycle operation upon a highway by endorsement to an individual who:

- (1) applies for or has previously been issued an identification card under this chapter;
- (2) makes the appropriate application for endorsement; and
- (3) satisfactorily completes the test required under section 3.6 of this chapter.

The bureau shall place a designation on the face of the identification card to indicate that the individual has received a Class B motor driven cycle endorsement.

SECTION 512. IC 9-24-16-4.5, AS AMENDED BY P.L.125-2012, SECTION 229, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.5. (a) The bureau may adopt rules under IC 4-22-2 concerning the ability of an individual to renew an identification card under section 5 of this chapter, apply for a replacement identification card under section 9 of this chapter, or apply for a replacement identification card under section 6 of this chapter by electronic service. If rules are adopted under this subsection, the rules must provide that an individual's renewal, amendment, or replacement of an identification card by electronic service is subject to the following conditions:

- (1) A valid computerized image or digital photograph of the individual must exist within the records of the bureau.
- (2) The individual must be a citizen of the United States, as shown in the records of the bureau.
- (3) There must not have been any change in the:
 - (A) legal address; or
 - (B) name;

of the individual since the issuance or previous renewal of the identification card of the individual.

(4) The identification card of the individual must not be expired more than one hundred eighty (180) days at the time of the application for renewal.

(b) An individual applying for:

- (1) the renewal of an identification card; or
- (2) a replacement identification card;

must apply in person ~~at a license branch~~ if the individual is not entitled to apply by mail or by electronic service under rules adopted under subsection (a).

SECTION 513. IC 9-24-16-10, AS AMENDED BY P.L.149-2015, SECTION 71, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) The bureau may:

- (1) adopt rules under IC 4-22-2, including rules to:
 - (A) verify an applicant's identity, lawful status, and residence; and
 - (B) invalidate on a temporary basis a license or permit that was issued based on fraudulent documentation; and
- (2) prescribe all forms necessary;

to implement this chapter.

- (b) The bureau may not impose a fee for the issuance of:
 - (1) an original;
 - (2) a renewal of an;
 - (3) a replacement; or
 - (4) an amended;

identification card to an individual described in subsection (c). For purposes of this subsection, the amendment of an identification card includes the addition of a Class B motor driven cycle endorsement to the identification card.

(c) An identification card must be issued without the payment of a fee or charge to an individual who:

- (1) does not have a valid Indiana driver's license; and
- (2) will be at least eighteen (18) years of age and eligible to vote in the next general, municipal, or special election.

(d) The fee to issue, renew, replace, or amend an identification card issued before January 1, 2017, is as follows:

(1) To an individual who is less than sixty-five (65) years of age, eleven dollars and fifty cents (\$11.50). The fee shall be distributed as follows:

- (A) Fifty cents (\$0.50) to the state motor vehicle technology fund.**
- (B) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.**
- (C) Two dollars and seventy-five cents (\$2.75) to the motor vehicle highway account.**
- (D) Seven dollars (\$7) to the commission fund.**

(2) To an individual who is at least sixty-five (65) years of age or to an individual with a physical disability who is not entitled to obtain a driver's license, nine dollars (\$9). The fee shall be distributed as follows:

- (A) Fifty cents (\$0.50) to the state motor vehicle technology fund.**
- (B) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.**
- (C) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.**
- (D) Five dollars and seventy-five cents (\$5.75) to the commission fund.**

(e) The fee to issue, renew, replace, or amend an identification card issued after December 31, 2016, is nine dollars (\$9). The fee shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the motor vehicle highway account.**
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.**
- (3) One dollar and twenty-five cents (\$1.25) as follows:**
 - (A) For a replacement issued before July 1, 2019, to the integrated public safety communications fund.**
 - (B) For a replacement issued after June 30, 2019, to the commission fund.**
- (4) Two dollars (\$2) to the crossroads 2000 fund.**
- (5) Five dollars (\$5) to the commission fund.**

SECTION 514. IC 9-24-16-14 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 14. (a) An individual may not hold an identification card and a photo exempt identification card issued under IC 9-24-16.5 at the same time:

(b) An individual who violates this section commits a Class E infraction.

SECTION 515. IC 9-24-16.5-1, AS ADDED BY P.L.197-2015, SECTION 9, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The bureau shall issue a photo exempt identification card to an individual who meets the following conditions:

- (1) Makes an application.
- (2) Is ~~a~~ **an Indiana resident.** ~~of Indiana.~~
- (3) Has provided valid documentary evidence to the bureau of the lawful status in the United States of the individual, as required by section 2(a)(10) of this chapter.

SECTION 516. IC 9-24-16.5-2, AS ADDED BY P.L.197-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) An application for a photo exempt identification card issued under this chapter must require the following information concerning an applicant:

- (1) The full legal name of the applicant.
- (2) The applicant's date of birth.
- (3) The gender of the applicant.
- (4) The applicant's height, weight, hair color, and eye color.
- (5) The principal address and mailing address of the applicant.
- (6) A:
 - (A) valid Social Security number;
 - (B) verification of the applicant's ineligibility to be issued a Social Security number; or
 - (C) statement from the applicant in which the applicant swears or affirms that the applicant has a sincerely held religious belief against the issuance of a Social Security number to the applicant and a copy of Form 4029 from the United States Internal Revenue Service concerning the applicant.
- (7) A digital image of the applicant.
- (8) A statement:
 - (A) from the applicant in which the applicant swears or affirms that the applicant has a sincerely held religious belief against the taking of a photograph of the applicant; and
 - (B) from a member of the clergy of the religious organization of which the applicant is a member regarding the prohibition of photography of members of the religious organization.
- (9) The signature of the applicant.
- (10) Valid documentary evidence that the applicant is a citizen or national of the United States. The bureau shall maintain records of the information provided under this subdivision.

(b) The image required under subsection (a)(7) is a confidential public record in accordance with IC 5-14-3-4(a) ~~IC 9-14-3-1~~, and ~~IC 9-14-3-5~~. **IC 9-14-13-2.**

(c) The bureau may invalidate a photo exempt identification card that the bureau believes to have been issued as a result of fraudulent documentation.

- (d) The bureau:
 - (1) shall adopt rules under IC 4-22-2 to establish a procedure to verify an applicant's identity; and
 - (2) may adopt rules to establish a procedure to temporarily invalidate a photo exempt identification card that the bureau believes to have been issued based on fraudulent documentation.

SECTION 517. IC 9-24-16.5-7 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 7: The bureau may adopt rules under IC 4-22-2 and prescribe all forms necessary to implement this chapter.~~

SECTION 518. IC 9-24-16.5-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 14. (a) The fee to issue, renew, replace, or amend a photo exempt identification card issued before January 1, 2017, is as follows:**

- (1) To an individual who is less than sixty-five (65)**

years of age, eleven dollars and fifty cents (\$11.50). The fee shall be distributed as follows:

(A) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(B) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(C) Two dollars and seventy-five cents (\$2.75) to the motor vehicle highway account.

(D) Seven dollars (\$7) to the commission fund.

(2) To an individual who is at least sixty-five (65) years of age or to an individual with a physical disability who is not entitled to obtain a driver's license, nine dollars (\$9). The fee shall be distributed as follows:

(A) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(B) One dollar and fifty cents (\$1.50) to the motor vehicle highway account.

(C) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(D) Five dollars and seventy-five cents (\$5.75) to the commission fund.

(b) The fee to issue, renew, replace, or amend a photo exempt identification card issued after December 31, 2016, is nine dollars (\$9). The fee shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the motor vehicle highway account.

(2) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(3) One dollar and twenty-five cents (\$1.25) as follows:

(A) For a replacement issued before July 1, 2019, to the integrated public safety communications fund.

(B) For a replacement issued after June 30, 2019, to the commission fund.

(4) Two dollars (\$2) to the crossroads 2000 fund.

(5) Five dollars (\$5) to the commission fund.

SECTION 519. IC 9-24-17-1, AS AMENDED BY P.L.197-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The application form for a driver's license, an identification card issued under IC 9-24-16, and a photo exempt identification card issued under IC 9-24-16.5 must allow an applicant to acknowledge the making of an anatomical gift under ~~IC 29-2-16.1~~. **IC 29-2-16.1-4.**

SECTION 520. IC 9-24-17-2, AS AMENDED BY P.L.197-2015, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The bureau shall ~~verbally ask~~ **inquire of** every individual who applies for a ~~credential driver's license, an identification card issued under IC 9-24-16, or a photo exempt identification card issued under IC 9-24-16.5~~ whether the individual desires to make an anatomical gift.

(b) If the individual does desire to make an anatomical gift, the bureau shall provide the individual the form by which the individual makes the gift.

SECTION 521. IC 9-24-17-3 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 3: The bureau shall make available the anatomical gift program in a separate brochure and by other means the bureau considers necessary.~~

SECTION 522. IC 9-24-17-6 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 6: The form described in section 1 of this chapter must allow the person making the gift to make an election under IC 29-2-16.1-4.~~

SECTION 523. IC 9-24-17-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. ~~(a)~~ Before an individual who is less than eighteen (18) years of age may make an anatomical gift, the bureau must obtain and document the consent of the individual required under section 8 of this chapter and the consent of the individual's parent or guardian.

(b) The bureau may charge a fee to an individual making an anatomical gift under section 1 of this chapter. The fee must

equal an amount necessary to cover the cost of making available a document that acknowledges the making of the gift.

SECTION 524. IC 9-24-17-8, AS AMENDED BY P.L.197-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) Each anatomical gift made under this chapter must be made by the donor by acknowledging the making of the anatomical gift by signing the application form for the ~~driver's license, photo exempt identification card, or identification card credential~~ under section 1 of this chapter. If the donor cannot sign, the application form may be signed for the donor:

(1) at the donor's direction and in the donor's presence; and

(2) in the presence of two (2) witnesses who must sign the document in the donor's and each other's presence.

(b) The bureau shall place an identifying symbol on the face of the ~~license, photo exempt identification card, or identification card credential~~ to indicate that the person to whom the ~~license, photo exempt identification card, or identification card credential~~ is issued has acknowledged the making of an anatomical gift on the application form for the ~~license, photo exempt identification card, or identification card credential~~ as set forth in subsection (a).

(c) Revocation, suspension, ~~or~~ cancellation, ~~or~~ expiration of the ~~license or expiration of the license, photo exempt identification card, or identification card credential~~ does not invalidate the anatomical gift.

(d) An anatomical gift is valid if the ~~person individual~~ acknowledges the making of the anatomical gift by signing the application form for a ~~driver's license, photo exempt identification card, or identification card credential~~ under subsection (a). No other acknowledgment is required to make an anatomical gift.

SECTION 525. IC 9-24-17-9 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 9: The bureau shall keep a record containing information concerning each individual who has made an anatomical gift under this chapter.~~

SECTION 526. IC 9-24-18-0.5, AS ADDED BY P.L.217-2014, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.5. If a court suspends or revokes a ~~person's an individual's~~ driving privileges under this title, the court shall inform the bureau of the action in a format designated by the bureau.

SECTION 527. IC 9-24-18-1, AS AMENDED BY P.L.221-2014, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) ~~A person;~~ **An individual**, except a ~~person an individual~~ exempted under IC 9-24-1-7, who knowingly or intentionally operates a motor vehicle upon a highway and has never received a valid ~~driving driver's~~ license commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if ~~the person the individual~~ has a prior unrelated conviction under this section.

(b) In a prosecution under this section, the burden is on the defendant to prove by a preponderance of the evidence that the defendant:

(1) had been issued a driver's license or permit that was valid; or

(2) was operating a Class B motor driven cycle;

at the time of the alleged offense. However, it is not a defense under subdivision (2) if the defendant was operating the Class B motor driven cycle in violation of IC 9-21-11-12.

SECTION 528. IC 9-24-18-2, AS AMENDED BY P.L.158-2013, SECTION 156, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A person may not do any of the following:

(1) Display, cause or ~~permit allow~~ to be displayed, or ~~have in possession possess~~ a ~~driver's~~ license or permit issued under this article knowing that the ~~driver's~~ license or permit is fictitious or has been canceled, revoked, suspended, or altered.

(2) Lend to a **person an individual** or knowingly permit the use by a **person an individual** not entitled to use a **driver's** license or permit a **driver's** license or permit issued under this article.

(3) Display or represent as the **person's individual's driver's** license or permit issued under this article a **driver's** license or permit not issued to the **person: individual.**

(4) Fail or refuse to surrender, upon demand of the proper official, a **driver's** license or permit issued under this article that has been suspended, canceled, or revoked as provided by law.

(5) Knowingly sell, offer to sell, buy, possess, or offer as genuine, a **driver's** license or permit required by this article to be issued by the bureau that has not been issued by the bureau under this article or by the appropriate authority of any other state **or country.**

A person ~~who~~ **that** knowingly or intentionally violates this subsection commits a Class C misdemeanor.

(b) ~~A person~~ **An individual** who:

(1) knowingly or intentionally uses a false or fictitious name or gives a false or fictitious address in an application:

(A) for a **driver's** license or permit issued under this article; or

(B) for a renewal, amendment, or replacement of a **driver's** license or permit issued under this article; or

(2) knowingly or intentionally makes a false statement or conceals a material fact or otherwise commits a fraud in an application for a **driver's** license or permit issued under this article;

commits application fraud, a Level 6 felony.

SECTION 529. IC 9-24-18-3, AS AMENDED BY P.L.85-2013, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A person that has a motor vehicle in the person's custody may not cause or knowingly permit a **person an individual** to operate the vehicle upon a highway unless the **person individual** holds a valid **driver's** license or permit under this article for the type of **motor** vehicle that the **person individual** is operating.

(b) A person ~~who~~ **that** violates this section commits a Class C infraction.

SECTION 530. IC 9-24-18-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. In a proceeding to enforce IC 9-24-1 requiring the operator of a **motor** vehicle to have a certain type of **driver's** license, the burden is on the defendant to prove by a preponderance of the evidence that the defendant had been issued the applicable **driver's** license or permit and that the **driver's** license was valid at the time of the alleged offense.

SECTION 531. IC 9-24-18-7.5, AS ADDED BY P.L.188-2015, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.5. A person ~~who~~ **that** knowingly or intentionally counterfeits or falsely reproduces a driver's license:

(1) with intent to use the **driver's** license; or

(2) to permit ~~another person~~ **an individual** to use the **driver's** license;

commits a Class B misdemeanor.

SECTION 532. IC 9-24-18-9, AS AMENDED BY P.L.217-2014, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) The bureau may establish a driving record for an Indiana resident who does not hold any type of valid driving license. The driving record shall be established for an unlicensed driver when the bureau receives an abstract of court conviction for the type of conviction that would appear on an official driver's record.

(b) If an unlicensed driver applies for and receives any type of driver's license in Indiana, the **person's individual's** driving record as an unlicensed driver shall be recorded on the

permanent record file.

(c) The bureau shall also certify traffic violation convictions on the driving record of an unlicensed driver who subsequently receives an Indiana driver's license.

(d) A driving record established under this section must include the following:

(1) The individual's convictions for any of the following:

(A) A moving traffic violation.

(B) Operating a vehicle without financial responsibility in violation of IC 9-25.

(2) Any administrative penalty imposed by the bureau.

(3) Any suspensions, revocations, or reinstatements of the individual's driving privileges, license, or permit.

(4) If the driving privileges of the individual have been suspended or revoked by the bureau, an entry in the record stating that a notice of suspension or revocation was mailed to the individual by the bureau and the date of the mailing of the notice.

(5) Any requirement that the individual may operate only a motor vehicle equipped with a certified ignition interlock device.

A driving record may not contain voter registration information.

SECTION 533. IC 9-24-18-11 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 11. (a) The commissioner may enter into a contract or an agreement authorizing a person to create and use a reproduction of a driver's license issued under this article.

(b) A person may not create or use a reproduction of a driver's license issued under this article unless the creation or use of the reproduction is expressly authorized in writing by the commissioner. The commissioner may impose under IC 4-21.5 a civil penalty upon a person who violates this subsection: The amount of a civil penalty imposed under this subsection:

(1) shall be determined by the commissioner; and

(2) may not exceed ten thousand dollars (\$10,000):

(c) Money paid to the bureau as:

(1) compensation to the state under a contract or an agreement entered into under subsection (a); or

(2) a civil penalty imposed under subsection (b);

shall be collected and deposited in the motor vehicle highway account.

SECTION 534. IC 9-24-19-1, AS AMENDED BY P.L.217-2014, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. Except as provided in sections 2 and 3 of this chapter, a **person an individual** who operates a motor vehicle upon a highway while the **person's individual's** driving ~~privilege~~, **privileges**, **driver's** license, or permit is suspended or revoked commits a Class A infraction.

SECTION 535. IC 9-24-19-2, AS AMENDED BY P.L.33-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. A **person An individual** who:

(1) knows that the **person's individual's** driving ~~privilege~~, **privileges**, **driver's** license, or permit is suspended or revoked; and

(2) operates a motor vehicle upon a highway less than ten (10) years after the date on which judgment was entered against the **person individual** for a prior unrelated violation of section 1 of this chapter, this section, IC 9-1-4-52 (repealed July 1, 1991), or IC 9-24-18-5(a) (repealed July 1, 2000);

commits a Class A misdemeanor.

SECTION 536. IC 9-24-19-3, AS AMENDED BY P.L.217-2014, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) ~~A person~~ **An individual** who operates a motor vehicle upon a highway when:

(1) the **person individual** knows that the **person's**

individual's driving ~~privilege, privileges, driver's~~ license, or permit is suspended or revoked; ~~when and~~ **(2) the person's individual's** suspension or revocation was a result of the ~~person's individual's~~ conviction of an offense (as defined in IC 35-31.5-2-215);

commits a Class A misdemeanor.

(b) However, the offense described in subsection (a) is a:

(1) Level 6 felony if the operation of the motor vehicle results in bodily injury; or

(2) Level 5 felony if the operation of the motor vehicle results in the death of another person.

SECTION 537. IC 9-24-19-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. Service by the bureau of motor vehicles of a notice of an order or an order suspending or revoking ~~a person's an individual's~~ driving privileges by mailing the notice or order by first class mail to the ~~defendant individual~~ under this chapter at the last address shown for the ~~defendant individual~~ in the records of the bureau of motor vehicles establishes a rebuttable presumption that the ~~defendant individual~~ knows that the ~~person's individual's~~ driving privileges are suspended **or revoked, as applicable.**

SECTION 538. IC 9-25-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. This article applies to a person ~~who that is not a resident of Indiana a nonresident~~ under the same conditions as this article applies to ~~a an Indiana resident. of Indiana.~~

SECTION 539. IC 9-25-1-7, AS ADDED BY P.L.259-2013, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. This article does not apply to:

(1) off-road vehicles;

(2) ~~or~~ snowmobiles; or

(3) **Class B motor driven cycles.**

SECTION 540. IC 9-25-3-2, AS AMENDED BY P.L.59-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Whenever under Indiana law the bureau may suspend or revoke a driver's license or driving privileges if the operator of a motor vehicle is ~~a an Indiana resident, of Indiana,~~ the bureau may suspend or revoke the driver's license or driving privileges of or forbid the operation of a motor vehicle in Indiana by an operator who is a nonresident.

(b) Whenever under Indiana law the bureau may suspend or revoke the registration certificate and registration plates of a motor vehicle if the owner of the motor vehicle is ~~a an Indiana resident, of Indiana,~~ the bureau may forbid the operation within Indiana of a motor vehicle if the owner of the motor vehicle is a nonresident.

(c) The bureau shall transmit to the motor vehicle bureau or state officer performing the functions of a bureau in the state in which a nonresident resides a certified copy of the following:

(1) A conviction of, or an administrative action concerning, the nonresident that has resulted in the suspension of the nonresident's driving privilege in Indiana.

(2) An unsatisfied judgment rendered against a nonresident that has resulted in the suspension of the nonresident's driving privilege in Indiana.

SECTION 541. IC 9-25-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) The minimum standards for financial responsibility for a ~~Class A~~ recovery vehicle **with a gross vehicle weight rating greater than sixteen thousand (16,000) pounds** are a combined single limit of seven hundred fifty thousand dollars (\$750,000) for bodily injury and property damage in any one (1) accident or as follows:

(1) Subject to the limit set forth in subdivision (2), five hundred thousand dollars (\$500,000) for bodily injury to or the death of one (1) individual.

(2) One million dollars (\$1,000,000) for bodily injury to

or the death of two (2) or more individuals in any one (1) accident.

(3) One hundred thousand dollars (\$100,000) for damage to or the destruction of property in one (1) accident.

(b) The minimum standards for financial responsibility for a ~~Class B~~ recovery vehicle **with a gross vehicle weight rating equal to or less than sixteen thousand (16,000) pounds** are a combined single limit of three hundred thousand dollars (\$300,000) for bodily injury and property damage in any one (1) accident or as follows:

(1) Subject to the limit set forth in subdivision (2), one hundred thousand dollars (\$100,000) for bodily injury to or the death of one (1) individual.

(2) Three hundred thousand dollars (\$300,000) for bodily injury to or the death of two (2) or more individuals in any one (1) accident.

(3) Fifty thousand dollars (\$50,000) for damage to or the destruction of property in one (1) accident.

(c) A person that operates a recovery vehicle in violation of this section commits a Class B infraction.

SECTION 542. IC 9-25-6-3.5, AS AMENDED BY P.L.59-2013, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.5. If a person violates:

(1) IC 9-25-4;

(2) IC 9-25-5;

(3) section 2 or 3 of this chapter; or

(4) IC 9-25-10 (before its repeal);

more than one (1) time within a three (3) year period, the person's driving privileges ~~or motor vehicle registration may~~ **shall** be suspended for ~~not more than one (1) year.~~

SECTION 543. IC 9-25-6-15, AS AMENDED BY P.L.125-2012, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. **(a) A person: An individual:**

(1) whose driving privileges are suspended under this article; and

(2) who seeks the reinstatement of the driving privileges; must pay a reinstatement fee to the bureau as provided in ~~IC 9-29-10-1: subsection (b).~~

(b) The reinstatement fee under subsection (a) is as follows:

(1) **For a first suspension, two hundred fifty dollars (\$250).**

(2) **For a second suspension, five hundred dollars (\$500).**

(3) **For a third or subsequent suspension, one thousand dollars (\$1,000).**

(c) Each fee paid under this section shall be deposited in the financial responsibility compliance verification fund established by IC 9-25-9-7 as follows:

(1) **One hundred twenty dollars (\$120) for a fee paid after a first suspension.**

(2) **One hundred ninety-five dollars (\$195) for a fee paid after a second suspension.**

(3) **Two hundred seventy dollars (\$270) for a fee paid after a third or subsequent suspension.**

The remaining amount of each fee paid under this section must be deposited in the motor vehicle highway account.

(d) If:

(1) **a person's driving privileges are suspended for registering or operating a vehicle in violation of IC 9-25-4-1;**

(2) **the person is required to pay a fee for the reinstatement of the person's license under this section; and**

(3) **the person later establishes that the person did not register or operate a vehicle in violation of IC 9-25-4-1;**

the fee paid by the person under this section shall be

refunded.

SECTION 544. IC 9-25-6-15.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 15.1. (a) An individual who is liable for a reinstatement fee imposed under section 15 of this chapter may file a petition for waiver of the reinstatement fee in a criminal court of record in the person's county of residence.**

(b) The clerk of the court shall forward a copy of the petition to the prosecuting attorney of the county and to the bureau. The prosecuting attorney may appear and be heard on the petition.

(c) The bureau is not a party in a proceeding under this chapter.

(d) Upon its own motion, or upon a petition filed by an individual under this section, a court may waive a reinstatement fee imposed under section 15 of this chapter if the court finds that:

(1) the individual who owes the fee:

(A) is indigent; and

(B) has presented proof of future financial responsibility; and

(2) waiver of the fee is appropriate in light of the individual's character and the circumstances surrounding the suspension.

(e) If a court waives a reinstatement fee under this section for an individual, the court may impose other reasonable conditions on the individual.

(f) If a court waives a reinstatement fee under this section, the clerk shall forward a copy of the court's order to the bureau.

SECTION 545. IC 9-25-7-3, AS AMENDED BY P.L.59-2013, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3. (a) The bureau shall, upon request, cancel a bond or return a certificate of insurance, direct the treasurer of state to return to the person entitled any money or securities deposited under this article as proof of financial responsibility, or waive the requirement of filing proof of financial responsibility in any of the following circumstances:**

(1) At any time after three (3) years from the date the proof was required, if during the three (3) year period preceding the request the person furnishing the proof has not been convicted of an offense referred to in ~~IC 9-30-4-6.~~ IC 9-30-4-6.1.

(2) If the person on whose behalf the proof was filed dies or the person becomes permanently incapable of operating a motor vehicle.

(3) If the person who has given proof of financial responsibility surrenders the person's driver's license, registration certificates, and registration plates to the bureau. The bureau may not release the proof if an action for damages upon a liability referred to in this article is pending, a judgment upon a liability is outstanding and unsatisfied, or the bureau has received notice that the person has, within the period of three (3) months immediately preceding, been involved as a driver in a motor vehicle accident. An affidavit of the applicant of the nonexistence of the facts referred to in this subdivision is sufficient evidence of the nonexistence of the facts in the absence of evidence to the contrary in the records of the department.

(b) Whenever a person to whom proof has been surrendered under subsection (a)(3) applies for an operator's or chauffeur's license or the registration of a motor vehicle within a period of three (3) years from the date the proof of financial responsibility was originally required, the bureau shall reject the application unless the applicant reestablishes the proof for the remainder of the period.

SECTION 546. IC 9-25-7-6, AS AMENDED BY

P.L.59-2013, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 6. (a) This section does not apply to a person who is an Indiana resident of Indiana or an individual who operates a motor vehicle in Indiana.**

(b) Subject to subsection (c), a person: an individual:

(1) whose driver's license, driving privileges, or registration was suspended and who is required to prove financial responsibility extending into the future in order to have the person's individual's driving privileges reinstated; and

(2) who no longer operates a motor vehicle in Indiana and has become a resident of another state or foreign jurisdiction; nonresident;

is not required to prove financial responsibility into the future in order to have the person's individual's driver's license, driving privileges, or registration temporarily reinstated to allow licensing or registration in the other state or foreign jurisdiction.

(c) A person An individual described in subsection (b) who, during the three (3) year period following the suspension described in subsection (b)(1), applies to the bureau for a driver's license or registers a motor vehicle in Indiana must maintain proof of future financial responsibility for the unexpired portion of the three (3) year period as required under this article.

SECTION 547. IC 9-25-8-2, AS AMENDED BY P.L.188-2015, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2. (a) A person who that knowingly:**

(1) operates; or

(2) permits the operation of;

a motor vehicle on a public highway in Indiana without financial responsibility in effect as set forth in IC 9-25-4-4 commits a Class A infraction. However, the offense is a Class C misdemeanor if the person knowingly or intentionally violates this section and has a prior unrelated conviction or judgment under this section.

(b) Subsection (a)(2) applies to:

(1) the owner of a rental company under IC 9-25-6-3(f)(1); and

(2) an employer under IC 9-25-6-3(f)(2).

(c) In addition to any other penalty imposed on a person for violating this section, the court shall recommend the suspension of the person's driving privileges for at least ninety (90) days but not more than one (1) year. However, if, within the five (5) years preceding the conviction under this section, the person had a prior unrelated conviction under this section, the court shall recommend the suspension of the person's driving privileges and motor vehicle registration for one (1) year.

(d) Upon receiving the recommendation of the court under subsection (c), the bureau shall suspend the person's driving privileges and motor vehicle registration, as applicable, for the period recommended by the court. If no suspension is recommended by the court, or if the court recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required under this article. The suspension of a person's driving privileges or motor vehicle registration, or both, may be imposed only one (1) time under this subsection or IC 9-25-6 for the same incident.

SECTION 548. IC 9-25-8-3 IS REPEALED [EFFECTIVE JULY 1, 2016]. **Sec. 3. The commissioner may adopt rules under IC 4-22-2 necessary to implement this chapter.**

SECTION 549. IC 9-25-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 7. (a) The financial responsibility compliance verification fund is established to defray expenses incurred by the bureau in verifying compliance with financial responsibility requirements under this chapter.**

(b) The expenses of administering the fund shall be paid from

money in the fund.

(c) The sources of money for the fund are as follows:

- (1) The portion of the driving license reinstatement fee that is to be deposited in the fund under ~~IC 9-29-10-1~~ **IC 9-25-6-15**.
- (2) Accrued interest and other investment earnings of the fund.
- (3) Appropriations made by the general assembly.
- (4) Gifts and donations from any person to the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 550. IC 9-26-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 9. Accident Reports and Fees

Sec. 1. As used in this chapter, "accident response service fee" means a fee imposed for any of the following:

- (1) The response by a local law enforcement agency to a motor vehicle accident.
- (2) The investigation by a local law enforcement agency of a motor vehicle accident.

Sec. 2. As used in this chapter, "local law enforcement agency" means a political subdivision's department or agency whose principal function is the apprehension of criminal offenders.

Sec. 3. (a) Except as provided in subsection (c), the main department, office, agency, or other person under whose supervision a law enforcement officer carries out the law enforcement officer's duties may charge a fee that is fixed by ordinance of the fiscal body and is at least five dollars (\$5) for each report.

(b) The fee collected under subsection (a) or (c) shall be deposited in the following manner:

- (1) If the department supplying a copy of the accident report is the state police department, in a separate account known as the "accident report account". The account may be expended at the discretion of the state police superintendent for a purpose reasonably related to the keeping of accident reports and records or the prevention of street and highway accidents.
- (2) If the department supplying a copy of the accident report is the sheriff, county police, or county coroner, in a separate account known as the "accident report account". The account may be expended at the discretion of the chief administrative officer of the entity that charged the fee for any purpose reasonably related to the keeping of accident reports and records or the prevention of street and highway accidents.
- (3) If the department supplying a copy of the accident report is a city or town police department, in the local law enforcement continuing education fund established by IC 5-2-8-2.

(c) The superintendent of the state police department may charge a fee in an amount that is at least five dollars (\$5) for:

- (1) each report; and
- (2) the inspection and copying of other report related data maintained by the department.

Sec. 4. A political subdivision or a local law enforcement agency may not impose or collect, or enter into a contract for the collection of, an accident response service fee on or from:

- (1) the driver of a motor vehicle; or
- (2) any other person;

involved in a motor vehicle accident.

SECTION 551. IC 9-27-7-2, AS ADDED BY P.L.145-2011, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this chapter,

"certified chief instructor" "rider coach trainer" means a licensed motorcycle operator who meets standards established by the bureau that are equivalent to or more stringent than those established by the Motorcycle Safety Foundation for instructors in motorcycle safety and education.

SECTION 552. IC 9-27-7-3, AS ADDED BY P.L.145-2011, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The bureau shall develop and administer a motorcycle operator safety education program that, at a minimum, must:

- (1) provide motorcycle operator education;
- (2) ~~provide instructor training; train and certify rider coach trainers;~~
- (3) increase public awareness of motorcycle safety; and
- (4) evaluate and recommend improvements to the motorcycle operator licensing system.

SECTION 553. IC 9-27-7-4, AS ADDED BY P.L.145-2011, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The commissioner shall appoint:

- (1) a program coordinator of the motorcycle operator safety education program developed under section 3 of this chapter who shall administer the motorcycle operator safety education program and conduct an annual evaluation; and
- (2) a training specialist of the motorcycle operator safety education program developed under section 3 of this chapter who shall:
 - (A) establish approved motorcycle driver education and training courses throughout Indiana;
 - (B) ~~set program and funding guidelines;~~ and
 - (C) ~~(B) supervise instructors rider coach trainers and other personnel as necessary.~~

The training specialist must be a ~~certified chief instructor~~ **rider coach trainer** and hold a valid license, **including any necessary endorsements**, to operate a motorcycle.

SECTION 554. IC 9-27-7-7, AS ADDED BY P.L.145-2011, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. The motorcycle operator safety education fund is established. The commissioner shall administer the fund. The fund consists of money received from motorcycle registrations as provided under ~~IC 9-29~~ **IC 9-18 (before its expiration) or IC 9-18.1-5-3**. The money in the fund may be used for the administration of the program and expenses related to the program, including:

- (1) reimbursement for course sites;
- (2) ~~instructor rider coach trainer~~ training;
- (3) purchase of equipment and course materials; and
- (4) technical assistance.

SECTION 555. IC 9-28-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. If by the laws of any other state, commonwealth, District of Columbia, or foreign country or its political subdivisions, any taxes, fees, charges, penalties, obligations, prohibitions, restrictions, or limitations of any kind are imposed upon the vehicles of ~~Indiana~~ residents of ~~Indiana~~ in addition to those imposed by Indiana upon the vehicles of residents of the other state, commonwealth, District of Columbia, or foreign country or its political subdivisions, the bureau, with the approval of the governor, may impose and collect fees or charges in a like amount and provide for similar obligations, prohibitions, restrictions, or limitations upon the owner or operator of a vehicle registered in the other state, commonwealth, District of Columbia, or foreign country or its political subdivisions as long as the laws of the other state, commonwealth, District of Columbia, or foreign country or its political subdivisions requiring the imposition remain in force and effect. All taxes, fees, charges, and penalties collected in this manner shall be paid into the state highway fund.

SECTION 556. IC 9-28-5.1-5 IS REPEALED [EFFECTIVE

JULY 1, 2016]. Sec. 5: The bureau may adopt rules under IC 4-22-2 to carry out this chapter.

SECTION 557. IC 9-29-1 IS REPEALED [EFFECTIVE JULY 1, 2016]. (General Provisions).

SECTION 558. IC 9-29-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Fees Under IC 9-14).

SECTION 559. IC 9-29-4 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Fees Under IC 9-17).

SECTION 560. IC 9-29-5-9, AS AMENDED BY P.L.216-2014, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) As used in this section, "church bus" means a bus that is:

(1) owned and operated by a religious or nonprofit youth organization; and

(2) used to transport persons to religious services or used for the benefit of the members of the religious or nonprofit youth organization.

(b) (a) The fee to register a church bus is as follows:

(1) For a church bus registered before August 1 of a year, twenty-nine dollars and seventy-five cents (\$29.75).

(2) For a church bus registered after July 31 of a year, seventeen dollars and seventy-five cents (\$17.75).

(c) (b) A fee described in subsection (b) (a) shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the state police building account.

(2) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(3) To the crossroads 2000 fund as follows:

(A) For a church bus registered before August 1 of a year, four dollars (\$4).

(B) For a church bus registered after July 31 of a year, two dollars (\$2).

(4) For a church bus registered before July 1, 2019:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Five dollars (\$5) to the commission fund.

(5) For a church bus registered after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

(6) Any remaining amount to the motor vehicle highway account.

SECTION 561. IC 9-29-5-21 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 21: The fee for a special motor number is two dollars and fifty cents (\$2.50):

SECTION 562. IC 9-29-5-22 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 22: The fee for a special serial number is thirteen dollars (\$13). The fee shall be distributed as follows:

(1) Fifty cents (\$0.50) to the state motor vehicle technology fund:

(2) One dollar (\$1) to the highway, road and street fund:

(3) One dollar (\$1) to the motor vehicle highway account:

(4) One dollar and fifty cents (\$1.50) to the integrated public safety communications fund:

(5) Four dollars (\$4) to the crossroads 2000 fund:

(6) Five dollars (\$5) to the commission fund:

SECTION 563. IC 9-29-5-24 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 24: The fee for a nonresident transport vehicle decal under IC 9-18 is twenty-three dollars and seventy-five cents (\$23.75). The fee shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the state police building account:

(2) Fifty cents (\$0.50) to the state motor vehicle technology fund:

(3) One dollar (\$1) to the motor vehicle highway account:

(4) Two dollars (\$2) to the crossroads 2000 fund:

(5) Twenty dollars (\$20) to the commission fund:

SECTION 564. IC 9-29-5-25 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 25: The fee for a fleet permit under

IC 9-18 shall be determined as follows:

(1) Divide in-state miles by total fleet miles:

(2) Determine the total amount necessary to register each intercity bus in the fleet for which registration is requested based on the regular annual registration fees prescribed by section 7 of this chapter:

(3) Multiply the amount obtained under subdivision (2) by the fraction obtained under subdivision (1):

SECTION 565. IC 9-29-5-26 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 26: (a) The fee for the special registration permit under IC 9-18 is ten dollars (\$10):

(b) A special registration permit may be renewed one (1) time only for a renewal fee of ten dollars (\$10):

SECTION 566. IC 9-29-5-30, AS AMENDED BY P.L.216-2014, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 30. (a) The fee to register under IC 9-18-13 a Class A recovery vehicle under IC 9-18-13 that has a gross vehicle weight rating that is greater than sixteen thousand (16,000) pounds is as follows:

(1) For a Class A recovery vehicle registered before August 1 of a year, five hundred nine dollars and seventy-five cents (\$509.75).

(2) For a Class A recovery vehicle registered after July 31 of a year, two hundred fifty-seven dollars and seventy-five cents (\$257.75).

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the state police building account.

(2) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(3) To the crossroads 2000 fund as follows:

(A) For a Class A recovery vehicle registered before August 1 of a year, four dollars (\$4).

(B) For a Class A recovery vehicle registered after July 31 of a year, two dollars (\$2).

(4) For a Class A recovery vehicle registered before July 1, 2019:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Five dollars (\$5) to the commission fund.

(5) For a Class A recovery vehicle registered after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

(6) Any remaining amount to the motor vehicle highway account.

SECTION 567. IC 9-29-5-30.1, AS ADDED BY P.L.216-2014, SECTION 112, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 30.1. (a) The fee to register under IC 9-18-13 a Class B recovery vehicle under IC 9-18-13 that has a gross vehicle weight rating equal to or less than sixteen thousand (16,000) pounds is as follows:

(1) For a Class B recovery vehicle registered before August 1 of a year, eighty-three dollars and seventy-five cents (\$83.75).

(2) For a Class B recovery vehicle registered after July 31 of a year, forty-four dollars and seventy-five cents (\$44.75).

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the state police building account.

(2) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(3) To the crossroads 2000 fund as follows:

(A) For a Class B recovery vehicle registered before August 1 of a year, three dollars (\$3).

(B) For a Class B recovery vehicle registered after July 31 of a year, one dollar and fifty cents (\$1.50).

(4) For a Class B recovery vehicle registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Five dollars (\$5) to the commission fund.

(5) For a Class B recovery vehicle registered after June 30, 2019, six dollars and twenty-five cents (\$6.25) to the commission fund.

(6) Any remaining amount to the motor vehicle highway account.

SECTION 568. IC 9-29-5-32.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 32.5: (a) The fee for a personalized license plate under IC 9-18-15 is forty-five dollars (\$45). The fee shall be distributed as follows:

(1) Four dollars (\$4) to the crossroads 2000 fund.

(2) Seven dollars (\$7) to the motor vehicle highway account.

(3) Thirty-four dollars (\$34) to the commission fund.

(b) The fee for the registration and display of an authentic license plate for the model year of an antique motor vehicle under IC 9-18-12-2.5 is thirty-seven dollars (\$37). The fee shall be distributed as follows:

(1) Seven dollars (\$7) to the motor vehicle highway account.

(2) Thirty dollars (\$30) to the commission fund.

SECTION 569. IC 9-29-5-33 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 33: The fee to register a vehicle owned by an eligible person under IC 9-18-18 is the applicable fee for a vehicle of the same class under this chapter. There is no additional fee for a license plate issued under IC 9-18-18.

SECTION 570. IC 9-29-5-34.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 34.5: A vehicle registered under IC 9-18-24.5 is subject to an annual registration fee and any other fee or tax required of a person registering a vehicle under this title. There is no additional fee for a license plate issued under IC 9-18-24.5.

SECTION 571. IC 9-29-5-34.7 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 34.7: In addition to the fee described in IC 9-18-52-7(a)(2), a vehicle registered under IC 9-18-52 is subject to an annual registration fee for a vehicle of the same classification under this chapter and any other fee or tax required of a person registering a vehicle under this title.

SECTION 572. IC 9-29-5-35 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 35: There is no fee in addition to the regular registration fee to register a vehicle under IC 9-18-22.

SECTION 573. IC 9-29-5-36 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 36: The fee to register a vehicle under IC 9-18-23 is as follows:

(1) The applicable excise tax imposed under IC 6-6-5.

(2) The regular vehicle registration fee imposed under this chapter.

(3) Eight dollars (\$8); distributed as follows:

(A) Two dollars (\$2) to the motor vehicle highway account.

(B) Two dollars (\$2) to the crossroads 2000 fund.

(C) For a vehicle registered before July 1, 2019, as follows:

(i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(ii) Two dollars and seventy-five cents (\$2.75) to the commission fund.

(D) For a vehicle registered after June 30, 2019, four dollars (\$4) to the commission fund.

SECTION 574. IC 9-29-5-37 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 37: The bureau shall set the fee for a license plate issued under IC 9-18-24 by rule.

SECTION 575. IC 9-29-5-38 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 38: (a) Except as provided in subsections (c) and (d), vehicles registered under IC 9-18-25 are subject to the following:

(1) The appropriate annual registration fee under this chapter for the vehicle;

(2) An annual supplemental fee of fifteen dollars (\$15);

(3) The applicable special group recognition license plate fee under IC 9-18-25-17.5 or IC 9-18-25-17.7;

(4) Any other fee or tax required to register a vehicle under this title.

(b) The bureau shall distribute the money collected under the annual supplemental fee under subsection (a)(2) or (d)(2) as follows:

(1) Five dollars (\$5) from each registration is appropriated to the motor vehicle highway account.

(2) Five dollars (\$5) from each registration shall be deposited in the commission fund under IC 9-29-14.

(3) Five dollars (\$5) from each supplemental fee under subsection (a)(2) shall be distributed as follows:

(A) One dollar (\$1) to the crossroads 2000 fund.

(B) For a vehicle registered before July 1, 2019, as follows:

(i) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(ii) Two dollars and seventy-five cents (\$2.75) to the commission fund.

(C) For a vehicle registered after June 30, 2019, four dollars (\$4) to the commission fund.

(c) A vehicle registered under IC 9-18-25 that is owned by a former prisoner of war or by the prisoner's surviving spouse is exempt from the fees described in subsection (a). However, the vehicle is subject to a service charge of five dollars and seventy-five cents (\$5.75). The fee shall be distributed as follows:

(1) Twenty-five cents (\$0.25) to the state police building account.

(2) Fifty cents (\$0.50) to the state motor vehicle technology fund.

(3) For a vehicle registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Three dollars and seventy-five cents (\$3.75) to the commission fund.

(4) For a vehicle registered after June 30, 2019, five dollars (\$5) to the commission fund.

(d) A motor vehicle that is registered and for which is issued a special group recognition license plate under IC 9-18-25 and IC 9-18-49 is subject to the following:

(1) The appropriate annual registration fee under this chapter for the vehicle;

(2) An annual supplemental fee of ten dollars (\$10);

(3) The applicable special group recognition license plate fee under IC 9-18-25-17.5 or IC 9-18-25-17.7;

(4) The annual fee of twenty dollars (\$20) imposed by IC 9-18-49-4(a)(2);

(5) Any other fee or tax required to register a vehicle under this title.

SECTION 576. IC 9-29-5-38.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 38.5: (a) A vehicle registered under IC 9-18-50 is subject to:

(1) an annual registration fee;

(2) an annual supplemental fee of fifteen dollars (\$15); and

(3) any other fee or tax required of a person registering a vehicle under this title.

(b) A vehicle registered under IC 9-18-51 is subject to:

(1) an annual registration fee;

(2) an annual supplemental fee of twenty dollars (\$20); and

(3) any other fee or tax required of a person registering a vehicle under this title.

(c) The bureau shall distribute the annual supplemental fees

described in subsections (a)(2) and (b)(2) that are collected from each registration to the director of veterans' affairs for deposit in the military family relief fund established under IC 10-17-12-8.

SECTION 577. IC 9-29-5-38.6 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 38-6: A vehicle registered under IC 9-18-54 is subject to an annual registration fee and any other fee or tax required of a person registering a vehicle under this title.

SECTION 578. IC 9-29-5-45 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 45: The bureau may adopt rules under IC 4-22-2 to impose a pull service charge. However, the bureau may not impose a pull service charge of more than fifteen dollars (\$15) for a requested motor vehicle registration plate issued under IC 9-18-25 for a special group recognition license plate that commemorates the Lewis and Clark expedition.

SECTION 579. IC 9-29-5-47.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 47.2. This chapter expires December 31, 2016.

SECTION 580. IC 9-29-6 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Fees Under IC 9-20).

SECTION 581. IC 9-29-7 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Fees Under IC 9-22).

SECTION 582. IC 9-29-9 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Fees Under IC 9-24).

SECTION 583. IC 9-29-10 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Fees Under IC 9-25).

SECTION 584. IC 9-29-11 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Fees Under IC 9-26).

SECTION 585. IC 9-29-11.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Accident Response Service Fees).

SECTION 586. IC 9-29-12 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Fees Under IC 9-27).

SECTION 587. IC 9-29-13 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Miscellaneous Fees).

SECTION 588. IC 9-29-14 IS REPEALED [EFFECTIVE JULY 1, 2016]. (State License Branch Fund).

SECTION 589. IC 9-29-15 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Fees Under IC 9-31).

SECTION 590. IC 9-29-16 IS REPEALED [EFFECTIVE JULY 1, 2016]. (State Motor Vehicle Technology Fund).

SECTION 591. IC 9-29-17-16 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 16: (a) The fee to obtain a dealer plate under IC 9-31-3-19 is ten dollars (\$10):

(b) The fee is retained by the secretary of state.

SECTION 592. IC 9-30-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. A law enforcement officer may not arrest or issue a traffic information and summons to a person for a violation of an Indiana law regulating the use and operation of a motor vehicle on an Indiana highway or an ordinance of a city or town regulating the use and operation of a motor vehicle on an Indiana highway unless at the time of the arrest the officer is:

- (1) wearing a distinctive uniform and a badge of authority; or
- (2) operating a motor vehicle that is clearly marked as a police vehicle;

that will clearly show the officer or the officer's vehicle to casual observations to be an officer or a police vehicle. This section does not apply to an officer making an arrest when there is a uniformed officer present at the time of the arrest.

SECTION 593. IC 9-30-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) If a person who is an Indiana resident:

- (1) is arrested for a misdemeanor regulating the use and operation of motor vehicles, other than the misdemeanor of operating a vehicle while intoxicated; and
- (2) is not immediately taken to court as provided in section 4 of this chapter;

the person Indiana resident shall be released from custody by the arresting officer upon signing a written promise to appear in the proper court at a time and date indicated on the promise. The Indiana resident shall be given a copy of the promise.

(b) Except as provided in IC 9-28-1 and IC 9-28-2, if a person who is not an Indiana resident nonresident is arrested for a violation of a traffic ordinance or a statute punishable as an infraction or a misdemeanor that regulates the use and operation of a motor vehicle and is not immediately taken to court as provided in section 4 of this chapter, the person shall be released upon the deposit of a security. The security shall be:

- (1) the amount of the fine and costs for the violation in the form of cash, a money order, or a traveler's check made payable to the clerk of the court; or
- (2) a valid motor club card of a motor club that, by written plan approved by the secretary of state as provided in section 8 of this chapter, guarantees the nonresident's deposit in the amount of the fine and costs.

The proper court shall provide a list of security deposits, which must be equal to the fine and costs for the violation, and a security deposit agreement that acts as a receipt for the deposit. A nonresident who does not choose to deposit a security shall be taken to the proper court.

(c) The agreement for the security deposit and the written promise or notice to appear in court must contain the following:

- (1) A citation of the violation.
- (2) The name and address of the person accused of committing the violation.
- (3) The number of the person's license to operate a motor vehicle.
- (4) The registration number of the person's vehicle, if any.
- (5) The time and place the person must appear in court.

If the violation is a misdemeanor, the time specified for appearance must be at least five (5) days after the arrest unless the arrested person demands an earlier hearing. The place specified for appearance must be in the proper court within the county where the person was arrested or given a notice to appear in the case of an infraction or ordinance. The nonresident shall be properly informed of the consequences of a guilty plea or an agreed judgment. The agreement for the security must also contain a provision in which the nonresident agrees that the court shall take permanent possession of the deposit, and if the nonresident fails to appear in court or is not represented in court, a guilty plea or an offer of judgment shall be entered on the court's record on behalf of the nonresident. Upon proper appearance or representation, the security shall be returned to the nonresident.

(d) A nonresident licensed by a jurisdiction that has entered into an agreement with Indiana under IC 9-28-2 may deposit the nonresident's license to operate a motor vehicle with the law enforcement officer as security for release. A nonresident shall, by the date required on the security deposit agreement, do one (1) of the following:

- (1) Appear in court.
- (2) Be represented in court.
- (3) Deliver to the court by mail or courier the amount of the fine and costs prescribed for the violation.

The license to operate a motor vehicle shall be returned to the nonresident upon payment of the fine and costs and entry of a guilty plea or upon other judgment of the court. Until a judgment has been entered upon the court's records, the nonresident's copy of the security deposit agreement acts as a temporary license to operate a motor vehicle. Upon failure to appear or to be represented, the nonresident's license to operate a motor vehicle and a copy of the judgment shall be sent by the court to the bureau, which shall notify the appropriate agency in accordance with IC 9-30-3-8.

(e) A nonresident who requests to deposit a security in the amount of the fine and costs shall be accompanied to the nearest United States mail receptacle and instructed by the law

enforcement officer to place:

(1) the amount of the fine and costs; and

(2) one (1) signed copy of the security deposit agreement; into a stamped, addressed envelope, which the proper court shall supply to the officer for the nonresident. The officer shall observe this transaction and shall observe the nonresident deposit the envelope in the mail receptacle. The nonresident shall then be released and given a copy of the security deposit agreement. If the nonresident does not appear in court or is not represented in court at the time and date specified on the receipt, a guilty plea or judgment against the nonresident shall be entered and the security deposit shall be used to satisfy the amount of the fine and costs prescribed for the violation.

(f) A nonresident motorist may deposit with the law enforcement officer a valid motor club card as a guarantee of security if the motor club or its affiliated clubs have a written plan approved by the secretary of state that guarantees the payment of the security in the amount of the fine and costs if the motorist:

(1) does not appear in court; or

(2) is not represented in court on the date and time specified in the security agreement.

(g) The recipient court may refuse acceptance of a security deposit agreement for a second moving traffic charge within a twelve (12) month period. The court may send notice requiring a personal court appearance on a date specified. Upon failure to appear the court shall take the appropriate action as described in this section.

SECTION 594. IC 9-30-3-12, AS AMENDED BY P.L.85-2013, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) If during any twelve (12) month period a ~~person~~ **an individual** has committed moving traffic violations for which the ~~person~~ **individual** has:

(1) been convicted of at least two (2) traffic misdemeanors;

(2) had at least two (2) traffic judgments entered against the ~~person~~; **individual**; or

(3) been convicted of at least one (1) traffic misdemeanor and has had at least one (1) traffic judgment entered against the ~~person~~; **individual**;

the bureau may require the ~~person~~ **individual** to attend and satisfactorily complete a driver safety program approved by the bureau. The ~~person~~ **individual** shall pay all applicable fees required by the bureau.

(b) This subsection applies to an individual who holds a ~~probationary license under IC 9-24-11-3.3 or is less than eighteen (18) years of age.~~ **is less than twenty-one (21) years of age.** An individual is required to attend and satisfactorily complete a driver safety program approved by the bureau if either of the following occurs at least twice or if both of the following have occurred when the individual was less than ~~eighteen (18)~~ **twenty-one (21)** years of age:

(1) The individual has been convicted of a moving traffic offense, other than an offense that solely involves motor vehicle equipment.

(2) The individual has been the operator of a motor vehicle involved in an accident for which a report is required to be filed under IC 9-26-2.

The individual shall pay all applicable fees required by the bureau.

(c) The bureau may suspend the driving privileges of any ~~person~~ **individual** who:

(1) fails to attend a driver safety program; or

(2) fails to satisfactorily complete a driver safety program; as required by this section.

(d) Notwithstanding IC 33-37-4-2, any court may suspend one-half (1/2) of each applicable court cost (including fees) for which a ~~person~~ **an individual** is liable due to a traffic violation if the ~~person~~ **individual** enrolls in and completes a driver safety

program or a similar school conducted by an agency of the state or local government.

SECTION 595. IC 9-30-3-15, AS AMENDED BY P.L.125-2012, SECTION 327, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. In a proceeding, prosecution, or hearing where the prosecuting attorney must prove that the defendant had a prior conviction for an offense under this title, the relevant portions of a certified computer printout or electronic copy as set forth in ~~IC 9-14-3-4~~ made from the records of the bureau are admissible as prima facie evidence of the prior conviction. However, the prosecuting attorney must establish that the document identifies the defendant by the defendant's driver's license number or by any other identification method utilized by the bureau.

SECTION 596. IC 9-30-4-1 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. ~~1~~: (a) ~~Upon any reasonable ground appearing on the records of the bureau and specified in rules adopted under subsection (b), the bureau may do the following:~~

~~(1) Suspend or revoke the current driving privileges or driver's license of any person;~~

~~(2) Suspend or revoke the certificate of registration and license plate for any motor vehicle;~~

~~(b) The bureau shall adopt rules under IC 4-22-2 to specify reasonable grounds for suspension or revocation permitted under subsection (a):~~

SECTION 597. IC 9-30-4-6, AS AMENDED BY P.L.149-2015, SECTION 98, IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 6: (a) ~~The bureau shall suspend or revoke the current driver's license or driving privileges and all certificates of registration and license plates issued or registered in the name of a person who is convicted of any of the following:~~

~~(1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle;~~

~~(2) Perjury or knowingly making a false affidavit to the department under this chapter or any other law requiring the registration of motor vehicles or regulating motor vehicle operation upon the highways;~~

~~(3) Three (3) charges of criminal recklessness involving the use of a motor vehicle within the preceding twelve (12) months;~~

~~(4) Failure to stop and give information or assistance or failure to stop and disclose the person's identity at the scene of an accident that has resulted in death, personal injury, or property damage in excess of two hundred dollars (\$200);~~

However, and unless otherwise required by law, the bureau may not suspend a certificate of registration or license plate if the person gives and maintains, during the three (3) years following the date of suspension or revocation, proof of financial responsibility in the future in the manner specified in this section:

(b) The bureau shall suspend a driver's license or driving privileges of a person upon conviction in another jurisdiction for the following:

~~(1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle;~~

~~(2) Perjury or knowingly making a false affidavit to the department under this chapter or any other law requiring the registration of motor vehicles or regulating motor vehicle operation upon the highways;~~

~~(3) Three (3) charges of criminal recklessness involving the use of a motor vehicle within the preceding twelve (12) months;~~

~~(4) Failure to stop and give information or assistance or failure to stop and disclose the person's identity at the scene of an accident that has resulted in death, personal injury, or property damage in excess of two hundred dollars (\$200);~~

However, if property damage is less than two hundred dollars

(\$200); the bureau may determine whether the driver's license or driving privileges and certificates of registration and license plates shall be suspended or revoked:

(e) A person whose driving privileges are suspended under this chapter is eligible for specialized driving privileges under IC 9-30-16.

(d) A suspension or revocation remains in effect and a new or renewal license may not be issued to the person and a motor vehicle may not be registered in the name of the person as follows:

(1) Except as provided in subdivision (2); for six (6) months from the date of conviction or on the date on which the person is otherwise eligible for a license; whichever is later:

(2) Upon conviction of an offense described in subsection (a)(1) or (b)(1); or (a)(4) or (b)(4) when the accident has resulted in death; for a fixed period of not less than two (2) years and not more than five (5) years; to be fixed by the bureau based upon recommendation of the court entering a conviction: A new or reinstated driver's license or driving privileges may not be issued to the person unless that person; within the three (3) years following the expiration of the suspension or revocation; gives and maintains in force at all times during the effective period of a new or reinstated license proof of financial responsibility in the future in the manner specified in this chapter: However, the liability of the insurance carrier under a motor vehicle liability policy that is furnished for proof of financial responsibility in the future as set out in this chapter becomes absolute whenever loss or damage covered by the policy occurs; and the satisfaction by the insured of a final judgment for loss or damage is not a condition precedent to the right or obligation of the carrier to make payment on account of loss or damage; but the insurance carrier has the right to settle a claim covered by the policy: If the settlement is made in good faith; the amount shall be deductive from the limits of liability specified in the policy: A policy may not be canceled or annulled with respect to a loss or damage by an agreement between the carrier and the insured after the insured has become responsible for the loss or damage; and a cancellation or annulment is void: The policy may provide that the insured or any other person covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms; provisions; or conditions of the policy: If the policy provides for limits in excess of the limits specified in this chapter; the insurance carrier may plead against any plaintiff; with respect to the amount of the excess limits of liability; any defenses that the carrier may be entitled to plead against the insured: The policy may further provide for prorating of the insurance with other applicable valid and collectible insurance: An action does not lie against the insurance carrier by or on behalf of any claimant under the policy until a final judgment has been obtained after actual trial by or on behalf of any claimant under the policy:

(e) The bureau may take action as required in this section upon receiving satisfactory evidence of a conviction of a person in another state:

(f) For the purpose of this chapter; "conviction" includes any of the following:

- (1) A conviction upon a plea of guilty;
- (2) A determination of guilt by a jury or court; even if:
 - (A) no sentence is imposed; or
 - (B) a sentence is suspended;
- (3) A forfeiture of bail; bond; or collateral deposited to secure the defendant's appearance for trial; unless the forfeiture is vacated;
- (4) A payment of money as a penalty or as costs in

accordance with an agreement between a moving traffic violator and a traffic violations bureau:

(g) A suspension or revocation under this section or under IC 9-30-13-0.5 stands pending appeal of the conviction to a higher court and may be set aside or modified only upon the receipt by the bureau of the certificate of the court reversing or modifying the judgment that the cause has been reversed or modified: However; if the suspension or revocation follows a conviction in a court of no record in Indiana; the suspension or revocation is stayed pending appeal of the conviction to a court of record:

(h) A person aggrieved by an order or act of the bureau under this section or IC 9-30-13-0.5 may file a petition for a court review:

SECTION 598. IC 9-30-4-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 6.1. (a) The bureau shall suspend or revoke the current driver's license or driving privileges and all certificates of registration and proof of registration issued to or registered in the name of an individual who is convicted of any of the following:**

(1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle.

(2) Knowingly making a false application, or committing perjury with respect to an application made, under:

(A) this chapter; or

(B) any other law requiring the registration of motor vehicles or regulating motor vehicle operation on highways.

(3) Three (3) charges of criminal recklessness involving the use of a motor vehicle within the preceding twelve (12) months.

(4) Failure to stop and give information or assistance or failure to stop and disclose the individual's identity at the scene of an accident that has resulted in death, personal injury, or property damage in excess of two hundred dollars (\$200).

However, and unless otherwise required by law, the bureau may not suspend a certificate of registration or proof of registration if the individual gives and maintains, during the three (3) years following the date of suspension or revocation, proof of financial responsibility in the future in the manner specified in this section.

(b) The bureau shall suspend a driver's license or driving privileges of an individual upon conviction in another jurisdiction for the following:

(1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle.

(2) Knowingly making a false application, or committing perjury with respect to an application made, under:

(A) this chapter; or

(B) any other law requiring the registration of motor vehicles or regulating motor vehicle operation on highways.

(3) Three (3) charges of criminal recklessness involving the use of a motor vehicle within the preceding twelve (12) months.

(4) Failure to stop and give information or assistance or failure to stop and disclose the individual's identity at the scene of an accident that has resulted in death, personal injury, or property damage in excess of two hundred dollars (\$200).

However, if property damage under subdivision (4) is equal to or less than two hundred dollars (\$200), the bureau may determine whether the driver's license or driving privileges and certificates of registration and proof of registration shall be suspended or revoked.

(c) An individual whose driving privileges are suspended under this chapter is eligible for specialized driving

privileges under IC 9-30-16.

(d) A suspension or revocation remains in effect and a new or renewal license may not be issued to the individual and a motor vehicle may not be registered in the name of the individual as follows:

(1) Except as provided in subdivision (2), for six (6) months after the date of conviction or on the date on which the individual is otherwise eligible for a license, whichever is later.

(2) Upon conviction of an offense described in subsection (a)(1), (a)(4), (b)(1), or (b)(4), when the accident has resulted in death, for a fixed period of at least two (2) years and not more than five (5) years, to be fixed by the bureau based upon recommendation of the court entering a conviction. A new or reinstated driver's license or driving privileges may not be issued to the individual unless that individual, within the three (3) years following the expiration of the suspension or revocation, gives and maintains in force at all times during the effective period of a new or reinstated license proof of financial responsibility in the future in the manner specified in this chapter. However, the liability of the insurance carrier under a motor vehicle liability policy that is furnished for proof of financial responsibility in the future as set out in this chapter becomes absolute whenever loss or damage covered by the policy occurs, and the satisfaction by the insured of a final judgment for loss or damage is not a condition precedent to the right or obligation of the carrier to make payment on account of loss or damage, but the insurance carrier has the right to settle a claim covered by the policy. If the settlement is made in good faith, the amount must be deducted from the limits of liability specified in the policy. A policy may not be canceled or annulled with respect to a loss or damage by an agreement between the carrier and the insured after the insured has become responsible for the loss or damage, and a cancellation or annulment is void. The policy may provide that the insured or any other person covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions, or conditions of the policy. If the policy provides for limits that exceed the limits specified in this chapter, the insurance carrier may plead against any plaintiff, with respect to the amount of the excess limits of liability, any defenses that the carrier may be entitled to plead against the insured. The policy may further provide for prorating of the insurance with other applicable valid and collectible insurance. An action does not lie against the insurance carrier by or on behalf of any claimant under the policy until a final judgment has been obtained after actual trial by or on behalf of any claimant under the policy.

(e) The bureau may take action as required in this section upon receiving satisfactory evidence of a conviction of an individual in another state.

(f) A suspension or revocation under this section or IC 9-30-13-0.5 stands pending appeal of the conviction to a higher court and may be set aside or modified only upon the receipt by the bureau of the certificate of the court reversing or modifying the judgment that the cause has been reversed or modified. However, if the suspension or revocation follows a conviction in a court of no record in Indiana, the suspension or revocation is stayed pending appeal of the conviction to a court of record.

(g) A person aggrieved by an order or act of the bureau under this section or IC 9-30-13-0.5 may file a petition for a court review.

(h) An entry in the driving record of a defendant stating

that notice of suspension or revocation was mailed by the bureau to the defendant constitutes prima facie evidence that the notice was mailed to the defendant's address as shown in the records of the bureau.

SECTION 599. IC 9-30-4-9, AS AMENDED BY P.L.188-2015, SECTION 105, IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 9: (a) Upon the filing of a complaint in writing with the bureau against a person holding a current driver's license or permit or applying for a driver's license, permit, or renewal, the bureau may cite the person for a hearing to consider the suspension or revocation of the person's license, permit, or driving privileges upon any of the following charges or allegations:

(1) That the person has committed an offense for the conviction of which mandatory revocation of license is provided:

(2) That the person has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any other person or property damage:

(3) That the person is incompetent to drive a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for the person to drive a motor vehicle:

(4) That the person is a reckless or negligent driver of a motor vehicle or has committed a violation of a motor vehicle law:

(b) Whenever the bureau determines a hearing is necessary upon a complaint in writing for any of the reasons set out in this section, the bureau shall immediately notify the licensee or permit holder of the hearing. The notice must state the time, date, and place where the hearing will be held and that the licensee or permit holder has the right to appear and to be heard. At the hearing the bureau or the deputy or agent may issue an order of suspension or revocation of, or decline to suspend or revoke, the driver's license, permit, or driving privileges of the person:

(c) The bureau or the deputy or agent may suspend or revoke the driver's license, permit, or driving privileges of a person and any of the certificates of registration and license plates for a motor vehicle or require the person to operate for a period of one (1) year under restricted driving privileges and make the reports the bureau requires:

(d) The bureau or the deputy or agent may subpoena witnesses, administer oaths, and take testimony. The failure of the defendant to appear at the time and place of the hearing after notice as provided in this section does not prevent the hearing, the taking of testimony, and the determination of the matter:

(e) Testimony or a record of suspension or revocation of a driver's license, a permit, or driving privileges in the custody of the bureau following a hearing is not admissible as evidence:

(1) in any court in any action at law for negligence; or

(2) in any civil action brought against a person so cited by the bureau under this chapter:

(f) Except as provided in subsections (h), (i), and (j), the bureau may suspend or revoke the driver's license, permit, or driving privileges of an Indiana resident for a period of not more than one (1) year upon receiving notice of the conviction of the person in another state of an offense that, if committed in Indiana, would be grounds for the suspension or revocation of the license, permit, or driving privileges. A person whose driver's license, permit, or driving privileges are suspended under this subsection is eligible for specialized driving privileges under IC 9-30-16-4.

(g) The bureau may, upon receiving a record of the conviction in Indiana of a nonresident driver of a motor vehicle of an offense under Indiana motor vehicle laws, forward a certified copy of the record to the motor vehicle administrator in the state where the person convicted is a resident:

(h) The bureau shall suspend the driver's license, permit, or

driving privileges of an Indiana resident for a period of one (1) year upon receiving notice of the conviction of the person in another state of an offense that:

- (1) involves the use of a motor vehicle; and
- (2) caused or resulted in serious bodily injury to another person.

A person whose driver's license, permit, or driving privileges are suspended under this subsection is eligible for specialized driving privileges under IC 9-30-16-4.

(i) The bureau shall suspend the driver's license, permit, or driving privileges of an Indiana resident for a period of one (1) year upon receiving notice of the conviction of the person in another state of an offense that involves the operation of a motor vehicle while the person is intoxicated and the person has a prior conviction:

- (1) in another state of an offense that involves the operation of a motor vehicle while the person is intoxicated; or
- (2) under IC 9-30-5.

A person whose driver's license, permit, or driving privileges are suspended under this subsection is eligible for specialized driving privileges under IC 9-30-16-4.

(j) The bureau shall suspend the driver's license, permit, or driving privileges of an Indiana resident for a period of two (2) years upon receiving notice of the conviction of the person in another state of an offense that:

- (1) involves the operation of a motor vehicle; and
- (2) caused the death of another person.

A person whose driver's license, permit, or driving privileges are suspended under this subsection is not eligible for specialized driving privileges under IC 9-30-16-4 during the period for which the person's driver's license, permit, or driving privileges are suspended under this subsection.

(k) A suspension or revocation under this section stands pending any proceeding for review of an action of the bureau taken under this section:

(l) In addition to any other power, the bureau may modify, amend, or cancel any order or determination during the time within which a judicial review could be had. A person aggrieved by the order or act may have a judicial review under sections 10 and 11 of this chapter.

SECTION 600. IC 9-30-4-14 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 14. The bureau may adopt rules under IC 4-22-2 to administer this chapter.

SECTION 601. IC 9-30-6-4 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 4. The bureau shall adopt rules under IC 4-22-2 necessary to carry out this chapter, IC 9-30-5, IC 9-30-9, or IC 9-30-15.

SECTION 602. IC 9-30-10-14.1, AS ADDED BY P.L.188-2015, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14.1. (a) This section does not apply to any person who has the person's license driving privileges suspended for life under:

- (1) IC 9-30-10-5(b)(2); section 5(b)(2) of this chapter; or
- (2) IC 9-30-10-17(b) section 17(b) of this chapter for an offense that occurred after December 31, 2014.

(b) Except as provided in subsection (f), a person whose driving privileges have been suspended for life may petition a court in a civil action for a rescission of the suspension order and reinstatement of driving privileges if the following conditions exist:

- (1) Ten (10) years have elapsed since the date on which an order for the lifetime suspension of the person's driving privileges was issued.
- (2) The person has never been convicted of a violation described in section 4(a) of this chapter.

(c) A petition for rescission and reinstatement under this section must meet the following conditions:

- (1) Be verified by the petitioner.

(2) State the petitioner's age, date of birth, and place of residence.

(3) Describe the circumstances leading up to the lifetime suspension of the petitioner's driving privileges.

(4) Aver a substantial change in the petitioner's circumstances of the following:

(A) That indicates the petitioner would no longer pose a risk to the safety of others if the petitioner's driving privileges are reinstated.

(B) That makes the lifetime suspension of the petitioner's driving privileges unreasonable.

(C) That indicates it is in the best interests of society for the petitioner's driving privileges to be reinstated.

(5) Aver that the requisite amount of time has elapsed since the date on which the order for the lifetime suspension of the person's driving privileges was issued as required under subsections (b) and (f).

(6) Aver that the petitioner has never been convicted of a violation described in section 4(a) of this chapter.

(7) Be filed in a circuit or superior court having jurisdiction in the county where the petitioner resides. If the petitioner resides in a state other than Indiana, the petition must be filed in the county in which the most recent Indiana moving violation conviction occurred.

(8) If the petition is being filed under subsection (f), aver the existence of the conditions listed in subsection (f)(1) through (f)(3).

(d) The petitioner shall serve the prosecuting attorney of the county in which the petition is filed and the bureau with a copy of the petition described in subsection (b). A responsive pleading is not required.

(e) The prosecuting attorney of the county in which the petition is filed shall represent the state in the matter.

(f) A person whose driving privileges have been suspended for life may petition a court in a civil action for a rescission of the suspension order and reinstatement of driving privileges if all of the following conditions exist:

(1) Three (3) years have elapsed since the date on which the order for lifetime suspension of the petitioner's driving privileges was issued.

(2) The petitioner's lifetime suspension was the result of a conviction for operating a motor vehicle while the person's driving privileges were suspended because the person is a habitual violator.

(3) The petitioner has never been convicted of a violation described in section 4(a) or 4(b) of this chapter other than a judgment or conviction for operating a motor vehicle while the person's driver's license or driving privileges were revoked or suspended as a result of a conviction of an offense under IC 9-1-4-52 (repealed July 1, 1992), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-2, or IC 9-24-19-3.

SECTION 603. IC 9-30-10-14.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14.2. (a) Upon receiving a petition filed after June 30, 2016, under section 14.1 of this chapter, a court shall set a date for hearing the matter and direct the clerk of the court to provide notice of the hearing date to the following parties:

- (1) The petitioner.
- (2) The prosecuting attorney of the county where the petitioner resides.
- (3) The bureau.

(b) At a hearing described in subsection (a), the petitioner must prove the following by a preponderance of the evidence:

- (1) The petitioner has no prior convictions for a violation described in section 4(a) of this chapter.
- (2) The petitioner no longer presents a safety risk to others while operating a motor vehicle.

(3) The ongoing suspension of the petitioner's driving privileges is unreasonable.

(4) The reinstatement of the petitioner's driving privileges serves the best interests of society.

(5) If the petitioner is seeking reinstatement under section 14.1(b) of this chapter, at least ten (10) years have elapsed since the suspension of the petitioner's driving privileges.

(6) If the petitioner is seeking reinstatement under section 14.1(f) of this chapter, at least three (3) years have elapsed since the suspension of the petitioner's driving privileges.

(c) If the court finds that a petitioner meets all applicable requirements in subsection (b), the court may do the following:

(1) Rescind the order requiring the suspension of the petitioner's driving privileges.

(2) Order the bureau to reinstate the petitioner's driving privileges.

(d) In an order for reinstatement of driving privileges issued under this section, the court may require the bureau to grant the petitioner specialized driving privileges:

(1) for a specified period; and

(2) subject to additional conditions imposed by the court.

(e) Additional terms and conditions imposed by the court may include one (1) or more of the following:

(1) Specified hours during which the petitioner may operate a motor vehicle.

(2) An order prohibiting the petitioner from operating a motor vehicle:

(A) with an alcohol concentration equivalent to at least two hundredths (0.02) of a gram of alcohol per:

(i) one hundred (100) milliliters of the person's blood; or

(ii) two hundred ten (210) liters of the person's breath; or

(B) while intoxicated (as defined under IC 9-13-2-86).

(3) Electronic monitoring to determine the petitioner's compliance with subdivision (2).

(4) Use of a vehicle equipped with an ignition interlock device.

(5) Submission to a chemical breath test as part of a lawful traffic stop conducted by a law enforcement officer.

(6) Use of an electronic monitoring device that detects and records the petitioner's use of alcohol.

(f) The court shall specify the conditions under which the petitioner may be issued driving privileges to operate a motor vehicle.

(g) After the expiration date of the specialized driving privileges ordered by the court under subsection (d) and the petitioner's fulfillment of any imposed conditions specified by the court, the bureau shall reinstate the petitioner's driving privileges.

(h) If the bureau receives a judicial order granting rescission of a suspension order under subsection (c) for an individual who, according to the records of the bureau, does not qualify for the rescission of a suspension order, the bureau shall do the following:

(1) Process the judicial order and notify the prosecuting attorney of the county from which the order was received that the individual is not eligible for the rescission of the suspension order and reinstatement of driving privileges.

(2) Send a certified copy of the individual's driving record to the prosecuting attorney described in subdivision (1).

Upon receiving a certified copy under subdivision (2), the

prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order. If the bureau does not receive a corrected order within sixty (60) days of sending the petitioner's driving record to the prosecuting attorney described in subdivision (1), the bureau shall notify the attorney general, who shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order within sixty (60) days of receiving notice from the bureau.

(i) An order reinstating a petitioner's driving privileges is a final order that may be appealed by any party to the action.

SECTION 604. IC 9-30-13-0.5, AS AMENDED BY P.L.188-2015, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.5. (a) A court shall forward to the bureau a certified abstract of the record of the conviction of a person in the court for a violation of a law relating to motor vehicles.

(b) If in the opinion of the court a defendant should be deprived of the privilege to operate a motor vehicle upon a public highway, the court shall may recommend the suspension of the convicted person's driving privileges for a fixed period established by the court that does not exceed the maximum period of incarceration to for the offense of which the convicted person was sentenced: convicted.

(c) The bureau shall comply with the court's recommendation.

(d) At the time of a conviction referred to in subsection (a) or under IC 9-30-5-7, the court may obtain and destroy the defendant's current driver's license.

(e) An abstract required by this section must be in the form prescribed by the bureau and, when certified, shall be accepted by an administrative agency or a court as prima facie evidence of the conviction and all other action stated in the abstract.

SECTION 605. IC 9-30-15-3, AS AMENDED BY P.L.290-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) This section does not apply to the following:

(1) A container possessed by a person, other than the operator of the motor vehicle, who is in the:

(A) passenger compartment of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation; or

(B) living quarters of a house coach or house trailer.

(2) A container located in a fixed center console or other similar fixed compartment that is locked.

(3) A container located:

(A) behind the last upright seat; or

(B) in an area not normally occupied by a person; in a motor vehicle that is not equipped with a trunk.

(b) A person in a motor vehicle who, while the motor vehicle is in operation or while the motor vehicle is located on the right-of-way of a public highway, possesses a container:

(1) that has been opened;

(2) that has a broken seal; or

(3) from which some of the contents have been removed;

in the passenger compartment of the motor vehicle commits a Class C infraction.

(c) A violation of this section is not considered a moving traffic violation:

(1) for purposes of ~~IC 9-14-3~~; IC 9-14-12-3; and

(2) for which points are assessed by the bureau under the point system.

SECTION 606. IC 9-30-15.5-1, AS AMENDED BY P.L.188-2015, SECTION 120, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this chapter, "vehicular substance offense" means any misdemeanor or felony in which operation of a vehicle while intoxicated, operation of a vehicle in excess of the statutory limit for alcohol, or operation of a vehicle with a controlled

substance or its metabolite in the person's body, is a material element. The term includes an offense under IC 9-30-5, IC 9-24-6-15 (before its repeal), **IC 9-24-6.1-7**, and an offense under IC 9-11-2 (before its repeal).

SECTION 607. IC 9-30-16-1, AS AMENDED BY SEA 248-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as provided in subsection (b), the following are ineligible for a specialized driving ~~permit~~ **privileges** under this chapter:

- (1) A person who has never been an Indiana resident.
- (2) A person seeking specialized driving privileges with respect to a suspension based on the person's refusal to submit to a chemical test offered under IC 9-30-6 or IC 9-30-7.

(b) This chapter applies to the following:

(1) A person who held an operator's, a commercial driver's, a public passenger chauffeur's, or a chauffeur's license at the time of:

- (A) the criminal conviction for which the operation of a motor vehicle is an element of the offense;
- (B) any criminal conviction for an offense under IC 9-30-5; or
- (C) committing the infraction of exceeding a worksite speed limit for the second time in one (1) year under IC 9-21-5-11(f).

(2) A person who:

- (A) has never held a valid Indiana driver's license or does not currently hold a valid Indiana learner's permit; and
- (B) was an Indiana resident when the driving privileges for which the person is seeking specialized driving privileges were suspended.

(c) Except as specifically provided in this chapter, ~~for any criminal conviction in which the operation of a motor vehicle is an element of the offense, or any criminal conviction for an offense under IC 9-30-5~~, a court may suspend the person's driving privileges of a person convicted of any of the following offenses for a period up to the maximum allowable period of incarceration under the penalty for the offense:

- (1) **Any criminal conviction in which the operation of a motor vehicle is an element of the offense.**
- (2) **Any criminal conviction for an offense under IC 9-30-5.**
- (3) **Any offense under IC 35-42-1, IC 35-42-2, or IC 35-44.1-3-1 that involves the use of a vehicle.**

(d) Except as provided in section 3.5 of this chapter, a suspension of driving privileges under this chapter may begin before the conviction. Multiple suspensions of driving privileges ordered by a court that are part of the same episode of criminal conduct shall be served concurrently. A court may grant credit time for any suspension that began before the conviction, except as prohibited by section 6(a)(2) of this chapter.

(e) If a person has had an ignition interlock device installed as a condition of specialized driving privileges or under IC 9-30-6-8(d), the period of the installation shall be credited as part of the suspension of driving privileges.

(f) This subsection applies to a person described in subsection (b)(2). A court shall, as a condition of granting specialized driving privileges to the person, require the person to apply for and obtain an Indiana driver's license.

SECTION 608. IC 9-30-16-3, AS AMENDED BY SEA 248-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) This section does not apply to specialized driving privileges granted in accordance with section 3.5 of this chapter. If a court orders a suspension of driving privileges under this chapter, or imposes a suspension of driving privileges under IC 9-30-6-9(c), the court may stay the suspension and grant a specialized driving privilege as set forth in this section.

(b) An individual who seeks specialized driving privileges

must file a petition for specialized driving privileges in each court that has ordered or imposed a suspension of the individual's driving privileges. Each petition must:

- (1) be verified by the petitioner;**
- (2) state the petitioner's age, date of birth, and address;**
- (3) state the grounds for relief and the relief sought;**
- (4) be filed in a circuit or superior court; and**
- (5) be served on the bureau and the prosecuting attorney.**

A prosecuting attorney shall appear on behalf of the bureau to respond to a petition filed under this subsection.

~~(b) (c)~~ Regardless of the underlying offense, specialized driving privileges granted under this section shall be granted for at least one hundred eighty (180) days.

~~(c) (d)~~ **The terms of specialized driving privileges must be determined by a court. and may include, but are not limited to:**

- ~~(1) requiring the use of certified ignition interlock devices; and~~
- ~~(2) restricting a person to being allowed to operate a motor vehicle:~~
 - ~~(A) during certain hours of the day; or~~
 - ~~(B) between specific locations and the person's residence.~~

~~(d) (e)~~ A stay of a suspension and specialized driving privileges may not be granted to a ~~person~~ **an individual** who:

- (1) has previously been granted specialized driving privileges; and the person**
- (2) has more than one (1) conviction under section 5 of this chapter.**

~~(e) (f)~~ **A person (f) An individual** who has been granted specialized driving privileges shall:

- (1) maintain proof of future financial responsibility insurance during the period of specialized driving privileges;
- (2) carry a copy of the order granting specialized driving privileges or have the order in the vehicle being operated by the ~~person; individual;~~
- (3) produce the copy of the order granting specialized driving privileges upon the request of a police officer; and
- (4) carry a validly issued state identification card or driver's license.

~~(f) (g)~~ **A person (g) An individual** who holds a commercial driver's license and has been granted specialized driving privileges under this chapter may not, for the duration of the suspension for which the specialized driving privileges are sought, operate any vehicle that requires the ~~person~~ **individual** to hold a commercial driver's license to operate the vehicle.

~~(g) (h)~~ **A person may independently file a petition for specialized driving privileges in the court from which the ordered suspension originated.**

SECTION 609. IC 9-30-16-4, AS AMENDED BY P.L.188-2015, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) ~~A person~~ **An individual** whose driving privileges have been suspended by the bureau by an administrative action and not by a court order may petition a court for specialized driving privileges as described in section 3(b) through ~~3(e) 3(d)~~ of this chapter.

(b) A petition filed under this section must:

- (1) be verified by the petitioner;
- (2) state the petitioner's age, date of birth, and address;
- (3) state the grounds for relief and the relief sought;
- (4) be filed in the **appropriate county, in which the petitioner resides; as determined under subsection (d);**
- (5) be filed in a circuit or superior court; and
- (6) be served on the bureau and the prosecuting attorney.

(c) A prosecuting attorney shall appear on behalf of the bureau to respond to a petition filed under this section.

(d) ~~A person who was an Indiana resident and~~ **An individual** whose driving privileges are suspended in Indiana ~~but who is~~

currently a resident of a state other than Indiana, may must file a petition a court for specialized driving privileges as follows:

- (1) If the individual is an Indiana resident, in the county in which the individual resides.
- (2) If the individual was an Indiana resident at the time the individual's driving privileges were suspended but is currently a nonresident, in the county in which the person's individual's most recent Indiana moving violation judgment was entered against the person: individual.

SECTION 610. IC 9-30-16-5, AS AMENDED BY SEA 248-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) A person who knowingly or intentionally violates a condition imposed by a court under section 3, 3.5, or 4 of this chapter, or imposed under IC 9-30-10-14.2, commits a Class C misdemeanor.

(b) For a person convicted of an offense under subsection (a), the court may modify or revoke specialized driving privileges. The court may order the bureau to lift the stay of a suspension of driving privileges and suspend the person's driving license as originally ordered in addition to any additional suspension.

SECTION 611. IC 9-30-16-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. If the bureau issues a driver's license to an individual who has been issued specialized driving privileges, the individual shall pay a specialized driving privileges charge of ten dollars (\$10). The charge is in addition to any applicable fees under IC 9-24 and shall be deposited in the commission fund.

SECTION 612. IC 9-31-1-4, AS AMENDED BY P.L.125-2012, SECTION 376, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The bureau may utilize the services and facilities of:

- (1) license branches operated under IC 9-14.1;
- (2) full service providers (as defined in IC 9-14.1-1-2); and
- (3) partial services providers (as defined in IC 9-14.1-1-3);

to carry out the bureau's responsibilities under this article.

However, (b) An additional charge may not be imposed under this chapter for the use of the services or facilities of license branches under this chapter: a person described in subsection (a)(1).

SECTION 613. IC 9-31-1-5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 5: The bureau may adopt rules under IC 4-22-2 to implement this article.

SECTION 614. IC 9-31-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. Watercraft are classified for the purposes of this article and IC 9-29-15 as follows:

Class	Length in Feet	
	At Least	But Less Than
1	0	13
2	13	16
3	16	20
4	20	26
5	26	40
6	40	50
7	50	

SECTION 615. IC 9-31-1-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. "Operator" has the meaning set forth in 33 CFR 174.3.

SECTION 616. IC 9-31-1-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. "Owner" has the meaning set forth in 33 CFR 174.3.

SECTION 617. IC 9-31-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Watercraft Certificates of Title).

SECTION 618. IC 9-31-3-2, AS AMENDED BY P.L.171-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A motorboat does not have to be registered and numbered under this chapter if any of the following conditions are met:

- (1) The motorboat is legally registered in another state and:
 - (A) the motorboat has not been within Indiana for more than sixty (60) consecutive days;
 - (B) the owner of the motorboat has paid:
 - (i) the excise tax required under IC 6-6-11; and
 - (ii) the fees required under IC 6-6-11-13; and ~~IC 9-29-15-9;~~
 - (iii) a two dollar (\$2) fee to the bureau; or
 - (C) the motorboat is moored on the Indiana part of Lake Michigan for not more than one hundred eighty (180) consecutive days.
- (2) The motorboat is from a country other than the United States temporarily using the waters of Indiana.
- (3) The motorboat is a ship's lifeboat.
- (4) The motorboat belongs to a class of boats that has been exempted from registration and numbering by the bureau after the bureau has found the following:

- (A) That the registration and numbering of motorboats of that class will not materially aid in their identification.
- (B) That an agency of the federal government has a numbering system applicable to the class of motorboats to which the motorboat in question belongs.
- (C) That the motorboat would also be exempt from numbering if the motorboat were subject to the federal law.

(b) The following are prima facie evidence that a motorboat will be operated on the waters of Indiana for more than sixty (60) consecutive days and is not exempt from registration under subsection (a)(1)(A):

- (1) The rental or lease for more than sixty (60) consecutive days of a mooring facility that is located on the waters of Indiana for the motorboat.
- (2) The purchase of a mooring facility that is located on the waters of Indiana for the motorboat.
- (3) Any other contractual agreement that allows the use of a mooring facility that is located on the waters of Indiana for:
 - (A) the motorboat; and
 - (B) more than sixty (60) consecutive days.

(c) A fee imposed under subsection (a)(1)(B) shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state police building account.
- (2) One dollar and seventy-five cents (\$1.75) to the commission fund.

SECTION 619. IC 9-31-3-8, AS AMENDED BY P.L.262-2013, SECTION 128, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. The owner of a motorboat that is required to be registered and numbered by Indiana shall request to register the motorboat with the bureau. At the time of filing the request, the requesting party must provide proof of ownership and a hull identification number to the bureau. If there is the motorboat has not a manufacturer's been previously assigned a hull identification number, for the owner of the motorboat the bureau shall assign apply for a hull identification number under IC 9-17 at the time of registration. in the same manner as a hull identification number is assigned under IC 9-31-2-8. The fee prescribed under IC 9-29-15-2 shall be paid to the bureau for assigning a hull identification number. For purposes of registering a motorboat or obtaining a hull identification number to register a motorboat, ownership may be established by any one (1) of the following:

- (1) A manufacturer's or importer's certificate.

(2) A sworn statement of ownership as prescribed by the bureau. An affidavit executed, under penalties for perjury, by the person filing the application shall be accepted as proof of ownership for any motorboat or sailboat that:

(A) is a Class 5 or lower motorboat under IC 6-6-11-11 (the boat excise tax) and the motorboat is not titled under ~~IC 9-31-2~~; **IC 9-17**; or

(B) is propelled by an internal combustion, steam, or electrical inboard or outboard motor or engine or by any mechanical means, including sailboats that are equipped with such a motor or engine when the sailboat is in operation whether or not the sails are hoisted, if:

(i) the motorboat was made by an individual for the use of the individual and not for resale; and

(ii) the motorboat is not titled under ~~IC 9-31-2~~; **IC 9-17**.

(3) A certificate of title or bill of sale.

(4) Other evidence of ownership required by the law of another state from which the motorboat is brought into Indiana.

SECTION 620. IC 9-31-3-9, AS AMENDED BY P.L.262-2013, SECTION 129, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) Except as provided in subsection (b), a request for registration under section 8 of this chapter must be signed by the owner of the motorboat and accompanied by the fee specified under ~~IC 9-29-15-4~~; **subsection (c)**.

(b) A motorboat that is owned by the United States, a state, or a subdivision of a state is exempt from the payment of a fee to register the motorboat.

(c) The fee to register a motorboat is based on the length in feet of the motorboat as follows:
Watercraft Length (in feet)

At Least	But Less Than	Fee (\$) (before January 1, 2017)	Fee (\$) (after December 31, 2016)
0	13	16.50	15
13	26	18.50	18
26	40	21.50	21
40		26.50	24

(d) A fee collected under subsection (c) before January 1, 2017, shall be distributed as follows:

- (1) Fifty cents (\$0.50) to the state motor vehicle technology fund.**
- (2) One dollar (\$1) to the commission fund.**
- (3) Three dollars (\$3) to the crossroads 2000 fund.**
- (4) Any remaining amount to the department of natural resources.**

~~(e)~~ **(e)** The bureau shall transfer the money derived from the fees collected under subsection ~~(a)~~ **(c) after December 31, 2016**, to the department of natural resources.

(f) The owner of a motorboat that is registered under this section is not required to renew the registration under subsection (c). However, the person must pay any applicable fees and excise tax under IC 6-6-11-13 on the motorboat each year.

SECTION 621. IC 9-31-3-12, AS AMENDED BY P.L.262-2013, SECTION 132, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. ~~Upon the transfer of ownership of~~ **(a) A person that transfers ownership of or sells a motorboat the owner shall provide proper ownership documents and the certificate of registration to the new owner at the time of delivering the motorboat.**

(b) The new owner shall submit a request for registration, along with apply to register the motorboat proper fee, with the bureau and a new registration certificate shall be issued in the same manner as an original issue of a registration certificate: as provided in this chapter.

SECTION 622. IC 9-31-3-13, AS AMENDED BY P.L.216-2014, SECTION 157, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. ~~The bureau shall charge and collect the fee provided under IC 9-29-15-5 for the reissuance of a certificate of registration If:~~

- ~~(1) the an original certificate of registration or decal issued under this chapter has been lost or destroyed;~~
- ~~(2) a duplicate replacement certificate or decal is needed;~~ or
- ~~(3) an amendment or a correction is needed to the registration information;~~

the bureau shall issue a replacement certificate or decal under the procedures set forth in IC 9-18.1-11 for a vehicle, including the payment of fees required by IC 9-18.1.

SECTION 623. IC 9-31-3-16 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 16: A registration number awarded under this chapter continues in full force and effect as long as the annual registration fee is paid under IC 6-6-11 unless the number is sooner terminated or discontinued under this chapter.~~

SECTION 624. IC 9-32-2-18.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 18.6. "Person" does not include the state, an agency of the state, or a municipal corporation.**

SECTION 625. IC 9-32-5-6, AS AMENDED BY HEA 1365-2016, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) If a dealer purchases or acquires ownership of a motor vehicle in a state that does not have a certificate of title law, the dealer shall apply for an Indiana certificate of title for the motor vehicle not more than ~~thirty-one (31)~~ **forty-five (45)** days after the date of purchase or the date ownership of the motor vehicle was acquired.

(b) The bureau shall collect a delinquent title fee an administrative penalty as provided in ~~IC 9-29-4-4 IC 9-17-2-14.7~~ if a dealer fails to apply for a certificate of title for a motor vehicle as described in subsection (a).

SECTION 626. IC 9-32-6-11, AS AMENDED BY HEA 1365-2016, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) The secretary may issue an interim license plate to a dealer that is licensed and has been issued a license plate under section 2 of this chapter.

(b) The secretary shall prescribe the form of an interim license plate issued under this section. However, an interim license plate must bear the assigned registration number and provide sufficient space for the expiration date as provided in subsection (c).

(c) A dealer may provide a person with an interim license plate issued by the secretary when the dealer:

- (1) sells or leases a motor vehicle to the person; or
- (2) allows a person that buys a motor vehicle to take delivery of the motor vehicle before the sale of the motor vehicle is fully funded.

The dealer shall, in the manner provided by the secretary, affix on the plate in numerals and letters at least three (3) inches high the date on which the interim license plate expires.

(d) An interim license plate authorizes a person to operate the motor vehicle until the earlier of the following dates:

- (1) Forty-five (45) days after the date of sale or lease of the motor vehicle to the person.
- (2) The date on which a regular license plate is issued.

A person that violates this subsection commits a Class A infraction.

(e) A motor vehicle that is required by law to display license plates on the front and rear of the motor vehicle is required to display only a single interim license plate.

(f) An interim license plate shall be displayed:

- (1) in the same manner required in IC 9-18-2-26 **(before its expiration) or IC 9-18.1-4-3**; or
- (2) in a location on the left side of a window facing the rear of the motor vehicle that is clearly visible and

unobstructed. The plate must be affixed to the window of the motor vehicle.

(g) The dealer must provide an ownership document to the person at the time of issuance of the interim license plate that must be kept in the motor vehicle during the period an interim license plate is used.

(h) All interim license plates not issued by the dealer must be retained in the possession of the dealer at all times.

(i) The fee for an interim dealer license plate is three dollars (\$3). The fee shall be distributed as follows:

(1) Forty percent (40%) to the crossroads 2000 fund established by IC 8-14-10-9.

(2) Forty-nine percent (49%) to the dealer compliance account established by IC 9-32-7-1.

(3) Eleven percent (11%) to the motor vehicle highway account under IC 8-14-1.

(j) The secretary may issue an interim license plate to a person that purchases a motor vehicle from a dealer if the dealer has not timely delivered the certificate of title for the motor vehicle under IC 9-32-4-1.

(k) The secretary may design and issue to a dealer a motor driven cycle decal to be used in conjunction with an interim license plate upon the sale of a motor driven cycle.

(l) A new motor vehicle dealer may issue an interim license plate for use on a motor vehicle that the new motor vehicle dealer delivers to a purchaser under a written courtesy agreement between the new motor vehicle dealer and another new motor vehicle dealer or manufacturer with whom the new motor vehicle dealer has a franchise agreement. A person that violates this subsection commits a Class C infraction.

(m) A person that fails to display an interim license plate as prescribed in subsection (f)(1) or (f)(2) commits a Class C infraction.

SECTION 627. IC 9-32-6.5-2, AS ADDED TO THE INDIANA CODE BY HEA 1365-2016, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A dealer designee license plate may be displayed only on a motor vehicle in a dealer's inventory.

(b) A person may not:

- (1) lend;
- (2) lease;
- (3) sell;
- (4) transfer;
- (5) copy;
- (6) alter; or
- (7) reproduce;

a dealer designee license plate.

(c) A dealer designee license plate may not be used:

- (1) on a motor vehicle that is required to be registered under IC 9-18 **(before its expiration) or IC 9-18.1;**
- (2) on a motor vehicle for which a dealer charges and receives compensation from an individual other than an employee of the dealer; or
- (3) on a motor vehicle that a dealer leases or rents.

SECTION 628. IC 9-32-6.5-10, AS ADDED TO THE INDIANA CODE BY HEA 1365-2016, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. A manufacturer may use either the license plate issued under this chapter or IC 9-18-27 (before its repeal) or a permit issued under IC 9-18-7 **(before its expiration) or IC 9-18.1-2.**

SECTION 629. IC 9-32-9-1, AS AMENDED BY HEA 1365-2016, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A person must be licensed by the secretary under this chapter before the person may do any of the following:

- (1) Sell a used major component part of a motor vehicle.
- (2) Wreck, dismantle, shred, compact, crush, or otherwise destroy a motor vehicle for resale of the major component parts of the motor vehicle or scrap material.

(3) Rebuild a wrecked or dismantled motor vehicle for resale.

(4) Possess for more than thirty (30) days more than two (2) inoperable motor vehicles of a type subject to registration under IC 9-18 **(before its expiration) or IC 9-18.1** unless the person holds a mechanic's lien on each motor vehicle over the quantity of two (2).

(5) Engage in the business of storing, disposing, salvaging, or recycling of motor vehicles, vehicle hulks, or parts of motor vehicles.

(b) A person who violates this section commits a Class A infraction.

SECTION 630. IC 9-33-1-1, AS ADDED BY P.L.149-2015, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. This article applies to the following:

(1) Actions taken under a court order.

(2) Actions required under IC 9-24-2-1, IC 9-24-2-2, or IC 9-24-2-4.

(3) Actions required under IC 9-24-6 (before its repeal on July 1, 2016).

(4) Actions required under IC 9-24-6.5-6(c) (before its repeal on July 1, 2016).

(5) Actions taken under IC 9-24-6.1.

~~(6) Actions required under IC 9-25.~~

(7) Actions taken under IC 9-28.

~~(8) Actions required under IC 9-30.~~

(9) Refunds claimed after June 30, 2016, of fees imposed by the bureau.

SECTION 631. IC 9-33-2-3, AS ADDED BY P.L.149-2015, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A person aggrieved by an action under this ~~chapter~~ **article** may file a petition in the circuit or superior court of the county in which the person resides. ~~If the person is not an Indiana resident, the person A nonresident~~ may file a petition for review in the Marion County circuit court.

(b) The person must file the petition not more than fifteen (15) days after the earlier of:

(1) the date on which the person receives written notice under section 1 of this chapter; or

(2) the expiration of the thirty (30) day period under section 1(b) of this chapter.

(c) A petition filed under subsection (a) must:

(1) be verified by the petitioner;

(2) state the petitioner's age, date of birth, place of residence, and driver's license identification number;

(3) state the action under section 1 of this chapter from which the person seeks relief;

(4) include a copy of any written order or determination made by the bureau with respect to the action;

(5) state the grounds for relief, including all facts showing that the bureau's action is wrongful or unlawful; and

(6) state the relief sought.

(d) The filing of a petition under this section does not automatically stay the underlying action. The court in which the petition is filed may stay the underlying action pending final judicial review if the court determines that the petition states facts that show a reasonable probability that the action is wrongful or unlawful.

(e) This subsection applies to a petition that alleges a material error with respect to an action taken by the bureau under IC 9-30-10. Not more than six (6) months after the petition is filed, the court shall hear the petition, take testimony, and examine the facts of the case. In disposing of the petition, the court may modify, affirm, or reverse the action of the bureau in whole or in part and shall issue an appropriate order. If the court fails to hear the petition in a timely manner, the original action of the bureau is reinstated in full force and effect.

SECTION 632. IC 9-33-3 IS ADDED TO THE INDIANA

CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 3. Refunds of Certain Fees

Sec. 1. (a) This section applies if:

- (1) the bureau charges a person a fee in an amount greater than required by law and the person pays the fee;
- (2) the bureau charges a person a fee in error and the person pays the fee; or
- (3) a person pays a fee in error to the bureau.

(b) A person described in subsection (a) may file a claim for a refund with the bureau on a form furnished by the bureau. The claim must:

- (1) be filed within three (3) years after the date on which the person pays the fee;
- (2) set forth the amount of the refund that the person is claiming;
- (3) set forth the reasons the person is claiming the refund; and
- (4) include any documentation supporting the claim.

(c) After considering the claim and all evidence relevant to the claim, the bureau shall issue a decision on the claim, stating the part, if any, of the refund allowed and containing a statement of the reasons for any part of the refund that is denied. The bureau shall mail a copy of the decision to the claimant. However, if the bureau allows the full refund claimed, a warrant for the payment of the claim is sufficient notice of the decision.

(d) If a person disagrees with all or part of the bureau's decision, the person may file a petition under IC 9-33-2-3.

Sec. 2. If the bureau determines that a person is entitled to a refund under section 1 of this chapter, the bureau shall refund the amount of overpayment by:

- (1) placing a credit on the person's account with the bureau; or
- (2) warrant issued by the auditor of state drawn on the treasurer of state.

A person may affirmatively elect to receive a refund in the form of a warrant rather than as a credit.

Sec. 3. A class action for refunds under this chapter may not be maintained in any court on behalf of any person who has not complied with the requirement of section 1 of this chapter before the class is certified. A refund under this chapter to a member of a class in a class action is subject to the time limits set forth in section 1 of this chapter based on the time the class member filed the claim with the bureau.

SECTION 633. IC 10-11-2-26, AS AMENDED BY P.L.217-2014, SECTION 180, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 26. (a) The superintendent may assign qualified persons who are not state police officers to supervise or operate permanent or portable weigh stations. A person assigned under this section may stop, inspect, and issue citations to operators of trucks and trailers having a declared gross weight of at least ten thousand one (10,001) pounds and buses at a permanent or portable weigh station or while operating a clearly marked Indiana state police vehicle for violations of the following:

- (1) IC 6-1.1-7-10.
- (2) IC 6-6-1.1-1202.
- (3) IC 6-6-2.5.
- (4) IC 6-6-4.1-12.
- (5) IC 8-2.1.
- (6) IC 9-18.
- (7) IC 9-19.
- (8) IC 9-20.
- (9) IC 9-21-7-2 through IC 9-21-7-11.
- (10) IC 9-21-8-41 pertaining to the duty to obey an official traffic control device for a weigh station.
- (11) IC 9-21-8-45 through IC 9-21-8-48.
- (12) IC 9-21-9.

- (13) IC 9-21-15.
- (14) IC 9-21-21 (**before its expiration**) or IC 9-18.1-7.
- (15) IC 9-24-1-1. ~~through IC 9-24-1-1.5.~~
- (16) IC 9-24-1-7.
- (17) Except as provided in subsection (c), ~~IC 9-24-1-6; IC 9-24-6-17; and IC 9-24-6-18; IC 9-24-6.1-6 and IC 9-24-6.1-7,~~ commercial driver's license.
- (18) IC 9-24-4.
- (19) IC 9-24-5.
- (20) IC 9-24-11-4.
- (21) IC 9-24-13-3.
- (22) IC 9-24-18-1 through IC 9-24-18-2.
- (23) IC 9-25-4-3.
- (24) IC 9-28-4.
- (25) IC 9-28-5.
- (26) IC 9-28-6.
- (27) IC 9-29-5-11 through IC 9-29-5-13 (**before their expiration**).
- (28) IC 9-29-5-42 (**before its expiration**).
- (29) IC 10-14-8.
- (30) IC 13-17-5-1, ~~IC 13-17-5-2,~~ IC 13-17-5-3, or IC 13-17-5-4.
- (31) IC 13-30-2-1.

(b) For the purpose of enforcing this section, a person assigned under this section may detain a person in the same manner as a law enforcement officer under IC 34-28-5-3.

(c) A person assigned under this section may not enforce ~~IC 9-24-6-14 or IC 9-24-6-15; IC 9-24-6.1-7.~~

SECTION 634. IC 10-15-3-6, AS AMENDED BY P.L.101-2006, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. Fees from license plates issued under IC 9-18-45 (**before its expiration**) or **IC 9-18.5-23** shall be deposited in the fund.

SECTION 635. IC 10-17-12-9, AS AMENDED BY P.L.113-2010, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) The fund consists of the following:

- (1) Appropriations made by the general assembly.
- (2) Donations to the fund.
- (3) Interest.
- (4) Money transferred to the fund from other funds.
- (5) Annual supplemental fees collected under ~~IC 9-29-5-38.5; IC 9.~~
- (6) Money from any other source authorized or appropriated for the fund.

(b) The commission shall transfer the money in the fund not currently needed to provide assistance or meet the obligations of the fund to the veterans' affairs trust fund established by IC 10-17-13-3.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund or to any other fund.

(d) There is annually appropriated to the commission for the purposes of this chapter all money in the fund not otherwise appropriated to the commission for the purposes of this chapter.

SECTION 636. IC 13-11-2-245, AS AMENDED BY P.L.1-2006, SECTION 199, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 245. (a) "Vehicle", for purposes of IC 13-17-5, refers to a vehicle required to be registered with the bureau of motor vehicles and required to have brakes. The term does not include the following:

- (1) Mobile homes (house trailers).
- (2) Trailers weighing not more than three thousand (3,000) pounds.
- (3) ~~Antique motor vehicles. A vehicle that is at least twenty-five (25) years old.~~
- (4) Special machinery (as defined in IC 9-13-2-170.3).

~~(b) "Vehicle", for purposes of IC 13-18-12, means a device used to transport a tank.~~

~~(c) (b) "Vehicle", for purposes of IC 13-20-4, refers to a~~

municipal waste collection and transportation vehicle.

(c) "Vehicle", for purposes of IC 13-20-13-7, means a motor vehicle, a farm tractor (as defined in IC 9-13-2-56), an implement of agriculture (as defined in IC 9-13-2-77), a semitrailer (as defined in IC 9-13-2-164(a) or IC 9-13-2-164(b)), and types of equipment, machinery, implements, or other devices used in transportation, manufacturing, agriculture, construction, or mining. The term does not include a lawn and garden tractor that is propelled by a motor of not more than twenty-five (25) horsepower.

(d) "Vehicle", for purposes of IC 13-20-14, has the meaning set forth in IC 9-13-2-196.

SECTION 637. IC 14-12-2-25, AS AMENDED BY HEA 1353-2016, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 25. (a) The President Benjamin Harrison conservation trust fund is established for the purpose of purchasing property as provided in this chapter.

(b) The fund consists of the following:

- (1) Appropriations made by the general assembly.
- (2) Interest as provided in subsection (e).
- (3) Fees from environmental license plates issued under IC 9-18-29 (before its expiration) or IC 9-18.5-13.
- (4) Money donated to the fund.
- (5) Money transferred to the fund from other funds.

(c) The department shall administer the fund. The director must approve any purchase of property using money from the fund.

(d) The expenses of administering the fund and this chapter shall be paid from the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(f) An appropriation made by the general assembly to the fund shall be allotted and allocated at the beginning of the fiscal period for which the appropriation was made.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund or any other fund.

(h) Subject to this chapter, there is annually appropriated to the department all money in the fund for the purposes of this chapter.

SECTION 638. IC 14-15-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this chapter, "bureau" refers to the bureau of motor vehicles established by ~~IC 9-14-1-1~~ IC 9-14-7-1.

SECTION 639. IC 14-16-1-8, AS AMENDED BY P.L.259-2013, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) Except as otherwise provided, the following may not be operated on public property unless registered:

- (1) An off-road vehicle.
- (2) A snowmobile (including a collector snowmobile).

(b) Except as provided under subsection (c), the following must be registered under this chapter:

- (1) A vehicle that is purchased after December 31, 2003.
- (2) A collector snowmobile.

(c) Registration is not required for the following vehicles:

- (1) An off-road vehicle that is exclusively operated in a special event of limited duration that is conducted according to a prearranged schedule under a permit from the governmental unit having jurisdiction.
- (2) A vehicle being operated by a nonresident of Indiana as authorized under section 19 of this chapter for a period not to exceed twenty (20) days in one (1) year.
- (3) A vehicle being operated for purposes of testing or demonstration with temporary placement of numbers as set forth in section 16 of this chapter.
- (4) A vehicle the operator of which has in the operator's

possession a bill of sale from a dealer or private individual that includes the following:

- (A) The purchaser's name and address.
- (B) A date of purchase that is not more than thirty-one (31) days preceding the date that the operator is required to show the bill of sale.

(C) The make, model, and vehicle number of the vehicle provided by the manufacturer as required by section 13 of this chapter.

(5) A vehicle that is owned or leased and used for official business by:

- (A) the state;
- (B) a municipal corporation (as defined in IC 36-1-2-10); or
- (C) a volunteer fire department (as defined in IC 36-8-12-2).

(d) This section expires January 1, 2017.

SECTION 640. IC 14-16-1-18, AS AMENDED BY P.L.219-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. (a) A dealer shall maintain in safe operating condition all vehicles rented, leased, or furnished by the dealer. The dealer or the dealer's agents or employees shall explain the operation of a vehicle being rented, leased, or furnished. If the dealer or the dealer's agent or employee believes the person to whom the vehicle is to be rented, leased, or furnished is not competent to operate the vehicle with safety to the person or others, the dealer or the dealer's agent or employee shall refuse to rent, lease, or furnish the vehicle.

(b) A dealer renting, leasing, or furnishing a vehicle shall carry a policy of liability insurance subject to minimum limits, exclusive of interest and costs, with respect to the vehicle as follows:

- (1) Twenty thousand dollars (\$20,000) for bodily injury to or death of one (1) person in any one (1) accident.
- (2) Subject to the limit for one (1) person, forty thousand dollars (\$40,000) for bodily injury to or death of at least two (2) persons in any one (1) accident.
- (3) Ten thousand dollars (\$10,000) for injury to or destruction of property of others in any one (1) accident.

(c) In the alternative, a dealer may demand and must be shown proof that the person renting, leasing, or being furnished a vehicle carries a liability policy of at least the type and coverage specified in subsection (b).

(d) A dealer:

- (1) shall prepare an application for a certificate of title as required by ~~IC 9-17-2-1.5~~ IC 9-17-2-1 for a purchaser of an off-road vehicle and shall submit the application for the certificate of title in the format required by IC 9-17-2-2 to the bureau of motor vehicles; and
- (2) may charge a processing fee for this service that may not exceed ten dollars (\$10).

(e) This subsection does not apply to an off-road vehicle that is at least five (5) model years old. After January 1, 2008, a dealer may not have on its premise an off-road vehicle that does not have a certificate of:

- (1) origin from its manufacturer; or
- (2) title issued by:
 - (A) the bureau of motor vehicles or its equivalent in another state; or
 - (B) a foreign country.

SECTION 641. IC 14-16-1-19 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 19. A vehicle registered in another state or country to a nonresident of Indiana may be operated within Indiana under authority of the registration for a period not to exceed twenty (20) days in one (1) year.

SECTION 642. IC 14-16-1-20, AS AMENDED BY P.L.259-2013, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. (a) Except as provided in IC 9-21-1-3(a)(14) and IC 9-21-1-3.3, an

individual may not operate a vehicle required to be registered under this chapter, ~~or under IC 9-18-2.5 (before its expiration), or under IC 9-18.1-14~~ upon a public highway, street, or rights-of-way thereof or on a public or private parking lot not specifically designated for the use of vehicles, except under the following conditions:

- (1) A vehicle may be operated on the public right-of-way adjacent to the traveled part of the public highway, except a limited access highway, if there is sufficient width to operate at a reasonable distance off and away from the traveled part and in a manner so as not to endanger life or property.
- (2) The operator of a vehicle may cross a public highway, other than a limited access highway, at right angles for the purpose of getting from one (1) area to another when the operation can be done in safety. The operator shall bring the vehicle to a complete stop before proceeding across a public highway and shall yield the right-of-way to all traffic.
- (3) Notwithstanding this section, a vehicle may be operated on a highway in a county road system outside the corporate limits of a city or town if the highway is designated for this purpose by the county highway department having jurisdiction.
- (4) A law enforcement officer of a city, town, or county or the state may authorize use of a vehicle on the public highways, streets, and rights-of-way within the officer's jurisdiction during emergencies when conventional motor vehicles cannot be used for transportation due to snow or other extreme highway conditions.
- (5) A vehicle may be operated on a street or highway for a special event of limited duration conducted according to a prearranged schedule only under permit from the governmental unit having jurisdiction. The event may be conducted on the frozen surface of public waters only under permit from the department.

(b) An individual less than fourteen (14) years of age may not operate a vehicle without immediate supervision of an individual at least eighteen (18) years of age, except on land owned or under the control of the individual or the individual's parent or legal guardian.

(c) An individual may not operate a vehicle on a public highway without a valid motor vehicle driver's license.

(d) A vehicle may not be used to hunt, pursue, worry, or kill a wild bird or a domestic or wild animal.

SECTION 643. IC 14-16-1-30, AS AMENDED BY P.L.259-2013, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 30. (a) As used in this section, "fund" refers to the off-road vehicle and snowmobile fund established by subsection (b).

(b) The off-road vehicle and snowmobile fund is established. The fund shall be administered by the department.

(c) The fund consists of the revenues obtained under this chapter, ~~and IC 9-18-2.5 (before its expiration), and IC 9-18.1-14~~, appropriations, and donations. Money in the fund shall be used for the following purposes:

- (1) Enforcement and administration of this chapter.
- (2) Constructing and maintaining off-road vehicle trails.
- (3) Constructing and maintaining snowmobile trails.
- (4) Paying the operational expenses of properties:
 - (A) that are managed by the department; and
 - (B) on which are located off-road vehicle or snowmobile trails.
- (5) Costs incurred by the bureau of motor vehicles to operate and maintain the off-road vehicle and snowmobile registration program established under IC 9-18-2.5 **(before its expiration) or IC 9-18.1-14.**

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(e) Money in the fund at the end of the state fiscal year does not revert to the state general fund.

SECTION 644. IC 14-20-15-6, AS AMENDED BY P.L.203-2014, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. The commission may do the following:

- (1) Educate Indiana residents and the nation about Indiana's important role in the Lewis and Clark expedition.
- (2) Assist local governments and organizations with planning, preparation, and grant applications for Lewis and Clark expedition events and projects.
- (3) Coordinate state, local, and nonprofit organizations' Lewis and Clark expedition activities occurring in Indiana.
- (4) Act as a point of contact for national Lewis and Clark expedition organizations wishing to distribute information to state and local groups about grant opportunities, meetings, and national events.
- (5) Plan and implement appropriate events to commemorate the Lewis and Clark expedition.
- (6) Seek federal grants and philanthropic support for Lewis and Clark expedition activities.
- (7) Perform other duties necessary to highlight Indiana's role in the Lewis and Clark expedition.
- (8) Recommend the establishment of a nonprofit corporation under section 7 of this chapter.
- (9) Transfer funds received under IC 9-18-47 **(before its expiration) or IC 9-18.5-26** and other property to a nonprofit corporation established under section 7 of this chapter.

SECTION 645. IC 14-20-15-9, AS AMENDED BY P.L.203-2014, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. The expenses of the commission shall be paid from the money transferred to the commission from the Lewis and Clark expedition fund established by ~~IC 9-18-47. IC 9-18.5-26-4.~~

SECTION 646. IC 15-17-11-6, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) If an applicant for a disposal plant license complies with this chapter and any rules adopted under this chapter, the state veterinarian shall issue a disposal plant license to the applicant and a transport vehicle license certificate for each transport vehicle listed in the license application.

(b) A truck or trailer that is to be used as a transport vehicle must bear a license certificate issued by the state veterinarian.

(c) A transport vehicle license issued under this section entitles the licensee to operate a transport vehicle in Indiana.

(d) This section does not relieve an owner of a transport vehicle from any requirement related to the titling, registration, or operation of a transport vehicle.

SECTION 647. IC 15-20-4-5, AS ADDED BY HEA 1201-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) A deposit made under section 4(a)(2)(B), 4(a)(3)(B), or 4(b)(2) of this chapter shall be held by the animal care facility in a separate account. The deposit shall be:

- (1) returned to the depositor not later than one hundred twenty (120) days after the date of receipt of the deposit by the animal care facility if proof is given that a spay-neuter procedure has been completed on the companion animal; or
- (2) forfeited after one hundred twenty (120) days after the date of receipt of the deposit by the animal care facility, if proof is not given under subdivision (1).

(b) If a deposit is forfeited under subsection (a)(2), the animal care facility holding the deposit shall remit the forfeited deposit amount to the bureau of motor vehicles within a reasonable time. The bureau of motor vehicles shall deposit any amounts received under this section in a trust fund established under ~~IC 9-18-25-17.5(g) IC 9-18.5-12-14(f)~~, for a special

group that provides spay-neuter services.

SECTION 648. IC 16-41-27-29, AS AMENDED BY P.L.87-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 29. (a) Subject to subsection (b), the owner, operator, or caretaker of a mobile home community has a lien upon the property of a guest in the same manner, for the same purposes, and subject to the same restrictions as an innkeeper's lien or a hotel keeper's lien.

(b) With regard to a lienholder:

- (1) if the property has a properly perfected secured interest; ~~under IC 9-17-6-7~~; and
- (2) the lienholder has notified the owner, operator, or caretaker of the mobile home community of the lienholder's lien by certified mail;

the maximum amount of the innkeeper's lien may not exceed the actual late rent owed for not more than a maximum of sixty (60) days immediately preceding notification by certified mail to the lienholder that the owner of the property has vacated the property or is delinquent in the owner's rent.

(c) If the notification to the lienholder under subsection (b) informs the lienholder that the lienholder will be responsible to the owner, operator, or caretaker of the mobile home community for payment of rent from the time the notice is received until the mobile home or manufactured home is removed from the mobile home community, the lienholder is liable for the payment of rent that accrues after the notification.

SECTION 649. IC 20-19-2-2.3, AS ADDED BY P.L.224-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.3. (a) After May 31, 2015, a reference to the state board in a statute, rule, or other document is considered a reference to the state board established by section 2.1 of this chapter.

(b) After May 31, 2015, a rule adopted by the state board established by section 2 of this chapter (expired June 1, 2015) is considered a rule adopted by the state board established by section 2.1 of this chapter. However, a rule ~~described in IC 9-14-2-2(e)~~ **concerning driver education** is considered a rule of the bureau of motor vehicles.

(c) On June 1, 2015, the property and obligations of the state board established by section 2 of this chapter (expired June 1, 2015) are transferred to the state board established by section 2.1 of this chapter.

(d) An action taken by the state board established by section 2 of this chapter (expired June 1, 2015) before June 1, 2015, shall be treated after May 31, 2015, as if it were originally taken by the state board established by section 2.1 of this chapter.

SECTION 650. IC 20-27-9-16, AS AMENDED BY P.L.70-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) Except as provided in subsection (b), whenever a school bus is purchased for and is being used for any purpose except to transport students, the purchaser shall:

- (1) remove the flasher lights;
- (2) remove the stop arm; and
- (3) paint the bus any color except the national standard school bus chrome yellow.

(b) Whenever a school bus is purchased for use, and is being used, as a church bus (as defined in ~~IC 9-29-5-9(a)~~; **IC 9-13-2-24**), the purchaser:

- (1) may retain the flasher lights if the purchaser renders the flasher lights inoperable;
- (2) may retain the stop arm if the purchaser renders the stop arm inoperable; and
- (3) shall paint the bus any color except the national standard school bus chrome yellow.

SECTION 651. IC 22-12-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. "Manufactured home" has the meaning set forth in 42 U.S.C. 5402 as it existed on January 1, 2003. **The term includes a mobile home (as defined in IC 16-41-27-4).**

SECTION 652. IC 23-20-1-10, AS ADDED BY P.L.114-2010, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. A claimant's personal information (as defined in ~~IC 9-14-3.5-5~~) **IC 9-14-6-6**) is confidential.

SECTION 653. IC 24-4-9-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 8.5. As used in this chapter, "vehicle license cost recovery fee" means a charge imposed by a rental company to recover costs incurred by the rental company in licensing, titling, registering, plating, and inspecting a vehicle.**

SECTION 654. IC 24-4-9-11.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 11.1. (a) A rental company may include in a rental agreement separately stated surcharges, fees, and charges, including vehicle license cost recovery fees, airport access fees, airport concession fees, and any applicable taxes.**

(b) A vehicle license cost recovery fee that is included as a separately stated fee in a rental agreement must represent the rental company's good faith estimate of the rental company's daily charge necessary to recover the rental company's actual total annual vehicle licensing, titling, registration, plating, and inspection costs.

(c) If a rental company collects, in a calendar year, vehicle license cost recovery fees in an amount that exceeds the rental company's actual total vehicle licensing, titling, registration, plating, and inspection costs for the calendar year, the rental company shall do the following:

- (1) Retain the excess amount.**
- (2) Reduce the vehicle license cost recovery fee for the following year by a corresponding, proportionate amount.**

(d) This section may not be construed to prevent a rental company from adjusting its vehicle license cost recovery fee during a calendar year.

SECTION 655. IC 24-4-6-5-8, AS ADDED BY P.L.97-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) The bureau of motor vehicles shall adopt rules under IC 4-22-2 to implement a system by which an association of retailers may obtain the name and mailing address of the owner of a vehicle involved in an incident in which motor fuel is pumped into the vehicle and proper payment is not made. The bureau of motor vehicles may integrate any system established under this section with its existing programs for the release of information under ~~IC 9-14-3~~; **IC 9-14-12 and IC 9-14-13.**

(b) The bureau of motor vehicles may enter into an agreement with an association of retailers to establish:

- (1) a fee different from the fees provided for in ~~IC 9-29-2-2(a)~~; **IC 9-14-12-7**; or
- (2) other negotiated terms for the release of vehicle owner records;

for purposes of the system established under this section.

(c) Any release of information by the bureau of motor vehicles under this section must be:

- (1) consistent with the authority of the bureau of motor vehicles under ~~IC 9-14-3.5~~; **IC 9-14-13**; and
- (2) in compliance with 18 U.S.C. 2721 et seq.

(d) The name and mailing address of the owner of a vehicle released by the bureau of motor vehicles under subsection (a) may be used by an association of retailers only for purposes of collection efforts under this chapter.

(e) If the owner of a vehicle makes complete payment:

- (1) as set forth in section 4(a) of this chapter for the:
 - (A) price of motor fuel that has been pumped into the vehicle;
 - (B) service charge of fifty dollars (\$50); and
 - (C) cost of certified mail; or

(2) for an amount equal to triple the pump price of the motor fuel received plus other damages under IC 34-24-3-1, as set forth in section 5(b)(4) of this chapter;

no criminal prosecution for a violation of IC 35-43-4 may be brought against the owner of the vehicle for the failure to make proper payment to a retailer under this chapter.

SECTION 656. IC 24-5-13-5, AS AMENDED BY P.L.221-2014, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. As used in this chapter, "motor vehicle" or "vehicle" means any self-propelled vehicle that:

- (1) has a declared gross vehicle weight of less than ten thousand (10,000) pounds;
- (2) is sold to:
 - (A) a buyer in Indiana and registered in Indiana; or
 - (B) a buyer in Indiana who is ~~not an Indiana resident a nonresident~~ (as defined in ~~IC 9-13-2-78~~); **IC 9-13-2-113**;
- (3) is intended primarily for use and operation on public highways; and
- (4) is required to be registered or licensed before use or operation.

The term does not include conversion vans, motor homes, farm tractors, and other machines used in the actual production, harvesting, and care of farm products, road building equipment, truck tractors, road tractors, motorcycles, motor driven cycles, snowmobiles, or vehicles designed primarily for offroad use.

SECTION 657. IC 24-5-13.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this chapter, "bureau" refers to the bureau of motor vehicles created by ~~IC 9-14-1-1~~. **IC 9-14-7-1**.

SECTION 658. IC 26-2-6-6, AS AMENDED BY P.L.101-2009, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) A person who knowingly violates this chapter commits a Class C infraction. Each violation of this chapter constitutes a separate infraction.

(b) In addition to any other available legal remedy, a person who violates the terms of an injunction issued under section 5 of this chapter commits a Class A infraction. Each violation of the terms of an injunction issued under section 5 of this chapter constitutes a separate infraction. Whenever the court determines that the terms of an injunction issued under section 5 of this chapter have been violated, the court shall award reasonable costs to the state.

(c) Notwithstanding ~~IC 34-28-5-1(b)~~, **IC 34-28-5-1(a)**, the prosecuting attorney or the attorney general in the name of the state may bring an action to petition for the recovery of the penalties outlined in this section.

SECTION 659. IC 29-2-16.1-1, AS ADDED BY P.L.147-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The following definitions apply throughout this chapter:

- (1) "Adult" means an individual at least eighteen (18) years of age.
- (2) "Agent" means an individual who is:
 - (A) authorized to make health care decisions on behalf of another person by a health care power of attorney; or
 - (B) expressly authorized to make an anatomical gift on behalf of another person by a document signed by the person.
- (3) "Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research, or education.
- (4) "Bank" or "storage facility" means a facility licensed, accredited, or approved under the laws of any state for storage of human bodies or parts of human bodies.
- (5) "Decedent":
 - (A) means a deceased individual whose body or body

part is or may be the source of an anatomical gift; and (B) includes:

- (i) a stillborn infant; and
- (ii) except as restricted by any other law, a fetus.

(6) "Disinterested witness" means an individual other than a spouse, child, sibling, grandchild, grandparent, or guardian of the individual who makes, amends, revokes, or refuses to make an anatomical gift or another adult who exhibited special care and concern for the individual. This term does not include a person to whom an anatomical gift could pass under section 10 of this chapter.

(7) "Document of gift" means a donor card or other record used to make an anatomical gift, including a statement or symbol on a driver's license, identification, or donor registry.

(8) "Donor" means an individual whose body or body part is the subject of an anatomical gift.

(9) "Donor registry" means:

- (A) a data base maintained by:
 - (i) the bureau of motor vehicles; ~~under IC 9-24-17-9~~; or
 - (ii) the equivalent agency in another state;
- (B) the Donate Life Indiana Registry maintained by the Indiana Donation Alliance Foundation; or
- (C) a donor registry maintained in another state;

that contains records of anatomical gifts and amendments to or revocations of anatomical gifts.

(10) "Driver's license" means a license or permit issued by the bureau of motor vehicles to operate a vehicle.

(11) "Eye bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions of human eyes.

(12) "Guardian" means an individual appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual. The term does not include a guardian ad litem.

(13) "Hospital" means a facility licensed as a hospital under the laws of any state or a facility operated as a hospital by the United States, a state, or a subdivision of a state.

(14) "Identification card" means an identification card issued by the bureau of motor vehicles.

(15) "Minor" means an individual under eighteen (18) years of age.

(16) "Organ procurement organization" means a person designated by the Secretary of the United States Department of Health and Human Services as an organ procurement organization.

(17) "Parent" means an individual whose parental rights have not been terminated.

(18) "Part" means an organ, an eye, or tissue of a human being. The term does not mean a whole body.

(19) "Pathologist" means a physician:

- (A) certified by the American Board of Pathology; or
- (B) holding an unlimited license to practice medicine in Indiana and acting under the direction of a physician certified by the American Board of Pathology.

(20) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, instrumentality, or any other legal or commercial entity.

(21) "Physician" or "surgeon" means an individual authorized to practice medicine or osteopathy under the laws of any state.

(22) "Procurement organization" means an eye bank, organ procurement organization, or tissue bank.

(23) "Prospective donor" means an individual who is dead

or near death and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research, or education. The term does not include an individual who has made an appropriate refusal.

(24) "Reasonably available" means:

(A) able to be contacted by a procurement organization without undue effort; and

(B) willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.

(25) "Recipient" means an individual into whose body a decedent's part has been or is intended to be transplanted.

(26) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(27) "Refusal" means a record created under section 6 of this chapter that expressly states the intent to bar another person from making an anatomical gift of an individual's body or part.

(28) "Sign" means, with the present intent to authenticate or adopt a record:

(A) to execute or adopt a tangible symbol; or

(B) to attach to or logically associate with the record an electronic symbol, sound, or process.

(29) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(30) "Technician" means an individual determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited, or regulated under federal or state law. The term includes an eye enucleator.

(31) "Tissue" means a part of the human body other than an organ or an eye. The term does not include blood or other bodily fluids unless the blood or bodily fluids are donated for the purpose of research or education.

(32) "Tissue bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of tissue.

(33) "Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of organ transplant patients.

SECTION 660. IC 31-26-4-12, AS ADDED BY P.L.145-2006, SECTION 272, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) The Indiana kids first trust fund is established to carry out the purposes of this chapter.

(b) The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Interest as provided in subsection (e).

(3) Fees from kids first trust license plates issued under IC 9-18-30 (before its expiration) or IC 9-18.5-14.

(4) Money donated to the fund.

(5) Money transferred to the fund from other funds.

(c) The treasurer of state shall administer the fund.

(d) The expenses of administering the fund and this chapter shall be paid from the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(f) An appropriation made by the general assembly to the fund shall be allotted and allocated at the beginning of the fiscal period for which the appropriation was made.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund or any other fund.

(h) Subject to this chapter, there is annually appropriated to the department all money in the fund for the purposes of this chapter. However, the department may not request the allotment of money from the appropriation for a project that has not been approved and recommended by the board.

SECTION 661. IC 32-17-13-1, AS AMENDED BY P.L.125-2012, SECTION 408, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) As used in this chapter, "nonprobate transfer" means a valid transfer, effective at death, by a transferor:

(1) whose last domicile was in Indiana; and

(2) who immediately before death had the power, acting alone, to prevent transfer of the property by revocation or withdrawal and:

(A) use the property for the benefit of the transferor; or

(B) apply the property to discharge claims against the transferor's probate estate.

(b) The term does not include a transfer at death (other than a transfer to or from the decedent's probate estate) of:

(1) a survivorship interest in a tenancy by the entireties real estate;

(2) a life insurance policy or annuity;

(3) the death proceeds of a life insurance policy or annuity;

(4) an individual retirement account or a similar account or plan; or

(5) benefits under an employee benefit plan.

(c) With respect to a nonprobate transfer involving a multiple party account, a nonprobate transfer occurs if the last domicile of the depositor whose interest is transferred under IC 32-17-11 was in Indiana.

(d) With respect to a motor vehicle or a watercraft, a nonprobate transfer occurs if the transferee obtains a certificate of title in Indiana for:

~~(1) the motor vehicle under IC 9-17-2-2(b); or~~

~~(2) the watercraft as required by IC 9-31-2-16(a). IC 9-17.~~

(e) A transfer on death transfer completed under IC 32-17-14 is a nonprobate transfer.

SECTION 662. IC 32-17-14-2, AS AMENDED BY P.L.6-2010, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided elsewhere in this chapter, this chapter applies to a transfer on death security, transfer on death securities account, and pay on death account created before July 1, 2009, unless the application of this chapter would:

(1) adversely affect a right given to an owner or beneficiary;

(2) give a right to any owner or beneficiary that the owner or beneficiary was not intended to have when the transfer on death security, transfer on death securities account, or pay on death account was created;

(3) impose a duty or liability on any person that was not intended to be imposed when the transfer on death security, transfer on death securities account, or pay on death account was created; or

(4) relieve any person from any duty or liability imposed:

(A) by the terms of the transfer on death security, transfer on death securities account, or pay on death account; or

(B) under prior law.

(b) Subject to section 32 of this chapter, this chapter applies to a transfer on death transfer if at the time the owner designated the beneficiary:

(1) the owner was a resident of Indiana;

(2) the property subject to the beneficiary designation was situated in Indiana;

(3) the obligation to pay or deliver arose in Indiana;

(4) the transferring entity was a resident of Indiana or had a place of business in Indiana; or

(5) the transferring entity's obligation to make the transfer

was accepted in Indiana.

(c) This chapter does not apply to property, money, or benefits paid or transferred at death under a life or accidental death insurance policy, annuity, contract, plan, or other product sold or issued by a life insurance company unless the provisions of this chapter are incorporated into the policy or beneficiary designation in whole or in part by express reference.

(d) This chapter does not apply to a transfer on death transfer if the beneficiary designation or an applicable law expressly provides that this chapter does not apply to the transfer.

(e) Subject to IC 9-17-3-9(h), ~~and IC 9-31-2-30(h)~~, this chapter applies to a beneficiary designation for the transfer on death of a motor vehicle or a watercraft.

(f) The provisions of:

- (1) section 22 of this chapter; and
- (2) section 26(b)(9) of this chapter;

relating to distributions to lineal descendants per stirpes apply to a transfer on death or payable on death transfer created before July 1, 2009.

SECTION 663. IC 32-34-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. The affidavit of sale under this chapter constitutes proof of ownership and right to possession under ~~IC 9-31-2-16~~. **IC 9-17.**

SECTION 664. IC 33-37-5-16, AS AMENDED BY P.L.195-2014, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. In addition to any other duties, a clerk shall do the following:

- (1) Collect and transfer additional judgments to a county auditor under IC 9-18-2-41 **(before its expiration) or IC 34-28-5-17.**
- (2) Deposit funds collected as judgments in the state highway fund under IC 9-20-18-12.
- (3) Deposit funds in the conservation officers fish and wildlife fund under IC 14-22.
- (4) Deposit funds collected as judgments in the state general fund under IC 34-28-5-4.

SECTION 665. IC 33-39-1-8, AS AMENDED BY P.L.209-2015, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) After June 30, 2005, this section does not apply to a person who:

- (1) holds a commercial driver's license; and
- (2) has been charged with an offense involving the operation of a motor vehicle in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

(b) This section does not apply to a person arrested for or charged with:

- (1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or
- (2) if a person was arrested or charged with an offense under IC 9-30-5-1 through IC 9-30-5-5, an offense involving:
 - (A) intoxication; or
 - (B) the operation of a vehicle;

if the offense involving intoxication or the operation of a vehicle was part of the same episode of criminal conduct as the offense under IC 9-30-5-1 through IC 9-30-5-5.

(c) This section does not apply to a person:

- (1) who is arrested for or charged with an offense under:
 - (A) IC 7.1-5-7-7, if the alleged offense occurred while the person was operating a motor vehicle;
 - (B) IC 9-30-4-8(a), if the alleged offense occurred while the person was operating a motor vehicle;
 - (C) IC 35-44.1-2-13(b)(1); or
 - (D) IC 35-43-1-2(a), if the alleged offense occurred while the person was operating a motor vehicle; and
- (2) who ~~held a probationary license (as defined in IC 9-24-11-3-3(b))~~ and was less than eighteen (18) years of age at the time of the alleged offense.

(d) A prosecuting attorney may withhold prosecution against an accused person if:

- (1) the person is charged with a misdemeanor, a Level 6 felony, or a Level 5 felony;
- (2) the person agrees to conditions of a pretrial diversion program offered by the prosecuting attorney;
- (3) the terms of the agreement are recorded in an instrument signed by the person and the prosecuting attorney and filed in the court in which the charge is pending; and
- (4) the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

(e) An agreement under subsection (d) may include conditions that the person:

- (1) pay to the clerk of the court an initial user's fee and monthly user's fees in the amounts specified in IC 33-37-4-1;
- (2) work faithfully at a suitable employment or faithfully pursue a course of study or career and technical education that will equip the person for suitable employment;
- (3) undergo available medical treatment or mental health counseling and remain in a specified facility required for that purpose, including:
 - (A) addiction counseling;
 - (B) inpatient detoxification; and
 - (C) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence;
- (4) receive evidence based mental health and addiction, intellectual disability, developmental disability, autism, and co-occurring autism and mental illness forensic treatment services to reduce the risk of recidivism;
- (5) support the person's dependents and meet other family responsibilities;
- (6) make restitution or reparation to the victim of the crime for the damage or injury that was sustained;
- (7) refrain from harassing, intimidating, threatening, or having any direct or indirect contact with the victim or a witness;
- (8) report to the prosecuting attorney at reasonable times;
- (9) answer all reasonable inquiries by the prosecuting attorney and promptly notify the prosecuting attorney of any change in address or employment; and
- (10) participate in dispute resolution either under IC 34-57-3 or a program established by the prosecuting attorney.

(f) An agreement under subsection (d)(2) may include other provisions reasonably related to the defendant's rehabilitation, if approved by the court.

(g) The prosecuting attorney shall notify the victim when prosecution is withheld under this section.

(h) All money collected by the clerk as user's fees under this section shall be deposited in the appropriate user fee fund under IC 33-37-8.

(i) If a court withholds prosecution under this section and the terms of the agreement contain conditions described in subsection (e)(7):

- (1) the clerk of the court shall comply with IC 5-2-9; and
- (2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

SECTION 666. IC 34-13-3-2, AS AMENDED BY SEA 146-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. This chapter applies to a claim or suit in tort against any of the following:

- (1) A member of the bureau of motor vehicles commission **board** established under ~~IC 9-15-1-1~~. **IC 9-14-9-2.**
- (2) An employee of the bureau of motor vehicles

commission. who is employed at a license branch under IC 9-16; except for an employee employed at a license branch operated under a contract with the commission under IC 9-16.

(3) A member of the driver education advisory board established by IC 9-27-6-5.

(4) An approved postsecondary educational institution (as defined in IC 21-7-13-6(a)(1)), or an association acting on behalf of an approved postsecondary educational institution, that:

(A) shares data with the commission for higher education under IC 21-12-12-1; and

(B) is named as a defendant in a claim or suit in tort based on any breach of the confidentiality of the data that occurs after the institution has transmitted the data in compliance with IC 21-12-12-1.

SECTION 667. IC 34-28-5-1, AS AMENDED BY P.L.125-2012, SECTION 412, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) As used in this section, "probationary license" refers to a license described in IC 9-24-11-3.3(b):

(b) (a) An action to enforce a statute defining an infraction shall be brought in the name of the state of Indiana by the prosecuting attorney for the judicial circuit in which the infraction allegedly took place. However, if the infraction allegedly took place on a public highway (as defined in IC 9-25-2-4) that runs on and along a common boundary shared by two (2) or more judicial circuits, a prosecuting attorney for any judicial circuit sharing the common boundary may bring the action.

(c) (b) An action to enforce an ordinance shall be brought in the name of the municipal corporation. The municipal corporation need not prove that it or the ordinance is valid unless validity is controverted by affidavit.

(d) (c) Actions under this chapter (or IC 34-4-32 before its repeal):

(1) shall be conducted in accordance with the Indiana Rules of Trial Procedure; and

(2) must be brought within two (2) years after the alleged conduct or violation occurred.

(e) (d) The plaintiff in an action under this chapter must prove the commission of an infraction or ordinance violation by a preponderance of the evidence.

(f) (e) The complaint and summons described in IC 9-30-3-6 may be used for any infraction or ordinance violation.

(g) (f) Subsection (h) (g) does not apply to an individual holding a probationary license who is alleged to have committed an infraction under any of the following when the individual was less than eighteen (18) years of age at the time of the alleged offense:

IC 9-19

IC 9-21

IC 9-24

IC 9-25

IC 9-26

IC 9-30-5

IC 9-30-10

IC 9-30-15.

(h) (g) This subsection does not apply to an offense or violation under IC 9-24-6 (before its repeal) or IC 9-24-6.1 involving the operation of a commercial motor vehicle. The prosecuting attorney or the attorney for a municipal corporation may establish a deferral program for deferring actions brought under this section. Actions may be deferred under this section if:

(1) the defendant in the action agrees to conditions of a deferral program offered by the prosecuting attorney or the attorney for a municipal corporation;

(2) the defendant in the action agrees to pay to the clerk of the court an initial user's fee and monthly user's fee set by

the prosecuting attorney or the attorney for the municipal corporation in accordance with IC 33-37-4-2(e);

(3) the terms of the agreement are recorded in an instrument signed by the defendant and the prosecuting attorney or the attorney for the municipal corporation;

(4) the defendant in the action agrees to pay a fee of seventy dollars (\$70) to the clerk of court if the action involves a moving traffic offense (as defined in IC 9-13-2-110);

(5) the agreement is filed in the court in which the action is brought; and

(6) if the deferral program is offered by the prosecuting attorney, the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

When a defendant complies with the terms of an agreement filed under this subsection (or IC 34-4-32-1(f) before its repeal), the prosecuting attorney or the attorney for the municipal corporation shall request the court to dismiss the action. Upon receipt of a request to dismiss an action under this subsection, the court shall dismiss the action. An action dismissed under this subsection (or IC 34-4-32-1(f) before its repeal) may not be refiled.

(i) (h) If a judgment is entered against a defendant in an action to enforce an ordinance, the defendant may perform community restitution or service (as defined in IC 35-31.5-2-50) instead of paying a monetary judgment for the ordinance violation as described in section 4(e) of this chapter if:

(1) the:

(A) defendant; and

(B) attorney for the municipal corporation;

agree to the defendant's performance of community restitution or service instead of the payment of a monetary judgment;

(2) the terms of the agreement described in subdivision (1):

(A) include the amount of the judgment the municipal corporation requests that the defendant pay under section 4(e) of this chapter for the ordinance violation if the defendant fails to perform the community restitution or service provided for in the agreement as approved by the court; and

(B) are recorded in a written instrument signed by the defendant and the attorney for the municipal corporation;

(3) the agreement is filed in the court where the judgment was entered; and

(4) the court approves the agreement.

If a defendant fails to comply with an agreement approved by a court under this subsection, the court shall require the defendant to pay up to the amount of the judgment requested in the action under section 4(e) of this chapter as if the defendant had not entered into an agreement under this subsection.

SECTION 668. IC 34-28-5-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. (a) This section applies after December 31, 2016.

(b) In addition to:

(1) the penalty described under IC 9-18.1-2-10; and

(2) any judgment assessed under IC 34-28-5 (or IC 34-4-32 before its repeal);

a person that violates IC 9-18.1-2-3 shall be assessed a judgment equal to the amount of excise tax due under IC 6-6-5 or IC 6-6-5.5 on the vehicle involved in the violation.

(c) The clerk of the court shall do the following:

(1) Collect the additional judgment described under subsection (b) in an amount specified by a court order.

(2) Transfer the additional judgment to the county auditor on a calendar year basis.

(d) The county auditor shall distribute the judgments described under subsection (c) to law enforcement agencies, including the state police department, responsible for issuing citations to enforce IC 9-18.1-2-3.

(e) The percentage of funds distributed to a law enforcement agency under subsection (d):

(1) must equal the percentage of the total number of citations issued by the law enforcement agency for the purpose of enforcing IC 9-18.1-2-3 during the applicable year; and

(2) may be used for the following:

(A) Any law enforcement purpose.

(B) Contributions to the pension fund of the law enforcement agency.

SECTION 669. IC 34-30-2-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 27. ~~IC 9-14-4-6~~ IC 9-14-11-7 (Concerning members of the driver licensing medical advisory board).

SECTION 670. IC 34-30-2-28.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28.6. IC 9-17-6-18 (Concerning the bureau of motor vehicles for false information contained in a certificate of title for a manufactured home).

SECTION 671. IC 35-38-9-6, AS AMENDED BY P.L.142-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) If the court orders conviction records expunged under sections 2 through 3 of this chapter, the court shall do the following with respect to the specific records expunged by the court:

(1) Order:

- (A) the department of correction;
- (B) the bureau of motor vehicles; and
- (C) each:
 - (i) law enforcement agency; and
 - (ii) other person;

who incarcerated, provided treatment for, or provided other services for the person under an order of the court;

to prohibit the release of the person's records or information in the person's records to anyone without a court order, other than a law enforcement officer acting in the course of the officer's official duty.

(2) Order the central repository for criminal history information maintained by the state police department to seal the person's expunged conviction records. Records sealed under this subdivision may be disclosed only to:

- (A) a prosecuting attorney, if:
 - (i) authorized by a court order; and
 - (ii) needed to carry out the official duties of the prosecuting attorney;
- (B) a defense attorney, if:
 - (i) authorized by a court order; and
 - (ii) needed to carry out the professional duties of the defense attorney;
- (C) a probation department, if:
 - (i) authorized by a court order; and
 - (ii) necessary to prepare a presentence report;
- (D) the Federal Bureau of Investigation and the Department of Homeland Security, if disclosure is required to comply with an agreement relating to the sharing of criminal history information;
- (E) the:
 - (i) supreme court;
 - (ii) members of the state board of law examiners;
 - (iii) executive director of the state board of law examiners; and
 - (iv) employees of the state board of law examiners,

in accordance with rules adopted by the state board of law examiners;

for the purpose of determining whether an applicant possesses the necessary good moral character for admission to the bar;

(F) a person required to access expunged records to comply with the Secure and Fair Enforcement for Mortgage Licensing Act (12 U.S.C. 5101 et seq.) or regulations adopted under the Secure and Fair Enforcement for Mortgage Licensing Act; and

(G) the bureau of motor vehicles, the Federal Motor Carrier Administration, and the Commercial Drivers License Information System (CDLIS), if disclosure is required to comply with ~~IC 9-24-6-2(d)~~ federal law relating to reporting a conviction for a violation of a traffic control law.

(3) Notify the clerk of the supreme court to seal any records in the clerk's possession that relate to the conviction.

A probation department may provide an unredacted version of a presentence report disclosed under subdivision (2)(C) to any person authorized by law to receive a presentence report.

(b) Except as provided in subsection (c), if a petition to expunge conviction records is granted under sections 2 through 3 of this chapter, the records of:

- (1) the sentencing court;
- (2) a juvenile court;
- (3) a court of appeals; and
- (4) the supreme court;

concerning the person shall be permanently sealed. However, a petition for expungement granted under sections 2 through 3 of this chapter does not affect an existing or pending driver's license suspension.

(c) If a petition to expunge conviction records is granted under sections 2 through 3 of this chapter with respect to the records of a person who is named as an appellant or an appellee in an opinion or memorandum decision by the supreme court or the court of appeals, the court shall:

- (1) redact the opinion or memorandum decision as it appears on the computer gateway administered by the office of technology so that it does not include the petitioner's name (in the same manner that opinions involving juveniles are redacted); and
- (2) provide a redacted copy of the opinion or memorandum decision is provided after the date of the order of expungement.

The supreme court and court of appeals are not required to destroy or otherwise dispose of any existing copy of an opinion or memorandum decision that includes the petitioner's name.

(d) Notwithstanding subsection (b), a prosecuting attorney may submit a written application to a court that granted an expungement petition under this chapter to gain access to any records that were permanently sealed under subsection (b), if the records are relevant in a new prosecution of the person. If a prosecuting attorney who submits a written application under this subsection shows that the records are relevant for a new prosecution of the person, the court that granted the expungement petition shall:

- (1) order the records to be unsealed; and
- (2) allow the prosecuting attorney who submitted the written application to have access to the records.

If a court orders records to be unsealed under this subsection, the court shall order the records to be permanently resealed at the earliest possible time after the reasons for unsealing the records cease to exist. However, if the records are admitted as evidence against the person in a new prosecution that results in the person's conviction, or are used to enhance a sentence imposed on the person in a new prosecution, the court is not required to reseat the records.

(e) If a person whose conviction records are expunged under sections 2 through 5 of this chapter is required to register as a sex offender based on the commission of a felony which has been expunged:

(1) the expungement does not affect the operation of the sex offender registry web site, any person's ability to access the person's records, records required to be maintained concerning sex or violent offenders, or any registration requirement imposed on the person; and

(2) the expunged conviction must be clearly marked as expunged on the sex offender registry web site.

(f) Expungement of a crime of domestic violence under section 2 of this chapter does not restore a person's right to possess a firearm. The right of a person convicted of a crime of domestic violence to possess a firearm may be restored only in accordance with IC 35-47-4-7.

(g) If the court issues an order granting a petition for expungement under sections 2 through 3 of this chapter, the court shall include in its order the information described in section 8(b) of this chapter.

SECTION 672. IC 35-38-9-7, AS AMENDED BY P.L.142-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) This section applies only to a person who has filed a petition for expungement under section 4 or 5 of this chapter and whose records have been ordered marked as expunged.

(b) The court records and other public records relating to the arrest, conviction, or sentence of a person whose conviction records have been marked as expunged remain public records. However, the court shall order that the records be clearly and visibly marked or identified as being expunged. A petition for expungement granted under sections 4 through 5 of this chapter does not affect an existing or pending driver's license suspension.

(c) The state police department, the bureau of motor vehicles, and any other law enforcement agency in possession of records that relate to the conviction ordered to be marked as expunged shall add an entry to the person's record of arrest, conviction, or sentence in the criminal history data base stating that the record is marked as expunged. Nothing in this chapter prevents the bureau of motor vehicles from reporting information about a conviction for a violation of a traffic control law to the Commercial Drivers License Information System (CDLIS), in accordance with ~~IC 9-24-6-2(d)~~, **federal law**, even if the conviction has been expunged under section 4 or 5 of this chapter.

(d) If the court issues an order granting a petition for expungement under section 4 or 5 of this chapter, the court shall include in its order the information described in section 8(b) of this chapter.

SECTION 673. IC 35-44.1-3-1, AS AMENDED BY P.L.168-2014, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A person who knowingly or intentionally:

(1) forcibly resists, obstructs, or interferes with a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of the officer's duties;

(2) forcibly resists, obstructs, or interferes with the authorized service or execution of a civil or criminal process or order of a court; or

(3) flees from a law enforcement officer after the officer has, by visible or audible means, including operation of the law enforcement officer's siren or emergency lights, identified himself or herself and ordered the person to stop;

commits resisting law enforcement, a Class A misdemeanor, except as provided in subsection (b).

(b) The offense under subsection (a) is a:

(1) Level 6 felony if:

(A) the offense is described in subsection (a)(3) and the person uses a vehicle to commit the offense; or

(B) while committing any offense described in subsection (a), the person draws or uses a deadly weapon, inflicts bodily injury on or otherwise causes bodily injury to another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;

(2) Level 5 felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes serious bodily injury to another person;

(3) Level 3 felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death of another person; and

(4) Level 2 felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death of a law enforcement officer while the law enforcement officer is engaged in the officer's official duties.

(c) If a person uses a vehicle to commit a felony offense under subsection (b)(1)(B), (b)(2), (b)(3), or (b)(4), as part of the criminal penalty imposed for the offense, the court shall impose a minimum executed sentence of at least:

(1) thirty (30) days, if the person does not have a prior unrelated conviction under this section;

(2) one hundred eighty (180) days, if the person has one (1) prior unrelated conviction under this section; or

(3) one (1) year, if the person has two (2) or more prior unrelated convictions under this section.

(d) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection (c) may not be suspended.

(e) If a person is convicted of an offense involving the use of a motor vehicle under:

(1) subsection (b)(1)(A), if the person exceeded the speed limit by at least twenty (20) miles per hour while committing the offense;

(2) subsection (b)(2); or

(3) subsection (b)(3);

the court may notify the bureau of motor vehicles to suspend or revoke the person's driver's license and all certificates of registration and license plates issued or registered in the person's name in accordance with ~~IC 9-30-4-6(b)(3)~~ **IC 9-30-4-6.1(b)(3)** for the period described in ~~IC 9-30-4-6(d)(4)~~ **IC 9-30-4-6.1(d)(1)** or ~~IC 9-30-4-6(d)(5)~~ **IC 9-30-4-6.1(d)(2)**. The court shall inform the bureau whether the person has been sentenced to a term of incarceration. At the time of conviction, the court may obtain the person's current driver's license and return the license to the bureau of motor vehicles.

(f) A person may not be charged or convicted of a crime under subsection (a)(3) if the law enforcement officer is a school resource officer acting in the officer's capacity as a school resource officer.

SECTION 674. IC 35-52-9-1, AS ADDED BY P.L.169-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. ~~IC 9-14-3-5-15~~ **IC 9-14-13-11** defines a crime concerning the bureau of motor vehicles.

SECTION 675. IC 35-52-9-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 2: ~~IC 9-14-5-9~~ defines a crime concerning parking placards for persons with physical disabilities.

SECTION 676. IC 35-52-9-8 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 8: ~~IC 9-18-22-6~~ defines a crime concerning motor vehicle registration, and license plates.

SECTION 677. IC 35-52-9-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8.1. **IC 9-18.5-8-3** defines a crime concerning license plates and placards.

SECTION 678. IC 35-52-9-8.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 8-5: IC 9-18-27-2 defines a crime concerning motor vehicle registration and license plates.

SECTION 679. IC 35-52-9-8.8 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 8-8: IC 9-18-27-5 defines a crime concerning motor vehicle registration and license plates.

SECTION 680. IC 35-52-9-30 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 30: IC 9-22-5-19 defines a crime concerning scrapping and dismantling vehicles.

SECTION 681. IC 35-52-9-31 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 31: IC 9-24-1-6 defines a crime concerning driver's licenses.

SECTION 682. IC 35-52-9-31.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 31.9. IC 9-24-6.1-7 defines a crime concerning commercial motor vehicles.

SECTION 683. IC 35-52-9-32, AS ADDED BY P.L.169-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 32. IC 9-24-6-17 IC 9-24-6.1-8 defines a crime concerning driver's licenses: commercial motor vehicles.

SECTION 684. [EFFECTIVE JULY 1, 2016] (a) A rule that the bureau of motor vehicles determines is contrary to this act is void. The bureau of motor vehicles shall submit a statement to the publisher of the Indiana Administrative Code and Indiana Register under IC 4-22-7-7 indicating which rules the bureau determines are contrary to this act and void. These rules, if any, are void effective thirty (30) days after submission of the statement. The bureau of motor vehicles shall make the determination under this subsection not later than August 31, 2017.

(b) The publisher of the Indiana Administrative Code and Indiana Register shall remove the rules identified in subsection (a) from the Indiana Administrative Code and the Indiana Register.

(c) This SECTION expires December 31, 2017.

SECTION 685. [EFFECTIVE JULY 1, 2016] (a) Not later than December 31, 2016, the bureau of motor vehicles shall update the point system for Indiana traffic convictions operated by the bureau of motor vehicles under 140 IAC 1-4.5 to conform with this act.

(b) This SECTION expires June 30, 2017.

SECTION 686. [EFFECTIVE JULY 1, 2016] (a) Not later than January 1, 2017, the bureau of motor vehicles shall adopt emergency rules in the manner provided under IC 4-22-2-37.1 to implement the following statutes (before their expiration) in a manner consistent with this act:

- IC 9-18-2-7
- IC 9-18-2-8
- IC 9-18-2-8.5
- IC 9-18-2-14
- IC 9-18-2-20
- IC 9-18-2-25
- IC 9-18-2-36
- IC 9-18-2-38
- IC 9-18-2-47
- IC 9-18-3-4
- IC 9-18-3-6
- IC 9-18-4
- IC 9-18-5.

(b) An emergency rule adopted by the bureau of motor vehicles under this SECTION expires on the earlier of the following dates:

- (1) The expiration date stated in the emergency rule.
- (2) The date the emergency rule is amended or repealed by a later rule adopted under IC 4-22-2-24 through IC 4-22-2-36 or under IC 4-22-2-37.1.

(c) This SECTION expires December 31, 2017.

SECTION 687. [EFFECTIVE JULY 1, 2016] (a) The

legislative services agency shall prepare legislation for introduction in the 2017 regular session of the general assembly to organize and correct statutes affected by this act.

(b) This SECTION expires December 31, 2016.

SECTION 688. [EFFECTIVE JULY 1, 2016] The general assembly recognizes that HEA 1087-2016 repealed IC 9-18-25 and that HEA 1201-2016 amended IC 9-18-25-17.5. The general assembly intends to repeal IC 9-18-25-17.5.

SECTION 689. [EFFECTIVE JULY 1, 2016] The general assembly recognizes that HEA 1087-2016 repealed IC 9-31-2 and that HEA 1365-2016 amended IC 9-31-2-6 and IC 9-31-2-17. The general assembly intends to repeal IC 9-31-2.

SECTION 690. [EFFECTIVE JULY 1, 2016] The general assembly recognizes that HEA 1087-2016 repealed IC 9-29-4 and that HEA 1365-2016 amends IC 9-29-4-4. The general assembly intends to repeal IC 9-29-4.

SECTION 691. [EFFECTIVE JULY 1, 2016] The general assembly recognizes that HEA 1087-2016 repealed IC 9-18-29 and that HEA 1353-2016 amends IC 9-18-29-5. The general assembly intends to repeal IC 9-18-29.

SECTION 692. An emergency is declared for this act.

(Reference is to EHB 1087 Technical Correction as printed March 2, 2016).

SOLIDAY	YODER
STEUERWALD	ARNOLD
House Conferees	Senate Conferees

Roll Call 436: yeas 69, nays 29. Report adopted.

CONFERENCE COMMITTEE REPORT
EHB 1215-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1215 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-4-37-1.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.3. As used in this chapter, "division" refers to the division of historic preservation and archeology of the department of natural resources established by IC 14-9-4-1.

SECTION 2. IC 4-4-37-7, AS ADDED BY P.L.213-2015, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The office may award a grant to a person in the year in which the person completes who submits plans for the preservation or rehabilitation of historic property and obtains the certifications required under section 8 of this chapter.

(b) The maximum amount of a grant awarded under this section is equal to ~~twenty percent (20%)~~ **thirty-five percent (35%)** of the qualified expenditures, **not to exceed one hundred thousand dollars (\$100,000)**, that:

- (1) the person makes for the preservation or rehabilitation of historic property; and
- (2) are approved by the office.

(c) Each grant shall be made under a grant agreement by and between the office and the person receiving the grant. The grant agreement must include all of the following:

- (1) A timeline for completing the project, including milestones that the person commits to achieving by the time specified.

(2) **The approved plans for the preservation or rehabilitation of the historic property.**

(3) **The estimated cost of the preservation or rehabilitation of the historic property and all sources of money for the project.**

(4) **The financing plan by the person proposing the project.**

(5) **The remedies available to the office if the grant is made and the project does not substantially comply with the proposed plan approved under this chapter.**

(6) **Any other terms or conditions the office considers appropriate.**

SECTION 3. IC 4-4-37-8, AS ADDED BY P.L.213-2015, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. The office may award a grant to a person if all the following conditions are met:

(1) The historic property is:

(A) located in Indiana;

(B) at least fifty (50) years old; and

(C) owned by the person. **This requirement does not apply to a nonprofit organization facilitating a qualified affordable housing project.**

(2) The office certifies that the historic property is listed in or eligible to be listed in:

(A) the register of Indiana historic sites and historic structures; or

(B) the National Register of Historic Places, either individually or as a contributing resource in a National Register District.

(3) The office certifies that the person submitted a proposed preservation or rehabilitation plan to the division that complies with the standards of the division.

(4) ~~The office certifies that the preservation or rehabilitation work that is the subject of the grant substantially complies with the proposed plan referred to in subdivision (3):~~

(5) ~~The preservation or rehabilitation work is completed in not more than:~~

(A) ~~two (2) years; or~~

(B) ~~five (5) years if the preservation or rehabilitation plan indicates that the preservation or rehabilitation is initially planned for completion in phases.~~

~~The time in which work must be completed begins when the physical work of construction or destruction in preparation for construction begins:~~

(4) ~~The submitted plan referenced in section 7 of this chapter complies with the program guidelines established by the office.~~

(5) ~~The historic property is to be:~~

(A) ~~actively used in a trade or business;~~

(B) ~~held for the production of income; or~~

(C) ~~held for the rental or other use in the ordinary course of the person's trade or business.~~

(6) ~~The qualified expenditures for preservation or rehabilitation of the historic property exceed ten thousand dollars (\$10,000).~~

SECTION 4. IC 4-4-37-9, AS ADDED BY P.L.213-2015, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. The office may provide the certifications referred to in section 8(3) and 8(4) of this chapter if a person's proposed preservation or rehabilitation plan complies with the standards of the office and the person's preservation or rehabilitation work complies with the plan.

SECTION 5. IC 5-28-15-10, AS AMENDED BY P.L.1-2010, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Subject to subsection (b), an enterprise zone expires ten (10) years after the day on which it is designated by the board.

(b) In the period beginning December 1, 2008, and ending December 31, 2014, an enterprise zone does not expire under

this section if the fiscal body of the municipality in which the enterprise zone is located adopts a resolution renewing the enterprise zone for an additional five (5) years. An enterprise zone may be renewed under this subsection regardless of the number of times the enterprise zone has been renewed under subsections ~~(c)~~ (d) and ~~(d)~~ (e). A municipal fiscal body may adopt a renewal resolution and submit a copy of the resolution to the board:

(1) before August 1, 2009, in the case of an enterprise zone that expired after November 30, 2008, or is scheduled to expire before September 1, 2009; or

(2) at least thirty (30) days before the expiration date of the enterprise zone, in the case of an enterprise zone scheduled to expire after August 31, 2009.

If an enterprise zone is renewed under this subsection after having been renewed under subsection ~~(d)~~ (e), the enterprise zone may not be renewed after the expiration of this final five (5) year period, **except under subsection (c).**

(c) **An enterprise zone does not expire under this section if the fiscal body of the municipality in which the enterprise zone is located:**

(1) **has adopted a resolution renewing the enterprise zone under subsection (b); and**

(2) **adopts a resolution renewing the enterprise zone for an additional one (1) year period beginning on the date on which the enterprise zone would otherwise expire under the resolution adopted under subdivision (1).**

An enterprise zone may be renewed for an additional one (1) year period under this subsection regardless of the number of times the enterprise zone has been renewed under subsections (d) and (e). A municipal fiscal body may adopt a renewal resolution and submit a copy of the resolution to the corporation at least thirty (30) days before the expiration date of the enterprise zone. If an enterprise zone is renewed for an additional one (1) year period under this subsection after having been renewed under subsection (e), the enterprise zone may not be renewed after the expiration of this final one (1) year period.

~~(c)~~ (d) The two (2) year period immediately before the day on which the enterprise zone expires is the phaseout period. During the phaseout period, the board may review the success of the enterprise zone based on the following criteria and may, with the consent of the budget committee, renew the enterprise zone, including all provisions of this chapter, for five (5) years:

(1) Increases in capital investment in the zone.

(2) Retention of jobs and creation of jobs in the zone.

(3) Increases in employment opportunities for residents of the zone.

~~(d)~~ (e) If an enterprise zone is renewed under subsection ~~(c)~~ (d), the two (2) year period immediately before the day on which the enterprise zone expires is another phaseout period. During the phaseout period, the board may review the success of the enterprise zone based on the criteria set forth in subsection ~~(c)~~ (d) and, with the consent of the budget committee, may again renew the enterprise zone, including all provisions of this chapter, for a final period of five (5) years. The zone may not be renewed after the expiration of this final five (5) year period.

SECTION 6. IC 6-1.1-12-26.2, AS ADDED BY P.L.117-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 26.2. (a) The following definitions apply throughout this section:

(1) "Barn" means a building (other than a dwelling) that was designed to be used for:

(A) housing animals;

(B) storing or processing crops;

(C) storing and maintaining agricultural equipment; or

(D) serving an essential or useful purpose related to agricultural activities conducted on the adjacent land.

(2) "Heritage barn" means a **mortise and tenon** barn that on the assessment date:

- (A) was constructed before 1950; **and**
- (B) retains sufficient integrity of design, materials, and construction to clearly identify the building as a barn.
- ~~(C) is not being used for agricultural purposes in the operation of an agricultural enterprise; and~~
- ~~(D) is not being used for a business purpose.~~

(3) "Eligible applicant" means:

- (A) an owner of a heritage barn; or
- (B) a person that is purchasing property, including a heritage barn, under a contract that:
 - (i) gives the person a right to obtain title to the property upon fulfilling the terms of the contract;
 - (ii) does not permit the owner to terminate the contract as long as the person buying the property complies with the terms of the contract;
 - (iii) specifies that during the term of the contract the person must pay the property taxes on the property; and
 - (iv) has been recorded with the county recorder.

(4) "Mortise and tenon barn" means a barn that was built using heavy wooden timbers, joined together with wood-pegged mortise and tenon joinery, that form an exposed structural frame.

(b) An eligible applicant is entitled to a deduction against the assessed value of the structure and foundation of a heritage barn beginning with assessments after 2014. The deduction is equal to one hundred percent (100%) of the assessed value of the structure and foundation of the heritage barn.

(c) An eligible applicant that desires to obtain the deduction provided by this section must file a certified deduction application with the auditor of the county in which the heritage barn is located. The application may be filed in person or by mail. The application must contain the information and be in the form prescribed by the department of local government finance. If mailed, the mailing must be postmarked on or before the last day for filing.

(d) Subject to subsection (e) and section 45 of this chapter, the application must be filed during the year preceding the year in which the deduction will first be applied. Upon verification of the application **and that the barn was constructed before 1950** by the county assessor of the county in which the property is subject to assessment or by the township assessor of the township in which the property is subject to assessment (if there is a township assessor for the township), the auditor of the county shall allow the deduction.

(e) The auditor of a county shall, in a particular year, apply the deduction provided under this section to the heritage barn of the owner that received the deduction in the preceding year unless the auditor of the county determines that the property is no longer eligible for the deduction **because the barn was not constructed before 1950**. A person that receives a deduction under this section in a particular year and that remains eligible for the deduction in the following year is not required to file an application for the deduction in the following year. A person that receives a deduction under this section in a particular year and that becomes ineligible for the deduction in the following year shall notify the auditor of the county in which the property is located of the ineligibility in the year in which the person becomes ineligible. A deduction under this section terminates following a change in ownership of the heritage barn. However, a deduction under this section does not terminate following the removal of less than all the joint owners of property or purchasers of property under a contract described in subsection (a).

(f) A county fiscal body may adopt an ordinance to require a person receiving the deduction under this section to pay an annual public safety fee for each heritage barn for which the person receives a deduction under this section. The fee may not

exceed fifty dollars (\$50). The county auditor shall distribute any public safety fees collected under this section equitably among the police and fire departments in whose territories each heritage barn is located. If a county fiscal body adopts an ordinance under this subsection, the county fiscal body shall furnish a copy of the ordinance to the department in the manner prescribed by the department.

SECTION 7. [EFFECTIVE JULY 1, 2016] (a) The general assembly urges the legislative council to assign the study of the personal property audit process to the interim study committee on fiscal policy during the 2016 legislative interim.

(b) This SECTION expires January 1, 2017.

SECTION 8. [EFFECTIVE UPON PASSAGE] (a) The general assembly recognizes that SEA 21-2016 amends IC 5-28-11-10 and that SEA 378-2016 repeals IC 5-28-11. The general assembly intends to repeal IC 5-28-11 effective July 1, 2016.

(b) This SECTION expires January 1, 2018.

SECTION 9. An emergency is declared for this act.

(Reference is to EHB 1215 as reprinted February 23, 2016.)

CHERRY	CIDER
RIECKEN	RANDOLPH
House Conferees	Senate Conferees

Roll Call 437: yeas 98, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
EHB 1273-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1273 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-4-25, AS AMENDED BY P.L.111-2014, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 25. (a) Each township assessor and each county assessor shall keep the assessor's reassessment data and records current by securing the necessary field data and by making changes in the assessed value of real property as changes occur in the use of the real property. The township or county assessor's records shall at all times show the assessed value of real property in accordance with this chapter. The township assessor shall ensure that the county assessor has full access to the assessment records maintained by the township assessor.

(b) The township assessor (if any) in a county having a consolidated city, the county assessor if there are no township assessors in a county having a consolidated city, or the county assessor in every other county, shall:

- (1) maintain an electronic data file of:
 - (A) the parcel characteristics and parcel assessments of all parcels; **and**
 - (B) the personal property return characteristics and assessments by return; **and**
 - (C) the geographic information system characteristics of each parcel;**

for each township in the county as of each assessment date;

(2) maintain the electronic file in a form that formats the information in the file with the standard data, field, and record coding required and approved by:

- (A) the legislative services agency; and
- (B) the department of local government finance;

(3) transmit the data in the file with respect to the assessment date of each year before October 1 of a year ending before January 1, 2016, and before September 1 of a year beginning after December 31, 2015, to:

(A) the legislative services agency and ~~(B)~~ the department of local government finance, **for data described in subdivision (1)(A) and (1)(B); and (B) the geographic information office of the office of technology, for data described in subdivision (1)(C);** in a manner that meets the data export and transmission requirements in a standard format, as prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency; and
(4) resubmit the data in the form and manner required under this subsection, upon request of the legislative services agency, ~~or~~ the department of local government finance, **or the geographic information office of the office of technology, as applicable,** if data previously submitted under this subsection does not comply with the requirements of this subsection, as determined by the legislative services agency, ~~or~~ the department of local government finance, **or the geographic information office of the office of technology, as applicable.**

An electronic data file maintained for a particular assessment date may not be overwritten with data for a subsequent assessment date until a copy of an electronic data file that preserves the data for the particular assessment date is archived in the manner prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency.

SECTION 2. IC 6-1.1-10-37.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: **Sec. 37.8. For assessment dates after December 31, 2015, tangible personal property is exempt from property taxation if that tangible personal property:**
(1) **is owned by a homeowners association (as defined in IC 32-25.5-2-4); and**
(2) **is held by the homeowners association for the use, benefit, or enjoyment of members of the homeowners association.**

SECTION 3. IC 6-1.1-11-3.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.8. (a) This section applies to real property that after December 31, 2003, is:

- (1) exempt from property taxes:
 - (A) under an application filed under this chapter; or
 - (B) under:
 - (I) IC 6-1.1-10-2; or
 - (ii) IC 6-1.1-10-4; and
- (2) leased to an entity other than:
 - (A) a nonprofit entity;
 - (B) a governmental entity; or
 - (C) an individual who leases a dwelling unit in:
 - (I) a public housing project;
 - (ii) a nursing facility referred to in IC 12-15-14;
 - (iii) an assisted living facility; or
 - (iv) an affordable housing development.

(b) After December 31, 2003, each lessor of real property shall notify the county assessor of the county in which the real property is located in writing of:

- (1) the existence of the lease referred to in subsection (a)(2);
- (2) the term of that lease; and
- (3) the name and address of the lessee.

(c) Each county assessor shall annually notify the department of local government finance in writing of the information received by the county assessor under subsection (b).

(d) The department of local government finance ~~shall~~ **may** adopt rules to:

- (1) establish when the notices under subsections (b) and

(c) must be given; and

(2) otherwise implement this section.

SECTION 4. IC 6-1.1-12-37, AS AMENDED BY SEA 304-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 37. (a) The following definitions apply throughout this section:

(1) "Dwelling" means any of the following:

(A) Residential real property improvements that an individual uses as the individual's residence, including a house or garage.

(B) A mobile home that is not assessed as real property that an individual uses as the individual's residence.

(C) A manufactured home that is not assessed as real property that an individual uses as the individual's residence.

(2) "Homestead" means an individual's principal place of residence:

(A) that is located in Indiana;

(B) that:

(I) the individual owns;

(ii) the individual is buying under a contract; recorded in the county recorder's office, that provides that the individual is to pay the property taxes on the residence, and that obligates the owner to convey title to the individual upon completion of all of the individual's contract obligations;

(iii) the individual is entitled to occupy as a tenant-stockholder (as defined in 26 U.S.C. 216) of a cooperative housing corporation (as defined in 26 U.S.C. 216); or

(iv) is a residence described in section 17.9 of this chapter that is owned by a trust if the individual is an individual described in section 17.9 of this chapter; and

(C) that consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

Except as provided in subsection (k), the term does not include property owned by a corporation, partnership, limited liability company, or other entity not described in this subdivision.

(b) Each year a homestead is eligible for a standard deduction from the assessed value of the homestead for an assessment date. Except as provided in subsection (p), the deduction provided by this section applies to property taxes first due and payable for an assessment date only if an individual has an interest in the homestead described in subsection (a)(2)(B) on:

(1) the assessment date; or

(2) any date in the same year after an assessment date that a statement is filed under subsection (e) or section 44 of this chapter, if the property consists of real property.

If more than one (1) individual or entity qualifies property as a homestead under subsection (a)(2)(B) for an assessment date, only one (1) standard deduction from the assessed value of the homestead may be applied for the assessment date. Subject to subsection (c), the auditor of the county shall record and make the deduction for the individual or entity qualifying for the deduction.

(c) Except as provided in section 40.5 of this chapter, the total amount of the deduction that a person may receive under this section for a particular year is the lesser of:

(1) sixty percent (60%) of the assessed value of the real property, mobile home not assessed as real property, or manufactured home not assessed as real property; or

(2) forty-five thousand dollars (\$45,000).

(d) A person who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim

the deduction provided under this section with respect to that real property, mobile home, or manufactured home.

(e) Except as provided in sections 17.8 and 44 of this chapter and subject to section 45 of this chapter, an individual who desires to claim the deduction provided by this section must file a certified statement, ~~in duplicate~~, on forms prescribed by the department of local government finance, with the auditor of the county in which the homestead is located. The statement must include:

- (1) the parcel number or key number of the property and the name of the city, town, or township in which the property is located;
- (2) the name of any other location in which the applicant or the applicant's spouse owns, is buying, or has a beneficial interest in residential real property;
- (3) the names of:

- (A) the applicant and the applicant's spouse (if any):
 - (I) as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or
 - (ii) that they use as their legal names when they sign their names on legal documents;

if the applicant is an individual; or
 (B) each individual who qualifies property as a homestead under subsection (a)(2)(B) and the individual's spouse (if any):

- (I) as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or
- (ii) that they use as their legal names when they sign their names on legal documents;

if the applicant is not an individual; and

(4) either:

(A) the last five (5) digits of the applicant's Social Security number and the last five (5) digits of the Social Security number of the applicant's spouse (if any); or

(B) if the applicant or the applicant's spouse (if any) does not have a Social Security number, any of the following for that individual:

- (I) The last five (5) digits of the individual's driver's license number.
- (ii) The last five (5) digits of the individual's state identification card number.
- (iii) If the individual does not have a driver's license or a state identification card, the last five (5) digits of a control number that is on a document issued to the individual by the United States government, ~~and determined by the department of local government finance to be acceptable.~~

If a form or statement provided to the county auditor under this section, IC 6-1.1-22-8.1, or IC 6-1.1-22.5-12 includes the telephone number or part or all of the Social Security number of a party or other number described in subdivision (4)(B) of a party, the telephone number and the Social Security number or other number described in subdivision (4)(B) included are confidential. The statement may be filed in person or by mail. If the statement is mailed, the mailing must be postmarked on or before the last day for filing. The statement applies for that first year and any succeeding year for which the deduction is allowed. With respect to real property, the statement must be completed and dated in the calendar year for which the person desires to obtain the deduction and filed with the county auditor on or before January 5 of the immediately succeeding calendar year. With respect to a mobile home that is not assessed as real property, the person must file the statement during the twelve (12) months before March 31 of the year for which the person desires to obtain the deduction.

(f) If an individual who is receiving the deduction provided by this section or who otherwise qualifies property for a deduction under this section:

- (1) changes the use of the individual's property so that part or all of the property no longer qualifies for the deduction under this section; or
- (2) is no longer eligible for a deduction under this section on another parcel of property because:
 - (A) the individual would otherwise receive the benefit of more than one (1) deduction under this chapter; or
 - (B) the individual maintains the individual's principal place of residence with another individual who receives a deduction under this section;

the individual must file a certified statement with the auditor of the county, notifying the auditor of the change of use, not more than sixty (60) days after the date of that change. An individual who fails to file the statement required by this subsection is liable for any additional taxes that would have been due on the property if the individual had filed the statement as required by this subsection plus a civil penalty equal to ten percent (10%) of the additional taxes due. The civil penalty imposed under this subsection is in addition to any interest and penalties for a delinquent payment that might otherwise be due. One percent (1%) of the total civil penalty collected under this subsection shall be transferred by the county to the department of local government finance for use by the department in establishing and maintaining the homestead property data base under subsection (I) and, to the extent there is money remaining, for any other purposes of the department. This amount becomes part of the property tax liability for purposes of this article.

(g) The department of local government finance may adopt rules or guidelines concerning the application for a deduction under this section.

(h) This subsection does not apply to property in the first year for which a deduction is claimed under this section if the sole reason that a deduction is claimed on other property is that the individual or married couple maintained a principal residence at the other property on the assessment date in the same year in which an application for a deduction is filed under this section or, if the application is for a homestead that is assessed as personal property, on the assessment date in the immediately preceding year and the individual or married couple is moving the individual's or married couple's principal residence to the property that is the subject of the application. Except as provided in subsection (n), the county auditor may not grant an individual or a married couple a deduction under this section if:

- (1) the individual or married couple, for the same year, claims the deduction on two (2) or more different applications for the deduction; and
- (2) the applications claim the deduction for different property.

(I) The department of local government finance shall provide secure access to county auditors to a homestead property data base that includes access to the homestead owner's name and the numbers required from the homestead owner under subsection (e)(4) for the sole purpose of verifying whether an owner is wrongly claiming a deduction under this chapter or a credit under IC 6-1.1-20.4, IC 6-1.1-20.6, or ~~IC 6-3.5~~ **IC 6-3.6-5**.

(j) A county auditor may require an individual to provide evidence proving that the individual's residence is the individual's principal place of residence as claimed in the certified statement filed under subsection (e). The county auditor may limit the evidence that an individual is required to submit to a state income tax return, a valid driver's license, or a valid voter registration card showing that the residence for which the deduction is claimed is the individual's principal place of residence. The department of local government finance shall work with county auditors to develop procedures to determine whether a property owner that is claiming a standard deduction or homestead credit is not eligible for the standard deduction or

homestead credit because the property owner's principal place of residence is outside Indiana.

(k) As used in this section, "homestead" includes property that satisfies each of the following requirements:

- (1) The property is located in Indiana and consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.
- (2) The property is the principal place of residence of an individual.
- (3) The property is owned by an entity that is not described in subsection (a)(2)(B).
- (4) The individual residing on the property is a shareholder, partner, or member of the entity that owns the property.
- (5) The property was eligible for the standard deduction under this section on March 1, 2009.

(l) If a county auditor terminates a deduction for property described in subsection (k) with respect to property taxes that are:

- (1) imposed for an assessment date in 2009; and
- (2) first due and payable in 2010;

on the grounds that the property is not owned by an entity described in subsection (a)(2)(B), the county auditor shall reinstate the deduction if the taxpayer provides proof that the property is eligible for the deduction in accordance with subsection (k) and that the individual residing on the property is not claiming the deduction for any other property.

(m) For assessment dates after 2009, the term "homestead" includes:

- (1) a deck or patio;
- (2) a gazebo; or
- (3) another residential yard structure, as defined in rules that may be adopted by the department of local government finance (other than a swimming pool);

that is assessed as real property and attached to the dwelling.

(n) A county auditor shall grant an individual a deduction under this section regardless of whether the individual and the individual's spouse claim a deduction on two (2) different applications and each application claims a deduction for different property if the property owned by the individual's spouse is located outside Indiana and the individual files an affidavit with the county auditor containing the following information:

- (1) The names of the county and state in which the individual's spouse claims a deduction substantially similar to the deduction allowed by this section.
- (2) A statement made under penalty of perjury that the following are true:
 - (A) That the individual and the individual's spouse maintain separate principal places of residence.
 - (B) That neither the individual nor the individual's spouse has an ownership interest in the other's principal place of residence.
 - (C) That neither the individual nor the individual's spouse has, for that same year, claimed a standard or substantially similar deduction for any property other than the property maintained as a principal place of residence by the respective individuals.

A county auditor may require an individual or an individual's spouse to provide evidence of the accuracy of the information contained in an affidavit submitted under this subsection. The evidence required of the individual or the individual's spouse may include state income tax returns, excise tax payment information, property tax payment information, driver license information, and voter registration information.

(o) If:

- (1) a property owner files a statement under subsection (e) to claim the deduction provided by this section for a particular property; and
- (2) the county auditor receiving the filed statement

determines that the property owner's property is not eligible for the deduction;

the county auditor shall inform the property owner of the county auditor's determination in writing. If a property owner's property is not eligible for the deduction because the county auditor has determined that the property is not the property owner's principal place of residence, the property owner may appeal the county auditor's determination to the county property tax assessment board of appeals as provided in IC 6-1.1-15. The county auditor shall inform the property owner of the owner's right to appeal to the county property tax assessment board of appeals when the county auditor informs the property owner of the county auditor's determination under this subsection.

(p) An individual is entitled to the deduction under this section for a homestead for a particular assessment date if:

(1) either:

- (A) the individual's interest in the homestead as described in subsection (a)(2)(B) is conveyed to the individual after the assessment date, but within the calendar year in which the assessment date occurs; or
- (B) the individual contracts to purchase the homestead after the assessment date, but within the calendar year in which the assessment date occurs;

(2) on the assessment date:

- (A) the property on which the homestead is currently located was vacant land; or
- (B) the construction of the dwelling that constitutes the homestead was not completed; **and**

(3) either:

- (A) the individual files the certified statement required by subsection (e); ~~on or before December 31 of the calendar year in which the assessment date occurs to claim the deduction under this section; or~~
- (B) a sales disclosure form that meets the requirements of section 44 of this chapter is submitted to the county assessor on or before December 31 of the calendar year for the individual's purchase of the homestead. **and**

~~(4) the individual files with the county auditor on or before December 31 of the calendar year in which the assessment date occurs a statement that:~~

- ~~(A) lists any other property for which the individual would otherwise receive a deduction under this section for the assessment date; and~~
- ~~(B) cancels the deduction described in clause (A) for that property.~~

An individual who satisfies the requirements of subdivisions (1) through ~~(4)~~ (3) is entitled to the deduction under this section for the homestead for the assessment date, even if on the assessment date the property on which the homestead is currently located was vacant land or the construction of the dwelling that constitutes the homestead was not completed. The county auditor shall apply the deduction for the assessment date and for the assessment date in any later year in which the homestead remains eligible for the deduction. A homestead that qualifies for the deduction under this section as provided in this subsection is considered a homestead for purposes of section 37.5 of this chapter and IC 6-1.1-20.6. ~~The county auditor shall cancel the deduction under this section for any property that is located in the county and is listed on the statement filed by the individual under subdivision (4). If the property listed on the statement filed under subdivision (4) is located in another county; the county auditor who receives the statement shall forward the statement to the county auditor of that other county; and the county auditor of that other county shall cancel the deduction under this section for that property.~~

(q) This subsection applies to an application for the deduction provided by this section that is filed for an assessment date occurring after December 31, 2013. Notwithstanding any other provision of this section, an individual buying a mobile home that is not assessed as real property or a manufactured

home that is not assessed as real property under a contract providing that the individual is to pay the property taxes on the mobile home or manufactured home is not entitled to the deduction provided by this section unless the parties to the contract comply with IC 9-17-6-17.

(r) This subsection:

(1) applies to an application for the deduction provided by this section that is filed for an assessment date occurring after December 31, 2013; and

(2) does not apply to an individual described in subsection (q).

The owner of a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property must attach a copy of the owner's title to the mobile home or manufactured home to the application for the deduction provided by this section.

(s) For assessment dates after 2013, the term "homestead" includes property that is owned by an individual who:

(1) is serving on active duty in any branch of the armed forces of the United States;

(2) was ordered to transfer to a location outside Indiana; and

(3) was otherwise eligible, without regard to this subsection, for the deduction under this section for the property for the assessment date immediately preceding the transfer date specified in the order described in subdivision (2).

For property to qualify under this subsection for the deduction provided by this section, the individual described in subdivisions (1) through (3) must submit to the county auditor a copy of the individual's transfer orders or other information sufficient to show that the individual was ordered to transfer to a location outside Indiana. The property continues to qualify for the deduction provided by this section until the individual ceases to be on active duty, the property is sold, or the individual's ownership interest is otherwise terminated, whichever occurs first. Notwithstanding subsection (a)(2), the property remains a homestead regardless of whether the property continues to be the individual's principal place of residence after the individual transfers to a location outside Indiana. The property continues to qualify as a homestead under this subsection if the property is leased while the individual is away from Indiana and is serving on active duty, if the individual has lived at the property at any time during the past ten (10) years. Otherwise, the property ceases to qualify as a homestead under this subsection if the property is leased while the individual is away from Indiana. Property that qualifies as a homestead under this subsection shall also be construed as a homestead for purposes of section 37.5 of this chapter.

SECTION 5. IC 6-1.1-12.1-5, AS AMENDED BY P.L.288-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) A property owner who desires to obtain the deduction provided by section 3 of this chapter must file a certified deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is located. Except as otherwise provided in subsection (b) or (e), the deduction application must be filed before May 10 of the year in which the addition to assessed valuation is made.

(b) If notice of the addition to assessed valuation or new assessment for any year is not given to the property owner before April 10 of that year, the deduction application required by this section may be filed not later than thirty (30) days after the date such a notice is mailed to the property owner at the address shown on the records of the township or county assessor.

(c) The deduction application required by this section must contain the following information:

(1) The name of the property owner.

(2) A description of the property for which a deduction is

claimed in sufficient detail to afford identification.

(3) The assessed value of the improvements before rehabilitation.

(4) The increase in the assessed value of improvements resulting from the rehabilitation.

(5) The assessed value of the new structure in the case of redevelopment.

(6) The amount of the deduction claimed for the first year of the deduction.

(7) If the deduction application is for a deduction in a residentially distressed area, the assessed value of the improvement or new structure for which the deduction is claimed.

(d) A deduction application filed under subsection (a) or (b) is applicable for the year in which the addition to assessed value or assessment of a new structure is made and in the following years the deduction is allowed without any additional deduction application being filed.

(e) A property owner who desires to obtain the deduction provided by section 3 of this chapter but who has failed to file a deduction application within the dates prescribed in subsection (a) or (b) may file a deduction application between ~~March~~ **January** 1 and May 10 of a subsequent year which shall be applicable for the year filed and the subsequent years without any additional deduction application being filed for the amounts of the deduction which would be applicable to such years pursuant to section 4 of this chapter if such a deduction application had been filed in accordance with subsection (a) or (b).

(f) Subject to subsection (I), the county auditor shall act as follows:

(1) If:

(A) a determination about the number of years the deduction is allowed has been made in the resolution adopted under section 2.5 of this chapter; **and**
(B) an abatement schedule has been established under section 17 of this chapter;

the county auditor shall make the appropriate deduction.

(2) If:

(A) a determination about the number of years the deduction is allowed has not been made in the resolution adopted under section 2.5 of this chapter; **or**
(B) an abatement schedule has not been established under section 17 of this chapter;

the county auditor shall send a copy of the deduction application to the designating body. Upon receipt of the resolution stating the number of years the deduction will be allowed **or establishing the abatement schedule, as applicable**, the county auditor shall make the appropriate deduction.

(3) If the deduction application is for rehabilitation or redevelopment in a residentially distressed area, the county auditor shall make the appropriate deduction.

(g) The amount and period of the deduction provided for property by section 3 of this chapter are not affected by a change in the ownership of the property if the new owner of the property:

(1) continues to use the property in compliance with any standards established under section 2(g) of this chapter; and

(2) files an application in the manner provided by subsection (e).

(h) The township or county assessor shall include a notice of the deadlines for filing a deduction application under subsections (a) and (b) with each notice to a property owner of an addition to assessed value or of a new assessment.

(I) Before the county auditor acts under subsection (f), the county auditor may request that the township assessor of the township in which the property is located, or the county assessor if there is no township assessor for the township, review the

deduction application.

(j) A property owner may appeal a determination of the county auditor under subsection (f) to deny or alter the amount of the deduction by requesting in writing a preliminary conference with the county auditor not more than forty-five (45) days after the county auditor gives the person notice of the determination. An appeal initiated under this subsection is processed and determined in the same manner that an appeal is processed and determined under IC 6-1.1-15.

SECTION 6. IC 6-1.1-12.1-5.3, AS AMENDED BY P.L.146-2008, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 5.3. (a) A property owner that desires to obtain the deduction provided by section 4.8 of this chapter must file a deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the eligible vacant building is located. Except as otherwise provided in this section, the deduction application must be filed before May 10 of the year in which the property owner or a tenant of the property owner initially occupies the eligible vacant building.

(b) If notice of the assessed valuation or new assessment for a year is not given to the property owner before April 10 of that year, the deduction application required by this section may be filed not later than thirty (30) days after the date the notice is mailed to the property owner at the address shown on the records of the township or county assessor.

(c) The deduction application required by this section must contain the following information:

- (1) The name of the property owner and, if applicable, the property owner's tenant.
- (2) A description of the property for which a deduction is claimed.
- (3) The amount of the deduction claimed for the first year of the deduction.
- (4) Any other information required by the department of local government finance or the designating body.

(d) A deduction application filed under this section applies to the year in which the property owner or a tenant of the property owner occupies the eligible vacant building and in the following year if the deduction is allowed for a two (2) year period, without an additional deduction application being filed.

(e) A property owner that desires to obtain the deduction provided by section 4.8 of this chapter but that did not file a deduction application within the dates prescribed in subsection (a) or (b) may file a deduction application between ~~March~~ **January** 1 and May 10 of a subsequent year. A deduction application filed under this subsection applies to the year in which the deduction application is filed and the following year if the deduction is allowed for a two (2) year period, without an additional deduction application being filed. The amount of the deduction under this subsection is the amount that would have been applicable to the year under section 4.8 of this chapter if the deduction application had been filed in accordance with subsection (a) or (b).

(f) Subject to subsection (I), the county auditor shall do the following:

- (1) If a determination concerning the number of years the deduction is allowed has been made in the resolution adopted under section 2.5 of this chapter, the county auditor shall make the appropriate deduction.
- (2) If a determination concerning the number of years the deduction is allowed has not been made in the resolution adopted under section 2.5 of this chapter, the county auditor shall send a copy of the deduction application to the designating body. Upon receipt of the resolution stating the number of years the deduction will be allowed, the county auditor shall make the appropriate deduction.

(g) The amount and period of the deduction provided by section 4.8 of this chapter are not affected by a change in the

ownership of the eligible vacant building or a change in the property owner's tenant, if the new property owner or the new tenant:

- (1) continues to occupy the eligible vacant building in compliance with any standards established under section 2(g) of this chapter; and
- (2) files an application in the manner provided by subsection (e).

(h) Before the county auditor acts under subsection (f), the county auditor may request that the township assessor of the township in which the eligible vacant building is located, or the county assessor if there is no township assessor for the township, review the deduction application.

(I) A property owner may appeal a determination of the county auditor under subsection (f) by requesting in writing a preliminary conference with the county auditor not more than forty-five (45) days after the county auditor gives the property owner notice of the determination. An appeal under this subsection shall be processed and determined in the same manner that an appeal is processed and determined under IC 6-1.1-15.

(j) In addition to the requirements of subsection (c), a property owner that files a deduction application under this section must provide the county auditor and the designating body with information showing the extent to which there has been compliance with the statement of benefits approved under section 4.8 of this chapter. This information must be included in the deduction application and must also be updated each year in which the deduction is applicable:

- (1) at the same time that the property owner or the property owner's tenant files a personal property tax return for property located at the eligible vacant building for which the deduction was granted; or
- (2) if subdivision (1) does not apply, before May 15 of each year.

(k) The following information is a public record if filed under this section:

- (1) The name and address of the property owner.
- (2) The location and description of the eligible vacant building for which the deduction was granted.
- (3) Any information concerning the number of employees at the eligible vacant building for which the deduction was granted, including estimated totals that were provided as part of the statement of benefits.
- (4) Any information concerning the total of the salaries paid to the employees described in subdivision (3), including estimated totals that are provided as part of the statement of benefits.
- (5) Any information concerning the assessed value of the eligible vacant building, including estimates that are provided as part of the statement of benefits.

(l) Information concerning the specific salaries paid to individual employees by the property owner or tenant is confidential.

SECTION 7. IC 6-1.1-15-10.5, AS ADDED BY P.L.244-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10.5. (a) The fiscal officer of a taxing unit may establish a separate fund known as the property tax assessment appeals fund to hold property tax receipts that are attributable to an increase in the taxing unit's tax rate caused by a reduction in the taxing unit's net assessed value under IC 6-1.1-17-0.5.

(b) A taxing unit may transfer property tax receipts from a fund that is not a debt service fund to the taxing unit's property tax assessment appeals fund. A taxing unit may not transfer property tax receipts from a debt service fund to the taxing unit's property tax assessment appeals fund.

~~(b)~~ **(c) A taxing unit may use money in a the taxing unit's property tax assessment appeals fund may be used only to pay the following:**

(1) Expenses incurred by a county assessor in defending appeals prosecuted under this chapter with respect to property located in the taxing unit.

(2) Refunds under section 11 of this chapter.

~~(c)~~ **(d)** The balance in a taxing unit's property tax assessment appeals fund may not exceed five percent (5%) of the amount budgeted by the taxing unit for a particular year.

~~(d)~~ **(e)** Money ~~deposited in transferred to~~ a taxing unit's property tax assessment appeals fund is not considered miscellaneous revenue. Both the taxing unit and the department of local government finance shall disregard any balance in the taxing unit's property tax assessment appeals fund in the determination of the taxing unit's property tax levy, property tax rate, and budget (except for appropriations for the purposes permitted by subsection ~~(b)~~ **(c)**) for a particular calendar year.

(f) Property tax receipts that qualify as levy excess under IC 6-1.1-18.5-17 and IC 20-44-3 must be treated as levy excess and are not eligible for transfer to a taxing unit's property tax assessment appeals fund.

SECTION 8. IC 6-1.1-18.5-7, AS AMENDED BY P.L.182-2009(ss), SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) A civil taxing unit is not subject to the levy limits imposed by section 3 of this chapter for an ensuing calendar year if the civil taxing unit did not adopt an ad valorem property tax levy for the immediately preceding calendar year.

(b) If under subsection (a) a civil taxing unit is not subject to the levy limits imposed under section 3 of this chapter for a calendar year, the civil taxing unit shall refer its proposed budget, ad valorem property tax levy, and property tax rate for that calendar year to the department of local government finance. The department of local government finance shall make a final determination of the civil taxing unit's budget, ad valorem property tax levy, and property tax rate for that calendar year. However, a civil taxing unit may not impose a property tax levy for a year if the unit did not exist as of ~~March~~ **January** 1 of the preceding year.

SECTION 9. IC 6-1.1-18.5-8.1 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 8.1: (a) ~~This section applies to a township that is allowed an increase in its maximum permissible ad valorem property tax levy under section 13(c) of this chapter for property taxes first due and payable in 2014.~~

(b) ~~The property tax levy limit imposed under section 3 of this chapter on the township may be exceeded in calendar years 2014, 2015, and 2016 by:~~

~~(1) the amount of ad valorem property taxes imposed by the township to repay money borrowed under IC 36-6-6-14(f); or~~

~~(2) the amount of ad valorem property taxes imposed by the township to repay money borrowed under IC 36-6-6-14(b) in 2012 or 2013;~~

~~but not both.~~

~~(c) For purposes of computing the ad valorem property tax levy limit imposed on a township under section 3 of this chapter, the township's ad valorem property tax levy for a particular calendar year does not include that part of the levy imposed to repay money borrowed under IC 36-6-6-14(f).~~

SECTION 10. IC 6-1.1-18.5-13, AS AMENDED BY P.L.245-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) With respect to an appeal filed under section 12 of this chapter, the department may find that a civil taxing unit should receive any one (1) or more of the following types of relief:

(1) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if in the judgment of the department the increase is reasonably necessary due to increased costs of the civil taxing unit resulting from annexation, consolidation, or other extensions of governmental services by the civil taxing unit to additional geographic

areas. ~~or persons.~~ With respect to annexation, consolidation, or other extensions of governmental services in a calendar year, if those increased costs are incurred by the civil taxing unit in that calendar year and more than one (1) immediately succeeding calendar year, the unit may appeal under section 12 of this chapter for permission to increase its levy under this subdivision based on those increased costs in any of the following:

(A) The first calendar year in which those costs are incurred.

(B) One (1) or more of the immediately succeeding four (4) calendar years.

~~(2) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to meet the civil taxing unit's share of the costs of operating a court established by statute enacted after December 31, 1973. Before recommending such an increase, the local government tax control board shall consider all other revenues available to the civil taxing unit that could be applied for that purpose. The maximum aggregate levy increases that the local government tax control board may recommend for a particular court equals the civil taxing unit's estimate of the unit's share of the costs of operating a court for the first full calendar year in which it is in existence. For purposes of this subdivision, costs of operating a court include:~~

~~(A) the cost of personal services (including fringe benefits);~~

~~(B) the cost of supplies; and~~

~~(C) any other cost directly related to the operation of the court.~~

~~(3) (2) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the department finds that the quotient determined under STEP SIX of the following formula is equal to or greater than one and two-hundredths (1.02):~~

~~STEP ONE: Determine the three (3) calendar years that most immediately precede the ensuing calendar year and in which a statewide general reassessment of real property under IC 6-1.1-4-4 does not first become effective.~~

~~STEP TWO: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the civil taxing unit's total assessed value of all taxable property and:~~

~~(i) for a particular calendar year before 2007, the total assessed value of property tax deductions in the unit under IC 6-1.1-12-41 (repealed) or IC 6-1.1-12-42 in the particular calendar year; or~~

~~(ii) for a particular calendar year after 2006, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-42 in 2006 plus for a particular calendar year after 2009, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-37.5 in 2008; divided by the sum determined under this STEP for the calendar year immediately preceding the particular calendar year.~~

~~STEP THREE: Divide the sum of the three (3) quotients computed in STEP TWO by three (3).~~

~~STEP FOUR: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the total assessed value of all taxable property in all counties and:~~

(I) for a particular calendar year before 2007, the total assessed value of property tax deductions in all counties under IC 6-1.1-12-41 (repealed) or IC 6-1.1-12-42 in the particular calendar year; or

(ii) for a particular calendar year after 2006, the total assessed value of property tax deductions that applied in all counties under IC 6-1.1-12-42 in 2006 plus for a particular calendar year after 2009, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-37.5 in 2008; divided by the sum determined under this STEP for the calendar year immediately preceding the particular calendar year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Divide the STEP THREE amount by the STEP FIVE amount.

The civil taxing unit may increase its levy by a percentage not greater than the percentage by which the STEP THREE amount exceeds the percentage by which the civil taxing unit may increase its levy under section 3 of this chapter based on the assessed value growth quotient determined under section 2 of this chapter.

(4) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to pay the costs of furnishing fire protection for the civil taxing unit through a volunteer fire department. For purposes of determining a township's need for an increased levy, the local government tax control board shall not consider the amount of money borrowed under IC 36-6-6-14 during the immediately preceding calendar year. However, any increase in the amount of the civil taxing unit's levy recommended by the local government tax control board under this subdivision for the ensuing calendar year may not exceed the lesser of:

(A) ten thousand dollars (\$10,000); or

(B) twenty percent (20%) of:

(i) the amount authorized for operating expenses of a volunteer fire department in the budget of the civil taxing unit for the immediately preceding calendar year; plus

(ii) the amount of any additional appropriations authorized during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department under this chapter; minus

(iii) the amount of money borrowed under IC 36-6-6-14 during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department.

(5) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter in order to raise revenues for pension payments and contributions the civil taxing unit is required to make under IC 36-8. The maximum increase in a civil taxing unit's levy that may be recommended under this subdivision for an ensuing calendar year equals the amount, if any, by which the pension payments and contributions the civil taxing unit is required to make under IC 36-8 during the ensuing calendar year exceeds the product of one and one-tenth (1.1) multiplied by the pension payments and contributions made by the civil taxing unit under IC 36-8 during the calendar year that immediately precedes the ensuing calendar year. For purposes of this subdivision,

"pension payments and contributions made by a civil taxing unit" does not include that part of the payments or contributions that are funded by distributions made to a civil taxing unit by the state.

(6) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to increase its levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the township's township assistance ad valorem property tax rate is less than one and sixty-seven hundredths cents (\$0.0167) per one hundred dollars (\$100) of assessed valuation; and

(B) the township needs the increase to meet the costs of providing township assistance under IC 12-20 and IC 12-30-4.

The maximum increase that the board may recommend for a township is the levy that would result from an increase in the township's township assistance ad valorem property tax rate of one and sixty-seven hundredths cents (\$0.0167) per one hundred dollars (\$100) of assessed valuation minus the township's ad valorem property tax rate per one hundred dollars (\$100) of assessed valuation before the increase.

(7) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) the increase has been approved by the legislative body of the municipality with the largest population where the civil taxing unit provides public transportation services; and

(B) the local government tax control board finds that the civil taxing unit needs the increase to provide adequate public transportation services.

The local government tax control board shall consider tax rates and levies in civil taxing units of comparable population; and the effect (if any) of a loss of federal or other funds to the civil taxing unit that might have been used for public transportation purposes. However, the increase that the board may recommend under this subdivision for a civil taxing unit may not exceed the revenue that would be raised by the civil taxing unit based on a property tax rate of one cent (\$0.01) per one hundred dollars (\$100) of assessed valuation.

(8) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase the unit's levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the civil taxing unit is:

(i) a county having a population of more than one hundred seventy thousand (170,000) but less than one hundred seventy-five thousand (175,000);

(ii) a city having a population of more than sixty-five thousand (65,000) but less than seventy thousand (70,000);

(iii) a city having a population of more than twenty-nine thousand five hundred (29,500) but less than twenty-nine thousand six hundred (29,600);

(iv) a city having a population of more than thirteen thousand four hundred fifty (13,450) but less than thirteen thousand five hundred (13,500); or

(v) a city having a population of more than eight thousand seven hundred (8,700) but less than nine thousand (9,000); and

(B) the increase is necessary to provide funding to

undertake removal (as defined in IC 13-11-2-187) and remedial action (as defined in IC 13-11-2-185) relating to hazardous substances (as defined in IC 13-11-2-98) in solid waste disposal facilities or industrial sites in the civil taxing unit that have become a menace to the public health and welfare.

The maximum increase that the local government tax control board may recommend for such a civil taxing unit is the levy that would result from a property tax rate of six and sixty-seven hundredths cents (\$.0667) for each one hundred dollars (\$100) of assessed valuation. For purposes of computing the ad valorem property tax levy limit imposed on a civil taxing unit under section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a particular year does not include that part of the levy imposed under this subdivision. In addition, a property tax increase permitted under this subdivision may be imposed for only two (2) calendar years.

(9) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission for a county:

(A) having a population of more than eighty thousand (80,000) but less than ninety thousand (90,000) to increase the county's levy in excess of the limitations established under section 3 of this chapter; if the local government tax control board finds that the county needs the increase to meet the county's share of the costs of operating a jail or juvenile detention center; including expansion of the facility; if the jail or juvenile detention center is opened after December 31, 1991;

(B) that operates a county jail or juvenile detention center that is subject to an order that:

- (i) was issued by a federal district court; and
- (ii) has not been terminated;

(C) that operates a county jail that fails to meet:

- (i) American Correctional Association Jail Construction Standards; and
- (ii) Indiana jail operation standards adopted by the department of correction; or

(D) that operates a juvenile detention center that fails to meet standards equivalent to the standards described in clause (C) for the operation of juvenile detention centers.

Before recommending an increase, the local government tax control board shall consider all other revenues available to the county that could be applied for that purpose. An appeal for operating funds for a jail or a juvenile detention center shall be considered individually; if a jail and juvenile detention center are both opened in one (1) county. The maximum aggregate levy increases that the local government tax control board may recommend for a county equals the county's share of the costs of operating the jail or a juvenile detention center for the first full calendar year in which the jail or juvenile detention center is in operation.

(10) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter; if the local government tax control board finds that the township needs the increase so that the property tax rate to pay the costs of furnishing fire protection for a township; or a portion of a township; enables the township to pay a fair and reasonable amount under a contract with the municipality that is furnishing the fire protection. However, for the first time an appeal is granted the resulting rate increase may not exceed fifty percent (50%) of the difference between the rate imposed for fire protection within the municipality that is providing the fire protection to the township and the township's rate.

A township is required to appeal a second time for an increase under this subdivision if the township wants to further increase its rate. However, a township's rate may be increased to equal but may not exceed the rate that is used by the municipality. More than one (1) township served by the same municipality may use this appeal.

(11) Permission to a city having a population of more than thirty-one thousand five hundred (31,500) but less than thirty-one thousand seven hundred twenty-five (31,725) to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) an appeal was granted to the city under this section to reallocate property tax replacement credits under IC 6-3.5-1.1 in 1998, 1999, and 2000; and

(B) the increase has been approved by the legislative body of the city; and the legislative body of the city has by resolution determined that the increase is necessary to pay normal operating expenses.

The maximum amount of the increase is equal to the amount of property tax replacement credits under IC 6-3.5-1.1 that the city petitioned under this section to have reallocated in 2001 for a purpose other than property tax relief.

(12) (3) A levy increase may be granted under this subdivision only for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter if the civil taxing unit cannot carry out its governmental functions for an ensuing calendar year under the levy limitations imposed by section 3 of this chapter due to a natural disaster, an accident, or another unanticipated emergency.

(13) Permission to Jefferson County to increase its levy in excess of the limitations established under section 3 of this chapter if the department finds that the county experienced a property tax revenue shortfall that resulted from an erroneous estimate of the effect of the supplemental deduction under IC 6-1.1-12-37.5 on the county's assessed valuation. An appeal for a levy increase under this subdivision may not be denied because of the amount of cash balances in county funds. The maximum increase in the county's levy that may be approved under this subdivision is three hundred thousand dollars (\$300,000).

(b) The department of local government finance shall increase the maximum permissible ad valorem property tax levy under section 3 of this chapter for the city of Goshen for 2012 and thereafter by an amount equal to the greater of zero (0) or the result of:

(1) the city's total pension costs in 2009 for the 1925 police pension fund (IC 36-8-6) and the 1937 firefighters' pension fund (IC 36-8-7); minus

(2) the sum of:

(A) the total amount of state funds received in 2009 by the city and used to pay benefits to members of the 1925 police pension fund (IC 36-8-6) or the 1937 firefighters' pension fund (IC 36-8-7); plus

(B) any previous permanent increases to the city's levy that were authorized to account for the transfer to the state of the responsibility to pay benefits to members of the 1925 police pension fund (IC 36-8-6) and the 1937 firefighters' pension fund (IC 36-8-7).

(c) In calendar year 2013, the department of local government finance shall allow a township to increase its maximum permissible ad valorem property tax levy in excess of the limitations established under section 3 of this chapter; if the township:

(1) petitions the department for the levy increase on a form prescribed by the department; and

(2) submits proof of the amount borrowed in 2012 or 2013; but not both; under IC 36-6-6-14 to furnish fire

protection for the township or a part of the township:

The maximum increase in a township's levy that may be allowed under this subsection is the amount borrowed by the township under IC 36-6-6-14 in the year for which proof was submitted under subdivision (2). An increase allowed under this subsection applies to property taxes first due and payable after December 31, 2013.

SECTION 11. IC 6-1.1-18.5-13.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 13-5: A levy increase may not be granted under this section for property taxes first due and payable after December 31, 2009. With respect to an appeal filed under section 12 of this chapter, the department of local government finance may give permission to a town having a population of more than three hundred (300) but less than four hundred (400) located in a county having a population of more than sixty-eight thousand nine hundred (68,900) but less than seventy thousand (70,000) to increase its levy in excess of the limitations established under section 3 of this chapter, if the department finds that the town needs the increase to pay the costs of furnishing fire protection for the town. However, any increase in the amount of the town's levy under this section for the ensuing calendar year may not exceed the greater of:

(1) twenty-five thousand dollars (\$25,000); or

(2) twenty percent (20%) of the sum of:

(A) the amount authorized for the cost of furnishing fire protection in the town's budget for the immediately preceding calendar year; plus

(B) the amount of any additional appropriations authorized under IC 6-1.1-18-5 during that calendar year for the town's use in paying the costs of furnishing fire protection.

SECTION 12. IC 6-1.1-18.5-13.6 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 13-6: A levy increase may not be granted under this section for property taxes first due and payable after December 31, 2008. For an appeal filed under section 12 of this chapter, the department of local government finance may give permission to a county to increase its levy in excess of the limitations established under section 3 of this chapter if the department finds that the county needs the increase to pay for:

(1) a new voting system; or

(2) the expansion or upgrade of an existing voting system; under IC 3-11-6.

SECTION 13. IC 6-1.1-31-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The department of local government finance may:

(1) promulgate adopt rules in the manner prescribed in IC 4-22-2; and

(2) prescribe forms, including property tax forms, property tax returns, and notice forms. in the manner prescribed in IC 4-22-2. However, the department of local government finance may, at any time, make a nonsubstantive change in a promulgated property tax form or return if the change is advisable because of the special nature of equipment which is available in a particular county.

(b) The department of local government finance may, through the Indiana archives and records administration, amend at any time the forms that the department of local government finance prescribes under this section.

(c) The department of local government finance may enforce the use of forms that the department of local government finance prescribes under this section.

(d) Forms that were prescribed by the department of local government finance and approved by the Indiana archives and records administration before July 1, 2016, are legalized and validated.

SECTION 14. IC 6-1.1-33.5-3, AS AMENDED BY P.L.257-2013, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The division

of data analysis shall:

(1) conduct continuing studies in the areas in which the department of local government finance operates;

(2) make periodic field surveys and audits of:

(A) tax rolls;

(B) plat books;

(C) building permits;

(D) real estate transfers; and

(E) other data that may be useful in checking property valuations or taxpayer returns;

(3) make assist with the department of local government finance's test checks of property valuations to serve as the basis for special reassessments under this article;

(4) conduct annually a assist with the department of local government finance's review of each coefficient of dispersion study for each township and county;

(5) conduct annually a assist with the department of local government finance's review of each sales assessment ratio study for each township and county; and

(6) report annually to the executive director of the legislative services agency, in an electronic format under IC 5-14-6, the information obtained or determined under this section for use by the executive director and the general assembly, including:

(A) all information obtained by the division of data analysis from units of local government; and

(B) all information included in:

(i) the local government data base; and

(ii) any other data compiled by the division of data analysis.

SECTION 15. IC 6-1.1-36-17, AS AMENDED BY P.L.5-2015, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. (a) As used in this section, "nonreverting fund" refers to a nonreverting fund established under subsection (c): (d).

(b) Each If a county auditor that makes a determination that property was not eligible for a standard deduction under IC 6-1.1-12-37 in a particular year within three (3) years after the date on which taxes for the particular year are first due, the county auditor may issue a notice of taxes, interest, and penalties due to the owner that improperly received the standard deduction and include a statement that the payment is to be made payable to the county auditor. The additional taxes and civil penalties that result from the removal of the deduction, if any, are imposed for property taxes first due and payable for an assessment date occurring before the earlier of the date of the notation made under subsection (c)(2)(A) or the date a notice of an ineligible homestead lien is recorded under subsection (e)(2) in the office of the county recorder. The notice must require full payment of the amount owed within:

(1) one (1) year with no penalties and interest, if:

(A) the taxpayer did not comply with the requirement to return the homestead verification form under IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015); and

(B) the county auditor allowed the taxpayer to receive the standard deduction in error; or

(2) thirty (30) days, if subdivision (1) does not apply.

With respect to property subject to a determination made under this subsection that is owned by a bona fide purchaser without knowledge of the determination, no lien attaches for any additional taxes and civil penalties that result from the removal of the deduction.

(c) If a county auditor issues a notice of taxes, interest, and penalties due to an owner under subsection (b), the county auditor shall:

(1) notify the county treasurer of the determination; and

(2) do one (1) or more of the following:

(A) Make a notation on the tax duplicate that the property is ineligible for the standard deduction and indicate the date the notation is made.

(B) Record a notice of an ineligible homestead lien under subsection ~~(d)(2)~~: **(e)(2)**.

The county auditor shall issue a notice of taxes, interest, and penalties due to the owner that improperly received the standard deduction and include a statement that the payment is to be made payable to the county auditor. The notice must require full payment of the amount owed within thirty (30) days. The additional taxes and civil penalties that result from the removal of the deduction, if any, are imposed for property taxes first due and payable for an assessment date occurring before the earlier of the date of the notation made under subdivision (2)(A) or the date a notice of an ineligible homestead lien is recorded under subsection ~~(d)(2)~~ in the office of the county recorder. With respect to property subject to a determination made under this subsection that is owned by a bona fide purchaser without knowledge of the determination, no lien attaches for any additional taxes and civil penalties that result from the removal of the deduction.

~~(c)~~ **(d)** Each county auditor shall establish a nonreverting fund. Upon collection of the adjustment in tax due (and any interest and penalties on that amount) after the termination of a deduction or credit as specified in subsection (b), the county treasurer shall deposit that amount:

(1) in the nonreverting fund, if the county contains a consolidated city; or

(2) if the county does not contain a consolidated city:

(A) in the nonreverting fund, to the extent that the amount collected, after deducting the direct cost of any contract, including contract related expenses, under which the contractor is required to identify homestead deduction eligibility, does not cause the total amount deposited in the nonreverting fund under this subsection for the year during which the amount is collected to exceed one hundred thousand dollars (\$100,000); or

(B) in the county general fund, to the extent that the amount collected exceeds the amount that may be deposited in the nonreverting fund under clause (A).

~~(d)~~ **(e)** Any part of the amount due under subsection (b) that is not collected by the due date is subject to collection under one (1) or more of the following:

(1) After being placed on the tax duplicate for the affected property and collected in the same manner as other property taxes.

(2) Through a notice of an ineligible homestead lien recorded in the county recorder's office without charge.

The adjustment in tax due (and any interest and penalties on that amount) after the termination of a deduction or credit as specified in subsection (b) shall be deposited as specified in subsection ~~(c)~~ **(d)** only in the first year in which that amount is collected. Upon the collection of the amount due under subsection (b) or the release of a lien recorded under subdivision (2), the county auditor shall submit the appropriate documentation to the county recorder, who shall amend the information recorded under subdivision (2) without charge to indicate that the lien has been released or the amount has been paid in full.

~~(e)~~ **(f)** The amount to be deposited in the nonreverting fund or the county general fund under subsection ~~(c)~~ **(d)** includes adjustments in the tax due as a result of the termination of deductions or credits available only for property that satisfies the eligibility for a standard deduction under IC 6-1.1-12-37, including the following:

(1) Supplemental deductions under IC 6-1.1-12-37.5.

(2) Homestead credits under IC 6-1.1-20.4, IC 6-3.5-1.1-26, IC 6-3.5-6-13, IC 6-3.5-6-32, IC 6-3.5-7-13.1, or IC 6-3.5-7-26, or any other law.

(3) Credit for excessive property taxes under IC 6-1.1-20.6-7.5 or IC 6-1.1-20.6-8.5.

Any amount paid that exceeds the amount required to be deposited under subsection ~~(c)(1)~~ **(d)(1)** or ~~(c)(2)~~ **(d)(2)** shall be distributed as property taxes.

~~(f)~~ **(g)** Money deposited under subsection ~~(c)(1)~~ **(d)(1)** or ~~(c)(2)~~ **(d)(2)** shall be treated as miscellaneous revenue. Distributions shall be made from the nonreverting fund established under this section upon appropriation by the county fiscal body and shall be made only for the following purposes:

(1) Fees and other costs incurred by the county auditor to discover property that is eligible for a standard deduction under IC 6-1.1-12-37.

(2) Other expenses of the office of the county auditor.

The amount of deposits in a reverting fund, the balance of a nonreverting fund, and expenditures from a reverting fund may not be considered in establishing the budget of the office of the county auditor or in setting property tax levies that will be used in any part to fund the office of the county auditor.

SECTION 16. IC 6-1.1-36-18 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 18: (a) As used in this section, "local agency" has the meaning set forth in IC 4-6-3-1.

(b) As used in this section, "tax liability" includes liability for special assessments and refers to liability for property taxes after the application of all allowed deductions and credits. The term does not include any property taxes that a person is not required to pay under IC 6-1.1-15-10 with respect to a pending review of an assessment or an increase in assessment under IC 6-1.1-15.

~~(c)~~ The fiscal body of a county may adopt an ordinance to allow the county, political subdivisions within the county, and local agencies within the county to use a uniform property tax disclosure form for purposes described in subsection ~~(d)~~:

~~(d)~~ If the fiscal body of a county adopts an ordinance under this section, a county, a political subdivision within the county, or a local agency within the county may require a person applying for a property tax exemption, a property tax deduction, a zoning change or zoning variance, a building permit, or any other locally issued license or permit to submit a uniform property tax disclosure form prescribed under this section with the person's application for the property tax exemption, property tax deduction, zoning change or zoning variance, building permit, or any other locally issued license or permit.

~~(e)~~ If the fiscal body of a county adopts an ordinance under this section, the fiscal body shall prescribe the uniform property tax disclosure form used within the county. The state board of accounts and the department of local government finance shall provide assistance to a fiscal body in prescribing the form upon the request of the fiscal body. The form must require the disclosure of the following information from a person applying for a property tax exemption, a property tax deduction, a zoning change or zoning variance, a building permit, or any other locally issued license or permit:

(1) A description of each parcel of real property located in the county that is owned by the person;

(2) A verified statement, made under penalties of perjury, listing the following concerning each parcel of real property disclosed under subdivision (1):

(A) The parcels for which the person is current on the tax liability, if any;

(B) The parcels for which the person has a delinquent tax liability, if any;

(3) Any other information necessary for the county, a political subdivision within the county, or a local agency within the county to determine whether the person has a delinquent tax liability on real property located in the county;

SECTION 17. IC 6-1.1-40-11, AS AMENDED BY P.L.245-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 2, 2016 (RETROACTIVE)]: Sec. 11. (a) A person that desires to obtain

the deduction provided by section 10 of this chapter must file a certified deduction application, on forms prescribed by the department of local government finance, with:

- (1) the auditor of the county in which the new manufacturing equipment is located; and
- (2) the department of local government finance.

A person that timely files a personal property return under IC 6-1.1-3-7(a) for the year in which the new manufacturing equipment is installed must file the application between ~~March 10~~ **January 1** and May 15 of that year.

(b) The application required by this section must contain the following information:

- (1) The name of the owner of the new manufacturing equipment.
- (2) A description of the new manufacturing equipment.
- (3) Proof of the date the new manufacturing equipment was installed.
- (4) The amount of the deduction claimed for the first year of the deduction.

(c) A deduction application must be filed under this section in the year in which the new manufacturing equipment is installed and in each of the immediately succeeding nine (9) years.

(d) The department of local government finance shall review and verify the correctness of each application and shall notify the county auditor of the county in which the property is located that the application is approved or denied or that the amount of the deduction is altered. Upon notification of approval of the application or of alteration of the amount of the deduction, the county auditor shall make the deduction.

(e) If the ownership of new manufacturing equipment changes, the deduction provided under section 10 of this chapter continues to apply to that equipment if the new owner:

- (1) continues to use the equipment in compliance with any standards established under section 7(c) of this chapter; and
- (2) files the applications required by this section.

(f) The amount of the deduction is:

- (1) the percentage under section 10 of this chapter that would have applied if the ownership of the property had not changed; multiplied by
- (2) the assessed value of the equipment for the year the deduction is claimed by the new owner.

SECTION 18. IC 6-1.1-41-6, AS AMENDED BY P.L.137-2012, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. Not later than noon thirty (30) days after the publication of the notice of adoption required by section 3 of this chapter:

- (1) at least ten (10) taxpayers in the taxing district, if the fund is authorized under IC 8-10-5-17, IC 8-16-3-1, IC 8-16-3.1-4, IC 14-27-6-48, IC 14-33-21-2, IC 36-8-14-2, **IC 36-8-19-8.5**, IC 36-9-4-48, or IC 36-10-4-36;
- (2) at least twenty (20) taxpayers in a county served by a hospital, if the fund is authorized under IC 16-22-4-1;
- (3) at least thirty (30) taxpayers in a tax district, if the fund is authorized under IC 36-10-3-21 or IC 36-10-7.5-19;
- (4) at least fifty (50) taxpayers in a municipality, township, or county, if subdivision (1), (2), (3), or (5) does not apply; or
- (5) at least one hundred (100) taxpayers in the county, if the fund is authorized by IC 3-11-6;

may file a petition with the county auditor stating their objections to an action described in section 2 of this chapter. Upon the filing of the petition, the county auditor shall immediately certify the petition to the department of local government finance.

SECTION 19. IC 6-1.1-42-28, AS AMENDED BY P.L.112-2012, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 28. (a) Subject

to this section and section 34 of this chapter, the amount of the deduction which the property owner is entitled to receive under this chapter for a particular year equals the product of:

- (1) the increase in the assessed value resulting from the remediation and redevelopment in the zone or the location of personal property in the zone, or both; multiplied by
- (2) the percentage determined under subsection (b).

(b) The percentage to be used in calculating the deduction under subsection (a) is as follows:

(1) For deductions allowed over a three (3) year period:

YEAR OF DEDUCTION	PERCENTAGE
1 st	100%
2 nd	66%
3 rd	33%

(2) For deductions allowed over a six (6) year period:

YEAR OF DEDUCTION	PERCENTAGE
1 st	100%
2 nd	85%
3 rd	66%
4 th	50%
5 th	34%
6 th	17%

(3) For deductions allowed over a ten (10) year period:

YEAR OF DEDUCTION	PERCENTAGE
1 st	100%
2 nd	95%
3 rd	80%
4 th	65%
5 th	50%
6 th	40%
7 th	30%
8 th	20%
9 th	10%
10 th	5%

(c) The amount of the deduction determined under subsection (a) shall be adjusted in accordance with this subsection in the following circumstances:

(1) If a:

- (A) general reassessment of real property under IC 6-1.1-4-4; or
- (B) reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2;

occurs within the particular period of the deduction, the amount determined under subsection (a)(1) shall be adjusted to reflect the percentage increase or decrease in assessed valuation that resulted from the reassessment.

(2) If an appeal of an assessment is approved that results in a reduction of the assessed value of the redeveloped or rehabilitated property, the amount of any deduction shall be adjusted to reflect the percentage decrease that resulted from the appeal.

(3) The amount of the deduction may not exceed the limitations imposed by the designating body under section 23 of this chapter.

(4) The amount of the deduction must be proportionally reduced by the proportionate ownership of the property by a person that:

- (A) has an ownership interest in an entity that contributed; or
- (B) has contributed;

a contaminant (as defined in IC 13-11-2-42) that is the subject of the voluntary remediation, as determined under the written standards adopted by the department of environmental management.

The department of local government finance ~~shall~~ **may** adopt rules under IC 4-22-2 to implement this subsection.

SECTION 20. IC 6-1.1-44-6, AS AMENDED BY P.L.245-2015, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 2, 2016 (RETROACTIVE)]: Sec. 6. (a) To obtain a deduction under this

chapter, a manufacturer must file an application on forms prescribed by the department of local government finance with the auditor of the county in which the investment property is located. A person that timely files a personal property return under IC 6-1.1-3-7(a) for the year in which the investment property is installed must file the application between ~~March 10~~ **January 1** and May 15 of that year. A person that obtains a filing extension under IC 6-1.1-3-7(b) for the year in which the investment property is installed must file the application between ~~March 10~~ **January 1** and the extended due date for that year.

(b) The deduction application required by this section must contain the following information:

- (1) The name of the owner of the investment property.
- (2) A description of the investment property.
- (3) Proof of purchase of the investment property and proof of the date the investment property was installed.
- (4) The amount of the deduction claimed.

SECTION 21. IC 8-25-6-2, AS ADDED BY P.L.153-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) If:

(1) the fiscal body of the county in which ~~the a~~ township is located does not adopt an ordinance under IC 8-25-2-1; and

(2) the township is adjacent to: ~~either:~~

(A) an eligible county in which:

- (i) a public transportation project has been approved under IC 8-25-2; or
- (ii) an ordinance described in IC 8-25-2 has been adopted; or**

(B) ~~a~~ another township in which:

- (i) a public transportation project has been approved under this chapter; **or**
- (ii) a resolution described in this section has already been passed;**

the fiscal body of the township may pass a resolution to place on the ballot a local public question on whether the fiscal body of the eligible county should be required to fund and carry out a public transportation project in the township.

(b) The fiscal body of the township shall include in the resolution passed under subsection (a):

- (1) a description of the public transportation services that will be provided in the township through the proposed public transportation project; and
- (2) an estimate of each tax necessary to annually fund the public transportation project in the township.

SECTION 22. IC 8-25-6-8, AS ADDED BY P.L.153-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. If the local public question is defeated in a township, the fiscal body of the township may ~~not~~ adopt a resolution under section 2 of this chapter to place another local public question on the ballot as provided in this chapter at a subsequent general election in the township. **However, a local public question may not be placed on the ballot in the township under this chapter more than two (2) times in any seven (7) year period.**

SECTION 23. IC 8-25-6-10, AS ADDED BY P.L.153-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) If the voters of a township ~~located in an eligible county described in section 2(a)(2)(A)(I) or 2(a)(2)(B)(I) of this chapter~~ approve a local public question under this chapter, the fiscal body of the eligible county **in which the township is located** shall adopt an ordinance under IC 6-3.5-1.1-24(s), IC 6-3.5-6-30(t), or IC 6-3.5-7-26(m), whichever is applicable to the eligible county, to impose an additional county adjusted gross income tax rate, county option income tax rate, or county economic development income tax rate upon the county taxpayers residing in the township for the public transportation project in the township.

(b) This subsection applies if the voters of a township described in section 2(a)(2)(A)(ii) or 2(a)(2)(B)(ii) of this chapter approve a local public question under this chapter and the voters in:

(1) the eligible county described in section 2(a)(2)(A) of this chapter approve a local public question under IC 8-25-2; or

(2) the township described in section 2(a)(2)(B) of this chapter approve a local public question under this chapter.

The fiscal body of the eligible county in which the township is located shall adopt an ordinance under IC 6-3.5-1.1-24(s) (before its repeal on January 1, 2017), IC 6-3.5-6-30(t) (before its repeal on January 1, 2017), IC 6-3.5-7-26(m) (before its repeal on January 1, 2017), or IC 6-3.6-4 (after December 31, 2016), whichever is applicable to the eligible county, to impose an additional county adjusted gross income tax rate, county option income tax rate, county economic development income tax rate, or local income tax rate upon the county taxpayers residing in the township for the public transportation project in the township.

SECTION 24. IC 36-6-6-14, AS AMENDED BY P.L.218-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) At any special meeting, if two (2) or more members give their consent, the legislative body may determine whether there is a need for fire and emergency services or other emergency requiring the expenditure of money not included in the township's budget estimates and levy.

(b) Subject to section 14.5 of this chapter, if the legislative body finds that a need for fire and emergency services or other emergency exists, it may issue a special order, entered and signed on the record, authorizing the executive to borrow a specified amount of money sufficient to meet the emergency. However, the legislative body may not authorize the executive to borrow money under this subsection in more than three (3) calendar years during any five (5) year period.

(c) Notwithstanding IC 36-8-13-4(a), the legislative body may authorize the executive to borrow a specified sum from a township fund other than the township firefighting fund if the legislative body finds that the emergency requiring the expenditure of money is related to paying the operating expenses of a township fire department or a volunteer fire department. At its next annual session, the legislative body shall cover the debt created by making a levy to the credit of the fund for which the amount was borrowed under this subsection.

(d) In determining whether a fire and emergency services need exists requiring the expenditure of money not included in the township's budget estimates and levy, the legislative body and any reviewing authority considering the approval of the additional borrowing shall consider the following factors:

- (1) The current and projected certified and noncertified public safety payroll needs of the township.
- (2) The current and projected need for fire and emergency services within the jurisdiction served by the township.
- (3) Any applicable national standards or recommendations for the provision of fire protection and emergency services.
- (4) Current and projected growth in the number of residents and other citizens served by the township, emergency service runs, certified and noncertified personnel, and other appropriate measures of public safety needs in the jurisdiction served by the township.
- (5) Salary comparisons for certified and noncertified public safety personnel in the township and other surrounding or comparable jurisdictions.
- (6) Prior annual expenditures for fire and emergency services, including all amounts budgeted under this chapter.

(7) Current and projected growth in the assessed value of property requiring protection in the jurisdiction served by the township.

(8) Other factors directly related to the provision of public safety within the jurisdiction served by the township.

(e) In the event the township received additional funds under this chapter in the immediately preceding budget year for an approved expenditure, any reviewing authority shall take into consideration the use of the funds in the immediately preceding budget year and the continued need for funding the services and operations to be funded with the proceeds of the loan.

(f) This subsection applies to a township that is allowed an increase in its maximum permissible ad valorem property tax levy under IC 6-1.1-18.5-13(c). The restrictions on borrowing set forth in this subsection are instead of the restrictions set forth in subsection (b). Repayments of the money borrowed in 2012 or 2013, as applicable, may be made over a three (3) year period beginning in 2014, and ending in 2016. Each year the township may borrow the amount necessary to repay one third (1/3) of the principal and interest of that debt. After 2016, the township may not borrow money under subsection (b) in more than three (3) calendar years during any five (5) year period.

SECTION 25. IC 36-8-19-8.5, AS AMENDED BY P.L.255-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8.5. (a) Participating units may agree to establish an equipment replacement fund under this section to be used to purchase fire protection equipment, including housing, that will be used to serve the entire territory. To establish the fund, the legislative bodies of each participating unit must adopt an ordinance (if the unit is a county or municipality) or a resolution (if the unit is a township), and the following requirements must be met:

(1) The ordinance or resolution is identical to the ordinances and resolutions adopted by the other participating units under this section.

(2) Before adopting the ordinance or resolution, each participating unit must comply with the notice and hearing requirements of IC 6-1.1-41-3.

(3) The ordinance or resolution authorizes the provider unit to establish the fund.

(4) The ordinance or resolution includes at least the following:

(A) The name of each participating unit and the provider unit.

(B) An agreement to impose a uniform tax rate upon all of the taxable property within the territory for the equipment replacement fund.

(C) The contents of the agreement to establish the fund.

An ordinance or a resolution adopted under this section takes effect as provided in IC 6-1.1-41.

(b) If a fund is established, the participating units may agree to:

(1) impose a property tax to provide for the accumulation of money in the fund to purchase fire protection equipment;

(2) incur debt to purchase fire protection equipment and impose a property tax to retire the loan; or

(3) transfer an amount from the fire protection territory fund to the fire equipment replacement fund not to exceed five percent (5%) of the levy for the fire protection territory fund for that year;

or any combination of these options.

(c) The property tax rate for the levy imposed under this section may not exceed three and thirty-three hundredths cents (\$0.0333) per one hundred dollars (\$100) of assessed value. Before debt may be incurred, the fiscal body of a participating unit must adopt an ordinance (if the unit is a county or municipality) or a resolution (if the unit is a township) that specifies the amount and purpose of the debt. The ordinance or resolution must be identical to the other ordinances and

resolutions adopted by the participating units. ~~In addition, the department of local government finance must approve the incurrence of the debt using the same standards as applied to the incurrence of debt by civil taxing units. Except as provided in subsection (d), if debt is to be incurred for the purposes of a fund, the provider unit shall negotiate for and hold the debt on behalf of the territory. However, the participating units and the provider unit of the territory are jointly liable for any debt incurred by the provider unit for the purposes of the fund. The most recent adjusted value of taxable property for the entire territory must be used to determine the debt limit under IC 36-1-15-6. A provider unit shall comply with all general statutes and rules relating to the incurrence of debt under this subsection.~~

(d) A participating unit of a territory may, to the extent allowed by law, incur debt in the participating unit's own name to acquire fire protection equipment or other property that is to be owned by the participating unit. A participating unit that acquires fire protection equipment or other property under this subsection may afterward enter into an interlocal agreement under IC 36-1-7 with the provider unit to furnish the fire protection equipment or other property to the provider unit for the provider unit's use or benefit in accomplishing the purposes of the territory. A participating unit shall comply with all general statutes and rules relating to the incurrence of debt under this subsection.

~~(e)~~ (e) Money in the fund may be used by the provider unit only for those purposes set forth in the agreement among the participating units that permits the establishment of the fund.

~~(f)~~ (f) The requirements and procedures specified in IC 6-1.1-41 concerning the establishment or reestablishment of a cumulative fund, the imposing of a property tax for a cumulative fund, and the increasing of a property tax rate for a cumulative fund apply to:

(1) the establishment or reestablishment of a fund under this section;

(2) the imposing of a property tax for a fund under this section; and

(3) the increasing of a property tax rate for a fund under this section.

~~(g)~~ (g) Notwithstanding IC 6-1.1-18-12, if a fund established under this section is reestablished in the manner provided in IC 6-1.1-41, the property tax rate imposed for the fund in the first year after the fund is reestablished may not exceed three and thirty-three hundredths cents (\$0.0333) per one hundred dollars (\$100) of assessed value.

SECTION 26. IC 36-8-19-13, AS AMENDED BY P.L.47-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) If a unit elects to withdraw from a fire protection territory established under this chapter, the unit must after January 1 but before April 1, adopt an ordinance (if the unit is a county or municipality) or a resolution (if the unit is a township) providing for the withdrawal. An ordinance or resolution adopted under this section takes effect July 1 of the year that the ordinance or resolution is adopted.

(b) If an ordinance or a resolution is adopted under subsection (a),

(1) the unit's maximum permissible ad valorem property tax levy with respect to fire protection services shall be initially increased by the amount of the particular unit's previous year levy under this chapter; and

(2) additional increases with respect to fire protection services levy amounts are subject to the tax levy limitations under IC 6-1.1-18.5, except for the part of the unit's levy that is necessary to retire the unit's share of any debt incurred while the unit was a participating unit.

for purposes of determining a unit's maximum permissible ad valorem property tax levy for the year following the year in which the ordinance or resolution is adopted, the unit

receives a percentage of the territory's maximum permissible ad valorem property tax levy equal to the percentage of the assessed valuation that the unit contributed to the territory in the year in which the ordinance or resolution is adopted. The department of local government finance shall adjust the territory's maximum permissible ad valorem property tax levy to account for the unit's withdrawal. After the effective date of an ordinance or resolution adopted under subsection (a), the unit may no longer impose a tax rate for an equipment replacement fund under section 8.5 of this chapter. The unit remains liable for the unit's share of any debt incurred under section 8.5 of this chapter.

(c) If a territory is dissolved, subsection (b) applies to the determination of the maximum permissible ad valorem property tax levy of each unit that formerly participated in the territory.

SECTION 27. IC 36-12-2-25, AS AMENDED BY P.L.13-2013, SECTION 155, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 25. (a) The residents or real property taxpayers of the library district taxed for the support of the library may use the facilities and services of the public library without charge for library or related purposes. However, the library board may:

- (1) fix and collect fees and rental charges; and
- (2) assess fines, penalties, and damages for the:
 - (A) loss of;
 - (B) injury to; or
 - (C) failure to return;

any library property or material.

(b) A library board may issue local library cards to:

- (1) residents and real property taxpayers of the library district;
- (2) Indiana residents who are not residents of the library district; and
- (3) individuals who reside out of state and who are being served through an agreement under IC 36-12-13.

(c) Except as provided in subsection (e), a library board must set and charge a fee for:

- (1) a local library card issued under subsection (b)(2); and
- (2) a local library card issued under subsection (b)(3).

(d) The minimum fee that the board may set under subsection (c) is the greater of the following:

- (1) The library district's operating fund expenditure per capita in the most recent year for which that information is available in the Indiana state library's annual "Statistics of Indiana Libraries".
- (2) Twenty-five dollars (\$25).

(e) A library board may issue a local library card without charge or for a reduced fee to an individual who is not a resident of the library district and who is:

- (1) a student enrolled in or a teacher in a public school corporation or nonpublic school:
 - (A) that is located at least in part in the library district; and
 - (B) in which students in any grade from preschool through grade 12 are educated; or
- (2) a library employee of the district; or
- (3) a student enrolled in a college or university that is located at least in part of the library district;

if the board adopts a resolution that is approved by an affirmative vote of a majority of the members appointed to the library board.

(f) A library card issued under subsection (b)(2), (b)(3), or (e) expires one (1) year after issuance of the card. ~~may be valid for a maximum of one (1) year after issuance.~~ A card issued under subsection (b)(2) or (b)(3) that is valid for less than one (1) year must be sold at a fee prorated to the equivalent of the annual fee prescribed under subsection (d).

SECTION 28. [EFFECTIVE JANUARY 1, 2013

(RETROACTIVE)] (a) This SECTION applies notwithstanding IC 6-1.1-10, IC 6-1.1-11, or any other law or administrative rule or provision.

(b) This SECTION applies to an assessment date occurring in 2013 through 2016.

(c) As used in this SECTION, "eligible property" means real property that:

- (1) was purchased through a foreclosure sale in June 2014; and
- (2) had been used as a church before the sale.

(d) As used in this SECTION, "qualified taxpayer" refers to a tax exempt foundation that has owned eligible property since October 2015, and the owner:

- (1) has sought to reuse the eligible property for an exempt purpose as a community building since purchasing the real property but has not been able to use and occupy the property for that purpose because of repair and renovation needs and rezoning issues;
- (2) did not receive any of the notices required by IC 6-1.1-4 or IC 6-1.1-11-4 regarding the property's assessment or exemption due to errors in processing the deed to the eligible property; and
- (3) filed a property tax exemption application in October 2015.

(e) A qualified taxpayer may, before September 1, 2016, file property tax exemption applications and supporting documents claiming a property tax exemption under IC 6-1.1-10-16 and this SECTION for the eligible property for the 2013, 2014, 2015, and 2016 assessment dates.

(f) A property tax exemption application filed under subsection (e) by a qualified taxpayer is considered to have been timely filed.

(g) If a qualified taxpayer files the property tax exemption applications under subsection (e), the following apply:

- (1) The property tax exemption for the eligible property shall be allowed and granted for the 2013, 2014, 2015, and 2016 assessment dates by the county assessor and county auditor of the county in which the eligible property is located, notwithstanding that the owner was unable to use and occupy the property for an exempt purpose as a community building due to repair and renovation needs and rezoning issues.
- (2) The qualified taxpayer is not required to pay any property taxes, penalties, or interest with respect to the eligible property for the 2013, 2014, 2015, and 2016 assessment dates.

(h) The exemption allowed by this SECTION shall be applied without the need for any further ruling or action by the county assessor, the county auditor, or the county property tax assessment board of appeals of the county in which the eligible property is located or by the Indiana board of tax review.

(i) To the extent the qualified taxpayer has paid any property taxes, penalties, or interest with respect to the eligible property for the 2013, 2014, 2015, and 2016 assessment dates, the eligible taxpayer is entitled to a refund of the amounts paid. Notwithstanding the filing deadlines for a claim in IC 6-1.1-26, any claim for a refund filed by an eligible taxpayer under this subsection before September 1, 2016, is considered timely filed. The county auditor shall pay the refund due under this SECTION in one (1) installment.

(j) This SECTION expires July 1, 2018.

SECTION 29. An emergency is declared for this act.

(Reference is to EHB 1273 as reprinted February 19, 2016.)

LEONARD	MISHLER
PORTER	RANDOLPH
House Conferees	Senate Conferees

Roll Call 438: yeas 97, nays 1. Report adopted.

CONFERENCE COMMITTEE REPORT
ESB 14-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 14 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-13-2-14.7, AS AMENDED BY P.L.168-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14.7. A person employed, appointed, or under contract with a state agency, who works with or around children, shall be dismissed (after the appropriate pre-deprivation procedure has occurred) if that person is, or has ever been, convicted of any of the following:

- (1) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
- (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal), if the victim is less than eighteen (18) years of age.
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b) **or IC 35-42-4-4(c)**).
- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A or Class B felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, or Level 4 felony (for a crime committed after June 30, 2014).
- (9) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

SECTION 2. IC 7.1-3-23-20.5, AS ADDED BY P.L.237-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20.5. (a) As used in this section, "adult entertainment" means adult oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.

(b) This section applies to the holder of a retailer's permit that provides adult entertainment on the licensed premises.

(c) The holder of a retailer's permit that provides adult entertainment on the licensed premises shall do the following:

(1) Require a performer who provides adult entertainment on the licensed premises to provide proof of age by ~~two~~ **forms at least one (1) form** of government issued identification, including a:

- (A) state issued driver's license;
- (B) state issued identification card; or
- (C) passport;

showing the performer to be at least eighteen (18) years of age.

(2) Require a performer who provides adult entertainment on the licensed premises to provide proof of legal residency in the United States by means of:

- (A) a birth certificate;
- (B) a Social Security card;
- (C) a passport;
- (D) valid documentary evidence described in IC 9-24-9-2.5; or
- (E) other valid documentary evidence issued by the United States demonstrating that the performer is entitled to reside in the United States.

(3) Take a photograph of each adult entertainer who auditions to provide adult entertainment at the licensed premises at the time of the audition and retain the

photograph for at least three (3) years after:

(A) the date of the audition; or

(B) the last day on which the performer provides adult entertainment at the licensed premises;

whichever is later. A photograph taken under this subdivision must **only** show the adult entertainer's facial features.

(4) Require all performers and other employees of the retail permit holder to sign a document approved by the commission to acknowledge their awareness of the problem of human trafficking.

(5) Display human trafficking awareness posters in at least two (2) of the following locations on the licensed premises:

(A) The office of the manager of the licensed premises.

(B) The locker room used by performers or other employees.

(C) The break room used by performers or other employees.

Posters displayed under this subdivision must describe human trafficking, state indicators of human trafficking (such as restricted freedom of movement and signs of physical abuse), set forth hotline telephone numbers for law enforcement, and be approved by the commission.

(6) Cooperate with any law enforcement investigation concerning allegations of a violation of this section.

(d) The commission may revoke, suspend, or refuse to renew the permit issued for the licensed premises if the holder fails to comply with subsection (c).

(e) In determining whether to revoke, suspend, or refuse to renew the permit issued for a licensed premises under subsection (d), the commission may consider:

(1) the extent to which the permit holder has cooperated with any law enforcement investigation as required by subsection (c)(6); and

(2) whether the permit holder has provided training to performers who provide adult entertainment at the permit holder's licensed premises and other employees of the licensed premises through a program that:

(A) is designed to increase the awareness of human trafficking and assist victims of human trafficking; and

(B) has been approved by:

- (i) a department of the United States government; or
- (ii) a nationwide association made up of operators who run adult entertainment establishments.

SECTION 3. IC 10-13-3-27, AS AMENDED BY P.L.214-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 27. (a) Except as provided in subsection (b), on request, a law enforcement agency shall release a limited criminal history to or allow inspection of a limited criminal history by noncriminal justice organizations or individuals only if the subject of the request:

(1) has applied for employment with a noncriminal justice organization or individual;

(2) has:

(A) applied for a license or is maintaining a license; and

(B) provided criminal history data as required by law to be provided in connection with the license;

(3) is a candidate for public office or a public official;

(4) is in the process of being apprehended by a law enforcement agency;

(5) is placed under arrest for the alleged commission of a crime;

(6) has charged that the subject's rights have been abused repeatedly by criminal justice agencies;

(7) is the subject of a judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;

(8) has volunteered services that involve contact with, care

of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;

(9) is currently residing in a location designated by the department of child services (established by IC 31-25-1-1) or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location;

(10) has volunteered services at a public school (as defined in IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12) that involve contact with, care of, or supervision over a student enrolled in the school;

(11) is being investigated for welfare fraud by an investigator of the division of family resources or a county office of the division of family resources;

(12) is being sought by the parent locator service of the child support bureau of the department of child services;

(13) is or was required to register as a sex or violent offender under IC 11-8-8;

(14) has been convicted of any of the following:

(A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.

(B) Criminal deviate conduct (IC 35-42-4-2) (repealed), if the victim is less than eighteen (18) years of age.

(C) Child molesting (IC 35-42-4-3).

(D) Child exploitation (IC 35-42-4-4(b) or **IC 35-42-4-4(c)**).

(E) Possession of child pornography (~~IC 35-42-4-4(c)~~; **IC 35-42-4-4(d) or IC 35-42-4-4(e)**).

(F) Vicarious sexual gratification (IC 35-42-4-5).

(G) Child solicitation (IC 35-42-4-6).

(H) Child seduction (IC 35-42-4-7).

(I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).

(J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

(K) Attempt under IC 35-41-5-1 to commit an offense listed in clauses (A) through (J).

(L) Conspiracy under IC 35-41-5-2 to commit an offense listed in clauses (A) through (J).

(M) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under clauses (A) through (J);

(15) is identified as a possible perpetrator of child abuse or neglect in an assessment conducted by the department of child services under IC 31-33-8; or

(16) is:

(A) a parent, guardian, or custodian of a child; or

(B) an individual who is at least eighteen (18) years of age and resides in the home of the parent, guardian, or custodian;

with whom the department of child services or a county probation department has a case plan, dispositional decree, or permanency plan approved under IC 31-34 or IC 31-37 that provides for reunification following an out-of-home placement.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

(1) Federally chartered or insured banking institutions.

(2) Officials of state and local government for any of the following purposes:

(A) Employment with a state or local governmental entity.

(B) Licensing.

(3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who knowingly or intentionally uses limited criminal history for any purpose not specified under this section commits a Class A misdemeanor.

SECTION 4. IC 11-8-8-4.5, AS AMENDED BY HEA 1199-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b) or **IC 35-42-4-4(c)**).

(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime committed after June 30, 2014), unless:

(A) the person is convicted of sexual misconduct with a minor as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);

(B) the person is not more than:

(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or

(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and

(C) the sentencing court finds that the person should not be required to register as a sex offender.

(9) Incest (IC 35-46-1-3).

(10) Sexual battery (IC 35-42-4-8).

(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.

(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.

(13) Possession of child pornography (~~IC 35-42-4-4(c)~~; **IC 35-42-4-4(d) or IC 35-42-4-4(e)**).

(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014).

(15) Promotion of human trafficking under IC 35-42-3.5-1(a)(2).

(16) Promotion of human trafficking of a minor under IC 35-42-3.5-1(b)(1)(B) or IC 35-42-3.5-1(b)(2).

(17) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).

(18) Human trafficking under IC 35-42-3.5-1(d)(3) if the victim is less than eighteen (18) years of age.

(19) Sexual misconduct by a service provider with a detained or supervised child (IC 35-44.1-3-10(c)).

(20) An attempt or conspiracy to commit a crime listed in this subsection.

(21) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in this subsection.

(b) The term includes:

(1) a person who is required to register as a sex offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 5. IC 11-8-8-5, AS AMENDED BY HEA 1199-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex or violent offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b) or **IC 35-42-4-4(c)**).
- (5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime committed after June 30, 2014), unless:
 - (A) the person is convicted of sexual misconduct with a minor as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);
 - (B) the person is not more than:
 - (i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
 - (ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
 - (C) the sentencing court finds that the person should not be required to register as a sex offender.
- (9) Incest (IC 35-46-1-3).
- (10) Sexual battery (IC 35-42-4-8).
- (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
- (12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
- (13) Possession of child pornography (~~IC 35-42-4-4(c)~~; **IC 35-42-4-4(d) or IC 35-42-4-4(e)**).
- (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014).
- (15) Promotion of human trafficking under IC 35-42-3.5-1(a)(2).
- (16) Promotion of human trafficking of a minor under IC 35-42-3.5-1(b)(1)(B) or IC 35-42-3.5-1(b)(2).
- (17) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).
- (18) Human trafficking under IC 35-42-3.5-1(d)(3) if the

victim is less than eighteen (18) years of age.

(19) Murder (IC 35-42-1-1).

(20) Voluntary manslaughter (IC 35-42-1-3).

(21) Sexual misconduct by a service provider with a detained or supervised child (IC 35-44.1-3-10(c)).

(22) An attempt or conspiracy to commit a crime listed in this subsection.

(23) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in this subsection.

(b) The term includes:

(1) a person who is required to register as a sex or violent offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 6. IC 20-28-5-8, AS AMENDED BY P.L.238-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

(1) The state superintendent.

(2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.

(3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a nonpublic school shall immediately notify the state superintendent when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense listed in subsection (c), or when the governing body or equivalent authority for a nonpublic school takes any final action in relation to an employee who engaged in any offense listed in subsection (c).

(c) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of any of the following felonies:

(1) Kidnapping (IC 35-42-3-2).

(2) Criminal confinement (IC 35-42-3-3).

(3) Rape (IC 35-42-4-1).

(4) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

(5) Child molesting (IC 35-42-4-3).

(6) Child exploitation (IC 35-42-4-4(b) or **IC 35-42-4-4(c)**).

(7) Vicarious sexual gratification (IC 35-42-4-5).

- (8) Child solicitation (IC 35-42-4-6).
- (9) Child seduction (IC 35-42-4-7).
- (10) Sexual misconduct with a minor (IC 35-42-4-9).
- (11) Incest (IC 35-46-1-3).
- (12) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- (13) Dealing in methamphetamine (IC 35-48-4-1.1).
- (14) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- (15) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- (17) Dealing in a counterfeit substance (IC 35-48-4-5).
- (18) Dealing in marijuana, hash oil, hashish, or salvia as a felony (IC 35-48-4-10).
- (19) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its amendment in 2013).
- (20) Possession of child pornography (~~IC 35-42-4-4(c)~~; **IC 35-42-4-4(d) or IC 35-42-4-4(e)**).
- (21) Homicide (IC 35-42-1).
- (22) Voluntary manslaughter (IC 35-42-1-3).
- (23) Reckless homicide (IC 35-42-1-5).
- (24) Battery as any of the following:
 - (A) A Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014).
 - (B) A Class B felony (for a crime committed before July 1, 2014) or a Level 3 felony (for a crime committed after June 30, 2014).
 - (C) A Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014).
- (25) Aggravated battery (IC 35-42-2-1.5).
- (26) Robbery (IC 35-42-5-1).
- (27) Carjacking (IC 35-42-5-2) (before its repeal).
- (28) Arson as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-1-1(a)).
- (29) Burglary as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-2-1).
- (30) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.
- (31) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.

(d) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of a federal offense or an offense in another state that is comparable to a felony listed in subsection (c).

(e) A license may be suspended by the state superintendent as specified in IC 20-28-7.5.

(f) The department shall develop a data base of information on school corporation employees who have been reported to the department under this section.

SECTION 7. IC 22-5-5-1, AS AMENDED BY P.L.214-2013, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The employment contract of a person who:

- (1) works with children; and
- (2) is convicted of:
 - (A) rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age;
 - (B) criminal deviate conduct (IC 35-42-4-2) (repealed), if the victim is less than eighteen (18) years of age;
 - (C) child molesting (IC 35-42-4-3);

- (D) child exploitation (IC 35-42-4-4(b) or **IC 35-42-4-4(c)**);
- (E) vicarious sexual gratification (IC 35-42-4-5);
- (F) child solicitation (IC 35-42-4-6);
- (G) child seduction (IC 35-42-4-7); or
- (H) incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age;

may be canceled by the person's employer.

SECTION 8. IC 31-14-14-1, AS AMENDED BY P.L.95-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A noncustodial parent is entitled to reasonable parenting time rights unless the court finds, after a hearing, that parenting time might:

- (1) endanger the child's physical health and well-being; or
- (2) significantly impair the child's emotional development.

(b) The court may interview the child in chambers to assist the court in determining the child's perception of whether parenting time by the noncustodial parent might endanger the child's physical health or significantly impair the child's emotional development.

(c) In a hearing under subsection (a), there is a rebuttable presumption that a person who has been convicted of:

- (1) child molesting (IC 35-42-4-3); or
- (2) child exploitation (IC 35-42-4-4(b) or **IC 35-42-4-4(c)**);

might endanger the child's physical health and well-being or significantly impair the child's emotional development.

(d) If a court grants parenting time rights to a person who has been convicted of:

- (1) child molesting (IC 35-42-4-3); or
- (2) child exploitation (IC 35-42-4-4(b) or **IC 35-42-4-4(c)**);

there is a rebuttable presumption that the parenting time with the child must be supervised.

(e) The court may permit counsel to be present at the interview. If counsel is present:

- (1) a record may be made of the interview; and
- (2) the interview may be made part of the record for purposes of appeal.

SECTION 9. IC 33-37-5-23, AS AMENDED BY P.L.168-2014, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. (a) This section applies to criminal actions.

(b) The court shall assess a sexual assault victims assistance fee of at least five hundred dollars (\$500) and not more than five thousand dollars (\$5,000) against an individual convicted in Indiana of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b) or **IC 35-42-4-4(c)**).
- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual battery (IC 35-42-4-8).
- (9) Sexual misconduct with a minor as a Class A or Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-42-4-9).
- (10) Incest (IC 35-46-1-3).
- (11) Promotion of human trafficking (IC 35-42-3.5-1(a)).
- (12) Promotion of human trafficking of a minor (IC 35-42-3.5-1(b)).
- (13) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).
- (14) Human trafficking (IC 35-42-3.5-1(d)).

SECTION 10. IC 33-39-1-9, AS AMENDED BY P.L.214-2013, SECTION 31, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. A prosecuting attorney who charges a person with committing any of the following shall inform the person's employer of the charge, unless the prosecuting attorney determines that the person charged does not work with children:

- (1) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
- (2) Criminal deviate conduct (IC 35-42-4-2) (repealed), if the victim is less than eighteen (18) years of age.
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b) **or IC 35-42-4-4(c)**).
- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

SECTION 11. IC 35-36-10-2, AS AMENDED BY P.L.6-2012, SECTION 223, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this chapter, "child pornography" includes:

- (1) material described in ~~IC 35-42-4-4(c)~~; **IC 35-42-4-4(d)**; and
- (2) material defined in 18 U.S.C. 2256(8).

SECTION 12. IC 35-38-1-17, AS AMENDED BY P.L.164-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. (a) Notwithstanding IC 1-1-5.5-21, this section applies to a person who:

- (1) commits an offense; or
- (2) is sentenced;

before July 1, 2014.

(b) This section does not apply to a credit restricted felon.

(c) Except as provided in subsections (k) and (m), this section does not apply to a violent criminal.

(d) As used in this section, "violent criminal" means a person convicted of any of the following offenses:

- (1) Murder (IC 35-42-1-1).
- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Aggravated battery (IC 35-42-2-1.5).
- (7) Kidnapping (IC 35-42-3-2).
- (8) Rape (IC 35-42-4-1).
- (9) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (10) Child molesting (IC 35-42-4-3).

(11) **Sexual misconduct with a minor as a Class A felony under IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2) (for a crime committed before July 1, 2014) or sexual misconduct with a minor as a Level 1 felony under IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2) (for a crime committed after June 30, 2014).**

(12) **Robbery as a Class A felony or a Class B felony (IC 35-42-5-1) (for a crime committed before July 1, 2014) or robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1) (for a crime committed after June 30, 2014).**

(13) **Burglary as Class A felony or a Class B felony (IC 35-43-2-1) (for a crime committed before July 1, 2014) or burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (IC 35-43-2-1) (for a crime committed after June 30, 2014).**

(14) Unlawful possession of a firearm by a serious violent felon (IC 35-47-4-5).

(e) At any time after:

- (1) a convicted person begins serving the person's sentence; and

(2) the court obtains a report from the department of correction concerning the convicted person's conduct while imprisoned;

the court may reduce or suspend the sentence and impose a sentence that the court was authorized to impose at the time of sentencing. The court must incorporate its reasons in the record.

(f) If the court sets a hearing on a petition under this section, the court must give notice to the prosecuting attorney and the prosecuting attorney must give notice to the victim (as defined in IC 35-31.5-2-348) of the crime for which the convicted person is serving the sentence.

(g) The court may suspend a sentence for a felony under this section only if suspension is permitted under IC 35-50-2-2.2.

(h) The court may deny a request to suspend or reduce a sentence under this section without making written findings and conclusions.

(I) The court is not required to conduct a hearing before reducing or suspending a sentence under this section if:

(1) the prosecuting attorney has filed with the court an agreement of the reduction or suspension of the sentence; and

(2) the convicted person has filed with the court a waiver of the right to be present when the order to reduce or suspend the sentence is considered.

(j) This subsection applies only to a convicted person who is not a violent criminal. A convicted person who is not a violent criminal may file a petition for sentence modification under this section:

(1) not more than one (1) time in any three hundred sixty-five (365) day period; and

(2) a maximum of two (2) times during any consecutive period of incarceration;

without the consent of the prosecuting attorney.

(k) This subsection applies to a convicted person who is a violent criminal. A convicted person who is a violent criminal may, not later than three hundred sixty-five (365) days from the date of sentencing, file one (1) petition for sentence modification under this section without the consent of the prosecuting attorney. After the elapse of the three hundred sixty-five (365) day period, a violent criminal may not file a petition for sentence modification without the consent of the prosecuting attorney.

(l) A person may not waive the right to sentence modification under this section as part of a plea agreement. Any purported waiver of the right to sentence modification under this section in a plea agreement is invalid and unenforceable as against public policy. This subsection does not prohibit the finding of a waiver of the right to sentence modification for any other reason, including failure to comply with the provisions of this section.

(m) Notwithstanding subsection (k), a person who commits an offense after June 30, 2014, and before May 15, 2015, may file one (1) petition for sentence modification without the consent of the prosecuting attorney, even if the person has previously filed a petition for sentence modification.

SECTION 13. IC 35-38-2-2.5, AS AMENDED BY P.L.214-2013, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.5. (a) As used in this section, "offender" means an individual convicted of a sex offense.

(b) As used in this section, "sex offense" means any of the following:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2) (repealed).

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b) **or IC 35-42-4-4(c)**).

(5) Vicarious sexual gratification (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

- (8) Sexual battery (IC 35-42-4-8).
- (9) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
- (10) Incest (IC 35-46-1-3).

(c) A condition of remaining on probation or parole after conviction for a sex offense is that the offender not reside within one (1) mile of the residence of the victim of the offender's sex offense.

(d) An offender:

(1) who will be placed on probation shall provide the sentencing court and the probation department with the address where the offender intends to reside during the period of probation:

- (A) at the time of sentencing if the offender will be placed on probation without first being incarcerated; or
- (B) before the offender's release from incarceration if the offender will be placed on probation after completing a term of incarceration; or

(2) who will be placed on parole shall provide the parole board with the address where the offender intends to reside during the period of parole.

(e) An offender, while on probation or parole, may not establish a new residence within one (1) mile of the residence of the victim of the offender's sex offense unless the offender first obtains a waiver from the:

- (1) court, if the offender is placed on probation; or
- (2) parole board, if the offender is placed on parole;

for the change of address under subsection (f).

(f) The court or parole board may waive the requirement set forth in subsection (c) only if the court or parole board, at a hearing at which the offender is present and of which the prosecuting attorney has been notified, determines that:

- (1) the offender has successfully completed a sex offender treatment program during the period of probation or parole;
- (2) the offender is in compliance with all terms of the offender's probation or parole; and
- (3) good cause exists to allow the offender to reside within one (1) mile of the residence of the victim of the offender's sex offense.

However, the court or parole board may not grant a waiver under this subsection if the offender is a sexually violent predator under IC 35-38-1-7.5 or if the offender is an offender against children under IC 35-42-4-11.

(g) If the court or parole board grants a waiver under subsection (f), the court or parole board shall state in writing the reasons for granting the waiver. The court's written statement of its reasons shall be incorporated into the record.

(h) The address of the victim of the offender's sex offense is confidential even if the court or parole board grants a waiver under subsection (f).

SECTION 14. IC 35-42-3.5-1, AS AMENDED BY P.L.168-2014, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A person who, by force, threat of force, or fraud, knowingly or intentionally recruits, harbors, or transports another person:

- (1) to engage the other person in:
 - (A) forced labor; or
 - (B) involuntary servitude; or
- (2) to force the other person into:
 - (A) marriage;
 - (B) prostitution; or
 - (C) participating in sexual conduct (as defined by IC 35-42-4-4);

commits promotion of human trafficking, a Level 4 felony.

(b) A person who knowingly or intentionally recruits, harbors, or transports a child less than:

- (1) eighteen (18) years of age with the intent of:
 - (A) engaging the child in:
 - (I) forced labor; or

- (ii) involuntary servitude; or
- (B) inducing or causing the child to:
 - (I) engage in prostitution; or
 - (ii) engage in a performance or incident that includes sexual conduct in violation of IC 35-42-4-4(b) or **IC 35-42-4-4(c)** (child exploitation); or

(2) sixteen (16) years of age with the intent of inducing or causing the child to participate in sexual conduct (as defined by IC 35-42-4-4);

commits promotion of human trafficking of a minor, a Level 3 felony. Except as provided in subsection (e), it is not a defense to a prosecution under this subsection that the child consented to engage in prostitution or to participate in sexual conduct.

(c) A person who is at least eighteen (18) years of age who knowingly or intentionally sells or transfers custody of a child less than eighteen (18) years of age for the purpose of prostitution or participating in sexual conduct (as defined by IC 35-42-4-4) commits sexual trafficking of a minor, a Level 2 felony.

(d) A person who knowingly or intentionally pays, offers to pay, or agrees to pay money or other property to another person for an individual who the person knows has been forced into:

- (1) forced labor;
- (2) involuntary servitude; or
- (3) prostitution;

commits human trafficking, a Level 5 felony.

(e) It is a defense to a prosecution under subsection (b)(2) if:

- (1) the child is at least fourteen (14) years of age but less than sixteen (16) years of age and the person is less than eighteen (18) years of age; or
- (2) all the following apply:

- (A) The person is not more than four (4) years older than the victim.
- (B) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.
- (C) The crime:
 - (I) was not committed by a person who is at least twenty-one (21) years of age;
 - (ii) was not committed by using or threatening the use of deadly force;
 - (iii) was not committed while armed with a deadly weapon;
 - (iv) did not result in serious bodily injury;
 - (v) was not facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; and
 - (vi) was not committed by a person having a position of authority or substantial influence over the victim.

- (D) The person has not committed another sex offense (as defined in IC 11-8-8-5.2), including a delinquent act that would be a sex offense if committed by an adult, against any other person.

SECTION 15. IC 35-42-4-4, AS AMENDED BY P.L.80-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The following definitions apply throughout this section:

- (1) "Disseminate" means to transfer possession for free or for a consideration.
- (2) "Matter" has the same meaning as in IC 35-49-1-3.
- (3) "Performance" has the same meaning as in IC 35-49-1-7.
- (4) "Sexual conduct" means:
 - (A) sexual intercourse;

(B) other sexual conduct (as defined in IC 35-31.5-2-221.5);

(C) exhibition of the:

(I) uncovered genitals; or

(ii) female breast with less than a fully opaque covering of any part of the nipple;

intended to satisfy or arouse the sexual desires of any person;

(D) sadomasochistic abuse;

(E) sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with an animal; or

(F) any fondling or touching of a child by another person or of another person by a child intended to arouse or satisfy the sexual desires of either the child or the other person.

(b) A person who:

(1) knowingly or intentionally manages, produces, sponsors, presents, exhibits, photographs, films, videotapes, or creates a digitized image of any performance or incident that includes sexual conduct by a child under eighteen (18) years of age;

(2) knowingly or intentionally disseminates, exhibits to another person, offers to disseminate or exhibit to another person, or sends or brings into Indiana for dissemination or exhibition matter that depicts or describes sexual conduct by a child under eighteen (18) years of age;

(3) knowingly or intentionally makes available to another person a computer, knowing that the computer's fixed drive or peripheral device contains matter that depicts or describes sexual conduct by a child less than eighteen (18) years of age; or

(4) with the intent to satisfy or arouse the sexual desires of any person:

(A) knowingly or intentionally:

(I) manages;

(ii) produces;

(iii) sponsors;

(iv) presents;

(v) exhibits;

(vi) photographs;

(vii) films;

(viii) videotapes; or

(ix) creates a digitized image of;

any performance or incident that includes the uncovered genitals of a child less than eighteen (18) years of age or the exhibition of the female breast with less than a fully opaque covering of any part of the nipple by a child less than eighteen (18) years of age;

(B) knowingly or intentionally:

(I) disseminates to another person;

(ii) exhibits to another person;

(iii) offers to disseminate or exhibit to another person; or

(iv) sends or brings into Indiana for dissemination or exhibition;

matter that depicts the uncovered genitals of a child less than eighteen (18) years of age or the exhibition of the female breast with less than a fully opaque covering of any part of the nipple by a child less than eighteen (18) years of age; or

(C) makes available to another person a computer, knowing that the computer's fixed drive or peripheral device contains matter that depicts the uncovered genitals of a child less than eighteen (18) years of age or the exhibition of the female breast with less than a fully opaque covering of any part of the nipple by a child less than eighteen (18) years of age;

commits child exploitation, a Level 5 felony.

(c) However, the offense of child exploitation described in subsection (b) is a Level 4 felony if:

(1) the sexual conduct, matter, performance, or incident depicts or describes a child less than eighteen (18) years of age who:

(A) engages in bestiality (as described in IC 35-46-3-14);

(B) is mentally disabled or deficient;

(C) participates in the sexual conduct, matter, performance, or incident by use of force or the threat of force;

(D) physically or verbally resists participating in the sexual conduct, matter, performance, or incident;

(E) receives a bodily injury while participating in the sexual conduct, matter, performance, or incident; or

(F) is less than twelve (12) years of age; or

(2) the child less than eighteen (18) years of age:

(A) engages in bestiality (as described in IC 35-46-3-14);

(B) is mentally disabled or deficient;

(C) participates in the sexual conduct, matter, performance, or incident by use of force or the threat of force;

(D) physically or verbally resists participating in the sexual conduct, matter, performance, or incident;

(E) receives a bodily injury while participating in the sexual conduct, matter, performance, or incident; or

(F) is less than twelve (12) years of age.

(c) (d) A person who knowingly or intentionally possesses:

(1) a picture;

(2) a drawing;

(3) a photograph;

(4) a negative image;

(5) undeveloped film;

(6) a motion picture;

(7) a videotape;

(8) a digitized image; or

(9) any pictorial representation;

that depicts or describes sexual conduct by a child who the person knows is less than eighteen (18) years of age or who appears to be less than eighteen (18) years of age, and that lacks serious literary, artistic, political, or scientific value commits possession of child pornography, a Level 6 felony.

(e) However, the offense of possession of child pornography described in subsection (d) is a Level 5 felony if:

(1) the item described in subsection (d)(1) through (d)(9) depicts or describes sexual conduct by a child who the person knows is less than eighteen (18) years of age, or who appears to be less than eighteen (18) years of age, who:

(A) engages in bestiality (as described in IC 35-46-3-14);

(B) is mentally disabled or deficient;

(C) participates in the sexual conduct, matter, performance, or incident by use of force or the threat of force;

(D) physically or verbally resists participating in the sexual conduct, matter, performance, or incident;

(E) receives a bodily injury while participating in the sexual conduct, matter, performance, or incident; or

(F) is less than twelve (12) years of age; or

(2) the child whose sexual conduct is depicted or described in an item described in subsection (d)(1) through (d)(9):

(A) engages in bestiality (as described in IC 35-46-3-14);

(B) is mentally disabled or deficient;

(C) participates in the sexual conduct, matter, performance, or incident by use of force or the

threat of force;

(D) physically or verbally resists participating in the sexual conduct, matter, performance, or incident;

(E) receives a bodily injury while participating in the sexual conduct, matter, performance, or incident; or

(F) is less than twelve (12) years of age.

~~(f)~~ **(f)** Subsections (b), ~~and~~ (c), **(d), and (e)** do not apply to a bona fide school, museum, or public library that qualifies for certain property tax exemptions under IC 6-1.1-10, or to an employee of such a school, museum, or public library acting within the scope of the employee's employment when the possession of the listed materials is for legitimate scientific or educational purposes.

~~(g)~~ **(g)** It is a defense to a prosecution under this section that:

- (1) the person is a school employee; and
- (2) the acts constituting the elements of the offense were performed solely within the scope of the person's employment as a school employee.

~~(h)~~ **(h)** Except as provided in subsection ~~(g)~~, **(I)**, it is a defense to a prosecution under subsection (b), ~~or~~ (c), **(d), or (e)** if all of the following apply:

- (1) A cellular telephone, another wireless or cellular communications device, or a social networking web site was used to possess, produce, or disseminate the image.
- (2) The defendant is not more than four (4) years older or younger than the person who is depicted in the image or who received the image.
- (3) The relationship between the defendant and the person who received the image or who is depicted in the image was a dating relationship or an ongoing personal relationship. For purposes of this subdivision, the term "ongoing personal relationship" does not include a family relationship.
- (4) The crime was committed by a person less than twenty-two (22) years of age.
- (5) The person receiving the image or who is depicted in the image acquiesced in the defendant's conduct.

~~(i)~~ **(I)** The defense to a prosecution described in subsection ~~(h)~~ **(h)** does not apply if:

- (1) the person who receives the image disseminates it to a person other than the person:
 - (A) who sent the image; or
 - (B) who is depicted in the image;
- (2) the image is of a person other than the person who sent the image or received the image; or
- (3) the dissemination of the image violates:
 - (A) a protective order to prevent domestic or family violence issued under IC 34-26-5 (or, if the order involved a family or household member, under IC 34-26-2 or IC 34-4-5.1-5 before their repeal);
 - (B) an ex parte protective order issued under IC 34-26-5 (or, if the order involved a family or household member, an emergency order issued under IC 34-26-2 or IC 34-4-5.1 before their repeal);
 - (C) a workplace violence restraining order issued under IC 34-26-6;
 - (D) a no contact order in a dispositional decree issued under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order issued under IC 31-32-13 (or IC 31-6-7-14 before its repeal) that orders the person to refrain from direct or indirect contact with a child in need of services or a delinquent child;
 - (E) a no contact order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion, and including a no contact order issued under IC 35-33-8-3.6;
 - (F) a no contact order issued as a condition of probation;

(G) a protective order to prevent domestic or family violence issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2 before their repeal);

(H) a protective order to prevent domestic or family violence issued under IC 31-14-16-1 in a paternity action;

(I) a no contact order issued under IC 31-34-25 in a child in need of services proceeding or under IC 31-37-25 in a juvenile delinquency proceeding;

(J) an order issued in another state that is substantially similar to an order described in clauses (A) through (I);

(K) an order that is substantially similar to an order described in clauses (A) through (I) and is issued by an Indian:

- (i) tribe;
- (ii) band;
- (iii) pueblo;
- (iv) nation; or
- (v) organized group or community, including an Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

that is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians;

(L) an order issued under IC 35-33-8-3.2; or

(M) an order issued under IC 35-38-1-30.

~~(j)~~ **(j)** It is a defense to a prosecution under this section that:

- (1) the person was less than eighteen (18) years of age at the time the alleged offense was committed; and
- (2) the circumstances described in IC 35-45-4-6(a)(2) through IC 35-45-4-6(a)(4) apply.

~~(k)~~ **(k)** A person is entitled to present the defense described in subsection ~~(j)~~ **(j)** in a pretrial hearing. If a person proves by a preponderance of the evidence in a pretrial hearing that the defense described in subsection ~~(j)~~ **(j)** applies, the court shall dismiss the charges under this section with prejudice.

SECTION 16. IC 35-42-4-11, AS AMENDED BY P.L.168-2014, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) As used in this section, and except as provided in subsection (d), "offender against children" means a person required to register as a sex or violent offender under IC 11-8-8 who has been:

- (1) found to be a sexually violent predator under IC 35-38-1-7.5; or
- (2) convicted of one (1) or more of the following offenses:
 - (A) Child molesting (IC 35-42-4-3).
 - (B) Child exploitation (IC 35-42-4-4(b) **or IC 35-42-4-4(c)**).
 - (C) Child solicitation (IC 35-42-4-6).
 - (D) Child seduction (IC 35-42-4-7).
 - (E) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person is not the child's parent or guardian.
 - (F) Attempt to commit or conspiracy to commit an offense listed in clauses (A) through (E).
 - (G) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (F).

A person is an offender against children by operation of law if the person meets the conditions described in subdivision (1) or (2) at any time.

(b) As used in this section, "reside" means to spend more than three (3) nights in:

- (1) a residence; or
- (2) if the person does not reside in a residence, a particular location;

in any thirty (30) day period.

(c) An offender against children who knowingly or

intentionally:

- (1) resides within one thousand (1,000) feet of:
 - (A) school property, not including property of an institution providing post-secondary education;
 - (B) a youth program center; or
 - (C) a public park; or

(2) establishes a residence within one (1) mile of the residence of the victim of the offender's sex offense; commits a sex offender residency offense, a Level 6 felony.

(d) This subsection does not apply to an offender against children who has two (2) or more unrelated convictions for an offense described in subsection (a). A person who is an offender against children may petition the court to consider whether the person should no longer be considered an offender against children. The person may file a petition under this subsection not earlier than ten (10) years after the person is released from incarceration or parole, whichever occurs last (or, if the person is not incarcerated, not earlier than ten (10) years after the person is released from probation). A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if the person should no longer be considered an offender against children. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person should no longer be considered an offender against children. If a court finds that the person should no longer be considered an offender against children, the court shall send notice to the department of correction that the person is no longer considered an offender against children.

SECTION 17. IC 35-42-4-14, AS ADDED BY P.L.235-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) As used in this section, "serious sex offender" means a person required to register as a sex offender under IC 11-8-8 who is:

- (1) found to be a sexually violent predator under IC 35-38-1-7.5; or
- (2) convicted of one (1) or more of the following offenses:
 - (A) Child molesting (IC 35-42-4-3).
 - (B) Child exploitation (IC 35-42-4-4(b) **or IC 35-42-4-4(c)**).
 - (C) Possession of child pornography (~~IC 35-42-4-4(c)~~; **IC 35-42-4-4(d) or IC 35-42-4-4(e)**).
 - (D) Vicarious sexual gratification (IC 35-42-4-5(a) and IC 35-42-4-5(b)).
 - (E) Performing sexual conduct in the presence of a minor (IC 35-42-4-5(c)).
 - (F) Child solicitation (IC 35-42-4-6).
 - (G) Child seduction (IC 35-42-4-7).
 - (H) Sexual misconduct with a minor (IC 35-42-4-9).
 - (I) A conspiracy or an attempt to commit an offense described in clauses (A) through (H).
 - (J) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (I).

(b) A serious sex offender who knowingly or intentionally enters school property commits unlawful entry by a serious sex offender, a Level 6 felony.

SECTION 18. IC 35-50-1-2, AS AMENDED BY P.L.238-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) As used in this section, "crime of violence" means the following:

- (1) Murder (IC 35-42-1-1).
- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).

(6) Aggravated battery (IC 35-42-2-1.5).

(7) Kidnapping (IC 35-42-3-2).

(8) Rape (IC 35-42-4-1).

(9) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

(10) Child molesting (IC 35-42-4-3).

(11) Sexual misconduct with a minor as a Level 1 felony under IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).

(12) Robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1).

(13) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (IC 35-43-2-1).

(14) Operating a vehicle while intoxicated causing death (IC 9-30-5-5).

(15) Operating a vehicle while intoxicated causing serious bodily injury to another person (IC 9-30-5-4).

(16) Child exploitation as a Level 5 felony under IC 35-42-4-4(b) or a Level 4 felony under IC 35-42-4-4(c).

~~(16)~~ (17) Resisting law enforcement as a felony (IC 35-44-1-3-1).

~~(17)~~ (18) Unlawful possession of a firearm by a serious violent felon (IC 35-47-4-5).

(b) As used in this section, "episode of criminal conduct" means offenses or a connected series of offenses that are closely related in time, place, and circumstance.

(c) Except as provided in subsection (e) or (f) the court shall determine whether terms of imprisonment shall be served concurrently or consecutively. The court may consider the:

- (1) aggravating circumstances in IC 35-38-1-7.1(a); and
- (2) mitigating circumstances in IC 35-38-1-7.1(b);

in making a determination under this subsection. The court may order terms of imprisonment to be served consecutively even if the sentences are not imposed at the same time. However, except for crimes of violence, the total of the consecutive terms of imprisonment, exclusive of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10 (before its repeal) to which the defendant is sentenced for felony convictions arising out of an episode of criminal conduct shall not exceed the period described in subsection (d).

(d) Except as provided in subsection (c), the total of the consecutive terms of imprisonment to which the defendant is sentenced for felony convictions arising out of an episode of criminal conduct may not exceed the following:

- (1) If the most serious crime for which the defendant is sentenced is a Level 6 felony, the total of the consecutive terms of imprisonment may not exceed four (4) years.
- (2) If the most serious crime for which the defendant is sentenced is a Level 5 felony, the total of the consecutive terms of imprisonment may not exceed seven (7) years.
- (3) If the most serious crime for which the defendant is sentenced is a Level 4 felony, the total of the consecutive terms of imprisonment may not exceed fifteen (15) years.
- (4) If the most serious crime for which the defendant is sentenced is a Level 3 felony, the total of the consecutive terms of imprisonment may not exceed twenty (20) years.
- (5) If the most serious crime for which the defendant is sentenced is a Level 2 felony, the total of the consecutive terms of imprisonment may not exceed thirty-two (32) years.
- (6) If the most serious crime for which the defendant is sentenced is a Level 1 felony, the total of the consecutive terms of imprisonment may not exceed forty-two (42) years.

(e) If, after being arrested for one (1) crime, a person commits another crime:

- (1) before the date the person is discharged from probation, parole, or a term of imprisonment imposed for the first crime; or

(2) while the person is released:

- (A) upon the person's own recognizance; or
- (B) on bond;

the terms of imprisonment for the crimes shall be served consecutively, regardless of the order in which the crimes are tried and sentences are imposed.

(f) If the factfinder determines under IC 35-50-2-11 that a person used a firearm in the commission of the offense for which the person was convicted, the term of imprisonment for the underlying offense and the additional term of imprisonment imposed under IC 35-50-2-11 must be served consecutively.

SECTION 19. IC 35-50-2-7, AS AMENDED BY P.L.168-2014, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) A person who commits a Class D felony (for a crime committed before July 1, 2014) shall be imprisoned for a fixed term of between six (6) months and three (3) years, with the advisory sentence being one and one-half (1 ½) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

(b) A person who commits a Level 6 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between six (6) months and two and one-half (2 ½) years, with the advisory sentence being one (1) year. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

(c) Notwithstanding subsections (a) and (b), if a person has committed a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014), the court may enter judgment of conviction of a Class A misdemeanor and sentence accordingly. However, the court shall enter a judgment of conviction of a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) if:

(1) the court finds that:

- (A) the person has committed a prior, unrelated felony for which judgment was entered as a conviction of a Class A misdemeanor; and
- (B) the prior felony was committed less than three (3) years before the second felony was committed;

(2) the offense is domestic battery as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-42-2-1.3; or

(3) the offense is possession of child pornography (~~IC 35-42-4-4(c)~~); **(IC 35-42-4-4(d))**.

The court shall enter in the record, in detail, the reason for its action whenever it exercises the power to enter judgment of conviction of a Class A misdemeanor granted in this subsection.

(d) Notwithstanding subsections (a) and (b), the sentencing court may convert a Class D felony conviction (for a crime committed before July 1, 2014) or a Level 6 felony conviction (for a crime committed after June 30, 2014) to a Class A misdemeanor conviction if, after receiving a verified petition as described in subsection (e) and after conducting a hearing of which the prosecuting attorney has been notified, the court makes the following findings:

(1) The person is not a sex or violent offender (as defined in IC 11-8-8-5).

(2) The person was not convicted of a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) that resulted in bodily injury to another person.

(3) The person has not been convicted of perjury under IC 35-44.1-2-1 (or IC 35-44-2-1 before its repeal) or official misconduct under IC 35-44.1-1-1 (or IC 35-44-1-2 before its repeal).

(4) At least three (3) years have passed since the person:

- (A) completed the person's sentence; and
- (B) satisfied any other obligation imposed on the person as part of the sentence;

for the Class D or Level 6 felony.

(5) The person has not been convicted of a felony since the person:

- (A) completed the person's sentence; and
- (B) satisfied any other obligation imposed on the person as part of the sentence;

for the Class D or Level 6 felony.

(6) No criminal charges are pending against the person.

(e) A petition filed under subsection (d) or (f) must be verified and set forth:

- (1) the crime the person has been convicted of;
- (2) the date of the conviction;
- (3) the date the person completed the person's sentence;
- (4) any obligations imposed on the person as part of the sentence;
- (5) the date the obligations were satisfied; and
- (6) a verified statement that there are no criminal charges pending against the person.

(f) If a person whose Class D or Level 6 felony conviction has been converted to a Class A misdemeanor conviction under subsection (d) is convicted of a felony not later than five (5) years after the conversion under subsection (d), a prosecuting attorney may petition a court to convert the person's Class A misdemeanor conviction back to a Class D felony conviction (for a crime committed before July 1, 2014) or a Level 6 felony conviction (for a crime committed after June 30, 2014).

SECTION 20. IC 35-50-6-3.3, AS AMENDED BY P.L.187-2015, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.3. (a) In addition to any educational credit a person earns under subsection (b), or good time credit a person earns under section 3 or 3.1 of this chapter, a person earns educational credit if the person:

- (1) is in credit Class I, Class A, or Class B;
- (2) has demonstrated a pattern consistent with rehabilitation; and
- (3) successfully completes requirements to obtain one (1) of the following:

(A) A general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person has not previously obtained a high school diploma.

(B) Except as provided in subsection (o), a high school diploma, if the person has not previously obtained a general educational development (GED) diploma.

(C) An associate degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)) earned during the person's incarceration.

(D) A bachelor degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)) earned during the person's incarceration.

(b) In addition to any educational credit that a person earns under subsection (a), or good time credit a person earns under section 3 or 3.1 of this chapter, a person may earn educational credit if, while confined by the department of correction, the person:

- (1) is in credit Class I, Class A, or Class B;
- (2) demonstrates a pattern consistent with rehabilitation; and
- (3) successfully completes requirements to obtain at least one (1) of the following:

(A) A certificate of completion of a career and technical or vocational education program approved by the department of correction.

(B) A certificate of completion of a substance abuse program approved by the department of correction.

(C) A certificate of completion of a literacy and basic life skills program approved by the department of

correction.

(D) A certificate of completion of a reformatory program approved by the department of correction.

(c) The department of correction shall establish admissions criteria and other requirements for programs available for earning educational credit under subsection (b). A person may not earn educational credit under both subsections (a) and (b) for the same program of study. The department of correction, in consultation with the department of workforce development, shall approve a program only if the program is likely to lead to an employable occupation.

(d) The amount of educational credit a person may earn under this section is the following:

(1) Six (6) months for completion of a state of Indiana general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18.

(2) One (1) year for graduation from high school.

(3) Not more than one (1) year for completion of an associate degree.

(4) Not more than two (2) years for completion of a bachelor degree.

(5) Not more than a total of one (1) year, as determined by the department of correction, for the completion of one (1) or more career and technical or vocational education programs approved by the department of correction.

(6) Not more than a total of six (6) months, as determined by the department of correction, for the completion of one (1) or more substance abuse programs approved by the department of correction.

(7) Not more than a total of six (6) months, as determined by the department of correction, for the completion of one (1) or more literacy and basic life skills programs approved by the department of correction.

(8) Not more than a total of six (6) months, as determined by the department of correction, for completion of one (1) or more reformatory programs approved by the department of correction. However, a person who is serving a sentence for an offense listed under IC 11-8-8-4.5 may not earn educational credit under this subdivision.

However, a person who does not have a substance abuse problem that qualifies the person to earn educational credit in a substance abuse program may earn not more than a total of twelve (12) months of educational credit, as determined by the department of correction, for the completion of one (1) or more career and technical or vocational education programs approved by the department of correction. If a person earns more than six (6) months of educational credit for the completion of one (1) or more career and technical or vocational education programs, the person is ineligible to earn educational credit for the completion of one (1) or more substance abuse programs.

(e) Educational credit earned under this section must be directly proportional to the time served and course work completed while incarcerated. The department of correction shall adopt rules under IC 4-22-2 necessary to implement this subsection.

(f) Educational credit earned by a person under this section is subtracted from the release date that would otherwise apply to the person by the sentencing court after subtracting all other credit time earned by the person.

(g) A person does not earn educational credit under subsection (a) unless the person completes at least a portion of the degree requirements after June 30, 1993.

(h) A person does not earn educational credit under subsection (b) unless the person completes at least a portion of the program requirements after June 30, 1999.

(i) Educational credit earned by a person under subsection (a) for a diploma or degree completed before July 1, 1999, shall be subtracted from:

(1) the release date that would otherwise apply to the person after subtracting all other credit time earned by the

person, if the person has not been convicted of an offense described in subdivision (2); or

(2) the period of imprisonment imposed on the person by the sentencing court, if the person has been convicted of one (1) of the following crimes:

(A) Rape (IC 35-42-4-1).

(B) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

(C) Child molesting (IC 35-42-4-3).

(D) Child exploitation (IC 35-42-4-4(b) **or IC 35-42-4-4(c)**).

(E) Vicarious sexual gratification (IC 35-42-4-5).

(F) Child solicitation (IC 35-42-4-6).

(G) Child seduction (IC 35-42-4-7).

(H) Sexual misconduct with a minor (IC 35-42-4-9) as a:

(i) Class A felony, Class B felony, or Class C felony for a crime committed before July 1, 2014; or

(ii) Level 1, Level 2, or Level 4 felony, for a crime committed after June 30, 2014.

(I) Incest (IC 35-46-1-3).

(J) Sexual battery (IC 35-42-4-8).

(K) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.

(L) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

(M) An attempt or a conspiracy to commit a crime listed in clauses (A) through (L).

(j) The maximum amount of educational credit a person may earn under this section is the lesser of:

(1) two (2) years; or

(2) one-third (1/3) of the person's total applicable credit time.

(k) Educational credit earned under this section by an offender serving a sentence for stalking (IC 35-45-10-5), a felony against a person under IC 35-42, or for a crime listed in IC 11-8-8-5, shall be reduced to the extent that application of the educational credit would otherwise result in:

(1) postconviction release (as defined in IC 35-40-4-6); or

(2) assignment of the person to a community transition program;

in less than forty-five (45) days after the person earns the educational credit.

(l) A person may earn educational credit for multiple degrees at the same education level under subsection (d) only in accordance with guidelines approved by the department of correction. The department of correction may approve guidelines for proper sequence of education degrees under subsection (d).

(m) A person may not earn educational credit:

(1) for a general educational development (GED) diploma if the person has previously earned a high school diploma; or

(2) for a high school diploma if the person has previously earned a general educational development (GED) diploma.

(n) A person may not earn educational credit under this section if the person:

(1) commits an offense listed in IC 11-8-8-4.5 while the person is required to register as a sex or violent offender under IC 11-8-8-7; and

(2) is committed to the department of correction after being convicted of the offense listed in IC 11-8-8-4.5.

(o) For a person to earn educational credit under subsection (a)(3)(B) for successfully completing the requirements for a high school diploma through correspondence courses, each correspondence course must be approved by the department before the person begins the correspondence course. The department may approve a correspondence course only if the entity administering the course is recognized and accredited by

the department of education in the state where the entity is located.

SECTION 21. An emergency is declared for this act.

(Reference is to ESB 14 as reprinted March 1, 2016.)

HEAD	EBERHART
RANDOLPH	HALE
Senate Conferees	House Conferees

Roll Call 439: yeas 98, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
ESB 173-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 173 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-3-2-3.2, AS ADDED BY P.L.233-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 3.2. (a) The following definitions apply to this section:

(1) "Bonus for services rendered as a race team member" includes:

(A) a bonus earned as a result of participation in a racing event, such as a performance bonus or any other bonus; and

(B) a bonus paid for signing a contract, unless all of the following conditions are met:

(i) The payment of the signing bonus is not conditional upon the signee participating in a racing event for the team or performing any subsequent services for the team.

(ii) The signing bonus is payable separately from the salary and any other compensation.

(iii) The signing bonus is nonrefundable.

(2) "Indiana duty days" means the number of total duty days spent by a race team member within Indiana rendering a service for the race team in any manner during the taxable year, except travel days spent in Indiana that do not involve either a race, practice, qualification, training, testing, team meeting, promotional caravan, or other similar race team event.

(3) "Race team" includes a professional motorsports racing team that has services rendered by a race team member in Indiana or participated in a racing event at a qualified motorsports facility (as defined in IC 5-1-17.5-14).

(4) "Race team member" includes employees or independent contractors who render services on behalf of the race team. The term includes but is not limited to drivers, pit crew members, mechanics, technicians, spotters, and crew chiefs.

(5) "Total duty days" means all days during the taxable year that a race team member renders a service for the race team. The term includes:

(A) race days, practice days, qualification days, training days, testing days, days spent at team meetings, days spent with a promotional caravan, and days served with the team in which the team competes or is scheduled to compete;

(B) days spent conducting training and rehabilitation

activities, but only if the service is conducted at the facilities of the race team; and

(C) travel days that do not involve either a race, practice, qualification, training, testing, team meeting, promotional caravan, or other similar team event.

Total duty days for an individual who joins a race team during the season begin on the day the individual joins the team, and, for an individual who leaves a team, end on the day the individual leaves the team. When an individual changes teams during a taxable year, a separate duty day calculation must be made for the period the individual was with each team. Total duty days do not include those days for which a team member is not compensated and is not rendering a service for the team in any manner, including days when the team member has been suspended without pay and prohibited from performing any services for the team.

(6) "Total income" means the total compensation received during the taxable year for services rendered. The term includes salaries, wages, bonuses, and any other type of compensation paid during the taxable year to a race team member for services rendered in that year. The term does not include strike benefits, severance pay, termination pay, contract or option year buy-out payments, expansion or relocation payments, or any other payments not related to services rendered to the race team.

(b) For purposes of IC 6-3, Indiana income is the individual's total income during the taxable year multiplied by the following fraction:

(1) The numerator of the fraction is the individual's Indiana duty days for the taxable year.

(2) The denominator of the fraction is the individual's total duty days for the taxable year.

(c) It is presumed that this section results in a fair and equitable apportionment of the race team member's compensation. However, if the department demonstrates that the method provided under this section does not fairly and equitably apportion a team member's compensation, the department may require the team member to apportion the team member's compensation under another method that the department prescribes. The prescribed method must result in a fair and equitable apportionment. A team member may submit a proposal for an alternative method to apportion the team member's compensation if the team member demonstrates that the method provided under this section does not fairly and equitably apportion the team member's compensation. If approved by the department, the proposed method must be fully explained in the team member's nonresident personal income tax return.

(d) The department ~~may~~ **shall** adopt rules, guidelines, or other instructions **applicable for taxable years beginning after December 31, 2013**, to establish alternative methods:

(1) of simplifying return filing for **race** team members, if the team is not based in Indiana; **and**

(2) **for a race team not based in Indiana to file a composite return on behalf of and covering more than one (1) race team member if the same amount of tax is remitted as if individual filings had occurred. Filing a composite return under this subdivision exempts:**

(A) a race team member covered by the return from having an individual income tax return filing requirement with respect to the income reported on the composite return; **and**

(B) a race team that is not based in Indiana from a filing requirement only with respect to team members included on the composite return.

(e) Notwithstanding any other provision under IC 6-3-4, the department may adopt rules, guidelines, or other instructions related to withholding requirements under this chapter.

(f) This section, as enacted in 2013, is intended to be a

clarification of the law and not a substantive change in the law.

SECTION 2. [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)] **(a) Rules, guidelines, or other instructions adopted by the department of state revenue under IC 6-3-2-3.2(d), as amended by this act, apply to taxable years beginning after December 31, 2013.**

(b) This SECTION expires July 1, 2019.

SECTION 3. **An emergency is declared for this act.**

(Reference is to ESB 173 as printed February 23, 2016.)

M. YOUNG	FRIZZELL
TAYLOR	PORTER
Senate Conferees	House Conferees

Roll Call 440: yeas 98, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
ESB 330-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 330 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-43-2-7.5, AS AMENDED BY P.L.213-2015, SECTION 209, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.5. (a) Before July 1 of each year, the budget agency, with the assistance of the department, shall estimate the amount of the distributions that will be made for choice scholarships for the following state fiscal year.

(b) In the state fiscal year beginning July 1, 2014, the budget agency may transfer money from the state tuition reserve account to the state general fund if the budget director, after review by the budget committee, makes a determination that the amount of the distribution for that state fiscal year for basic tuition support has been reduced under section 3 of this chapter because the amount of the distributions for the state fiscal year for choice scholarships has exceeded the estimated amount of the distributions for choice scholarships for the state fiscal year, as determined under subsection (a): The maximum amount that may be transferred to the state general fund under this subsection for the state fiscal year may not exceed the lesser of:

- (1) the amount of the reduction in basic tuition support distributions described in this subsection; or**
- (2) twenty-five million dollars (\$25,000,000).**

Any amounts transferred under this subsection shall be used to augment the appropriation for state tuition support for the state fiscal year and shall be distributed to school corporations to restore the distributions for basic tuition support that are reduced under section 3 of this chapter.

(c) (b) In the state fiscal year beginning July 1, 2015, the budget agency may transfer money from the state tuition reserve account to the state general fund if the budget director, after review by the budget committee, makes a determination that the amount of the distribution for that state fiscal year for basic tuition support has been reduced under section 3 of this chapter because the amount of the distributions for the state fiscal year for choice scholarships has exceeded the estimated amount of the distributions for choice scholarships for the state fiscal year as determined under subsection (a) exceeds the latest estimate prepared by the legislative services agency and provided to members of the general assembly before May 1, 2015, concerning the amount of the distributions for choice scholarships for the state fiscal year beginning July 1, 2015. The maximum amount that may be transferred to the state

general fund under this subsection for the state fiscal year may not exceed the lesser of:

- (1) the amount of the reduction in basic tuition support distributions described in this subsection; or
- (2) twenty-five million dollars (\$25,000,000).

Any amounts transferred under this subsection shall be used to augment the appropriation for state tuition support for the state fiscal year and shall be distributed to school corporations to restore the distributions for basic tuition support that are reduced under section 3 of this chapter.

(d) (c) In the state fiscal year beginning July 1, 2016, the budget agency may transfer money from the state tuition reserve account to the state general fund if the budget director, after review by the budget committee, makes a determination that the amount of the distribution for that state fiscal year for basic tuition support has been reduced under section 3 of this chapter because the amount of the distributions for the state fiscal year for choice scholarships has exceeded the estimated amount of the distributions for choice scholarships for the state fiscal year as determined under subsection (a) exceeds the latest estimate prepared by the legislative services agency and provided to members of the general assembly before May 1, 2015, concerning the amount of the distributions for choice scholarships for the state fiscal year beginning July 1, 2016. The maximum amount that may be transferred to the state general fund under this subsection for the state fiscal year may not exceed the lesser of:

- (1) the amount of the reduction in basic tuition support distributions described in this subsection; or
- (2) twenty-five million dollars (\$25,000,000).

Any amounts transferred under this subsection shall be used to augment the appropriation for state tuition support for the state fiscal year and shall be distributed to school corporations to restore the distributions for basic tuition support that are reduced under section 3 of this chapter.

(e) (d) Transfers under this section are in addition to any transfers made from the state tuition reserve account under IC 4-12-1-15.7 or any other law.

(f) (e) This section expires June 30, 2017.

SECTION 2. IC 20-43-4-2, AS AMENDED BY P.L.205-2013, SECTION 275, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A school corporation's ADM is the number of eligible pupils enrolled in:

- (1) the school corporation; or
- (2) a transferee corporation;

on the days fixed in September and in February by the state board for a count of students under section 3 of this chapter and as subsequently adjusted not later than the date specified under the rules adopted by the state board. The state board may adjust the school's count of eligible pupils if the state board determines that the count is unrepresentative of the school corporation's enrollment. In addition, a school corporation may petition the state board to make an adjusted count of students enrolled in the school ~~corporation~~ **corporation** if the corporation has reason to believe that the count is unrepresentative of the school corporation's enrollment.

(b) Each school corporation shall in June of 2013 and in May of each year thereafter provide to the department an estimate of the school corporation's ADM that will result from the count of eligible pupils in the following September. The department may update and adjust the estimate as determined appropriate by the department.

(c) A new charter school shall submit an enrollment estimate to the department before April 1 of the year the new charter school will be open for enrollment. The department shall use the new charter school's enrollment estimate as the basis for the new charter school's distribution beginning in July and until actual ADM is available, subject to section 9 of this chapter. However, if

the new charter school's enrollment estimate is greater than eighty percent (80%) of the new charter school's authorized enrollment cap, the department may use that enrollment estimate if the department has requested and reviewed other enrollment data that support that enrollment estimate. However, if the enrollment data requested and reviewed by the department does not support the enrollment estimate submitted by the new charter school, the department shall determine the estimated ADM based on the enrollment data requested and reviewed by the department.

SECTION 3. IC 20-43-4-2, AS AMENDED BY HEA 1109-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 2. (a) A school corporation's ADM is the number of eligible pupils enrolled in:

- (1) the school corporation; or
- (2) a transferee corporation;

on the days fixed in September and in February by the state board for a count of students under section 3 of this chapter and as subsequently adjusted not later than the date specified under the rules adopted by the state board. The state board may adjust the school's count of eligible pupils if the state board determines that the count is unrepresentative of the school corporation's enrollment. In addition, a school corporation may petition the state board to make an adjusted count of students enrolled in the school corporation if the corporation has reason to believe that the count is unrepresentative of the school corporation's enrollment.

(b) Each school corporation shall, before April 1 of each year, provide to the department an estimate of the school corporation's ADM that will result from the count of eligible pupils in the following September. The department may update and adjust the estimate as determined appropriate by the department. In each odd-numbered year, the department shall provide the updated and adjusted estimate of the school corporation's ADM to the legislative services agency before April 10 of that year.

(c) A new charter school shall submit an enrollment estimate to the department before April 1 of the year the new charter school will be open for enrollment. The department shall use the new charter school's enrollment estimate as the basis for the new charter school's distribution beginning in July and until actual ADM is available, subject to section 9 of this chapter. However, if the new charter school's enrollment estimate is greater than eighty percent (80%) of the new charter school's authorized enrollment cap, the department may use that enrollment estimate if the department has requested and reviewed other enrollment data that support that enrollment estimate. However, if the enrollment data requested and reviewed by the department does not support the enrollment estimate submitted by the new charter school, the department shall determine the estimated ADM based on the enrollment data requested and reviewed by the department. In each odd-numbered year, the department shall provide the new charter school's estimated ADM to the legislative services agency before April 10 of that year.

SECTION 4. [EFFECTIVE JULY 1, 2016] (a) This SECTION applies to a participating innovation network charter school that entered into an agreement under IC 20-25.7-5-2 before January 1, 2016.

(b) Notwithstanding IC 20-25.7-5-2(d)(2), the department of education shall treat a participating innovation network charter school in the same manner as a charter school under IC 20-43 when calculating the total amount of state funding to be distributed to the school corporation.

(c) This SECTION expires June 30, 2017.

SECTION 5. [EFFECTIVE UPON PASSAGE] (a) The general assembly intends for IC 20-43-4-2, as amended by SECTION 3 of this act to supersede IC 20-43-4-2, as

amended by SECTION 2 of this act, on January 1, 2017.

(b) This SECTION expires January 1, 2018.

SECTION 6. **An emergency is declared for this act.**

(Reference is to ESB 330 as printed February 29, 2016.)

MISHLER	T. BROWN
STOOPS	PORTER
Senate Conferees	House Conferees

Roll Call 441: yeas 99, nays 0. Report adopted.

ACTION ON GUBERNATORIAL VETO

House Enrolled Act 1270

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives:

By the authority vested in me as Governor of Indiana, under the provisions of Article 5, Section 14, of the Constitution of the State of Indiana, I do hereby veto House Enrolled Act 1270, enacted during the regular session of the 119th General Assembly which would allow Advance Deposit Wagering for horse races.

Advance Deposit Wagering, not currently permitted in Indiana, would expand gambling on horse races to include not only in-person bets, but also those made by electronic means. This legislation is contrary to my long-time position against online gaming and it would violate my position on expanding gaming here in Indiana.

Date: May 8, 2015

MICHAEL R. PENCE
Governor

The Speaker handed down House Enrolled Act 1270, passed by the First Regular Session of the 119th General Assembly.

AN ACT to amend the Indiana Code concerning gaming.

The merits of House Enrolled Act 1270 and the governor's veto were explained. The question was, Shall House Enrolled Act 1270 pass, the Governor's veto notwithstanding?

Roll Call 442: yeas 17, nays 82. The Governor's veto was sustained.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 5:25 p.m. with the Speaker in the Chair.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

EHB 1322	Conferees:	Steuerwald replacing Bauer
ESB 309	Conferees:	Sullivan replacing Pryor

A meeting of the Committee on Rules and Legislative Procedures was announced.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 6:35 p.m. with the Speaker in the Chair.

Representatives C. Brown, Washburne and Wolkins are excused.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed Senate Bill 308:

Conferees: Ford replacing Mrvan

JENNIFER L. MERTZ
Principal Secretary of the Senate

**MOTIONS TO CONCUR
IN SENATE AMENDMENTS**

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby it dissented from Senate amendments to Engrossed House Bill 1089 and that the House now concur in the Senate amendments to said bill.

FRYE

Roll Call 443: yeas 96, nays 0. Motion prevailed.

**ACTION ON RULES SUSPENSIONS AND
CONFERENCE COMMITTEE REPORTS**

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.2 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after March 3, 2016; we further recommend that House Rule 163.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 1 hour, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1001-1, 1211-1, 1394-1 and 1395-1 and Engrossed Senate Bills 67-1 and 308-1.

TORR, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that House Rule 161.2 be suspended so that the following conference committee reports are eligible for consideration after March 3, 2016, and that House Rule 163.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 1 hour, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1001-1, 1211-1, 1394-1 and 1395-1 and Engrossed Senate Bills 67-1 and 308-1.

TORR, Chair

Motion prevailed.

Representative Washburne, who had been excused, is now present.

**CONFERENCE COMMITTEE REPORT
EHB 1211-1**

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1211 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-2-16-2, AS ADDED BY P.L.151-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this chapter, "methamphetamine abuse" means the:

- (1) use;
- (2) sale;
- (3) manufacture **or attempt to manufacture;**
- (4) transport; or
- (5) delivery;

of methamphetamine or of a methamphetamine precursor, if the precursor is being used, sold, manufactured, transported, **or** delivered, **or processed** to facilitate the manufacture of methamphetamine.

SECTION 2. IC 5-2-16-3, AS ADDED BY P.L.151-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. A law enforcement agency that discovers evidence of:

- (1) methamphetamine abuse; **or**
- (2) **a fire related to methamphetamine abuse;**

shall report the methamphetamine abuse to the criminal justice institute on a form and in the manner prescribed by guidelines adopted by the criminal justice institute under IC 5-2-6-18.

SECTION 3. IC 9-24-2-2.5, AS AMENDED BY P.L.125-2012, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.5. (a) The bureau shall suspend the driving privileges or invalidate the learner's permit of an individual who is under an order entered by a court under ~~IC 35-43-1-2(e)~~. **IC 35-43-1-2(d)**.

(b) The bureau shall suspend the driving privileges or invalidate the learner's permit of a person who is the subject of an order issued under IC 31-37-19-17 (or IC 31-6-4-15.9(f) before its repeal) or ~~IC 35-43-1-2(e)~~. **IC 35-43-1-2(d)**.

SECTION 4. IC 35-43-1-2, AS AMENDED BY P.L.21-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A person who recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent commits criminal mischief, a Class B misdemeanor. However, the offense is:

- (1) a Class A misdemeanor if the pecuniary loss is at least seven hundred fifty dollars (\$750) but less than fifty thousand dollars (\$50,000); and
- (2) a Level 6 felony if:
 - (A) the pecuniary loss is at least fifty thousand dollars (\$50,000);
 - (B) the damage causes a substantial interruption or impairment of utility service rendered to the public;
 - (C) the damage is to a public record; or
 - (D) the damage is to a law enforcement animal (as defined in IC 35-46-3-4.5).

(b) A person who recklessly, knowingly, or intentionally damages:

- (1) a structure used for religious worship **without the consent of the owner, possessor, or occupant of the property that is damaged;**
- (2) a school or community center **without the consent of the owner, possessor, or occupant of the property that is damaged;**
- (3) the property of an agricultural operation (as defined in IC 32-30-6-1) **without the consent of the owner, possessor, or occupant of the property that is damaged;**
- (4) the grounds:
 - (A) adjacent to; and
 - (B) owned or rented in common with;
 a structure or facility identified in subdivisions (1) through (3)
- (3) **or without the consent of the owner, possessor, or occupant of the property that is damaged;**
- (5) personal property contained in a structure or located at a facility identified in subdivisions (1) through (3)

without the consent of the owner, possessor, or occupant of the property that is damaged;

(6) property that is vacant real property (as defined in IC 36-7-36-5) or a vacant structure (as defined in IC 36-7-36-6); or

(7) property after the person has been denied entry to the property by a court order that was issued:

(A) to the person; or

(B) to the general public by conspicuous posting on or around the property in areas where a person could observe the order when the property has been designated by a municipality or county enforcement authority to be a vacant property, an abandoned property, or an abandoned structure (as defined in IC 36-7-36-1);

without the consent of the owner, possessor, or occupant of the property that is damaged, commits institutional criminal mischief, a Class A misdemeanor. However, the offense is a Level 6 felony if the pecuniary loss (or property damage, in the case of an agricultural operation) is at least seven hundred fifty dollars (\$750) but less than fifty thousand dollars (\$50,000), and a Level 5 felony if the pecuniary loss (or property damage, in the case of an agricultural operation) is at least fifty thousand dollars (\$50,000).

(c) A person who recklessly, knowingly, or intentionally damages property:

(1) during:

(A) the dealing or manufacture of or attempted dealing or manufacture of cocaine or a narcotic drug (IC 35-48-4-1); or

(B) the dealing or manufacture of or attempted dealing or manufacture of methamphetamine (IC 35-48-4-1.1); and

(2) by means of a fire or an explosion;

commits controlled substances criminal mischief, a Level 6 felony. However, the offense is a Level 5 felony if the offense results in moderate bodily injury to any person other than a defendant.

(c) (d) If a person is convicted of an offense under this section that involves the use of graffiti, the court may, in addition to any other penalty, order that the person's operator's license be suspended or invalidated by the bureau of motor vehicles for not more than one (1) year.

(c) (e) The court may rescind an order for suspension or invalidation under subsection (c) (d) and allow the person to receive a license or permit before the period of suspension or invalidation ends if the court determines that the person has removed or painted over the graffiti or has made other suitable restitution.

(f) For purposes of this section, "pecuniary loss" includes:

(1) the total costs incurred in inspecting, cleaning, and decontaminating property contaminated by a pollutant; and

(2) a reasonable estimate of all additional costs not already incurred under subdivision (1) that are necessary to inspect, clean, and decontaminate property contaminated by a pollutant, to the extent that the property has not already been:

(A) cleaned;

(B) decontaminated; or

(C) both cleaned and decontaminated.

The term includes inspection, cleaning, or decontamination conducted by a person certified under IC 13-14-1-15.

(Reference is to EHB 1211 as reprinted March 1, 2016.)

CARBAUGH

L. BROWN

MOED

TALLIAN

House Conferees

Senate Conferees

Roll Call 444: yeas 97, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
EHB 1394-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1394 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-20-8-8, AS AMENDED BY SEA 3-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The report must include the following information:

- (1) Student enrollment.
- (2) Graduation rate (as defined in IC 20-26-13-6) and the graduation rate excluding students that receive a graduation waiver under IC 20-32-4-4.
- (3) Attendance rate.
- (4) The following test scores, including the number and percentage of students meeting academic standards:
 - (A) All state standardized assessment scores.
 - (B) Scores for assessments under IC 20-32-5-21, if appropriate.
 - (C) For a freeway school, scores on a locally adopted assessment program, if appropriate.
- (5) Average class size.
- (6) The school's performance category or designation of school improvement assigned under IC 20-31-8.
- (7) The number and percentage of students in the following groups or programs:
 - (A) Alternative education, if offered.
 - (B) Career and technical education.
 - (C) Special education.
 - (D) High ability.
 - (E) Remediation.
 - (F) Limited English language proficiency.
 - (G) Students receiving free or reduced price lunch under the national school lunch program.
 - (H) School flex program, if offered.
- (8) Advanced placement, including the following:
 - (A) For advanced placement tests, the percentage of students:
 - (i) scoring three (3), four (4), and five (5); and
 - (ii) taking the test.
 - (B) For the Scholastic Aptitude Test:
 - (i) test scores for all students taking the test;
 - (ii) test scores for students completing the academic honors diploma program; and
 - (iii) the percentage of students taking the test.
- (9) Course completion, including the number and percentage of students completing the following programs:
 - (A) Academic honors diploma.
 - (B) Core 40 curriculum.
 - (C) Career and technical programs.
- (10) The percentage of grade 8 students enrolled in algebra I.
- (11) The percentage of graduates considered college and career ready in a manner prescribed by the state board.
- (12) School safety, including:
 - (A) the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons;
 - (B) the number of incidents reported under IC 20-33-9; and
 - (C) the number of bullying incidents reported under IC 20-34-6 by category.

(13) Financial information and various school cost factors, including the following:

- (A) Expenditures per pupil.
- (B) Average teacher salary.
- (C) Remediation funding.

(14) Interdistrict and intradistrict student mobility rates, if that information is available.

(15) The number and percentage of each of the following within the school corporation:

- (A) Teachers who are certificated employees (as defined in IC 20-29-2-4).
- (B) Teachers who teach the subject area for which the teacher is certified and holds a license.
- (C) Teachers with national board certification.

(16) The percentage of grade 3 students reading at grade 3 level.

(17) The number of students expelled, including the number participating in other recognized education programs during their expulsion, including the percentage of students expelled by race, grade, gender, free or reduced price lunch status, and eligibility for special education.

(18) Chronic absenteeism, which includes the number of students who have been absent from school for ten percent (10%) or more of a school year for any reason.

(19) Habitual truancy, which includes the number of students who have been absent ten (10) days or more from school within a school year without being excused or without being absent under a parental request that has been filed with the school.

(20) The number of students who have dropped out of school, including the reasons for dropping out, including the percentage of students who have dropped out by race, grade, gender, free or reduced price lunch status, and eligibility for special education.

(21) The number of out of school suspensions assigned, including the percentage of students suspended by race, grade, gender, free or reduced price lunch status, and eligibility for special education.

(22) The number of in school suspensions assigned, including the percentage of students suspended by race, grade, gender, free or reduced price lunch status, and eligibility for special education.

(23) The number of student work permits revoked.

(24) The number of students receiving an international baccalaureate diploma.

(b) Section 3(a) of this chapter does not apply to the publication of information required under this subsection. This subsection applies to schools, including charter schools, located in a county having a consolidated city, including schools located in excluded cities (as defined in IC 36-3-1-7). **A separate report including** the information reported under subsection (a) must be disaggregated by race, grade, gender, free or reduced price lunch status, and eligibility for special education **and must be made available on the Internet as provided in section 3(b) of this chapter.**

SECTION 2. IC 20-24-3-4, AS AMENDED BY P.L.221-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) An organizer may submit to the authorizer a proposal to establish a charter school.

(b) A proposal must contain at least the following information:

- (1) Identification of the organizer.
- (2) A description of the organizer's organizational structure and governance plan.
- (3) The following information for the proposed charter school:
 - (A) Name.
 - (B) Purposes.

(C) Governance structure.

(D) Management structure.

(E) Educational mission goals.

(F) Curriculum and instructional methods.

(G) Methods of pupil assessment.

(H) Admission policy and criteria, subject to IC 20-24-5.

(I) School calendar.

(J) Age or grade range of students to be enrolled.

(K) A description of staff responsibilities.

(L) A description of the physical plant.

(M) Budget and financial plans.

(N) Personnel plan, including methods for selection, retention, and compensation of employees.

(O) Transportation plan.

(P) Discipline program, **subject to IC 20-24-5.5.**

(Q) Plan for compliance with any applicable desegregation order.

(R) The date when the charter school is expected to:

- (i) begin school operations; and
- (ii) have students attending the charter school.

(S) The arrangement for providing teachers and other staff with health insurance, retirement benefits, liability insurance, and other benefits.

(T) Any other applications submitted to an authorizer in the previous five (5) years.

(4) The manner in which the authorizer must conduct an annual audit of the program operations of the charter school.

(c) In the case of a charter school proposal from an applicant that currently operates one (1) or more charter schools in any state or nation, the request for proposals shall additionally require the applicant to provide evidence of past performance and current capacity for growth.

(d) If the proposal described in subsection (a) concerns an existing charter school overseen by a different authorizer than the authorizer to which the organizer is submitting the proposal, the proposal must include written acknowledgement of the proposal from the current authorizer. Additionally, the authorizer receiving the proposal shall consult with the current authorizer before granting approval of the proposal.

(e) This section does not waive, limit, or modify the provisions of:

- (1) IC 20-29 in a charter school where the teachers have chosen to organize under IC 20-29; or
- (2) an existing collective bargaining agreement for noncertificated employees (as defined in IC 20-29-2-11).

SECTION 3. IC 20-24-5-5, AS AMENDED BY P.L.221-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Except as provided in subsections (b), (c), (d), ~~and~~ (e), **and (f)**, a charter school must enroll any eligible student who submits a timely application for enrollment.

(b) This subsection applies if the number of applications for a program, class, grade level, or building exceeds the capacity of the program, class, grade level, or building. If a charter school receives a greater number of applications than there are spaces for students, each timely applicant must be given an equal chance of admission. The organizer must determine which of the applicants will be admitted to the charter school or the program, class, grade level, or building by random drawing in a public meeting, **with each timely applicant limited to one (1) entry in the drawing.**

(c) A charter school may limit new admissions to the charter school to:

- (1) ensure that a student who attends the charter school during a school year may continue to attend the charter school in subsequent years;
- (2) ensure that a student who attends a charter school during a school year may continue to attend a different

charter school held by the same organizer in subsequent years;

- (3) allow the siblings of a student who attends a charter school or a charter school held by the same organizer to attend the same charter school the student is attending; and
- (4) allow preschool students who attend a Level 3 or Level 4 Paths to QUALITY program (as defined in IC 12-17.2-3.8-1) preschool to attend kindergarten at a charter school if the charter school and the preschool provider have entered into an agreement to share services or facilities.

(d) This subsection applies to an existing school that converts to a charter school under IC 20-24-11. During the school year in which the existing school converts to a charter school, the charter school may limit admission to:

- (1) those students who were enrolled in the charter school on the date of the conversion; and
- (2) siblings of students described in subdivision (1).

(e) A charter school may give enrollment preference to children of the charter school's founders, governing body members, and charter school employees, as long as the enrollment preference under this subsection is not given to more than ten percent (10%) of the charter school's total population.

(f) A charter school may not suspend or expel a charter school student or otherwise request a charter school student to transfer to another school on the basis of the following:

- (1) Disability.**
- (2) Race.**
- (3) Color.**
- (4) Gender.**
- (5) National origin.**
- (6) Religion.**
- (7) Ancestry.**

A charter school student may be expelled or suspended only in a manner consistent with discipline rules established under IC 20-24-5.5.

SECTION 4. IC 20-24-5.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 5.5. Student Discipline

Sec. 1. A charter school shall:

(1) establish written discipline rules, which must include a graduated system of discipline and may include:

- (A) appropriate dress codes; and**
- (B) if applicable, an agreement for court assisted resolution of school suspension and expulsion cases; for the charter school; and**

(2) publicize the discipline rules within the charter school where the discipline rules apply, which may include:

- (A) making a copy of the discipline rules available to students or parents, guardians, or custodians of students; or**
- (B) delivering a copy of the discipline rules to students or parents, guardians, or custodians of students.**

The publicity requirement is satisfied if the charter school makes a good faith effort to disseminate the text or substance of the discipline rules to students or parents, guardians, or custodians of students generally.

SECTION 5. IC 20-25.7-4-5, AS ADDED BY P.L.214-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The board shall enter into an agreement with an innovation network team to establish an innovation network school or to reconstitute an eligible school as an innovation network school under section 3 or 4 of this chapter. An innovation network team may consist of or include teachers, a principal, a superintendent, or any combination of these individuals who were employed at the

eligible school before the agreement is entered.

(b) The terms of the agreement must specify the following:

- (1) A statement that the innovation network school is considered to be part of the school corporation and not considered a separate local educational agency.
- (2) A statement that the innovation network team authorizes the department to include the innovation network school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment under rules adopted by the state board.
- (3) The amount of state and federal funding, including tuition support, and money levied as property taxes that will be distributed by the school corporation to the innovation network school.
- (4) The performance goals and accountability metrics agreed upon for the innovation network school.
- (5) Grounds for termination of the agreement, including the right of termination if the innovation network team fails to:
 - (A) comply with the conditions or procedures established in the agreement;
 - (B) meet generally accepted fiscal management and government accounting principles;
 - (C) comply with applicable laws; or
 - (D) meet the educational goals set forth in the agreement between the board and the innovation network team.

(c) If an agreement is entered into under subsection (a), the board shall notify the department that an agreement has been entered into under this section within thirty (30) days after the agreement is entered into.

(d) Upon receipt of the notification under subsection (c), ~~the department shall~~, for school years starting after the date of the agreement:

- (1) the department shall** include the innovation network school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment under rules adopted by the state board; ~~and~~
- (2) the department shall** treat the innovation network school in the same manner as a school operated by the school corporation when calculating the total amount of state and federal funding to be distributed to the school corporation; ~~and~~
- (3) if requested by an innovation network school established under IC 20-25.5-4-2(a)(2) (before its repeal) or IC 20-25.7-4-4(a)(2), the department may use student growth as the state board's exclusive means to determine the innovation network school's category or designation of school improvement under 511 IAC 6.2-10-10 for a period of three (3) years.**

A school corporation and an innovation network school are not entitled to any state funding in addition to the amount the school corporation and school would otherwise be eligible to receive if the innovation network school were a public school maintained by the school corporation.

SECTION 6. IC 20-25.7-5-2, AS ADDED BY P.L.214-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Notwithstanding IC 20-26-7-1, the board may enter into an agreement with an organizer **to reconstitute an eligible school as a participating innovation network charter school or** to establish a participating innovation network charter school within a vacant, underutilized, or underenrolled school building, as determined by the board.

(b) The terms of the agreement entered into between the board and an organizer must specify the following:

- (1) A statement that the organizer authorizes the department to include the charter school's performance assessment results under IC 20-31-8 when calculating the

school corporation's performance assessment under rules adopted by the state board.

(2) The amount of state funding, including tuition support, and money levied as property taxes that will be distributed by the school corporation to the organizer.

(3) The performance goals and accountability metrics agreed upon for the charter school in the charter agreement between the organizer and the authorizer.

(c) If an organizer and the board enter into an agreement under subsection (a), the organizer and the board shall notify the department that the agreement has been made under this section within thirty (30) days after the agreement is entered into.

(d) Upon receipt of the notification under subsection (c), ~~the department shall~~, for school years starting after the date of the agreement:

(1) ~~the department shall~~ include the participating innovation network charter school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment under rules adopted by the state board; ~~and~~

(2) ~~the department shall~~ treat the participating innovation network charter school in the same manner as a school operated by the school corporation when calculating the total amount of state funding to be distributed to the school corporation; ~~and~~

(3) ~~if requested by a participating innovation network charter school that reconstitutes an eligible school, the department may use student growth as the state board's exclusive means to determine the innovation network charter school's category or designation of school improvement under 511 IAC 6.2-10-10 for a period of three (3) years.~~

SECTION 7. IC 20-25.7-5-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5. (a) IC 20-24-5-5 (with the exception of IC 20-24-5-5(f)) does not apply to a participating innovation network charter school that enters into an agreement with the board to reconstitute or establish an eligible school with a defined attendance area.**

(b) Except as provided in subsection (c), a participating innovation network charter school must enroll any eligible student who submits a timely application for enrollment.

(c) A participating innovation network charter school that reconstitutes or establishes an eligible school with a defined attendance area may limit new admissions to the participating innovation network charter school to:

(1) ensure that any student with legal settlement in the attendance area may attend the charter school;

(2) ensure that a student who attends the participating innovation network charter school during a school year may continue to attend the charter school in subsequent years;

(3) allow the siblings of a student who attends the participating innovation network charter school to attend the charter school; and

(4) allow preschool students who attend a Level 3 or Level 4 Paths to QUALITY program (as defined in IC 12-17.2-3.8-1) preschool to attend kindergarten at the participating innovation network charter school if the participating innovation network charter school and the school corporation or preschool provider have entered into an agreement to share services or facilities.

(d) A participating innovation network charter school may give enrollment preferences to children of the participating innovation network charter school's founders, governing board members, and participating innovation network charter school employees, as long as the enrollment preference under this subsection is not given to more than ten percent (10%) of the participating innovation charter

school's total population and there is sufficient capacity for a program, class, grade level, or building to ensure that any student with legal settlement in the attendance area may attend the school.

(e) This subsection applies if the number of applications for a program, class, grade level, or building exceeds the capacity of the program, class, grade level, or building. If a participating innovation network charter school receives a greater number of applications than there are spaces for students, each timely applicant must be given an equal chance of admission. The participating innovation network charter school must determine which of the applicants will be admitted to the participating innovation network charter school or the program, class, grade level, or building by random drawing in a public meeting with each timely applicant limited to one (1) entry in the drawing.

SECTION 8. IC 20-26-7-46 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 46. A person, organization, or other entity that enters into a contract or an agreement with a school corporation to conduct a feasibility or cost study to assist the school corporation in determining the cost of a controlled project as described in IC 6-1.1-20-3.1(a)(2) or IC 6-1.1-20-3.5(a) may not enter into a contract or agreement as the design professional on the controlled project with the school corporation to complete any part of the controlled project design unless the person, entity, or organization is awarded a contract as the design professional for the controlled project under IC 5-16-11.1.**

SECTION 9. IC 20-28-7.5-2, AS AMENDED BY P.L.233-2015, SECTION 209, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2. (a) Before a teacher's contract is canceled, the teacher has the following rights:**

(1) The principal shall notify the teacher of the principal's preliminary decision. The notification must be:

(A) in writing; and

(B) delivered in person or mailed by registered or certified mail to the teacher at the teacher's last known address.

(2) The notice in subdivision (1) must include a written statement, subject to IC 5-14-3-4, giving the reasons for the preliminary decision.

(3) Notification due to a reduction in force must be delivered between May 1 and July 1.

(b) For a cancellation of a teacher's contract for a reason other than a reduction in force, the notice required under subsection (a)(1) must inform the teacher that, not later than five (5) days after the teacher's receipt of the notice, the teacher may request a private conference with the superintendent or the assistant superintendent. The superintendent or the assistant superintendent, as applicable, must set the requested meeting not later than ten (10) days after the request.

(c) At the conference between the superintendent or the assistant superintendent, as applicable, and the teacher, the teacher may be accompanied by a representative.

(d) After the conference between the superintendent or the assistant superintendent, as applicable, and the teacher, the superintendent or the assistant superintendent, whoever attended the conference, shall make a written recommendation to the governing body of the school corporation regarding the cancellation of the teacher's contract.

(e) If the teacher does not request a conference under subsection (b), the principal's preliminary decision is considered final.

(f) If a probationary, professional, or established teacher files a request with the governing body for an additional private conference not later than five (5) days after the initial private conference with the superintendent or the assistant

superintendent, as applicable, the teacher is entitled to an additional private conference with the governing body before the governing body makes a final decision. The final decision must be in writing and must be made not more than thirty (30) days after the governing body receives the teacher's request for the additional private conference. At the private conference the governing body shall do the following:

- (1) Allow the teacher to present evidence to refute the reason or reasons for contract cancellation and supporting evidence provided by the school corporation. Any evidence presented at the private conference must have been exchanged by the parties at least seven (7) days before the private conference.
- (2) Consider whether a preponderance of the evidence supports the cancellation of the teacher's contract.

SECTION 10. IC 20-28-7.5-8, AS AMENDED BY P.L.233-2015, SECTION 211, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) This section does not apply to an individual who works at a conversion charter school (as defined in IC 20-24-1-5) for purposes of the individual's employment with the school corporation that sponsored the conversion charter school.

(b) A contract between a school corporation and a teacher is void if the teacher, at the time of signing the contract, is bound by a previous contract to teach in a public school and the contract is entered into **at any time during the school year or** less than fourteen (14) days before the day on which the teacher must report for work at that school. However, another contract may be signed by the teacher that will be effective if the teacher:

- (1) furnishes the principal a release by the first employer; or
- (2) shows proof that thirty (30) days written notice was delivered by the teacher to the first employer.

(c) A principal may request from a teacher, at the time of contracting, a written statement as to whether the teacher has signed another teaching contract. However, the teacher's failure to provide the statement is not a cause for subsequently voiding the contract.

SECTION 11. **An emergency is declared for this act.**

(Reference is to EHB 1394 as printed February 26, 2016.)

BEHNING	PETE MILLER
MOED	STOOPS
House Conferees	Senate Conferees

Roll Call 445: yeas 87, nays 9. Report adopted.

Representative Pryor is excused.

CONFERENCE COMMITTEE REPORT
EHB 1395-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1395 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-24.2-4-3, AS AMENDED BY P.L.233-2015, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) Except as specifically provided in this article and section 4 of this chapter, the following provisions of this title and a rule or guideline adopted by the state board under one (1) of the following provisions of this title do not apply to a qualified district or qualified high school:

- (1) Provisions that do not apply to school corporations in general.

(2) IC 20-20 (programs administered by the state), except for IC 20-20-1 (educational service centers) and IC 20-20-8 (school corporation annual performance report).

(3) IC 20-28 (school teachers), except for IC 20-28-3-4 (teacher continuing education), IC 20-28-4-8 (hiring of transition to teaching participants; restrictions), IC 20-28-4-11 (transition to teaching participants; school corporation or subject area; transition to teaching permit), IC 20-28-5-8 (conviction of certain felonies; notice and hearing; permanent revocation of license; data base of school employees who have been reported), IC 20-28-6 (teacher contracts), IC 20-28-7.5 (cancellation of teacher contracts), IC 20-28-8 (contracts with school administrators), IC 20-28-9 (teacher salary and related payments), IC 20-28-10 (conditions of employment), and IC 20-28-11.5 (staff performance evaluations).

(4) IC 20-30 (curriculum), except for IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances), IC 20-30-5-13 (human sexuality instructional requirements), and IC 20-30-5-19 (personal financial responsibility instruction).

(5) IC 20-32 (student standards, assessments, and performance), except for IC 20-32-4 (graduation requirements), IC 20-32-5 (Indiana statewide testing for educational progress), and IC 20-32-8 (remediation).

~~(6) IC 20-36 (high ability students):~~

~~(7) (6) IC 20-37 (career and technical education).~~

(b) Notwithstanding any other law, a school corporation may not receive a decrease in state funding based upon the school corporation's status as a qualified district or the status of a high school within the school corporation as a qualified high school, or because of the implementation of a waiver of a statute or rule that is allowed to be waived by a qualified district or qualified high school.

SECTION 2. IC 20-24.2-4-4, AS AMENDED BY P.L.233-2015, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The following provisions of this title and rules and guidelines adopted under the following provisions of this title apply to a qualified district or qualified high school:

- IC 20-20-1 (educational service centers).
- IC 20-20-8 (school corporation annual performance report).
- IC 20-23 (organization of school corporations).
- IC 20-26 (school corporation general administrative provisions).
- IC 20-27 (school transportation).
- IC 20-28-3-4 (teacher continuing education).
- IC 20-28-4-8 (hiring of transition to teaching participants; restrictions).
- IC 20-28-4-11 (transition to teaching participants; school corporation or subject area; transition to teaching permit).
- IC 20-28-5-8 (conviction of certain felonies; notice and hearing; permanent revocation of license; data base of school employees who have been reported).
- IC 20-28-6 (teacher contracts).
- IC 20-28-7.5 (cancellation of teacher contracts).
- IC 20-28-8 (contracts with school administrators).
- IC 20-28-9 (teacher salary and related payments).
- IC 20-28-10 (conditions of employment).
- IC 20-28-11.5 (staff performance evaluations).
- IC 20-29 (collective bargaining for teachers).
- IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).
- IC 20-30-5-13 (human sexuality instructional requirements).
- IC 20-30-5-19 (personal financial responsibility instruction).
- IC 20-31 (accountability for school performance and

improvement).

IC 20-32-4, IC 20-32-5, and IC 20-32-8 (accreditation, assessment, and remediation), or any other statute, rule, or guideline related to standardized assessments.

IC 20-33 (students: general provisions).

IC 20-34-3 (health and safety measures).

IC 20-35 (special education).

IC 20-36 (high ability students).

IC 20-39 (accounting and financial reporting procedures).

IC 20-40 (government funds and accounts).

IC 20-41 (extracurricular funds and accounts).

IC 20-42.5 (allocation of expenditures to student instruction).

IC 20-43 (state tuition support).

IC 20-44 (property tax levies).

IC 20-45 (general fund levies).

IC 20-46 (levies other than general fund levies).

IC 20-47 (related entities; holding companies; lease agreements).

IC 20-48 (borrowing and bonds).

IC 20-49 (state management of common school funds; state advances and loans).

IC 20-50 (homeless children and foster care children).

SECTION 3. IC 20-32-5-6, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The scoring of student responses under an ISTEP program test:

- (1) must measure student achievement relative to the academic standards established by the state board;
- (2) must adhere to scoring rubrics and anchor papers; and
- (3) may not reflect the scorer's judgment of the values expressed by a student in the student's responses.

(b) The scores of student responses under an ISTEP program test must be reported to the state board not later than July 1 of the year in which the ISTEP program test is administered.

SECTION 4. IC 20-32-5-9, AS AMENDED BY P.L.219-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) After reports of student scores are returned to a school corporation, the school corporation shall promptly do the following:

- (1) Give each student and the student's parent the student's ISTEP program test scores.
- (2) Make available for inspection to each student and the student's parent the following:
 - (A) A copy of all questions that are not multiple choice, **gridded items, tech enhanced items**, or true and false and prompts used in assessing the student.
 - (B) A copy of the student's scored responses.
 - (C) A copy of the anchor papers and scoring rubrics used to score the student's responses.

A student's parent may request a rescoring of a student's responses to an ISTEP program test, including a student's essay.

(b) A student's ISTEP program test scores may not be disclosed to the public.

(c) After the questions described in subsection (a)(2)(A) are released for inspection, the state board and department shall:

- (1) **post:**
 - (A) the questions; and
 - (B) with the permission of each student's parent, student answers that are exemplary responses to the released questions; on the Internet web sites of the state board and department; and
- (2) **publicize the availability of the questions and answers to school corporations, educators, and the public.**

A student answer posted under this subsection may not identify the student who provided the answer.

SECTION 5. IC 20-32-5-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 23. This chapter expires July 1, 2017.**

SECTION 6. [EFFECTIVE UPON PASSAGE] (a) **The definitions used in IC 20 apply throughout this SECTION.**

(b) **A panel is established to study alternatives to the ISTEP program tests and to make recommendations of its findings, including recommendations for replacing the ISTEP program under IC 20-32-5. The panel shall submit its recommendations in a final report to the governor and, in an electronic format under IC 5-14-6, to the general assembly not later than December 1, 2016. The panel shall consider the following when making its recommendations:**

- (1) **The feasibility of using existing tests or components or portions of existing tests other than the ISTEP program tests, as well as new testing approaches.**
- (2) **Reducing testing time while maintaining assessment integrity.**
- (3) **Reducing costs associated with the administration of a statewide assessment.**
- (4) **Test transparency and fairness to schools, teachers, and students.**
- (5) **The requirements of the Every Student Succeeds Act, including new school accountability metrics based on multiple measurements.**
- (6) **How student test performance affects teacher evaluations.**

(c) The panel consists of the following twenty-three (23) members:

- (1) **The superintendent of public instruction.**
- (2) **The commissioner of the department of workforce development.**
- (3) **The commissioner of the commission for higher education.**
- (4) **The chairperson of the senate education and career development committee.**
- (5) **The chairperson of the house of representatives education committee.**
- (6) **A member of the state board elected by the state board with a majority vote not later than May 1, 2016.**
- (7) **The governor shall appoint the following five (5) members:**

- (A) **One (1) member who serves as chairperson of the panel. The member appointed as chairperson of the panel must be a current or former educator or school administrator.**
- (B) **One (1) member who is a teacher.**
- (C) **One (1) member who is a principal.**
- (D) **One (1) member who is a school superintendent.**
- (E) **One (1) member who is a faculty member or researcher at the college or university level and who has expertise in issues related to elementary and secondary education.**

(8) The president pro tempore of the senate shall appoint the following four (4) members:

- (A) **One (1) member who is a teacher.**
- (B) **One (1) member who is a principal.**
- (C) **One (1) member who is a school superintendent.**
- (D) **One (1) member who is business leader.**

(9) The speaker of the house of representatives shall appoint the following four (4) members:

- (A) **One (1) member who is a teacher.**
- (B) **One (1) member who is a principal.**
- (C) **One (1) member who is a school superintendent.**
- (D) **One (1) member who is a parent of a student in an elementary or secondary school.**

(10) The superintendent of public instruction shall appoint the following four (4) members:

- (A) **One (1) member who is a teacher.**
- (B) **One (1) member who is a principal.**

(C) One (1) member who is a school superintendent.

(D) One (1) member representing a school employee organization (as defined in IC 20-29-2-14).

(d) Members appointed under subsection (c) shall be appointed by the member's respective appointing authority not later than May 1, 2016. Each member appointed under subsection (c) serves at the will of the member's appointing authority.

(e) A quorum of the panel consists of twelve (12) members. The affirmative vote of at least twelve (12) members of the panel is necessary for any action to be taken by the panel.

(f) The panel shall meet at the call of the chairperson.

(g) The legislative services agency shall provide administrative support for the panel. Upon request, the state board and the department shall provide research, data, and technical assistance for the panel in a timely manner.

(h) Each member of the panel who is not a state employee is entitled to receive both of the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for travel expenses, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(I) Each member of the panel who is a state employee is entitled to reimbursement for travel expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(j) Meetings of the panel must comply with IC 5-14-1.5.

(k) This SECTION expires January 1, 2017.

SECTION 7. [EFFECTIVE JULY 1, 2016] (a) The legislative services agency shall prepare legislation for introduction in the 2017 regular session of the general assembly to organize and correct statutes affected by this act.

(b) This SECTION expires December 31, 2018.

SECTION 8. An emergency is declared for this act.

(Reference is to EHB 1395 as printed February 19, 2016.)

BEHNING	KRUSE
DEVON	ROGERS
House Conferees	Senate Conferees

Roll Call 446: yeas 77, nays 19. Report adopted.

Representative Pryor, who had been excused, is now present.

CONFERENCE COMMITTEE REPORT
ESB 67-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 67 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-3.6-9-1, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A trust account within the state general fund shall be established for each county that imposes a tax. Any revenue derived from the imposition of the tax by a county shall be deposited in that county's trust account in the state general fund. **The county's trust account shall be maintained by the budget agency for each county without consideration for the county's allocation of tax**

revenue among the purposes authorized by this article.

(b) Any income earned on money held in a trust account under subsection (a) becomes a part of that trust account.

(c) Any revenue remaining in a trust account established under subsection (a) at the end of a fiscal year does not revert to the state general fund.

SECTION 2. IC 6-3.6-9-15, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) If the budget agency determines that the balance in a county trust account exceeds ~~five~~ **fifteen** percent (~~50%~~) **(15%)** of the certified distributions to be made to the county in the ~~ensuing~~ **determination** year, the budget agency shall make a supplemental distribution to the county from the county's ~~special~~ **trust** account. **The budget agency shall use the trust account balance as of December 31 of the year that precedes the determination year by two (2) years (referred to as the "trust account balance year" in this section).**

(b) A supplemental distribution described in subsection (a) must be:

(1) made in January of the ensuing calendar year at the same time as the determinations are provided to the county auditor under subsection (d)(2); and

(2) allocated in the same manner as certified distributions for deposit in a civil unit's rainy day fund established under IC 36-1-8-5.1. However, the part of a supplemental distribution that is attributable to an additional rate authorized under this article:

(A) shall be used for the purpose specified in the statute authorizing the additional rate; and

(B) is not required to be deposited in the unit's rainy day fund.

for the purposes described in this article.

(c) The amount of the a supplemental distribution described in subsection (a) is equal to the amount by which:

(1) the balance in the county trust account; minus

(2) the amount of any supplemental or special distribution that has not yet been accounted for in the last known balance of the county's trust account;

exceeds ~~five~~ **fifteen** percent (~~50%~~) **(15%)** of the certified distributions to be made to the county in the ~~ensuing~~ **determination** year.

(d) For a county that qualifies for a supplemental distribution under this section in a year, the following apply:

(1) Before May 2, the budget agency shall provide the amount of the supplemental distribution for the county to the department of local government finance and to the county auditor.

(2) The department of local government finance shall determine for the county and each taxing unit within the county:

(A) the amount and allocation of the supplemental distribution attributable to the taxes that were imposed as of December 31 of the trust account balance year, including any specific distributions for that year; and

(B) the amount of the allocation for each of the purposes set forth in this article, using the allocation percentages in effect in the trust account balance year.

The department of local government finance shall provide these determinations to the county auditor before May 16 of the determination year.

(3) Before June 1, the county auditor shall distribute to each taxing unit the amount of the supplemental distribution that is allocated to the taxing unit under subdivision (2).

For determinations before 2019, the tax rates in effect under and the allocation methods specified in the former income

tax laws shall be used for the determinations under subdivision (2).

(e) For any part of a supplemental distribution attributable to property tax credits under a former income tax or IC 6-3.6-5, the adopting body for the county may allocate the supplemental distribution to property tax credits for not more than the three (3) years after the year the supplemental distribution is received.

(f) Any income earned on money held in a trust account established for a county under this chapter shall be deposited in that trust account.

(d) A determination under this section must be made before November 2-

SECTION 3. IC 6-3.6-9-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) As used in this section, "fiscal body" has the meaning set forth in IC 36-1-2-6.

(b) This section refers to a county's trust account maintained under the former local income tax laws set forth in IC 6-3.5-1.1, IC 6-3.5-6, and IC 6-3.5-7.

(c) Before May 1, 2016, the budget agency shall make a one (1) time special distribution to each county having a positive balance in the county's trust account as of December 31, 2014.

(d) The amount of the special distribution from a county's trust account is one hundred percent (100%) of the balance in the county's trust account as of December 31, 2014, as determined by the budget agency.

(e) Before May 1, 2016, the budget agency and department of local government shall do the following:

(1) For any county having a positive balance in the county's trust account as of December 31, 2014, determine the amount of the trust account balance as of December 31, 2014 (referred to as the county's trust balance amount).

(2) Determine each taxing unit's share of the county's trust balance amount (referred to as the taxing unit's allocation amount), using the following allocation method for each former tax:

(A) For county adjusted gross income taxes (IC 6-3.5-1.1) as follows:

(i) First, the taxing units that would have received property tax replacement credits shall be allocated that part of the county's allocation amount that would have been considered property tax replacements under IC 6-3.5-1.1.

(ii) The remaining amount of the county's allocation amount shall be allocated in the same manner as certified shares under IC 6-3.5-1.1.

(B) For county option income taxes (IC 6-3.5-6), the county's allocation amount shall be allocated in the same manner as certified shares under IC 6-3.5-6.

(C) For county economic development income taxes, the county's allocation amount shall be allocated in the same manner as a certified distribution under IC 6-3.5-7-12(b) or IC 6-3.5-7-12(c), whichever applies.

(f) Before May 1, 2016, the budget agency and the department of local government finance shall jointly determine and provide to the county auditor the following:

(1) The county's trust balance amount.

(2) Each taxing unit's allocation amount.

(g) Before June 1, 2016, the county auditor shall distribute to each taxing unit an amount equal to the taxing unit's allocation amount.

(h) Money distributed to a county, city, or town may be expended only upon an appropriation by the county's, city's, or town's fiscal body as follows:

(1) At least seventy-five percent (75%) of the special distribution must be:

(A) used exclusively by the county, city, or town for:

(i) engineering, land acquisition, construction, resurfacing, maintenance, restoration, or rehabilitation of both local and arterial road and street systems;

(ii) the payment of principal and interest on bonds sold primarily to finance road, street, or thoroughfare projects;

(iii) any local costs required to undertake a recreational or reservoir road project under IC 8-23-5;

(iv) the purchase, rental, or repair of highway equipment;

(v) providing a match for a grant from the local road and bridge matching grant fund under IC 8-23-30; or

(vi) capital projects for aviation related property or facilities, including capital projects of a board of aviation commissioners established under IC 8-22-2 or an airport authority established under IC 8-22-3-1; or

(B) deposited in the county's, city's, or town's rainy day fund established under IC 36-1-8-5.1. The money deposited in a rainy day fund under this clause may not be appropriated from the rainy day fund or transferred to another fund under IC 36-1-8-5.1(g), unless the money will be used exclusively for purposes set forth in clause (A).

(2) The remaining part of the special distribution may be used by the county, city, or town for any of the purposes of the county, city, or town.

The amount received by a taxing unit that is not a county, city, or town shall be deposited in the taxing unit's rainy day fund established under IC 36-1-8-5.1.

SECTION 4. An emergency is declared for this act.

(Reference is to ESB 67 as printed February 29, 2016.)

HERSHMAN

T. BROWN

BRODEN

PORTER

Senate Conferees

House Conferees

Roll Call 447: yeas 97, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
ESB 308-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 308 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-3-14, AS AMENDED BY P.L.146-2008, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. The township assessor, or the county assessor if there is no township assessor for the township, shall: may:

(1) examine and verify; or

(2) allow a contractor under IC 6-1.1-36-12 to examine and verify;

the accuracy of each a personal property return filed with the township or county assessor by a taxpayer if the assessor considers the examination and verification of that personal property return to be useful to the accuracy of the assessment process. If appropriate, the assessor or contractor under IC 6-1.1-36-12 shall compare a return with the books of the taxpayer and with personal property owned, held, possessed, controlled, or occupied by the taxpayer.

SECTION 2. IC 6-1.1-4-4.5, AS AMENDED BY P.L.112-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 4.5. (a) The department of local government finance shall adopt rules establishing a system for annually adjusting the assessed value of real property to account for changes in value in those years since a reassessment under section 4 or 4.2 of this chapter for the property last took effect.

(b) Subject to subsection (e), the system must be applied to adjust assessed values beginning with the 2006 assessment date and each year thereafter that is not a year in which a reassessment under section 4 or 4.2 of this chapter for the property becomes effective.

(c) The rules adopted under subsection (a) must include the following characteristics in the system:

- (1) Promote uniform and equal assessment of real property within and across classifications.
- (2) Require that assessing officials:
 - (A) reevaluate the factors that affect value;
 - (B) express the interactions of those factors mathematically;
 - (C) use mass appraisal techniques to estimate updated property values within statistical measures of accuracy; and
 - (D) provide notice to taxpayers of an assessment increase that results from the application of annual adjustments.
- (3) Prescribe procedures that permit the application of the adjustment percentages in an efficient manner by assessing officials.

(d) The department of local government finance must review and certify each annual adjustment determined under this section.

(e) In making the annual determination of the base rate to satisfy the requirement for an annual adjustment under subsection (c) for ~~current property taxes first due and payable in 2011~~ **the January 1, 2016, assessment date and each assessment date** thereafter, the department of local government finance shall determine the base rate using the methodology reflected in Table 2-18 of Book 1, Chapter 2 of the department of local government finance's Real Property Assessment Guidelines (as in effect on January 1, 2005), except that the department shall adjust the methodology **to as follows:**

- (1) Use a six (6) year rolling average adjusted under subdivision ~~(2)~~ **(3)** instead of a four (4) year rolling average. ~~and~~
- (2) Use the data from the six (6) most recent years preceding the year in which the assessment date occurs for which data is available, before one (1) of those six (6) years is eliminated under subdivision (3) when determining the rolling average.**
- ~~(2)~~ **(3) Eliminate in the calculation of the rolling average the year among the six (6) years for which the highest market value in use of agricultural land is determined.**
- (4) After determining a preliminary base rate that would apply for the assessment date without applying the adjustment under this subdivision, the department of local government finance shall adjust the preliminary base rate as follows:**
 - (A) If the preliminary base rate for the assessment date would be at least ten percent (10%) greater than the final base rate determined for the preceding assessment date, a capitalization rate of eight percent (8%) shall be used to determine the final base rate.**
 - (B) If the preliminary base rate for the assessment date would be at least ten percent (10%) less than the final base rate determined for the preceding assessment date, a capitalization rate of six percent (6%) shall be used to determine the final base rate.**

(C) If neither clause (A) nor clause (B) applies, a capitalization rate of seven percent (7%) shall be used to determine the final base rate.

(D) In the case of a market value in use for a year that is used in the calculation of the six (6) year rolling average under subdivision (1) for purposes of determining the base rate for the assessment date:

- (i) that market value in use shall be recalculated by using the capitalization rate determined under clauses (A) through (C) for the calculation of the base rate for the assessment date; and**
- (ii) the market value in use recalculated under item (i) shall be used in the calculation of the six (6) year rolling average under subdivision (1).**

(f) For assessment dates after December 31, 2009, an adjustment in the assessed value of real property under this section shall be based on the estimated true tax value of the property on the assessment date that is the basis for taxes payable on that real property.

SECTION 3. IC 6-1.1-4-13, AS AMENDED BY P.L.249-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 13. (a) In assessing or reassessing land, the land shall be assessed as agricultural land only when it is devoted to agricultural use.

(b) For purposes of this section, and in addition to any other land considered devoted to agricultural use, any:

- (1) land enrolled in:
 - (A) a land conservation or reserve program administered by the United States Department of Agriculture;
 - (B) a land conservation program administered by the United States Department of Agriculture's Farm Service Agency; or
 - (C) a conservation reserve program or agricultural easement program administered by the United States Department of Agriculture's National Resources Conservation Service;
- (2) land enrolled in the department of natural resources' classified forest and wildlands program (or any similar or successor program);
- (3) land classified in the category of other agriculture use, as provided in the department of local government finance's real property assessment guidelines; or
- (4) land devoted to the harvesting of hardwood timber;

is considered to be devoted to agricultural use. Agricultural use for purposes of this section includes but is not limited to the uses included in the definition of "agricultural use" in IC 36-7-4-616(b), such as the production of livestock or livestock products, commercial aquaculture, equine or equine products, land designated as a conservation reserve plan, pastureland, poultry or poultry products, horticultural or nursery stock, fruit, vegetables, forage, grains, timber, trees, bees and apiary products, tobacco, other agricultural crops, general farming operation purposes, native timber lands, or land that lays fallow. Agricultural use may not be determined by the size of a parcel or size of a part of the parcel. This subsection does not affect the assessment of any real property assessed under IC 6-1.1-6 (assessment of certain forest lands), IC 6-1.1-6.2 (assessment of certain windbreaks), or IC 6-1.1-6.7 (assessment of filter strips).

(c) The department of local government finance shall give written notice to each county assessor of:

- (1) the availability of the United States Department of Agriculture's soil survey data; and
- (2) the appropriate soil productivity factor for each type or classification of soil shown on the United States Department of Agriculture's soil survey map.

All assessing officials and the property tax assessment board of

appeals shall use the data in determining the true tax value of agricultural land. However, notwithstanding the availability of new soil productivity factors and the department of local government finance's notice of the appropriate soil productivity factor for each type or classification of soil shown on the United States Department of Agriculture's soil survey map for the March 1, 2012, assessment date, the soil productivity factors used for the March 1, 2011, assessment date shall be used for the ~~March 1, 2012; January 1, 2016, assessment date the March 1, 2013; assessment date, the March 1, 2014; assessment date, and the March 1, 2015; assessment date.~~ New soil productivity factors shall be used for assessment dates occurring after ~~March 1, 2015; and each assessment date thereafter.~~

(d) The department of local government finance shall by rule provide for the method for determining the true tax value of each parcel of agricultural land.

(e) This section does not apply to land purchased for industrial or commercial uses.

SECTION 4. IC 6-1.1-4-13.2, AS ADDED BY P.L.249-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 13.2. Notwithstanding the provisions of this chapter and any real property assessment guidelines of the department of local government finance, for the property tax assessment of agricultural land for the 2015 assessment date, the statewide agricultural land base rate value per acre used to determine the value of agricultural land is two thousand fifty dollars (\$2,050). ~~For the 2016 assessment date and each assessment date thereafter, the statewide agricultural land base rate value per acre is equal to:~~

(1) the base rate value for the immediately preceding assessment date; multiplied by

(2) the assessed value growth quotient determined under IC 6-1.1-18.5-2 in the year including the assessment date.

This amount shall be substituted for any agricultural land base rate value included in the Real Property Assessment Guidelines or any other guidelines of the department of local government finance that apply for those assessment dates.

SECTION 5. IC 6-1.1-6-14, AS AMENDED BY P.L.66-2006, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. Land which is classified under this chapter as native forest land, a forest plantation, or wildlands shall be assessed as follows:

(1) At ~~one dollar (\$1) thirteen dollars and twenty-nine cents (\$13.29)~~ per acre for general property taxation purposes, **for the January 1, 2017, assessment date.**

(2) **At the amount per acre determined in the following STEPS for general property taxation purposes, for an assessment date after January 1, 2017:**

STEP ONE: Determine the amount per acre under this section for the immediately preceding assessment date.

STEP TWO: Multiply the STEP ONE amount by the result of:

(A) **one (1); plus**

(B) **the annual percentage change in the Consumer Price Index for All Urban Consumers published by the federal Bureau of Labor Statistics for the calendar year preceding the calendar year before the assessment date.**

SECTION 6. IC 6-1.1-6.2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) Land that is classified under this chapter as a windbreak shall be assessed as follows:

(1) At ~~one dollar (\$1) thirteen dollars and twenty-nine cents (\$13.29)~~ per acre for general property taxation purposes, **for the January 1, 2017, assessment date.**

(2) **At the amount per acre determined in the following STEPS for general property taxation purposes, for an assessment date after January 1, 2017:**

STEP ONE: Determine the amount per acre under this section for the immediately preceding assessment date.

STEP TWO: Multiply the STEP ONE amount by the result of:

(A) **one (1); plus**

(B) **the annual percentage change in the Consumer Price Index for All Urban Consumers published by the federal Bureau of Labor Statistics for the calendar year preceding the calendar year before the assessment date.**

(b) **However, Notwithstanding subsection (a),** ditch assessments on the classified land shall be paid.

SECTION 7. IC 6-1.1-6.7-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) Land that is classified under this chapter as a filter strip shall be assessed as follows:

(1) At ~~one dollar (\$1) thirteen dollars and twenty-nine cents (\$13.29)~~ per acre for general property taxation purposes, **for the January 1, 2017, assessment date.**

(2) **At the amount per acre determined in the following STEPS for general property taxation purposes, for an assessment date after January 1, 2017:**

STEP ONE: Determine the amount per acre under this section for the immediately preceding assessment date.

STEP TWO: Multiply the STEP ONE amount by the result of:

(A) **one (1); plus**

(B) **the annual percentage change in the Consumer Price Index for All Urban Consumers published by the federal Bureau of Labor Statistics for the calendar year preceding the calendar year before the assessment date.**

(b) **However, Notwithstanding subsection (a),** ditch assessments on the classified land shall be paid.

SECTION 8. IC 6-1.1-10-15, AS AMENDED BY P.L.119-2012, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) The acquisition and improvement of land for use by the public as an airport and the maintenance of commercial passenger aircraft is a municipal purpose regardless of whether the airport or maintenance facility is owned or operated by a municipality. The owner of any airport located in this state, who holds a valid and current public airport certificate issued by the Indiana department of transportation, may claim an exemption for only so much of the land as is reasonably necessary to and used for public airport purposes. A person maintaining commercial passenger aircraft in a county having a population of:

(1) more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000); or

(2) more than three hundred thousand (300,000) but less than four hundred thousand (400,000);

may claim an exemption for commercial passenger aircraft not subject to the aircraft excise tax under IC 6-6-6.5 that is being assessed under this article, if it is located in the county only for the purposes of maintenance.

(b) The exemption provided by this section is noncumulative and applies only to property that would not otherwise be exempt. Nothing contained in this section applies to or affects any other tax exemption provided by law.

(c) As used in this section, "land used for public airport purposes" includes the following:

(1) That part of airport land used for the taking off or landing of aircraft, taxiways, runway and taxiway lighting, access roads, auto and aircraft parking areas, and all buildings providing basic facilities for the traveling public.

(2) Real property owned by the airport owner and used ~~directly~~ for airport operation and maintenance purposes, **which includes the following property:**

- (A) Leased property that:
 - (i) is used for agricultural purposes; and
 - (ii) is located within the area that federal law and regulations of the Federal Aviation Administration restrict to activities and purposes compatible with normal airport operations.
- (B) Runway protection zones.
- (C) Avigation easements.
- (D) Safety and transition areas, as specified in IC 8-21-10 concerning the regulation of tall structures and 14 CFR Part 77 concerning the safe, efficient use and preservation of the navigable airspace.
- (E) Land purchased using funds that include grant money provided by the Federal Aviation Administration or the Indiana department of transportation.

(3) Real property used in providing for the shelter, storage, or care of aircraft, including hangars.

(4) Housing for weather and signaling equipment, navigational aids, radios, or other electronic equipment.

The term does not include land areas used solely for purposes unrelated to aviation.

SECTION 9. IC 6-1.1-15-10.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 10.7. (a)** The county fiscal body may adopt an ordinance to provide that the county assessor be reimbursed for certain costs incurred by the county assessor in defending an appeal under this chapter that is uncommon and infrequent in the normal course of defending appeals under this chapter. Costs include appraisal and expert witness fees incurred in defending an appeal.

(b) The ordinance must specify:

- (1) the appeal or appeals and why they are uncommon and infrequent;
- (2) a detailed list of expenses incurred by fund and by parcel number; and
- (3) that the county auditor will deduct the expenses listed in the ordinance from property tax receipts collected in the taxing district in which the parcel is located before apportioning receipts to taxing units for the next semiannual settlement under IC 6-1.1-27.

(c) Property tax receipts that are collected under this section must be deposited in the county fund that incurred the initial expense.

(d) Expenses for an appeal that are deducted from a civil taxing unit's property tax revenue under this section are not considered to be part of a payment of a refund resulting from an appeal for purposes of a maximum permissible property tax levy appeal under IC 6-1.1-18.5-16.

SECTION 10. IC 6-1.1-18-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 23. (a)** This section applies to Cain Township in Fountain County.

(b) The executive of the township may, upon approval by the township fiscal body, submit a petition to the department of local government finance for an increase in the maximum permissible ad valorem property tax levy under:

- (1) IC 6-1.1-18.5 (for the township's funds that are not used for township fire protection and emergency services); and
- (2) IC 36-8-13 (for the township's fire protection and emergency services);

for property taxes first due and payable in 2017.

(c) The department of local government finance shall increase the maximum permissible ad valorem property tax levies specified in subsection (b) for a township that submits a petition under this section by the lesser of:

- (1) the amount of the increase for each levy that is

requested in the petition; or

(2) the amount necessary to increase each of these levies for 2017 to the amount that each of these levies would be for 2017 if the department had used for each of these levies the maximum permissible levy instead of the certified levy when computing the township's maximum levy amount for 2004 for each of these levies.

(d) A township's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 and IC 36-8-13 for property taxes first due and payable in 2017, as adjusted under this section, shall be used in the determination of the township's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 and IC 36-8-13 for property taxes first due and payable in 2018 and thereafter.

(e) This section expires June 30, 2019.

SECTION 11. IC 6-1.1-18.5-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 25. (a)** The ad valorem property tax levy limits imposed under section 3 of this chapter do not apply to a municipality in a year if all the following apply:

(1) The percentage growth in the municipality's assessed value for the preceding year compared to the year before the preceding year is at least two (2) times the assessed value growth quotient determined under section 2 of this chapter for the preceding year.

(2) The municipality's population increased by at least one hundred fifty percent (150%) between the last two (2) decennial censuses.

(b) A municipality that meets all the requirements under subsection (a) may increase its ad valorem property tax levy in excess of the limits imposed under section 3 of this chapter by a percentage equal to the lesser of:

(1) the percentage growth in the municipality's assessed value for the preceding year compared to the year before the preceding year; or

(2) six percent (6%).

(c) A municipality's assessed value growth that results from either annexation or the pass through of assessed value from a tax increment financing district may not be included for the purposes of determining a municipality's assessed value growth under this section.

(d) This section applies to property tax levies imposed after December 31, 2016.

SECTION 12. IC 6-1.1-18.5-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 26. (a)** This section applies to Howard Township in Washington County.

(b) If the township fiscal body adopts a resolution:

(1) setting forth a finding that the township's maximum permissible ad valorem property tax levy needs to be increased in excess of the limitations established under section 3 of this chapter; and

(2) approving the submission of a petition by the township executive with the department;

the township executive may submit a petition to the department requesting an increase in the township's maximum permissible ad valorem property tax levy.

(c) If a proper petition is submitted, the department shall increase the township's maximum permissible ad valorem property tax levy for property taxes first due and payable in 2017 by an amount equal to the amount that represents a ten percent (10%) increase in the township's 2016 maximum permissible ad valorem property tax levy, notwithstanding the assessed value growth quotient.

(d) The township's 2017 maximum permissible ad valorem property tax levy, after the increase made under this section, is to be used in determining the township's previous year maximum permissible ad valorem property tax levy for the determination under this chapter of the

township's maximum permissible ad valorem property tax levy after 2017.

(e) This section expires January 1, 2019.

SECTION 13. IC 6-1.1-36-12, AS AMENDED BY P.L.146-2008, SECTION 289, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) A board of county commissioners, a county assessor, or a township assessor (if any) may enter into a contract for the discovery of property that has been undervalued or omitted from assessment. The contract must prohibit payment to the contractor for discovery of undervaluation or omission with respect to a parcel or personal property return before all appeals of the assessment of the parcel or the assessment under the return have been finalized. The contract may require the contractor to:

- (1) examine and verify the accuracy of a personal property returns return filed by taxpayers a taxpayer with the county assessor or a township assessor of a township in the county, **if the contractor considers the examination and verification of that personal property return to be useful to the accuracy of the assessment process;** and
- (2) compare a return with the books of the taxpayer and with personal property owned, held, possessed, controlled, or occupied by the taxpayer, **if the contractor considers the comparison to be useful to the accuracy of the assessment process.**

(b) This subsection applies if funds are not appropriated for payment of services performed under a contract described in subsection (a). The county auditor may create a special nonreverting fund in which the county treasurer shall deposit the amount of taxes, including penalties and interest, that result from additional assessments on undervalued or omitted property collected from all taxing jurisdictions in the county after deducting the amount of any property tax credits that reduce the owner's property tax liability for the undervalued or omitted property. The fund remains in existence during the term of the contract. Distributions shall be made from the fund without appropriation only for the following purposes:

- (1) All contract fees and other costs related to the contract.
- (2) After the payments required by subdivision (1) have been made and the contract has expired, the county auditor shall distribute all money remaining in the fund to the appropriate taxing units in the county using the property tax rates of each taxing unit in effect at the time of the distribution.

(c) A board of county commissioners, a county assessor, or a township assessor may not contract for services under subsection (a) on a percentage basis.

SECTION 14. IC 6-3.6-2-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 13.5. "PSAP" means a PSAP (as defined in IC 36-8-16.7-20) that is part of the statewide 911 system (as defined in IC 36-8-16.7-22).**

SECTION 15. IC 6-3.6-3-1, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The following is the adopting body for a county:

- (1) The local income tax council in a county in which the county income tax council adopted either:
 - (A) a county option income tax under IC 6-3.5-6 (repealed) that was in effect on January 1, 2015; or
 - (B) a county economic development income tax for the county under IC 6-3.5-7 (repealed) that was in effect on January 1, 2015.
- (2) The county fiscal body in any other county.
- (3) The county fiscal body for purposes of adopting a rate dedicated to paying for a PSAP in the county as permitted by IC 6-3.6-6-2.5.**

(b) A local income tax council is established for each county. The membership of each county's local income tax council consists of the fiscal body of the county and the fiscal body of

each city or town that lies either partially or entirely within that county.

SECTION 16. IC 6-3.6-6-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2.5. (a) This section applies to a county in which the adopting body:**

- (1) is the local income tax council; and**
- (2) did not allocate the revenue under this chapter from an expenditure rate of at least one-tenth of one percent (0.1%) to pay for a PSAP in the county for a year.**

(b) A county fiscal body may adopt an ordinance to impose a tax rate for a PSAP in the county. The tax rate must be in increments of one-hundredth of one percent (0.01%) and may not exceed one-tenth of one percent (0.1%).

(c) The revenue generated by a tax rate imposed under this section must be distributed directly to the county before the remainder of the expenditure rate revenue is distributed. The revenue shall be maintained in a separate dedicated county fund and used only for paying for a PSAP in the county.

SECTION 17. IC 6-3.6-6-3, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. Revenue raised from a tax imposed under this chapter shall be treated as follows:

(1) If an ordinance described in section 2.5 of this chapter is in effect in a county, to make a distribution to the county equal to the amount of revenue generated by the rate imposed under section 2.5 of this chapter.

(+) (2) After making the distribution described in subdivision (1), if any, to make distributions to school corporations and civil taxing units in counties that formerly imposed a tax under IC 6-3.5-1.1. The revenue categorized from the first next twenty-five hundredths percent (0.25%) of the rate for a former tax adopted under IC 6-3.5-1.1 shall be allocated to school corporations and civil taxing units. The amount of the allocation to a school corporation or civil taxing unit shall be determined using the allocation amounts for civil taxing units and school corporations in the determination.

(-) (3) After making the distributions described in subdivisions (1) and (2), the remaining revenue shall be treated as additional revenue (referred to as "additional revenue" in this chapter). Additional revenue may not be considered by the department of local government finance in determining:

(A) any taxing unit's maximum permissible property tax levy limit under IC 6-1.1-18.5; or

(B) the approved property tax rate for any fund.

SECTION 18. IC 6-3.6-6-11, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) Except as provided in this chapter and IC 6-3.6-11, this section applies to an allocation of certified shares in all counties.

(b) Subject to this chapter, any civil taxing unit that imposes an ad valorem property tax in the county that has a tax rate in effect under this chapter is eligible for an allocation under this chapter.

(c) A school corporation is not a civil taxing unit for the purpose of receiving an allocation of certified shares under this chapter. The distributions to school corporations and civil taxing units in counties that formerly imposed a tax under IC 6-3.5-1.1 as provided in section ~~3(1)~~ **3(2)** of this chapter is not considered an allocation of certified shares. A school corporation's allocation amount for purposes of section ~~3(1)~~ **3(2)** of this chapter shall be determined under section 12 of this chapter.

(d) A county solid waste management district (as defined in

IC 13-11-2-47) or a joint solid waste management district (as defined in IC 13-11-2-113) is not a civil taxing unit for the purpose of receiving an allocation of certified shares under this chapter unless a majority of the members of each of the county fiscal bodies of the counties within the district passes a resolution approving the distribution.

(e) A resolution passed by a county fiscal body under subsection (d) may:

- (1) expire on a date specified in the resolution; or
- (2) remain in effect until the county fiscal body revokes or rescinds the resolution.

SECTION 19. IC 6-3.6-6-12, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) Except as provided in this chapter and IC 6-3.6-11, this section applies to an allocation of certified shares in all counties.

(b) The allocation amount of a civil taxing unit during a calendar year is equal to the amount determined using the following formula:

STEP ONE: Determine the sum of the total property taxes being imposed by the civil taxing unit during the calendar year of the distribution.

STEP TWO: Determine the sum of the following:

(A) Amounts appropriated from property taxes to pay the principal of or interest on any debenture or other debt obligation issued after June 30, 2005, other than an obligation described in subsection (c).

(B) Amounts appropriated from property taxes to make payments on any lease entered into after June 30, 2005, other than a lease described in subsection (d).

STEP THREE: Subtract the STEP TWO amount from the STEP ONE amount.

STEP FOUR: Determine the sum of:

(A) the STEP THREE amount; plus

(B) the civil taxing unit's certified shares plus the amount distributed under section ~~3(1)~~ **3(2)** of this chapter for the previous calendar year.

The allocation amount is subject to adjustment as provided in IC 36-8-19-7.5.

(c) Except as provided in this subsection, an appropriation from property taxes to repay interest and principal of a debt obligation is not deducted from the allocation amount for a civil taxing unit if:

(1) the debt obligation was issued; and

(2) the proceeds were appropriated from property taxes; to refund or otherwise refinance a debt obligation or a lease issued before July 1, 2005. However, an appropriation from property taxes related to a debt obligation issued after June 30, 2005, is deducted if the debt extends payments on a debt or lease beyond the time in which the debt or lease would have been payable if the debt or lease had not been refinanced or increases the total amount that must be paid on a debt or lease in excess of the amount that would have been paid if the debt or lease had not been refinanced. The amount of the deduction is the annual amount for each year of the extension period or the annual amount of the increase over the amount that would have been paid.

(d) Except as provided in this subsection, an appropriation from property taxes to make payments on a lease is not deducted from the allocation amount for a civil taxing unit if:

(1) the lease was issued; and

(2) the proceeds were appropriated from property taxes; to refinance a debt obligation or lease issued before July 1, 2005. However, an appropriation from property taxes related to a lease entered into after June 30, 2005, is deducted if the lease extends payments on a debt or lease beyond the time in which the debt or lease would have been payable if the debt or lease had not been refinanced or increases the total amount that must be paid on a debt or lease in excess of the amount that would have been paid if the debt or lease had not been refinanced. The

amount of the deduction is the annual amount for each year of the extension period or the annual amount of the increase over the amount that would have been paid.

SECTION 20. IC 6-3.6-6-20, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. (a) This section applies to any allocation or distribution of revenue under section ~~3(1)~~ **3(2) or 3(3)** of this chapter that is made on the basis of property tax levies. If a school corporation or civil taxing unit of an adopting county does not impose a property tax levy that is first due and payable in a calendar year in which revenue under section ~~3(1)~~ **3(2) or 3(3)** of this chapter is being allocated or distributed, that school corporation or civil taxing unit is entitled to receive a part of the revenue under section ~~3(1)~~ **3(2) or 3(3)** of this chapter (as appropriate) to be distributed within the county. The fractional amount that such a school corporation or civil taxing unit is entitled to receive each month during that calendar year equals the product of the following:

(1) The amount of revenue under section ~~3(1)~~ **3(2) or 3(3)** of this chapter to be distributed on the basis of property tax levies during that month; multiplied by

(2) A fraction. The numerator of the fraction equals the budget of that school corporation or civil taxing unit for that calendar year. The denominator of the fraction equals the aggregate budgets of all school corporations or civil taxing units of that county for that calendar year.

(b) If for a calendar year a school corporation or civil taxing unit is allocated a part of a county's revenue under section ~~3(1)~~ **3(2) or 3(3)** of this chapter by subsection (a), the calculations used to determine the shares of revenue of all other school corporations and civil taxing units under section ~~3(1)~~ **3(2) or 3(3)** of this chapter (as appropriate) shall be changed each month for that same year by reducing the amount of revenue to be distributed by the amount of revenue under section ~~3(1)~~ **3(2) or 3(3)** of this chapter allocated under subsection (a) for that same month. The department of local government finance shall make any adjustments required by this subsection and provide them to the appropriate county auditors.

SECTION 21. IC 6-3.6-9-10, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. The budget agency shall also certify information concerning the part of the certified distribution that is attributable to each of the following:

(1) The tax rate imposed under IC 6-3.6-5.

(2) The tax rate imposed under IC 6-3.6-6, **separately stating the part of the distribution attributable to a tax rate imposed under IC 6-3.6-2.5.**

(3) Each tax rate imposed under IC 6-3.6-7.

The amount certified shall be adjusted to reflect any adjustment in the certified distribution under this chapter.

SECTION 22. IC 36-2-13-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) If the county legislative body adopts an ordinance electing to implement section 15 of this chapter, the county legislative body shall establish a nonreverting county prisoner reimbursement fund.

(b) All amounts collected under section 15 of this chapter must be deposited in the county prisoner reimbursement fund.

(c) Any amount earned from the investment of amounts in the fund becomes part of the fund.

(d) Notwithstanding any other law, upon appropriation by the county fiscal body, amounts in the fund may be used by the county only for the operation, construction, repair, remodeling, enlarging, and equipment of:

(1) a county jail; or

(2) a juvenile detention center to be operated under IC 31-31-8 or IC 31-31-9.

(e) **For a county that has a balance in the fund that exceeds the amount needed for the purposes set forth in subsection (d), the fund may be used by the county for the**

costs of care, maintenance, and housing of prisoners, including the cost of housing prisoners in the facilities of another county.

SECTION 23. IC 36-7-15.1-26, AS AMENDED BY SEA 321-2016, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 26. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a resolution adopted under section 8 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution; the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 26.2 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment

commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes, taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A resolution adopted under section 8 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A resolution previously adopted may include an allocation provision by the amendment of that resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or amendment that establishes an allocation provision must include a specific finding of fact, supported by evidence, that the adoption of the allocation provision will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision. For an allocation area established before July 1, 1995, the expiration date of any allocation provisions for the allocation area is June 30, 2025, or the last date of any obligations that are outstanding on July 1, 2015, whichever is later. However, **an expiration date imposed by this subsection does not apply to** for an allocation area identified as the Consolidated Allocation Area in the report submitted in 2013 to the fiscal body under section 36.3 of this chapter, **the expiration date of any allocation provisions for the allocation area is January 1, 2051.** A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a

referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds that are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 19 of this chapter.

(D) Pay the principal of and interest on bonds issued by the consolidated city to pay for local public improvements that are physically located in or physically connected to that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 17.1 of this chapter.

(G) Reimburse the consolidated city for expenditures for local public improvements (which include buildings, parking facilities, and other items set forth in section 17 of this chapter) that are physically located in or physically connected to that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under any lease entered into under IC 36-1-10.

(I) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

- (i) in the allocation area; and
- (ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

(J) Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5) within the unit that established the redevelopment commission. However, property tax proceeds may be used under this clause to pay the costs of carrying out an eligible efficiency project only if those property tax proceeds exceed the amount necessary to do the following:

- (i) Make, when due, any payments required under clauses (A) through (I), including any payments of principal and interest on bonds and other obligations payable under this subdivision, any payments of premiums under this subdivision on the redemption before maturity of bonds, and any payments on

leases payable under this subdivision.

(ii) Make any reimbursements required under this subdivision.

(iii) Pay any expenses required under this subdivision.

(iv) Establish, augment, or restore any debt service reserve under this subdivision.

(K) Expend money and provide financial assistance as authorized in section 7(a)(21) of this chapter.

The special fund may not be used for operating expenses of the commission.

(4) Before June 15 of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3) plus the amount necessary for other purposes described in subdivision (3) and subsection (g).

(B) Provide a written notice to the county auditor, the legislative body of the consolidated city, the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area, and (in an electronic format) the department of local government finance. The notice must:

(I) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (3).

(C) If:

(I) the amount of excess assessed value determined by the commission is expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in subdivision (3); plus

(ii) the amount necessary for other purposes described in subdivision (3) and subsection (g);

the commission shall submit to the legislative body of the unit the commission's determination of the excess assessed value that the commission proposes to allocate to the respective taxing units in the manner prescribed in subdivision (1). The legislative body of the unit may approve the commission's determination or modify the amount of the excess assessed value that will be allocated to the respective taxing units in the manner prescribed in subdivision (1).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund the amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund, based on the recommendations of the urban enterprise association, for one (1) or more of the following purposes:

(1) To pay for programs in job training, job enrichment, and basic skill development designed to benefit residents and employers in the enterprise zone. The programs must reserve at least one-half (½) of the enrollment in any session for residents of the enterprise zone.

(2) To make loans and grants for the purpose of stimulating business activity in the enterprise zone or providing employment for enterprise zone residents in the enterprise zone. These loans and grants may be made to the following:

(A) Businesses operating in the enterprise zone.

(B) Businesses that will move their operations to the enterprise zone if such a loan or grant is made.

(3) To provide funds to carry out other purposes specified in subsection (b)(3). However, where reference is made in subsection (b)(3) to the allocation area, the reference refers for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment of real property in an area under IC 6-1.1-4-4 and after each reassessment under a reassessment plan prepared under IC 6-1.1-4-4.2, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any

effect of the reassessment of the real property in the area on the property tax proceeds allocated to the redevelopment district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(3) than would otherwise have been received if the general reassessment, reassessment under the reassessment plan, or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(I) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

SECTION 24. [EFFECTIVE UPON PASSAGE] (a) The general assembly urges the legislative council to assign to the interim study committee on fiscal policy during the 2016 legislative interim the study of the fiscal needs of municipalities that have percentage growth in assessed value in a year that was at least two (2) times the percentage growth allowed in property tax levies under IC 6-1.1-18.5.

(b) This SECTION expires January 1, 2017.

SECTION 25. An emergency is declared for this act.

(Reference is to ESB 308 as reprinted March 2, 2016.)

HERSHMAN

T. BROWN

FORD

PRYOR

Senate Conferees

House Conferees

Roll Call 448: yeas 84, nays 12. Report adopted.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1109-2016 because it conflicts with SEA 3-2016 without properly recognizing the existence of SEA 3-2016, has had Engrossed House Bill 1109-2016 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1109-2016 be corrected as follows:

Page 4, line 16, delete "HEA 1003-2016," and insert "SEA 3-2016, SECTION 19,".

Page 4, line 17, delete "SECTION 1,".

Page 4, line 28, delete "(c)." and insert "(d)."

(Reference is to EHB 1109 as reprinted March 1, 2016.)

TORR, Chair
PIERCE, R.M.M.
HUSTON, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1382-2016 because it conflicts with SEA 301-2016 without properly recognizing the existence of SEA 301-2016, has had Engrossed House Bill 1382-2016 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1382-2016 be corrected as follows:

Page 15, line 36, delete "THE" and insert "SEA 301-2016, SECTION 18,".

Page 15, delete line 37.

Page 15, line 38, delete "ASSEMBLY,".

Page 16, line 4, after "market." insert "In carrying out its duties under this subdivision, the council must consider the workforce needs and training and education requirements identified in the occupational demand report prepared by the department of workforce development under IC 22-4.1-4-10." (Reference is to EHB 1382 as printed February 26, 2016.)

TORR, Chair
PIERCE, R.M.M.
SMALTZ, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1386-2016 because it conflicts with HEA 1035-2016, SEA 169-2016, and SEA 177-2016 without properly recognizing the existence of HEA 1035-2016, SEA 169-2016, and SEA 177-2016, has had Engrossed House Bill 1386-2016 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1386-2016 be corrected as follows:

Page 11, line 8, delete "ADDED BY P.L.121-2015," and insert "AMENDED BY HEA 1035-2016, SECTION 3,".

Page 11, line 9, delete "SECTION 1,".

Page 11, line 12, delete "local unit municipality" and insert "municipal legislative body".

Page 11, line 31, delete "lost, revoked," and insert "revoked".

Page 17, line 15, delete "IC 7.1-3-20-16.3 AS ADDED TO THE INDIANA" and insert "IC 7.1-3-20-16.3, AS ADDED BY SEA 169-2016, SECTION 2, IS AMENDED".

Page 17, line 16, delete "CODE AS A NEW SECTION".

Page 17, line 17, reset in roman "Sec. 16.3. If the holder of a permit".

Page 17, reset in roman lines 18 through 19.

Page 17, line 20, before "or section" reset in roman "chapter".

Page 17, line 20, reset in roman "to sell beer for".

Page 17, reset in roman lines 21 through 27.

Page 25, line 5, delete "P.L.79-2015," and insert "SEA 177-2016, SECTION 9,".

Page 25, line 6, delete "SECTION 11,".

Page 25, line 13, delete "issued under IC 7.1-3-2-2(b)." and insert "for a brewery described in IC 7.1-3-2-7(5).".

Page 25, between lines 21 and 22, begin a new line block indented and insert:

"(5) The refilling of a bottle or container with hard cider in an establishment where alcoholic beverages are sold that is owned, in whole or in part, by an entity that manufactures hard cider under the appropriate permit issued under this title."

Page 25, line 22, delete "(5)" and insert "(6)".

Page 25, line 22, reset in roman "The refilling of a bottle or container with a product from".

Page 25, reset in roman lines 23 through 25.

(Reference is to EHB 1386 as reprinted March 1, 2016.)

TORR, Chair
PIERCE, R.M.M.
DERMODY, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 21-2016 because it conflicts with SEA 3-2016 without properly recognizing the existence of SEA 3-2016, has had Engrossed Senate Bill 21-2016 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 21-2016 be corrected as follows:

Page 16, line 40, delete "P.L.213-2015," and insert "SEA 3-2016, SECTION 5, IS".

Page 16, delete line 41.

Page 16, line 42, delete "98, IS CORRECTED AND".

Page 19, line 35, delete "schedules of salaries or".

Page 19, line 35, reset in roman "a".

Page 19, line 35, reset in roman "plan".

Page 19, line 36, reset in roman "with a salary range".

Page 19, line 36, delete "are".

Page 19, line 36, reset in roman "is".

Page 20, line 6, delete "The forms and procedures relating to the use of".

Page 20, delete lines 7 through 13.

Page 20, line 29, delete "and without regard to the distance the children".

Page 20, line 30, delete "live from the school".

(Reference is to ESB 21 as printed February 23, 2016.)

TORR, Chair
PIERCE, R.M.M.
PRICE, Sponsor

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 305-2016 because it conflicts with SEA 26-2016 without properly recognizing the existence of SEA 26-2016, has had Engrossed Senate Bill 305-2016 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 305-2016 be corrected as follows:

Page 6, delete lines 14 through 42, begin a new paragraph and insert:

"SECTION 7. IC 31-34-1-3, AS AMENDED BY SEA 26-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A child is a child in need of services if, before the child becomes eighteen (18) years of age:

(1) the child is the victim of an offense under:

(A) IC 35-42-4-1;

(B) IC 35-42-4-2 (before its repeal);

(C) IC 35-42-4-3;

(D) IC 35-42-4-4;

(E) IC 35-42-4-5;

(F) IC 35-42-4-6;

~~(G)~~ **(G) IC 35-42-4-7;**

(H) IC 35-42-4-8;

~~(I)~~ **(I) IC 35-42-4-9;**

~~(J)~~ **(J) IC 35-45-4-1;**

~~(K)~~ **(K) IC 35-45-4-2;**

(L) IC 35-45-4-3;

(M) IC 35-45-4-4;

~~(N)~~ **(N) IC 35-46-1-3; or**

- (~~F~~) (**O**) the law of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (~~F~~); (**N**); and
- (2) the child needs care, treatment, or rehabilitation that:
- (A) the child is not receiving; and
 - (B) is unlikely to be provided or accepted without the coercive intervention of the court.

(b) A child is a child in need of services if, before the child becomes eighteen (18) **years of age**, the child:

- (1) lives in the same household as an adult who:
 - (A) committed an offense described in subsection (a)(1) against a child and the offense resulted in a conviction or a judgment under IC 31-34-11-2; or
 - (B) has been charged with an offense described in subsection (a)(1) against a child and is awaiting trial; and
- (2) needs care, treatment, or rehabilitation that:
 - (A) the child is not receiving; and
 - (B) is unlikely to be provided or accepted without the coercive intervention of the court."

Delete page 7.

Page 8, delete line 1.

Page 9, delete lines 41 through 42, begin a new paragraph and insert:

"SECTION 13. IC 31-34-12-4.5, AS AMENDED BY SEA 26-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.5. (a) There is a rebuttable presumption that a child is a child in need of services if the state establishes that the child lives in the same household as an adult who:

- (1) committed an offense described in IC 31-34-1-3 **or IC 31-34-1-3.5** against a child and the offense resulted in a conviction or a judgment under IC 31-34-11-2; or
- (2) has been charged with an offense described in IC 31-34-1-3 **or IC 31-34-1-3.5** against a child and is awaiting trial.

(b) The following may not be used as grounds to rebut the presumption under subsection (a):

- (1) The child who is the victim of the offense described in IC 31-34-1-3 is not genetically related to the adult who committed the act, but the child presumed to be the child in need of services under this section is genetically related to the adult who committed the act.
- (2) The child who is the victim of the offense described in IC 31-34-1-3 differs in age from the child presumed to be the child in need of services under this section.

(c) This section does not affect the ability to take a child into custody or emergency custody under IC 31-34-2 if the act of taking the child into custody or emergency custody is not based upon a presumption established under this section. However, if the presumption established under this section is the sole basis for taking a child into custody or emergency custody under IC 31-34-2, the court first must find cause to take the child into custody or emergency custody following a hearing in which the parent, guardian, or custodian of the child is accorded the rights described in IC 31-34-4-6(a)(2) through IC 31-34-4-6(a)(5)."

Page 10, delete lines 1 through 36.

(Reference is to ESB 305 as reprinted February 26, 2016.)

TORR, Chair
PIERCE, R.M.M.
FRIZZELL, Sponsor

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 378-2016 because it conflicts with HEA 1215-2016 without properly recognizing the existence of HEA 1215-2016, has had Engrossed Senate Bill 378-2016 under

consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 378-2016 be corrected as follows:

Page 18, delete lines 35 through 42.

Page 19, delete lines 1 through 34, begin a new paragraph and insert:

"SECTION 14. IC 5-28-15-10, AS AMENDED BY HEA 1215-2016, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) Subject to subsection (b), an enterprise zone expires ten (10) years after the day on which it is designated by the board.

(b) In the period beginning December 1, 2008, and ending December 31, 2014, an enterprise zone does not expire under this section if the fiscal body of the municipality in which the enterprise zone is located adopts a resolution renewing the enterprise zone for an additional five (5) years. An enterprise zone may be renewed under this subsection regardless of the number of times the enterprise zone has been renewed under subsections (d) and (e). A municipal fiscal body may adopt a renewal resolution and submit a copy of the resolution to the **board: corporation:**

(1) before August 1, 2009, in the case of an enterprise zone that expired after November 30, 2008, or is scheduled to expire before September 1, 2009; or

(2) at least thirty (30) days before the expiration date of the enterprise zone, in the case of an enterprise zone scheduled to expire after August 31, 2009.

If an enterprise zone is renewed under this subsection after having been renewed under subsection (e), the enterprise zone may not be renewed after the expiration of this final five (5) year period, except under subsection (c).

(c) An enterprise zone does not expire under this section if the fiscal body of the municipality in which the enterprise zone is located:

(1) has adopted a resolution renewing the enterprise zone under subsection (b); and

(2) adopts a resolution renewing the enterprise zone for an additional one (1) year period beginning on the date on which the enterprise zone would otherwise expire under the resolution adopted under subdivision (1).

An enterprise zone may be renewed for an additional one (1) year period under this subsection regardless of the number of times the enterprise zone has been renewed under subsections (d) and (e). A municipal fiscal body may adopt a renewal resolution and submit a copy of the resolution to the corporation at least thirty (30) days before the expiration date of the enterprise zone. If an enterprise zone is renewed for an additional one (1) year period under this subsection after having been renewed under subsection (e), the enterprise zone may not be renewed after the expiration of this final one (1) year period.

(d) The two (2) year period immediately before the day on which the enterprise zone expires is the phaseout period. During the phaseout period, the board may review the success of the enterprise zone based on the following criteria and may, with the consent of the budget committee, renew the enterprise zone, including all provisions of this chapter, for five (5) years:

(1) Increases in capital investment in the zone.

(2) Retention of jobs and creation of jobs in the zone.

(3) Increases in employment opportunities for residents of the zone.

(e) If an enterprise zone is renewed under subsection (d), the two (2) year period immediately before the day on which the enterprise zone expires is another phaseout period. During the phaseout period, the board may review the success of the enterprise zone based on the criteria set forth in subsection (d) and, with the consent of the budget committee, may again renew the enterprise zone, including all provisions of this chapter, for a final period of five (5) years. The zone may not be renewed after the expiration of this final five (5) year period."

(Reference is to ESB 378 as printed February 26, 2016.)

TORR, Chair
PIERCE, R.M.M.
SMALTZ, Sponsor

Report adopted.

A meeting of the Committee on Rules and Legislative Procedures was announced.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 8:32 p.m. with the Speaker in the Chair.

Representatives Cherry and Macer are excused.

**MOTIONS TO CONCUR
IN SENATE AMENDMENTS**

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby it dissented from the Senate amendments to Engrossed House Bill 1322 and that the House now concur in the Senate amendments to said bill.

KOCH

Roll Call 449: yeas 94, nays 0. Motion prevailed.

**ACTION ON RULES SUSPENSIONS AND
CONFERENCE COMMITTEE REPORTS**

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.2 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after March 3, 2016; we further recommend that House Rule 163.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 1 hour, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1069-2, 1127-1 and 1290-1 and Engrossed Senate Bills 161-1 and 309-1.

TORR, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that House Rule 161.2 be suspended so that the following conference committee reports are eligible for consideration after March 3, 2016, and that House Rule 163.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 1 hour, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1069-2, 1127-1 and 1290-1 and Engrossed Senate Bills 161-1 and 309-1.

TORR, Chair

Motion prevailed.

Representative Macer, who had been excused, is now present.

**CONFERENCE COMMITTEE REPORT
ESB 309-1**

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 309 respectfully reports that said two committees have conferred and agreed as

follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-20-5-15.5, AS AMENDED BY P.L.211-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 15.5. (a) The governing body of an eligible entity that receives a grant under this chapter shall, by resolution, establish an affordable housing fund to be administered, subject to the terms of the resolution, by a department, a division, or an agency designated by the governing body.

(b) The affordable housing fund consists of:

- (1) payments in lieu of taxes deposited in the fund under IC 36-1-8-14.2 (**before its expiration**);
- (2) gifts and grants to the fund;
- (3) investment income earned on the fund's assets;
- (4) money deposited in the fund under IC 36-2-7-10; and
- (5) other funds from sources approved by the commission.

(c) The governing body shall, by resolution, establish uses for the affordable housing fund. However, the uses must be limited to:

- (1) providing financial assistance to those individuals and families whose income is at or below eighty percent (80%) of the county's median income for individuals and families, respectively, to enable those individuals and families to purchase or lease residential units within the county;
- (2) paying expenses of administering the fund;
- (3) making grants, loans, and loan guarantees for the development, rehabilitation, or financing of affordable housing for individuals and families whose income is at or below eighty percent (80%) of the county's median income for individuals and families, respectively, including the elderly, persons with disabilities, and homeless individuals and families; and
- (4) providing technical assistance to nonprofit developers of affordable housing.

(d) The county treasurer shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

SECTION 2. IC 6-1.1-10-16, AS AMENDED BY P.L.151-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) All or part of a building is exempt from property taxation if it is owned, occupied, and used by a person for educational, literary, scientific, religious, or charitable purposes.

(b) A building is exempt from property taxation if it is owned, occupied, and used by a town, city, township, or county for educational, literary, scientific, fraternal, or charitable purposes.

(c) A tract of land, including the campus and athletic grounds of an educational institution, is exempt from property taxation if:

- (1) a building that is exempt under subsection (a) or (b) is situated on it;
- (2) a parking lot or structure that serves a building referred to in subdivision (1) is situated on it; or
- (3) the tract:
 - (A) is owned by a nonprofit entity established for the purpose of retaining and preserving land and water for their natural characteristics;
 - (B) does not exceed five hundred (500) acres; and
 - (C) is not used by the nonprofit entity to make a profit.

(d) A tract of land is exempt from property taxation if:

- (1) it is purchased for the purpose of erecting a building that is to be owned, occupied, and used in such a manner

that the building will be exempt under subsection (a) or (b); and

(2) not more than four (4) years after the property is purchased, and for each year after the four (4) year period, the owner demonstrates substantial progress and active pursuit towards the erection of the intended building and use of the tract for the exempt purpose. To establish substantial progress and active pursuit under this subdivision, the owner must prove the existence of factors such as the following:

- (A) Organization of and activity by a building committee or other oversight group.
- (B) Completion and filing of building plans with the appropriate local government authority.
- (C) Cash reserves dedicated to the project of a sufficient amount to lead a reasonable individual to believe the actual construction can and will begin within four (4) years.
- (D) The breaking of ground and the beginning of actual construction.
- (E) Any other factor that would lead a reasonable individual to believe that construction of the building is an active plan and that the building is capable of being completed within eight (8) years considering the circumstances of the owner.

If the owner of the property sells, leases, or otherwise transfers a tract of land that is exempt under this subsection, the owner is liable for the property taxes that were not imposed upon the tract of land during the period beginning January 1 of the fourth year following the purchase of the property and ending on December 31 of the year of the sale, lease, or transfer. The county auditor of the county in which the tract of land is located may establish an installment plan for the repayment of taxes due under this subsection. The plan established by the county auditor may allow the repayment of the taxes over a period of years equal to the number of years for which property taxes must be repaid under this subsection.

(e) Personal property is exempt from property taxation if it is owned and used in such a manner that it would be exempt under subsection (a) or (b) if it were a building.

(f) A hospital's property that is exempt from property taxation under subsection (a), (b), or (e) shall remain exempt from property taxation even if the property is used in part to furnish goods or services to another hospital whose property qualifies for exemption under this section.

(g) Property owned by a shared hospital services organization that is exempt from federal income taxation under Section 501(c)(3) or 501(e) of the Internal Revenue Code is exempt from property taxation if it is owned, occupied, and used exclusively to furnish goods or services to a hospital whose property is exempt from property taxation under subsection (a), (b), or (e).

(h) This section does not exempt from property tax an office or a practice of a physician or group of physicians that is owned by a hospital licensed under IC 16-21-2 or other property that is not substantially related to or supportive of the inpatient facility of the hospital unless the office, practice, or other property:

- (1) provides or supports the provision of charity care (as defined in IC 16-18-2-52.5), including providing funds or other financial support for health care services for individuals who are indigent (as defined in IC 16-18-2-52.5(b) and IC 16-18-2-52.5(c)); or
- (2) provides or supports the provision of community benefits (as defined in IC 16-21-9-1), including research, education, or government sponsored indigent health care (as defined in IC 16-21-9-2).

However, participation in the Medicaid or Medicare program alone does not entitle an office, practice, or other property described in this subsection to an exemption under this section.

(I) The exemption provided in this subsection applies only

for an assessment date occurring before January 2, 2017. A tract of land or a tract of land plus all or part of a structure on the land is exempt from property taxation if:

(1) the tract is acquired for the purpose of erecting, renovating, or improving a single family residential structure that is to be given away or sold:

- (A) in a charitable manner;
- (B) by a nonprofit organization; and
- (C) to low income individuals who will:
 - (i) use the land as a family residence; and
 - (ii) not have an exemption for the land under this section;

(2) the tract does not exceed three (3) acres; and

(3) the tract of land or the tract of land plus all or part of a structure on the land is not used for profit while exempt under this section. and

~~(4) not more than four (4) years after the property is acquired for the purpose described in subdivision (1); and for each year after the four (4) year period the owner demonstrates substantial progress and active pursuit towards the erection, renovation, or improvement of the intended structure. To establish substantial progress and active pursuit under this subdivision, the owner must prove the existence of factors such as the following:~~

- ~~(A) Organization of and activity by a building committee or other oversight group.~~
- ~~(B) Completion and filing of building plans with the appropriate local government authority.~~
- ~~(C) Cash reserves dedicated to the project of a sufficient amount to lead a reasonable individual to believe the actual construction can and will begin within five (5) years of the initial exemption received under this subsection.~~
- ~~(D) The breaking of ground and the beginning of actual construction.~~
- ~~(E) Any other factor that would lead a reasonable individual to believe that construction of the structure is an active plan and that the structure is capable of being:

 - ~~(i) completed; and~~
 - ~~(ii) transferred to a low income individual who does not receive an exemption under this section;~~
 within eight (8) years considering the circumstances of the owner.~~

This subsection expires January 1, 2028.

(j) An exemption under subsection (I) terminates:

- (1) when the property is conveyed by the nonprofit organization to another owner; or
- (2) **January 2, 2017;**

whichever occurs first. This subsection expires January 1, 2028.

(k) When the property that is exempt in any year under subsection (I) is conveyed to another owner, the nonprofit organization receiving the exemption must file a certified statement with the auditor of the county, notifying the auditor of the change not later than sixty (60) days after the date of the conveyance. The county auditor shall immediately forward a copy of the certified statement to the county assessor. A nonprofit organization that fails to file the statement required by this subsection is liable for the amount of property taxes due on the property conveyed if it were not for the exemption allowed under this chapter.

~~(k) (I) If property is granted an exemption in any year under subsection (I) and the owner:~~

- ~~(1) ceases to be eligible for the exemption under subsection (i)(4);~~
- ~~(2) (1) fails to transfer the tangible property within eight (8) years after the assessment date for which the exemption is initially granted; or~~
- ~~(3) (2) transfers the tangible property to a person who:~~

- (A) is not a low income individual; or
- (B) does not use the transferred property as a residence for at least one (1) year after the property is transferred;

the person receiving the exemption shall notify the county recorder and the county auditor of the county in which the property is located not later than sixty (60) days after the event described in subdivision (1) or (2) ~~or (3)~~ occurs. The county auditor shall immediately inform the county assessor of a notification received under this subsection. **This subsection expires January 1, 2028.**

~~(h)~~ **(m)** If subsection ~~(k)(1), (k)(2), or (k)(3)~~ **(l)(1) or (l)(2)** applies, the owner shall pay, not later than the date that the next installment of property taxes is due, an amount equal to the sum of the following:

- (1) The total property taxes that, if it were not for the exemption under subsection (i), would have been levied on the property in each year in which an exemption was allowed.
- (2) Interest on the property taxes at the rate of ten percent (10%) per year.

This subsection expires January 1, 2028.

~~(m)~~ **(n)** The liability imposed by subsection ~~(h)~~ **(m)** is a lien upon the property receiving the exemption under subsection (i). An amount collected under subsection ~~(h)~~ **(m)** shall be collected as an excess levy. If the amount is not paid, it shall be collected in the same manner that delinquent taxes on real property are collected. **This subsection expires January 1, 2028.**

~~(n)~~ **(o)** Property referred to in this section shall be assessed to the extent required under IC 6-1.1-11-9.

~~(p)~~ **(p)** A for-profit provider of early childhood education services to children who are at least four (4) but less than six (6) years of age on the annual assessment date may receive the exemption provided by this section for property used for educational purposes only if all the requirements of section 46 of this chapter are satisfied. A for-profit provider of early childhood education services that provides the services only to children younger than four (4) years of age may not receive the exemption provided by this section for property used for educational purposes.

SECTION 3. IC 6-1.1-10-16.7, AS AMENDED BY P.L.181-2006, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16.7. **(a) Except as otherwise provided in this section, all or part of real property is exempt from property taxation if:**

- (1) the improvements on the real property were constructed, rehabilitated, or acquired for the purpose of providing housing to income eligible persons under the federal low income housing tax credit program under 26 U.S.C. 42;
- (2) the real property is subject to an extended use agreement under 26 U.S.C. 42 as administered by the Indiana housing and community development authority; and
- (3) the owner of the property has entered into an agreement to make payments in lieu of taxes under IC 36-1-8-14.2 **(before its expiration)**, IC 36-2-6-22 **(before its expiration)**, or IC 36-3-2-11 **(before its expiration)**.

(b) For assessment dates after December 31, 2017, all or part of real property is exempt from property taxation if:

- (1) the conditions specified in subsection (a)(1) through (a)(3) are met; and**
- (2) before January 1, 2018:**

- (A) the real property was exempt from property taxation under this section for one (1) or more assessment dates;**
- (B) a person filed an application seeking bond financing with a political subdivision with respect to the real property;**
- (C) a person filed an application with the Indiana**

housing and community development authority seeking tax credits under 26 U.S.C. 42 with respect to the real property; or
(D) the real property was the subject of a resolution for affordable housing adopted by a political subdivision.

- (c) This section may not be construed in such a way as to:**
 - (1) alter the terms of an agreement with the holders of any outstanding notes, bonds, or other obligations of an issuing body;**
 - (2) authorize the issuing body to alter the terms of an agreement described in subdivision (1); or**
 - (3) impair, or authorize the issuing body to impair, the rights and remedies of any creditor of the issuing body.**

SECTION 4. IC 6-1.1-12-18, AS AMENDED BY P.L.247-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. **(a) This section applies only to rehabilitation of residential real property that occurs before January 2, 2017.**

~~(b)~~ **(b)** If the assessed value of residential real property described in subsection ~~(d)~~ **(e)** is increased because it has been rehabilitated, the owner may have deducted from the assessed value of the property an amount not to exceed the lesser of:

- (1) the total increase in assessed value resulting from the rehabilitation **(excluding an increase in assessed value that occurs after January 1, 2017); or**
- (2) eighteen thousand seven hundred twenty dollars (\$18,720) per rehabilitated dwelling unit.

The owner is entitled to this deduction annually for a five (5) year period, or if subsection ~~(e)~~ **(f)** applies, the period established under subsection ~~(e)~~ **(f)**.

~~(c)~~ **(c)** For purposes of this section, the term "rehabilitation" means significant repairs, replacements, or improvements to an existing structure which are intended to increase the livability, utility, safety, or value of the property under rules adopted by the department of local government finance.

~~(d)~~ **(d)** For the purposes of this section, the term "owner" or "property owner" includes any person who has the legal obligation, or has otherwise assumed the obligation, to pay the real property taxes on the rehabilitated property.

- ~~(e)~~ **(e)** The deduction provided by this section applies only:
 - (1) for the rehabilitation of residential real property which is located within this state and which is described in one (1) of the following classifications:

- (A) A single family dwelling if before rehabilitation the assessed value (excluding any exemptions or deductions) of the improvements does not exceed thirty-seven thousand four hundred forty dollars (\$37,440).
- (B) A two (2) family dwelling if before rehabilitation the assessed value (excluding exemptions or deductions) of the improvements does not exceed forty-nine thousand nine hundred twenty dollars (\$49,920).
- (C) A dwelling with more than two (2) family units if before rehabilitation the assessed value (excluding any exemptions or deductions) of the improvements does not exceed eighteen thousand seven hundred twenty dollars (\$18,720) per dwelling unit; and

- (2) if the property owner:
 - (A) owns the residential real property; or
 - (B) is buying the residential real property under contract;

on the assessment date of the year in which an application must be filed under section 20 of this chapter.

~~(f)~~ **(f)** A county, city, or town fiscal body may adopt an ordinance to establish a deduction period that is longer than five (5) years but not to exceed fifteen (15) years for any rehabilitated property covered by this section that has also been determined to be abandoned or vacant for purposes of

IC 6-1.1-24.

(g) This section expires January 1, 2033.

SECTION 5. IC 6-1.1-12-19, AS AMENDED BY P.L.112-2012, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. **(a)** The deduction from assessed value provided by section 18 of this chapter **(before its expiration)** is first available in the year in which the increase in assessed value resulting from the rehabilitation occurs and shall continue for the following four (4) years. In the sixth (6th) year, the county auditor shall add the amount of the deduction to the assessed value of the real property. A:

- (1) general reassessment of real property under IC 6-1.1-4-4; or
- (2) reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2;

which occurs within the five (5) year period of the deduction does not affect the amount of the deduction.

(b) This section expires January 1, 2023.

SECTION 6. IC 6-1.1-12-20, AS AMENDED BY P.L.1-2009, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. (a) A property owner who desires to obtain the deduction provided by section 18 of this chapter **(before its expiration)** must file a certified deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the rehabilitated property is located. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. Except as provided in subsection (b) and subject to section 45 of this chapter, the application must be filed in the year in which the addition to assessed value is made.

(b) If notice of the addition to assessed value for any year is not given to the property owner before December 1 of that year, the application required by this section may be filed not later than thirty (30) days after the date such a notice is mailed to the property owner at the address shown on the records of the township or county assessor.

(c) The application required by this section shall contain the following information:

- (1) A description of the property for which a deduction is claimed in sufficient detail to afford identification.
- (2) Statements of the ownership of the property.
- (3) The assessed value of the improvements on the property before rehabilitation.
- (4) The number of dwelling units on the property.
- (5) The number of dwelling units rehabilitated.
- (6) The increase in assessed value resulting from the rehabilitation.
- (7) The amount of deduction claimed.

(d) A deduction application filed under this section is applicable for the year in which the increase in assessed value occurs and for the immediately following four (4) years without any additional application being filed.

(e) On verification of an application by the assessor of the township in which the property is located, or the county assessor if there is no township assessor for the township, the county auditor shall make the deduction.

(f) This section expires January 1, 2023.

SECTION 7. IC 6-1.1-12-22, AS AMENDED BY P.L.247-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 22. **(a) This section applies only to rehabilitation of property that occurs before January 2, 2017.**

(a) (b) If the assessed value of property is increased because it has been rehabilitated and the owner has paid at least ten thousand dollars (\$10,000) for the rehabilitation, the owner is entitled to have deducted from the assessed value of the property an amount equal to fifty percent (50%) of the increase in assessed value resulting from the rehabilitation **(excluding an**

increase in assessed value that occurs from rehabilitation after January 1, 2017). The owner is entitled to this deduction annually for a five (5) year period, or if subsection **(a) (f)** applies, the period established under subsection **(a) (f)**. However, the maximum deduction which a property owner may receive under this section for a particular year is:

- (1) one hundred twenty-four thousand eight hundred dollars (\$124,800) for a single family dwelling unit; or
- (2) three hundred thousand dollars (\$300,000) for any other type of property.

(b) (c) For purposes of this section, the term "property" means a building or structure which was erected at least fifty (50) years before the date of application for the deduction provided by this section. The term "property" does not include land.

(a) (d) For purposes of this section, the term "rehabilitation" means significant repairs, replacements, or improvements to an existing structure that are intended to increase the livability, utility, safety, or value of the property under rules adopted by the department of local government finance.

(a) (e) The deduction provided by this section applies only if the property owner:

- (1) owns the property; or
- (2) is buying the property under contract;

on the assessment date of the year in which an application must be filed under section 24 of this chapter.

(a) (f) A county, city, or town fiscal body may adopt an ordinance to establish a deduction period that is longer than five (5) years but not to exceed seven (7) years for any rehabilitated property covered by this section that has also been determined to be abandoned or vacant for purposes of IC 6-1.1-24.

(g) This section expires January 1, 2025.

SECTION 8. IC 6-1.1-12-23, AS AMENDED BY P.L.112-2012, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. **(a)** The deduction from assessed value provided by section 22 of this chapter **(before its expiration)** is first available after the first assessment date following the rehabilitation and shall continue for the taxes first due and payable in the following five (5) years. In the sixth (6th) year, the county auditor shall add the amount of the deduction to the assessed value of the property. Any:

- (1) general reassessment of real property under IC 6-1.1-4-4; or
- (2) reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2;

which occurs within the five (5) year period of the deduction does not affect the amount of the deduction.

(b) This section expires January 1, 2023.

SECTION 9. IC 6-1.1-12-24, AS AMENDED BY P.L.113-2010, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 24. (a) A property owner who desires to obtain the deduction provided by section 22 of this chapter **(before its expiration)** must file a certified deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is located. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. Except as provided in subsection (b) and subject to section 45 of this chapter, the application must be filed in the year in which the addition to assessed valuation is made.

(b) If notice of the addition to assessed valuation for any year is not given to the property owner before December 1 of that year, the application required by this section may be filed not later than thirty (30) days after the date such a notice is mailed to the property owner at the address shown on the records of the township or county assessor.

(c) The application required by this section shall contain the following information:

- (1) The name of the property owner.
- (2) A description of the property for which a deduction is claimed in sufficient detail to afford identification.
- (3) The assessed value of the improvements on the property before rehabilitation.
- (4) The increase in the assessed value of improvements resulting from the rehabilitation.
- (5) The amount of deduction claimed.

(d) A deduction application filed under this section is applicable for the year in which the addition to assessed value is made and in the immediate following four (4) years without any additional application being filed.

(e) On verification of the correctness of an application by the assessor of the township in which the property is located, or the county assessor if there is no township assessor for the township, the county auditor shall make the deduction.

(f) This section expires January 1, 2023.

SECTION 10. IC 6-1.1-12-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 25. (a) For repairs or improvements made to a particular building or structure, a person may receive either the deduction provided by section 18 of this chapter **(before its expiration)** or the deduction provided by section 22 of this chapter **(before its expiration)**. **He A person** may not receive deductions under both sections for the repairs or improvements.

(b) This section expires January 1, 2025.

SECTION 11. IC 6-1.1-12-46, AS AMENDED BY P.L.250-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 46. (a) This section applies to real property for an assessment date in 2011 or a later year if:

- (1) the real property is not exempt from property taxation for the assessment date;
- (2) title to the real property is transferred after the assessment date and on or before the December 31 that next succeeds the assessment date;
- (3) the transferee of the real property applies for an exemption under IC 6-1.1-11 for the next succeeding assessment date; and
- (4) the county property tax assessment board of appeals determines that the real property is exempt from property taxation for that next succeeding assessment date.

(b) For the assessment date referred to in subsection (a)(1), real property is eligible for any deductions for which the transferor under subsection (a)(2) was eligible for that assessment date under the following:

- (1) IC 6-1.1-12-1.
- (2) IC 6-1.1-12-9.
- (3) IC 6-1.1-12-11.
- (4) IC 6-1.1-12-13.
- (5) IC 6-1.1-12-14.
- (6) IC 6-1.1-12-16.
- (7) IC 6-1.1-12-17.4 (before its expiration).
- (8) IC 6-1.1-12-18 **(before its expiration)**.
- (9) IC 6-1.1-12-22 **(before its expiration)**.
- (10) IC 6-1.1-12-37.
- (11) IC 6-1.1-12-37.5.

(c) For the payment date applicable to the assessment date referred to in subsection (a)(1), real property is eligible for the credit for excessive residential property taxes under IC 6-1.1-20.6 for which the transferor under subsection (a)(2) would be eligible for that payment date if the transfer had not occurred.

SECTION 12. IC 6-1.1-12.1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) A property owner may not receive a deduction under this chapter for repairs or improvements to real property if **he the property owner** receives a deduction under either IC 6-1.1-12-18 **(before its expiration)** or IC 6-1.1-12-22 **(before its expiration)** for those same repairs or improvements. **This subsection expires**

January 1, 2033.

(b) A property owner may not receive a deduction under this chapter if the property owner receives a deduction under IC 6-1.1-12-28.5 for the same property.

SECTION 13. IC 6-1.1-42-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 22. (a) The designating body shall determine whether to approve a deduction.

(b) A designating body may not grant a deduction for a facility described in IC 6-1.1-12.1-3(e).

(c) A property owner may not receive a deduction under this chapter for repairs or improvements to real property if the owner receives a deduction under either IC 6-1.1-12.1, IC 6-1.1-12-18 **(before its expiration)**, IC 6-1.1-12-22 **(before its expiration)**, or IC 6-1.1-12-28.5 for the same property.

(d) A designating body may approve a deduction only if the following findings are made in the affirmative:

- (1) The applicant:
 - (A) has never had an ownership interest in an entity that contributed; and
 - (B) has not contributed;

a contaminant (as defined in IC 13-11-2-42) that is the subject of the voluntary remediation, as determined under the written standards adopted by the department of environmental management.

(2) The proposed improvement or property will be located in a zone.

(3) The estimate of the value of the remediation and redevelopment is reasonable for projects of that nature.

(4) The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described remediation and redevelopment.

(5) The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described remediation and redevelopment.

(6) Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described remediation and redevelopment.

(7) The totality of benefits is sufficient to justify the deduction.

SECTION 14. IC 6-2.5-1-14.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: **Sec. 14.7. "Construction material" means any tangible personal property to be converted into real property.**

SECTION 15. IC 6-2.5-1-14.9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: **Sec. 14.9. "Contractor" means any person engaged in converting construction material into real property on behalf of another person. The term includes, but is not limited to, general or prime contractors, subcontractors, and specialty contractors.**

SECTION 16. IC 6-2.5-1-19.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 19.5. "Facilitator" means a person who:**

- (1) **contracts or otherwise enters into an agreement:**
 - (A) **with a person who rents or furnishes rooms, lodgings, or accommodations for consideration; and**
 - (B) **to market the rooms, lodgings, or accommodations through the Internet; and**
- (2) **accepts payment from the consumer for the room, lodging, or accommodation.**

The term does not include a licensee (as defined in IC 25-34.1-1-2(6)) under the real estate broker licensing act

(IC 25-34.1) or the owner of the room, lodging, or accommodation.

SECTION 17. IC 6-2.5-1-27.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: **Sec. 27.7. "Time and material contract" means a contract in which the cost of construction material and the cost of labor or other charges are stated separately.**

SECTION 18. IC 6-2.5-3-2, AS AMENDED BY P.L.13-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: **Sec. 2. (a) An excise tax, known as the use tax, is imposed on the storage, use, or consumption of tangible personal property in Indiana if the property was acquired in a retail transaction, regardless of the location of that transaction or of the retail merchant making that transaction.**

(b) The use tax is also imposed on the storage, use, or consumption of a vehicle, an aircraft, or a watercraft, if the vehicle, aircraft, or watercraft:

- (1) is acquired in a transaction that is an isolated or occasional sale; and**
- (2) is required to be titled, licensed, or registered by this state for use in Indiana.**

(c) The use tax is imposed on the addition of tangible personal property to a structure or facility; if, after its addition, the property becomes part of the real estate on which the structure or facility is located: a contractor's conversion of construction material into real property if that construction material was purchased by the contractor. However, the use tax does not apply to ~~additions conversions of tangible personal property construction material~~ described in this subsection, if:

- (1) the state gross retail or use tax has been previously imposed on the ~~sale contractor's acquisition~~ or use of that property; or construction material;**
- (2) the ~~ultimate purchaser or recipient of that property would have been person for whom the construction material is being converted could have purchased the material~~ exempt from the state gross retail and use taxes, as evidenced by a properly issued exemption certificate, if that purchaser or recipient person had directly purchased the property from the supplier for addition to the structure or facility: construction material from a retail merchant in a retail transaction; or**
- (3) the conversion of the construction material into real property is governed by a time and material contract as described in IC 6-2.5-4-9(b).**

(d) The use tax is imposed on a person who:

- (1) manufactures, fabricates, or assembles tangible personal property from materials either within or outside Indiana; and**
- (2) uses, stores, distributes, or consumes tangible personal property in Indiana.**

(e) Notwithstanding any other provision of this section, the use tax is not imposed on the keeping, retaining, or exercising of any right or power over tangible personal property, if:

- (1) the property is delivered into Indiana by or for the purchaser of the property;**
- (2) the property is delivered in Indiana for the sole purpose of being processed, printed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property; and**
- (3) the property is subsequently transported out of state for use solely outside Indiana.**

(f) As used in subsection (g) and IC 6-2.5-5-42:

(1) "completion work" means the addition of tangible personal property to or reconfiguration of the interior of an aircraft, if the work requires the issuance of an airworthiness certificate from the:

- (A) Federal Aviation Administration; or**
- (B) equivalent foreign regulatory authority;**

due to the change in the type certification basis of the aircraft resulting from the addition to or reconfiguration of the interior of the aircraft;

(2) "delivery" means the physical delivery of the aircraft regardless of who holds title; and

(3) "prepurchase evaluation" means an examination of an aircraft by a potential purchaser for the purpose of obtaining information relevant to the potential purchase of the aircraft.

(g) Notwithstanding any other provision of this section, the use tax is not imposed on the keeping, retaining, or exercising of any right or power over an aircraft, if:

- (1) the aircraft is or will be titled, registered, or based (as defined in IC 6-6-6.5-1(m)) in another state or country;**
- (2) the aircraft is delivered to Indiana by or for a nonresident owner or purchaser of the aircraft;**
- (3) the aircraft is delivered to Indiana for the sole purpose of being repaired, refurbished, remanufactured, or subjected to completion work or a prepurchase evaluation; and**
- (4) after completion of the repair, refurbishment, remanufacture, completion work, or prepurchase evaluation, the aircraft is transported to a destination outside Indiana.**

(h) The amendments made to this section by P.L.153-2012 shall be interpreted to specify and not to change the general assembly's intent with respect to this section.

SECTION 19. IC 6-2.5-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 4. (a) A person is a retail merchant making a retail transaction when the person rents or furnishes rooms, lodgings, or other accommodations, such as booths, display spaces, banquet facilities, and cubicles or spaces used for adult relaxation, massage, modeling, dancing, or other entertainment to another person:**

- (1) if those rooms, lodgings, or accommodations are rented or furnished for periods of less than thirty (30) days; and**
- (2) if the rooms, lodgings, and accommodations are located in:**

(A) a hotel, motel, inn, tourist camp, tourist cabin, gymnasium, hall, coliseum, or other place, where rooms, lodgings, or accommodations are regularly furnished for consideration; or

(B) a house, condominium, or apartment in which rooms, lodgings, or accommodations are rented or furnished for transient residential housing for consideration.

(b) A facilitator is a retail merchant making a retail transaction when the facilitator accepts payment from the consumer for a room, lodging, or accommodation rented or furnished in Indiana.

~~(b)~~ **(c) Except as provided in section 4.2 of this chapter, each rental or furnishing by a retail merchant under subsection (a) or (b) is a separate unitary transaction regardless of whether consideration is paid to an independent contractor or directly to the retail merchant.**

~~(c)~~ **(d) For purposes of this section, "consideration" includes a membership fee charged to a customer.**

~~(d)~~ **(e) Notwithstanding subsection (a), a person is not a retail merchant making a retail transaction if:**

- (1) the person is a promoter that rents a booth or display space to an exhibitor; and**
- (2) the booth or display space is located in a facility that:**
 - (A) is described in subsection (a)(2); and**
 - (B) is operated by a political subdivision (including a capital improvement board established under IC 36-10-8 or IC 36-10-9) or the state fair commission.**

This subsection does not exempt from the state gross retail tax the renting of accommodations by a political subdivision or the state fair commission to a promoter or an exhibitor.

SECTION 20. IC 6-2.5-4-4.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 4.2. (a) A person or a facilitator who is a retail merchant making a retail transaction described in section 4 of this chapter shall give to the consumer of the room, lodging, or accommodation an itemized statement separately stating all the following:**

- (1) The part of the gross retail income that is charged by the person for renting or furnishing the room, lodging, or accommodation.**
- (2) Any amount collected by the person renting or furnishing the room, lodging, or accommodation for:**
 - (A) the state gross retail or use tax; and**
 - (B) any innkeeper's tax due under IC 6-9.**
- (3) Any part of the gross retail income that is a fee, commission, or other charge of a facilitator.**

(b) A penalty of twenty-five dollars (\$25) is imposed for each transaction described in subsection (a) in which a facilitator fails to separately state the information required to be separately stated by subsection (a).

SECTION 21. IC 6-2.5-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: **Sec. 9. (a) A person is a retail merchant making a retail transaction when the person sells tangible personal property which:**

- (1) is to be added to a structure or facility by the purchaser; and**
- (2) after its addition to the structure or facility, would become a part of the real estate on which the structure or facility is located.**

(b) A contractor is a retail merchant making a retail transaction when the contractor:

- (1) disposes of tangible personal property; or**
- (2) converts tangible personal property into real property;**

under a time and material contract. As such a retail merchant, a contractor described in this subsection shall collect, as an agent of the state, the state gross retail tax on the resale of the construction material and remit the state gross retail tax as provided in this article.

~~(b)~~ **(c) Notwithstanding subsection (a); subsections (a) and (b), a transaction described in subsection (a) or (b) is not a retail transaction, if the ultimate purchaser or recipient of the property to be added to the a structure or facility would be exempt from the state gross retail and use taxes if that purchaser or recipient had directly purchased the property from the supplier for addition to the structure or facility.**

SECTION 22. IC 6-2.5-5-3, AS AMENDED BY P.L.250-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 3. (a) For purposes of this section:**

- (1) the:**
 - (A) retreading of tires; and**
 - ~~(B) cutting of steel bars into billets; and~~
 - ~~(C)~~ **(B) felling of trees for further use in production or for sale in the ordinary course of business;** shall be treated as the processing of tangible personal property; and
- (2) commercial printing shall be treated as the production and manufacture of tangible personal property.**

(b) Except as provided in subsection (c), transactions involving manufacturing machinery, tools, and equipment are exempt from the state gross retail tax if the person acquiring that property acquires it for direct use in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property, including material handling equipment purchased for the purpose of transporting materials into such activities from an onsite location.

(c) The exemption provided in subsection (b) does not apply to transactions involving distribution equipment or transmission equipment acquired by a public utility engaged in generating electricity.

SECTION 23. IC 6-3-1-3.5, AS AMENDED BY SEA 23-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 3.5. When used in this article, the term "adjusted gross income" shall mean the following:**

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

- (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.**
- (2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.**
- (3) Subtract one thousand dollars (\$1,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand dollars (\$1,000).**
- (4) Subtract one thousand dollars (\$1,000) for:**
 - (A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;**
 - (B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and**
 - (C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.**
- (5) Subtract:**
 - (A) one thousand five hundred dollars (\$1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code (as effective January 1, 2004); and**
 - (B) for taxable years beginning after December 31, 2017, one thousand five hundred dollars (\$1,500) for each exemption allowed under Section 151(c) of the Internal Revenue Code for an individual:**
 - (i) who is less than nineteen (19) years of age or is a full-time student who is less than twenty-four (24) years of age;**
 - (ii) for whom the taxpayer is the legal guardian; and**
 - (iii) for whom the taxpayer does not claim an exemption under clause (A); and**
 - ~~(B)~~ **(C) five hundred dollars (\$500) for each additional amount allowable under Section 63(f)(1) of the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars (\$40,000).**

This amount is in addition to the amount subtracted under subdivision (4).

- (6) Subtract any amounts included in federal adjusted gross income under Section 111 of the Internal Revenue Code as a recovery of items previously deducted as an itemized deduction from adjusted gross income.**
- (7) Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).**
- (8) Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.**

(9) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), and (5) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

(10) In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.

(11) In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.

(12) Subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.

(13) Subtract an amount equal to the lesser of:

(A) two thousand five hundred dollars (\$2,500); or

(B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.

(14) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.

(15) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(16) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(17) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(18) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(19) Subtract an amount equal to the amount of the taxpayer's qualified military income that was not excluded from the taxpayer's gross income for federal income tax purposes under Section 112 of the Internal Revenue Code.

(20) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the individual's federal adjusted gross income under the Internal Revenue Code.

(21) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

Subtract the amount necessary from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(22) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code.

(3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Add to the extent required by IC 6-3-2-20 the amount of intangible expenses (as defined in IC 6-3-2-20) and any directly related interest expenses (as defined in IC 6-3-2-20) for the taxable year that reduced the corporation's taxable income (as defined in Section 63 of the Internal Revenue Code) for federal income tax purposes.

(10) Add an amount equal to any deduction for dividends paid (as defined in Section 561 of the Internal Revenue Code) to shareholders of a captive real estate investment trust (as defined in section 34.5 of this chapter).

(11) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the corporation's taxable income under the Internal Revenue Code.

(12) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(13) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(c) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue Code) that are organized under Indiana law, the same as "life insurance company taxable income" (as defined in Section 801 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 832(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 or Section 810 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the insurance company's taxable income under the Internal Revenue Code.

(10) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(11) Add an amount equal to any exempt insurance income under Section 953(e) of the Internal Revenue Code that is active financing income under Subpart F of Subtitle A, Chapter 1, Subchapter N of the Internal Revenue Code.

(12) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(d) In the case of insurance companies subject to tax under Section 831 of the Internal Revenue Code and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 832(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the insurance company's taxable income under the Internal Revenue Code.

(10) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(11) Add an amount equal to any exempt insurance income under Section 953(e) of the Internal Revenue Code that is active financing income under Subpart F of Subtitle A, Chapter 1, Subchapter N of the Internal Revenue Code.

(12) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(e) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September 11 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.

(3) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(4) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(6) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(7) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the taxpayer's taxable income under the Internal Revenue Code.

(8) Add an amount equal to any income not included in

gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(9) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

SECTION 24. IC 6-3-3-5.1 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. Sec. 5-1: (a) At the election of the taxpayer, a credit against the adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for the taxable year, is permitted in an amount (subject to the applicable limitations provided by this section) equal to fifty percent (50%) of the aggregate amount of contributions made by the taxpayer during the taxable year to the twenty-first century scholars program support fund established under IC 21-12-7-1.

(b) In the case of a taxpayer other than a corporation, the amount allowable as a credit under this section for any taxable year may not exceed:

(1) one hundred dollars (\$100) in the case of a single return; or

(2) two hundred dollars (\$200) in the case of a joint return.

(c) In the case of a taxpayer that is a corporation, the amount allowable as a credit under this section for any taxable year may not exceed the lesser of the following amounts:

(1) Ten percent (10%) of the corporation's total adjusted gross income tax under IC 6-3-1 through IC 6-3-7 for the taxable year (as determined without regard to any credits against that tax);

(2) One thousand dollars (\$1,000).

(d) The credit permitted under this section may not exceed the amount of the adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for the taxable year, reduced by the sum of all credits (as determined without regard to this section) allowed by IC 6-3-1 through IC 6-3-7.

SECTION 25. IC 6-3-3-12, AS AMENDED BY P.L.182-2009(ss), SECTION 198, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) As used in this section, "account" has the meaning set forth in IC 21-9-2-2.

(b) As used in this section, "account beneficiary" has the meaning set forth in IC 21-9-2-3.

(c) As used in this section, "account owner" has the meaning set forth in IC 21-9-2-4.

(d) As used in this section, "college choice 529 education savings plan" refers to a college choice 529 investment plan established under IC 21-9.

(e) As used in this section, "contribution" means the amount of money directly provided to a college choice 529 education savings plan account by a taxpayer. A contribution does not include any of the following:

(1) Money credited to an account as a result of bonus points or other forms of consideration earned by the taxpayer that result in a transfer of money to the account.

(2) Money transferred from any other qualified tuition program under Section 529 of the Internal Revenue Code or from any other similar plan.

(f) As used in this section, "nonqualified withdrawal" means a withdrawal or distribution from a college choice 529 education savings plan that is not a qualified withdrawal.

(g) As used in this section, "qualified higher education expenses" has the meaning set forth in IC 21-9-2-19.5.

(h) As used in this section, "qualified withdrawal" means a withdrawal or distribution from a college choice 529 education savings plan that is made:

- (1) to pay for qualified higher education expenses, excluding any withdrawals or distributions used to pay for qualified higher education expenses if the withdrawals or distributions are made from an account of a college choice 529 education savings plan that is terminated within twelve (12) months after the account is opened;
- (2) as a result of the death or disability of an account beneficiary;
- (3) because an account beneficiary received a scholarship that paid for all or part of the qualified higher education expenses of the account beneficiary, to the extent that the withdrawal or distribution does not exceed the amount of the scholarship; or
- (4) by a college choice 529 education savings plan as the result of a transfer of funds by a college choice 529 education savings plan from one (1) third party custodian to another.

A qualified withdrawal does not include a rollover distribution or transfer of assets from a college choice 529 education savings plan to any other qualified tuition program under Section 529 of the Internal Revenue Code or to any other similar plan.

(i) As used in this section, "taxpayer" means:

- (1) an individual filing a single return; or
- (2) a married couple filing a joint return.

(j) A taxpayer is entitled to a credit against the taxpayer's adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for a taxable year equal to the least of the following:

- (1) Twenty percent (20%) of the amount of the total contributions made by the taxpayer to an account or accounts of a college choice 529 education savings plan during the taxable year.
- (2) One thousand dollars (\$1,000).
- (3) The amount of the taxpayer's adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for the taxable year, reduced by the sum of all credits (as determined without regard to this section) allowed by IC 6-3-1 through IC 6-3-7.

(k) A taxpayer who makes a contribution to a college choice 529 education savings plan is considered to have made the contribution on the date that:

- (1) the taxpayer's contribution is postmarked or accepted by a delivery service, for contributions that are submitted to a college choice 529 education savings plan by mail or delivery service; or**
- (2) the taxpayer's electronic funds transfer is initiated, for contributions that are submitted to a college choice 529 education savings plan by electronic funds transfer.**

~~(k)~~ (l) A taxpayer is not entitled to a carryback, carryover, or refund of an unused credit.

~~(l)~~ (m) A taxpayer may not sell, assign, convey, or otherwise transfer the tax credit provided by this section.

~~(m)~~ (n) To receive the credit provided by this section, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department. The taxpayer shall submit to the department all information that the department determines is necessary for the calculation of the credit provided by this section.

~~(n)~~ (o) An account owner of an account of a college choice 529 education savings plan must repay all or a part of the credit in a taxable year in which any nonqualified withdrawal is made from the account. The amount the taxpayer must repay is equal

to the lesser of:

(1) twenty percent (20%) of the total amount of nonqualified withdrawals made during the taxable year from the account; or

(2) the excess of:

(A) the cumulative amount of all credits provided by this section that are claimed by any taxpayer with respect to the taxpayer's contributions to the account for all prior taxable years beginning on or after January 1, 2007; over

(B) the cumulative amount of repayments paid by the account owner under this subsection for all prior taxable years beginning on or after January 1, 2008.

~~(p)~~ (p) Any required repayment under subsection (o) shall be reported by the account owner on the account owner's annual state income tax return for any taxable year in which a nonqualified withdrawal is made.

~~(q)~~ (q) A nonresident account owner who is not required to file an annual income tax return for a taxable year in which a nonqualified withdrawal is made shall make any required repayment on the form required under IC 6-3-4-1(2). If the nonresident account owner does not make the required repayment, the department shall issue a demand notice in accordance with IC 6-8.1-5-1.

~~(r)~~ (r) The executive director of the Indiana education savings authority shall submit or cause to be submitted to the department a copy of all information returns or statements issued to account owners, account beneficiaries, and other taxpayers for each taxable year with respect to:

- (1) nonqualified withdrawals made from accounts of a college choice 529 education savings plan for the taxable year; or
- (2) account closings for the taxable year.

SECTION 26, IC 6-3-3-14.6, AS ADDED BY P.L.213-2015, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14.6. (a) This section applies only to taxable years beginning after December 31, 2015.

(b) As used in this section, "hospital" means an acute care hospital that:

- (1) is licensed under IC 16-21-2;
- (2) is operated on a for-profit basis;
- (3) is subject to the adjusted gross income tax at the rate specified in IC 6-3-2-1(b);
- (4) provides health care, accommodations, facilities, and equipment, in connection with the services of a physician, to individuals who may need medical or surgical services; and
- (5) is not primarily providing care and treatment of patients:

- (A) with a cardiac condition;
- (B) with an orthopedic condition; or
- (C) receiving a surgical procedure.

(c) Each taxable year, a hospital is entitled to a credit against the hospital's adjusted gross income tax liability for the taxable year equal to ten percent (10%) of the property taxes paid in Indiana for the taxable year on property used as a hospital.

(d) The credit provided by this section may not exceed the amount of the taxpayer's adjusted gross income tax liability for the taxable year, reduced by the sum of all credits for the taxable year that are applied before the application of the credit provided by this section. The amount of any unused credit under this section for a taxable year may ~~not~~ be carried forward to a succeeding taxable year. ~~carried back to a preceding taxable year, or refunded.~~

SECTION 27, IC 6-3-4-12, AS AMENDED BY P.L.242-2015, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) Every partnership shall, at the time that the partnership pays or credits amounts to any of its nonresident partners on account of their

distributive shares of partnership income, for a taxable year of the partnership, deduct and retain therefrom the amount prescribed in the withholding instructions referred to in section 8 of this chapter. Such partnership so paying or crediting any nonresident partner:

(1) shall be liable to the state of Indiana for the payment of the tax required to be deducted and retained under this section and shall not be liable to such partner for the amount deducted from such payment or credit and paid over in compliance or intended compliance with this section; and

(2) shall make return of and payment to the department monthly whenever the amount of tax due under IC 6-3 and IC 6-3.5 exceeds an aggregate amount of fifty dollars (\$50) per month with such payment due on the thirtieth day of the following month, unless an earlier date is specified by section 8.1 of this chapter.

Where the aggregate amount due under IC 6-3 and IC 6-3.5 does not exceed fifty dollars (\$50) per month, then such partnership shall make return and payment to the department quarterly, on such dates and in such manner as the department shall prescribe, of the amount of tax which, under IC 6-3 and IC 6-3.5, it is required to withhold.

(b) Every partnership shall, at the time of each payment made by it to the department pursuant to this section, deliver to the department a return upon such form as shall be prescribed by the department showing the total amounts paid or credited to its nonresident partners, the amount deducted therefrom in accordance with the provisions of this section, and such other information as the department may require. Every partnership making the deduction and retention provided in this section shall furnish to its nonresident partners annually, but not later than the fifteenth day of the third month after the end of its taxable year, a record of the amount of tax deducted and retained from such partners on forms to be prescribed by the department.

(c) All money deducted and retained by the partnership, as provided in this section, shall immediately upon such deduction be the money of the state of Indiana and every partnership which deducts and retains any amount of money under the provisions of IC 6-3 shall hold the same in trust for the state of Indiana and for payment thereof to the department in the manner and at the times provided in IC 6-3. Any partnership may be required to post a surety bond in such sum as the department shall determine to be appropriate to protect the state of Indiana with respect to money deducted and retained pursuant to this section.

(d) The provisions of IC 6-8.1 relating to additions to tax in case of delinquency and penalties shall apply to partnerships subject to the provisions of this section, and for these purposes any amount deducted, or required to be deducted and remitted to the department under this section, shall be considered to be the tax of the partnership, and with respect to such amount it shall be considered the taxpayer.

(e) Amounts deducted from payments or credits to a nonresident partner during any taxable year of the partnership in accordance with the provisions of this section shall be considered to be in part payment of the tax imposed on such nonresident partner for the nonresident partner's taxable year within or with which the partnership's taxable year ends. A return made by the partnership under subsection (b) shall be accepted by the department as evidence in favor of the nonresident partner of the amount so deducted for the nonresident partner's distributive share.

(f) This section shall in no way relieve any nonresident partner from the nonresident partner's obligations of filing a return or returns at the time required under IC 6-3 or IC 6-3.5, and any unpaid tax shall be paid at the time prescribed by section 5 of this chapter.

(g) Instead of the reporting periods required under subsection (a), the department may permit a partnership to file one (1)

return and payment each year if the partnership pays or credits amounts to its nonresident partners only one (1) time each year. The return and payment are due on or before the fifteenth day of the fourth month after the end of the year. However, if a partnership is permitted an extension to file its income tax return under IC 6-8.1-6-1, the return and payment due under this subsection shall be allowed the same treatment as an extended income tax return with respect to due dates, interest, and penalties under IC 6-8.1-6-1.

(h) If a partnership fails to withhold and pay any amount of tax required to be withheld under this section and thereafter the tax is paid by the partners, the amounts of tax as paid by the partners shall not be collected from the partnership but it may not be relieved from liability for interest or penalty otherwise due in respect to the failure to withhold under IC 6-8.1-10.

~~(h)~~ (i) A partnership shall file a composite adjusted gross income tax return on behalf of all nonresident partners. The composite return must include each nonresident partner regardless of whether or not the nonresident partner has other Indiana source income.

~~(h)~~ (j) If a partnership does not include all nonresident partners in the composite return, the partnership is subject to the penalty imposed under IC 6-8.1-10-2.1(j).

~~(h)~~ (k) For taxable years beginning after December 31, 2013, the department may not impose a late payment penalty on a partnership for the failure to file a return, pay the full amount of the tax shown on the partnership's return, or pay the deficiency of the withholding taxes due under this section if the partnership pays the department before the fifteenth day of the fourth month after the end of the partnership's taxable year at least:

(1) eighty percent (80%) of the withholding tax due for the current year; or

(2) one hundred percent (100%) of the withholding tax due for the preceding year.

~~(h)~~ (l) Notwithstanding subsection (a) or ~~(h)~~; (i), a pass through entity is not required to withhold tax or file a composite adjusted gross income tax return for a nonresident member if the entity:

(1) is a publicly traded partnership as defined by Section 7704(b) of the Internal Revenue Code;

(2) meets the exception for partnerships under Section 7704(c) of the Internal Revenue Code; and

(3) has agreed to file an annual information return reporting the name, address, taxpayer identification number, and other information requested by the department of each unit holder.

The department may issue written guidance explaining circumstances under which limited partnerships or limited liability companies owned by a publicly traded partnership may be excluded from the withholding requirements of this section.

~~(h)~~ (m) Notwithstanding subsection ~~(j)~~; (k), a partnership is subject to a late payment penalty for the failure to file a return, pay the full amount of the tax shown on the partnership's return, or pay the deficiency of the withholding taxes due under this section for any amounts of withholding tax, including any interest under IC 6-8.1-10-1, reported or paid after the due date of the return, as adjusted by any extension under IC 6-8.1-6-1.

~~(m)~~ (n) For purposes of this section, a "nonresident partner" is:

(1) an individual who does not reside in Indiana;

(2) a trust that does not reside in Indiana;

(3) an estate that does not reside in Indiana;

(4) a partnership not domiciled in Indiana;

(5) a C corporation not domiciled in Indiana; or

(6) an S corporation not domiciled in Indiana.

SECTION 28. IC 6-3-4-15, AS AMENDED BY P.L.242-2015, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) A trust or estate shall, at the time that it distributes income (except

income attributable to interest or dividends) to a nonresident beneficiary, deduct and retain therefrom the amount prescribed in the withholding instructions referred to in section 8 of this chapter. The trust or estate so distributing income to a nonresident beneficiary:

- (1) is liable to this state for the tax which it is required to deduct and retain under this section and is not liable to the beneficiary for the amount deducted from the distribution and paid to the department in compliance, or intended compliance, with this section; and
- (2) shall pay the amount deducted to the department before the thirtieth day of the month following the distribution, unless an earlier date is specified by section 8.1 of this chapter.

(b) A trust or estate shall, at the time that it makes a payment to the department under this section, deliver to the department a return which shows the total amounts distributed to the trust's or estate's nonresident beneficiaries, the amount deducted from the distributions under this section, and any other information required by the department. The trust or estate shall file the return on the form prescribed by the department. A trust or estate which makes the deduction and retention required by this section shall furnish to its nonresident beneficiaries annually, but not later than thirty (30) days after the end of the trust's or estate's taxable year, a record of the amount of tax deducted and retained from the beneficiaries. The trust or estate shall furnish the information on the form prescribed by the department.

(c) The money deducted and retained by a trust or estate under this section is money of this state. Every trust or estate which deducts and retains any money under this section shall hold the money in trust for this state until it pays the money to the department in the manner and at the time provided in this section. The department may require a trust or estate to post a surety bond to protect this state with respect to money deducted and retained by the trust or estate under this section. The department shall determine the amount of the surety bond.

(d) The provisions of IC 6-8.1 relating to penalties or to additions to tax in case of a delinquency apply to trusts and estates which are subject to this section. For purposes of this subsection, any amount deducted, or required to be deducted and remitted to the department, under this section is considered the tax of the trust or estate, and with respect to that amount, it is considered the taxpayer.

(e) Amounts deducted from distributions to nonresident beneficiaries under this section during a taxable year of the trust or estate are considered a partial payment of the tax imposed on the nonresident beneficiary for his taxable year within or with which the trust's or estate's taxable year ends. The department shall accept a return made by the trust or estate under subsection (b) as evidence of the amount of tax deducted from the income distributed to a nonresident beneficiary.

(f) This section does not relieve a nonresident beneficiary of his duty to file a return at the time required under IC 6-3. The nonresident beneficiary shall pay any unpaid tax at the time prescribed by section 5 of this chapter.

(g) If a trust or estate fails to withhold and pay any amount of tax required to be withheld under this section and thereafter the tax is paid by the beneficiaries, the amount of tax paid by the beneficiaries may not be collected from the trust or estate but it may not be relieved from liability for interest or penalty otherwise due in respect to the failure to withhold under IC 6-8.1-10.

~~(g)~~ (h) A trust or estate shall file a composite adjusted gross income tax return on behalf of all nonresident beneficiaries. The composite return must include each nonresident beneficiary regardless of whether the nonresident beneficiary has other Indiana source income.

~~(h)~~ (i) For purposes of this section, a "nonresident beneficiary" is:

- (1) an individual who does not reside in Indiana;

- (2) a trust that does not reside in Indiana;
- (3) an estate that does not reside in Indiana;
- (4) a partnership that is not domiciled in Indiana;
- (5) a C corporation that is not domiciled in Indiana; or
- (6) an S corporation that is not domiciled in Indiana.

~~(j)~~ (j) If a trust or estate is permitted an extension to file its income tax return under IC 6-8.1-6-1, then the return and payment due under this subsection shall be allowed the same treatment as the extended income tax return with respect to due dates, interest, and penalties under IC 6-8.1-6-1.

SECTION 29. IC 6-8.1-8-2, AS AMENDED BY P.L.242-2015, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in IC 6-8.1-5-3 and sections 16 and 17 of this chapter, the department must issue a demand notice for the payment of a tax and any interest or penalties accrued on the tax, if a person files a tax return without including full payment of the tax or if the department, after ruling on a protest, finds that a person owes the tax before the department issues a tax warrant. The demand notice must state the following:

- (1) That the person has ~~ten (10)~~ **twenty (20)** days from the date the department mails the notice to either pay the amount demanded or show reasonable cause for not paying the amount demanded.
- (2) The statutory authority of the department for the issuance of a tax warrant.
- (3) The earliest date on which a tax warrant may be filed and recorded.
- (4) The statutory authority for the department to levy against a person's property that is held by a financial institution.
- (5) The remedies available to the taxpayer to prevent the filing and recording of the judgment.

If the department files a tax warrant in more than one (1) county, the department is not required to issue more than one (1) demand notice.

(b) If the person does not pay the amount demanded or show reasonable cause for not paying the amount demanded within the ~~ten (10)~~ **twenty (20)** day period, the department may issue a tax warrant for the amount of the tax, interest, penalties, collection fee, sheriff's costs, clerk's costs, and fees established under section 4(b) of this chapter when applicable. When the department issues a tax warrant, a collection fee of ten percent (10%) of the unpaid tax is added to the total amount due.

(c) When the department issues a tax warrant, it may not file the warrant with the circuit court clerk of any county in which the person owns property until at least twenty (20) days after the date the demand notice was mailed to the taxpayer. The department may also send the warrant to the sheriff of any county in which the person owns property and direct the sheriff to file the warrant with the circuit court clerk:

- (1) at least twenty (20) days after the date the demand notice was mailed to the taxpayer; and
- (2) no later than five (5) days after the date the department issues the warrant.

(d) When the circuit court clerk receives a tax warrant from the department or the sheriff, the clerk shall record the warrant by making an entry in the judgment debtor's column of the judgment record, listing the following:

- (1) The name of the person owing the tax.
- (2) The amount of the tax, interest, penalties, collection fee, sheriff's costs, clerk's costs, and fees established under section 4(b) of this chapter when applicable.
- (3) The date the warrant was filed with the clerk.

(e) When the entry is made, the total amount of the tax warrant becomes a judgment against the person owing the tax. The judgment creates a lien in favor of the state that attaches to all the person's interest in any:

- (1) chose in action in the county; and
- (2) real or personal property in the county;

excepting only negotiable instruments not yet due.

(f) A judgment obtained under this section is valid for ten (10) years from the date the judgment is filed. The department may renew the judgment for additional ten (10) year periods by filing an alias tax warrant with the circuit court clerk of the county in which the judgment previously existed.

(g) A judgment arising from a tax warrant in a county shall be released by the department:

- (1) after the judgment, including all accrued interest to the date of payment, has been fully satisfied; or
- (2) if the department determines that the tax assessment or the issuance of the tax warrant was in error.

(h) Subject to subsections (p) and (q), if the department determines that the filing of a tax warrant was in error or if the commissioner determines that the release of the judgment and expungement of the tax warrant are in the best interest of the state, the department shall mail a release of the judgment to the taxpayer and the circuit court clerk of each county where the warrant was filed. The circuit court clerk of each county where the warrant was filed shall expunge the warrant from the judgment debtor's column of the judgment record. The department shall mail the release and the order for the warrant to be expunged as soon as possible but no later than seven (7) days after:

- (1) the determination by the department that the filing of the warrant was in error; and
- (2) the receipt of information by the department that the judgment has been recorded under subsection (d).

(i) If the department determines that a judgment described in subsection (h) is obstructing a lawful transaction, the department shall immediately upon making the determination mail:

- (1) a release of the judgment to the taxpayer; and
- (2) an order requiring the circuit court clerk of each county where the judgment was filed to expunge the warrant.

(j) A release issued under subsection (h) or (i) must state that the filing of the tax warrant was in error. Upon the request of the taxpayer, the department shall mail a copy of a release and the order for the warrant to be expunged issued under subsection (h) or (i) to each major credit reporting company located in each county where the judgment was filed.

(k) The commissioner shall notify each state agency or officer supplied with a tax warrant list of the issuance of a release under subsection (h) or (i).

(l) If the sheriff collects the full amount of a tax warrant, the sheriff shall disburse the money collected in the manner provided in section 3(c) of this chapter. If a judgment has been partially or fully satisfied by a person's surety, the surety becomes subrogated to the department's rights under the judgment. If a sheriff releases a judgment:

- (1) before the judgment is fully satisfied;
- (2) before the sheriff has properly disbursed the amount collected; or
- (3) after the sheriff has returned the tax warrant to the department;

the sheriff commits a Class B misdemeanor and is personally liable for the part of the judgment not remitted to the department.

(m) A lien on real property described in subsection (e)(2) is void if both of the following occur:

- (1) The person owing the tax provides written notice to the department to file an action to foreclose the lien.
- (2) The department fails to file an action to foreclose the lien not later than one hundred eighty (180) days after receiving the notice.

(n) A person who gives notice under subsection (m) by registered or certified mail to the department may file an affidavit of service of the notice to file an action to foreclose the lien with the circuit court clerk in the county in which the property is located. The affidavit must state the following:

(1) The facts of the notice.

(2) That more than one hundred eighty (180) days have passed since the notice was received by the department.

(3) That no action for foreclosure of the lien is pending.

(4) That no unsatisfied judgment has been rendered on the lien.

(o) Upon receipt of the affidavit described in subsection (n), the circuit court clerk shall make an entry showing the release of the judgment lien in the judgment records for tax warrants.

(p) The department shall adopt rules to define the circumstances under which a release and expungement may be granted based on a finding that the release and expungement would be in the best interest of the state. The rules may allow the commissioner to expunge a tax warrant in other circumstances not inconsistent with subsection (q) that the commissioner determines are appropriate. Any releases or expungements granted by the commissioner must be consistent with these rules.

(q) The commissioner may expunge a tax warrant in the following circumstances:

(1) If the taxpayer has timely and fully filed and paid all of the taxpayer's state taxes, or has otherwise resolved any outstanding state tax issues, for the preceding five (5) years.

(2) If the warrant was issued more than ten (10) years prior to the expungement.

(3) If the warrant is not subject to pending litigation.

(4) Other circumstances not inconsistent with subdivisions (1) through (3) that are specified in the rules adopted under subsection (p).

(r) Notwithstanding any other provision in this section, the commissioner may decline to release a judgment or expunge a warrant upon a finding that the warrant was issued based on the taxpayer's fraudulent, intentional, or reckless conduct.

(s) The rules required under subsection (p) shall specify the process for requesting that the commissioner release and expunge a tax warrant.

SECTION 30. IC 6-8.1-10-2.1, AS AMENDED BY P.L.293-2013(ts), SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.1. (a) Except as provided in ~~IC 6-3-4-12(j)~~ **IC 6-3-4-12(k)** and IC 6-3-4-13(l), a person that:

(1) fails to file a return for any of the listed taxes;

(2) fails to pay the full amount of tax shown on the person's return on or before the due date for the return or payment;

(3) incurs, upon examination by the department, a deficiency that is due to negligence;

(4) fails to timely remit any tax held in trust for the state; or

(5) is required to make a payment by electronic funds transfer (as defined in IC 4-8.1-2-7), overnight courier, or personal delivery and the payment is not received by the department by the due date in funds acceptable to the department;

is subject to a penalty.

(b) Except as provided in subsection (g), the penalty described in subsection (a) is ten percent (10%) of:

(1) the full amount of the tax due if the person failed to file the return;

(2) the amount of the tax not paid, if the person filed the return but failed to pay the full amount of the tax shown on the return;

(3) the amount of the tax held in trust that is not timely remitted;

(4) the amount of deficiency as finally determined by the department; or

(5) the amount of tax due if a person failed to make payment by electronic funds transfer, overnight courier, or personal delivery by the due date.

(c) For purposes of this section, the filing of a substantially blank or unsigned return does not constitute a return.

(d) If a person subject to the penalty imposed under this section can show that the failure to file a return, pay the full amount of tax shown on the person's return, timely remit tax held in trust, or pay the deficiency determined by the department was due to reasonable cause and not due to willful neglect, the department shall waive the penalty.

(e) A person who wishes to avoid the penalty imposed under this section must make an affirmative showing of all facts alleged as a reasonable cause for the person's failure to file the return, pay the amount of tax shown on the person's return, pay the deficiency, or timely remit tax held in trust, in a written statement containing a declaration that the statement is made under penalty of perjury. The statement must be filed with the return or payment within the time prescribed for protesting departmental assessments. A taxpayer may also avoid the penalty imposed under this section by obtaining a ruling from the department before the end of a particular tax period on the amount of tax due for that tax period.

(f) The department shall adopt rules under IC 4-22-2 to prescribe the circumstances that constitute reasonable cause and negligence for purposes of this section.

(g) A person who fails to file a return for a listed tax that shows no tax liability for a taxable year, other than an information return (as defined in section 6 of this chapter), on or before the due date of the return shall pay a penalty of ten dollars (\$10) for each day that the return is past due, up to a maximum of two hundred fifty dollars (\$250).

(h) A:

- (1) corporation which otherwise qualifies under IC 6-3-2-2.8(2);
- (2) partnership; or
- (3) trust;

that fails to withhold and pay any amount of tax required to be withheld under IC 6-3-4-12, IC 6-3-4-13, or IC 6-3-4-15 shall pay a penalty equal to twenty percent (20%) of the amount of tax required to be withheld under IC 6-3-4-12, IC 6-3-4-13, or IC 6-3-4-15. This penalty shall be in addition to any penalty imposed by section 6 of this chapter.

(i) Subsections (a) through (c) do not apply to a motor carrier fuel tax return.

(j) If a partnership or an S corporation fails to include all nonresidential individual partners or nonresidential individual shareholders in a composite return as required by ~~IC 6-3-4-12(h)~~ **IC 6-3-4-12(i)** or IC 6-3-4-13(j), a penalty of five hundred dollars (\$500) per partnership or S corporation is imposed on the partnership or S corporation.

SECTION 31. IC 6-9-29-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. If an ordinance has been adopted requiring the payment of the innkeeper's tax to the county treasurer instead of the department of state revenue, the county treasurer has the same rights and powers with respect to collecting **and refunding** the county innkeeper's tax as the department of state revenue.

SECTION 32. IC 8-15-3-23, AS AMENDED BY P.L.47-2006, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: Sec. 23. (a) The exercise of the powers granted by this chapter to the department or the authority must be in all respects for:

- (1) the benefit of the people of Indiana;
- (2) the increase of the commerce and prosperity of Indiana; and
- (3) the improvement of the health and living conditions of the people of Indiana.

(b) Since the operation and maintenance of a tollway by the department or the authority constitutes the performance of essential governmental functions, neither the department nor the authority is required to pay any taxes or assessments upon a

tollway or any property acquired or used by the department under this chapter or IC 8-15.7 or upon the income from a tollway.

(c) The operator under a public-private agreement is not required to pay taxes or assessments upon a tollway, any property or property interest acquired by the operator under a public-private agreement, or any possessory interest in the tollway or in property granted or created by the public-private agreement under this chapter or IC 8-15.7.

(d) An operator or any other person purchasing tangible personal property for incorporation into or improvement of a structure or facility constituting or becoming part of the land included in:

- (1) a tollway; or
- (2) property granted or created by the public-private agreement;

is entitled to the exemption from gross retail tax and use tax provided under ~~IC 6-2.5-4-9(b)~~ **IC 6-2.5-4-9(c)** and IC 6-2.5-3-2(c), respectively, with respect to that tangible personal property.

SECTION 33. IC 8-15.5-1-2, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This article contains full and complete authority for public-private agreements between the authority, a private entity, and, where applicable, a governmental entity. Except as provided in this article, no law, procedure, proceeding, publication, notice, consent, approval, order, or act by the authority or any other officer, department, agency, or instrumentality of the state or any political subdivision is required for the authority to enter into a public-private agreement with a private entity under this article, or for a project that is the subject of a public-private agreement to be constructed, acquired, maintained, repaired, operated, financed, transferred, or conveyed.

(b) Before the authority or the department may issue a request for proposals for or enter into a public-private agreement under this article that would authorize an operator to impose tolls for the operation of motor vehicles on all or part of a toll road project, the general assembly must adopt a statute authorizing the imposition of tolls. However, during the period beginning July 1, 2011, and ending June 30, 2021, and notwithstanding subsection (c), the general assembly is not required to enact a statute authorizing the authority or the department to issue a request for proposals or enter into a public-private agreement to authorize an operator to impose tolls for the operation of motor vehicles on all or part of the following projects:

- (1) A project on which construction begins after June 30, 2011, not including any part of Interstate Highway 69 other than a part described in subdivision (4).
- (2) The addition of toll lanes, including high occupancy toll lanes, to a highway, roadway, or other facility in existence on July 1, 2011, if the number of nontolled lanes on the highway, roadway, or facility as of July 1, 2011, does not decrease due to the addition of the toll lanes.
- (3) The Illiana Expressway, a limited access facility connecting Interstate Highway 65 in northwestern Indiana with an interstate highway in Illinois.
- (4) A project that is located within a metropolitan planning area (as defined by 23 U.S.C. 134) and that connects the state of Indiana with the commonwealth of Kentucky.

(c) Before the authority or an operator may carry out any of the following activities under this article, the general assembly must enact a statute authorizing that activity:

- (1) Imposing tolls on motor vehicles for use of Interstate Highway 69.
- (2) Imposing tolls on motor vehicles for use of a nontolled highway, roadway, or other facility in existence or under

construction on July 1, 2011, including nontolled interstate highways, U.S. routes, and state routes.

(d) ~~Except as provided in subsection (c)(1);~~ The general assembly is not required to enact a statute authorizing the authority or the department to issue a request for proposals or enter into a public-private agreement for a freeway project.

(e) The authority may enter into a public-private agreement for a facility project if the general assembly, by statute, authorizes the authority to enter into a public-private agreement for the facility project.

(f) As permitted by subsection (e), the general assembly authorizes the authority to enter into public-private agreements for the following facility projects:

(1) A state park inn and related improvements in an existing state park located in a county with a population of more than two hundred thousand (200,000) and less than three hundred thousand (300,000).

(2) Communications systems infrastructure, including:

(A) towers and associated land, improvements, foundations, access roads and rights-of-way, structures, fencing, and equipment necessary, proper, or convenient to enable the towers to function as part of the communications system;

(B) any equipment necessary, proper, or convenient to transmit and receive voice and data communications; and

(C) any other necessary, proper, or convenient elements of the communications system.

(3) Larue D. Carter Memorial Hospital in Indianapolis.

(g) **The following apply to a public-private agreement for communications systems infrastructure under subsection (f)(2):**

(1) **The authority may:**

(A) **use the procedures set forth in IC 8-15.5-4; or**
 (B) **at the authority's option and in its sole discretion, negotiate an agreement with a single offeror.**

The authority must issue a request for information before entering into negotiations with a single offeror. If an agreement is negotiated with a single offeror, IC 8-15.5-4-11 and IC 8-15.5-4-12 are the only sections in IC 8-15.5-4 that apply.

(2) **This article, and any other applicable laws with respect to establishing, charging, and collecting user fees, including IC 8-15.5-7, do not apply, and the operator may establish, charge, and collect user fees as set forth in the public-private agreement.**

(3) **Notwithstanding IC 8-15.5-5-2(2) providing that all improvements and real property must be owned by the authority in the name of the state or by a governmental entity, or both, the public-private agreement may provide that any improvements on any real property interests may be owned by the authority, a governmental entity, an operator, or a private entity.**

(4) **The authority shall transfer money received from an operator under a ~~lease~~ public-private agreement for communications systems infrastructure under subdivision (f)(2) to the state bicentennial capital account established under IC 4-12-1-14.9.**

SECTION 34. IC 8-15.5-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. If a public-private agreement for communications systems infrastructure is negotiated with a single offeror under IC 8-15.5-1-2(g)(1)(B), the requirements of this chapter, except sections 11 and 12 of this chapter, do not apply.**

SECTION 35. IC 8-15.5-4-11, AS AMENDED BY P.L.205-2013, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11. (a) After the applicable procedures required in this chapter have**

been completed, the authority shall make a determination as to whether the offeror that submitted the selected offer should be designated as the operator for the project and shall submit the authority's determination to the governor and the budget committee.

(b) After review of the authority's determination by the budget committee, the governor may accept or reject the determination of the authority. If the governor accepts the determination of the authority, the governor shall designate the offeror who submitted the selected offer as the operator for the project. The authority shall publish notice of the designation of the operator for the project one (1) time, in accordance with IC 5-3-1.

(c) After the designation of the operator for the project, the authority may execute the public-private agreement with that operator.

(d) The budget committee shall hold a meeting and conduct a review of the determination not later than ninety (90) days after the date the authority's determination is submitted for review.

SECTION 36. IC 8-15.7-7-2, AS ADDED BY P.L.47-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: **Sec. 2. An operator or any other person purchasing tangible personal property for incorporation into or improvement of a structure or facility constituting or becoming part of the land included in a project is entitled to the exemption from gross retail tax and use tax provided under ~~IC 6-2.5-4-9(b)~~ IC 6-2.5-4-9(c) and IC 6-2.5-3-2(c), respectively, with respect to that tangible personal property.**

SECTION 37. IC 21-12-7-4 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. ~~Sec. 4. A contributor to the fund is entitled to an income tax credit under IC 6-3-3-5.1.~~

SECTION 38. IC 36-1-8-14.2, AS AMENDED BY P.L.146-2008, SECTION 686, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 14.2. (a) PILOTS may not be imposed under this section for an assessment date occurring after January 1, 2017.**

(~~a~~) (b) As used in this section, the following terms have the meanings set forth in IC 6-1.1-1-1:

- (1) Assessed value.
- (2) Exemption.
- (3) Owner.
- (4) Person.
- (5) Property taxation.
- (6) Real property.
- (7) Township assessor.

(~~b~~) (c) As used in this section, "PILOTS" means payments in lieu of taxes.

(~~c~~) (d) As used in this section, "property owner" means the owner of real property described in IC 6-1.1-10-16.7.

(~~d~~) (e) Subject to subsection (a) and the approval of a property owner, the governing body of a political subdivision may adopt an ordinance to require the property owner to pay PILOTS at times set forth in the ordinance with respect to real property that is subject to an exemption under IC 6-1.1-10-16.7. ~~if the improvements that qualify the real property for an exemption were begun or acquired after December 31, 2001. The ordinance remains in full force and effect until:~~

(1) **the date the ordinance is repealed or modified by the governing body, subject to the approval of the property owner; or**

(2) **subject to subsection (a), December 31, 2018;**

whichever occurs first.

(~~e~~) (f) The PILOTS must be calculated so that the PILOTS are in an amount equal to the amount of property taxes that would have been levied by the governing body for the political subdivision upon the real property described in subsection (~~d~~) (e) if the property were not subject to an exemption from property taxation.

~~(f)~~ **(g)** PILOTS shall be imposed as are property taxes and shall be based on the assessed value of the real property described in subsection ~~(d)~~; **(e)**. Except as provided in subsection ~~(j)~~; **(k)**, the township assessor, or the county assessor if there is no township assessor for the township, shall assess the real property described in subsection ~~(d)~~ **(e)** as though the property were not subject to an exemption.

~~(g)~~ **(h)** PILOTS collected under this section shall be deposited in the unit's affordable housing fund established under IC 5-20-5-15.5 and used for any purpose for which the affordable housing fund may be used.

~~(h)~~ **(i)** PILOTS shall be due as set forth in the ordinance and bear interest, if unpaid, as in the case of other taxes on property. PILOTS shall be treated in the same manner as taxes for purposes of all procedural and substantive provisions of law.

~~(i)~~ **(j)** This section does not apply to a county that contains a consolidated city or to a political subdivision of the county.

~~(j)~~ **(k)** If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the township assessor in this section is considered to be a reference to the county assessor.

(l) This section expires January 1, 2020.

SECTION 39. IC 36-2-6-22, AS AMENDED BY P.L.146-2008, SECTION 690, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 22. **(a) PILOTS may not be imposed under this section for an assessment date occurring after January 1, 2017.**

~~(a)~~ **(b)** As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

- (1) Assessed value.
- (2) Exemption.
- (3) Owner.
- (4) Person.
- (5) Property taxation.
- (6) Real property.
- (7) Township assessor.

~~(b)~~ **(c)** As used in this section, "PILOTS" means payments in lieu of taxes.

~~(c)~~ **(d)** As used in this section, "property owner" means the owner of real property described in IC 6-1.1-10-16.7 that is not located in a county containing a consolidated city.

~~(d)~~ **(e)** Subject to **subsection (a)** and the approval of a property owner, the fiscal body of a county may adopt an ordinance to require the property owner to pay PILOTS at times set forth in the ordinance with respect to real property that is subject to an exemption under IC 6-1.1-10-16.7. The ordinance remains in full force and effect until:

- (1) the date the ordinance is** repealed or modified by the legislative body, subject to the approval of the property owner; **or**
- (2) subject to subsection (a), December 31, 2018;**

whichever occurs first.

~~(e)~~ **(f)** The PILOTS must be calculated so that the PILOTS are in an amount equal to the amount of property taxes that would have been levied upon the real property described in subsection ~~(d)~~ **(e)** if the property were not subject to an exemption from property taxation.

~~(f)~~ **(g)** PILOTS shall be imposed in the same manner as property taxes and shall be based on the assessed value of the real property described in subsection ~~(d)~~; **(e)**. Except as provided in subsection ~~(i)~~; **(j)**, the township assessor, or the county assessor if there is no township assessor for the township, shall assess the real property described in subsection ~~(d)~~ **(e)** as though the property were not subject to an exemption.

~~(g)~~ **(h)** PILOTS collected under this section shall be distributed in the same manner as if they were property taxes being distributed to taxing units in the county.

~~(h)~~ **(i)** PILOTS shall be due as set forth in the ordinance and bear interest, if unpaid, as in the case of other taxes on property. PILOTS shall be treated in the same manner as taxes for

purposes of all procedural and substantive provisions of law.

~~(i)~~ **(j)** If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the township assessor in this section is considered to be a reference to the county assessor.

(k) This section expires January 1, 2020.

SECTION 40. IC 36-3-2-11, AS AMENDED BY P.L.146-2008, SECTION 702, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. **(a) PILOTS may not be imposed under this section for an assessment date occurring after January 1, 2017.**

~~(a)~~ **(b)** As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

- (1) Assessed value.
- (2) Exemption.
- (3) Owner.
- (4) Person.
- (5) Property taxation.
- (6) Real property.
- (7) Township assessor.

~~(b)~~ **(c)** As used in this section, "PILOTS" means payments in lieu of taxes.

~~(c)~~ **(d)** As used in this section, "property owner" means the owner of real property described in IC 6-1.1-10-16.7 that is located in a county with a consolidated city.

~~(d)~~ **(e)** Subject to **subsection (a)** and the approval of a property owner, the legislative body of the consolidated city may adopt an ordinance to require the property owner to pay PILOTS at times set forth in the ordinance with respect to real property that is subject to an exemption under IC 6-1.1-10-16.7. The ordinance remains in full force and effect until:

- (1) the date the ordinance is** repealed or modified by the legislative body, subject to the approval of the property owner; **or**
- (2) subject to subsection (a), December 31, 2018;**

whichever occurs first.

~~(e)~~ **(f)** The PILOTS must be calculated so that the PILOTS are in an amount that is:

- (1) agreed upon by the property owner and the legislative body of the consolidated city;
- (2) a percentage of the property taxes that would have been levied by the legislative body for the consolidated city and the county upon the real property described in subsection ~~(d)~~ **(e)** if the property were not subject to an exemption from property taxation; and
- (3) not more than the amount of property taxes that would have been levied by the legislative body for the consolidated city and county upon the real property described in subsection ~~(d)~~ **(e)** if the property were not subject to an exemption from property taxation.

~~(f)~~ **(g)** PILOTS shall be imposed as are property taxes and shall be based on the assessed value of the real property described in subsection ~~(d)~~; **(e)**. Except as provided in subsection ~~(i)~~; **(j)**, the township assessor, or the county assessor if there is no township assessor for the township, shall assess the real property described in subsection ~~(d)~~ **(e)** as though the property were not subject to an exemption.

~~(g)~~ **(h)** PILOTS collected under this section shall be deposited in the housing trust fund established under IC 36-7-15.1-35.5 and used for any purpose for which the housing trust fund may be used.

~~(h)~~ **(i)** PILOTS shall be due as set forth in the ordinance and bear interest, if unpaid, as in the case of other taxes on property. PILOTS shall be treated in the same manner as taxes for purposes of all procedural and substantive provisions of law.

~~(i)~~ **(j)** If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the township assessor in this section is considered to be a reference to the county assessor.

(k) This section expires January 1, 2020.

SECTION 41. IC 36-7-4-1104 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1104. (a) As used in this section, "state agency" means all agencies, boards, commissions, departments, and institutions, including state educational institutions, of the state.

(b) **ADVISORY—AREA.** This chapter does not restrict or regulate (or authorize any political subdivision, legislative body, plan commission, or board of zoning appeals to restrict or regulate) the exercise of the power of eminent domain by the state, ~~or~~ by any state agency, **or by the Indiana finance authority (IC 4-4-11-4),** or the use of property owned or occupied by the state, ~~or~~ by any state agency, **or by the Indiana finance authority.**

SECTION 42. IC 36-7-15.1-35.5, AS AMENDED BY P.L.144-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 35.5. (a) The general assembly finds the following:

(1) Federal law permits the sale of a multiple family housing project that is or has been covered, in whole or in part, by a contract for project based assistance from the United States Department of Housing and Urban Development without requiring the continuation of that project based assistance.

(2) Such a sale displaces the former residents of a multiple family housing project described in subdivision (1) and increases the shortage of safe and affordable housing for persons of low and moderate income within the county.

(3) The displacement of families and individuals from affordable housing requires increased expenditures of public funds for crime prevention, public health and safety, fire and accident prevention, and other public services and facilities.

(4) The establishment of a supplemental housing program under this section will do the following:

(A) Benefit the health, safety, morals, and welfare of the county and the state.

(B) Serve to protect and increase property values in the county and the state.

(C) Benefit persons of low and moderate income by making affordable housing available to them.

(5) The establishment of a supplemental housing program under this section and sections 32 through 35 of this chapter is:

(A) necessary in the public interest; and

(B) a public use and purpose for which public money may be spent and private property may be acquired.

(b) In addition to its other powers with respect to a housing program under sections 32 through 35 of this chapter, the commission may establish a supplemental housing program. Except as provided by this section, the commission has the same powers and duties with respect to the supplemental housing program that the commission has under sections 32 through 35 of this chapter with respect to the housing program.

(c) One (1) allocation area may be established for the supplemental housing program. The commission is not required to make the findings required under section 34(5) through 34(8) of this chapter with respect to the allocation area. However, the commission must find that the property contained within the boundaries of the allocation area consists solely of one (1) or more multiple family housing projects that are or have been covered, in whole or in part, by a contract for project based assistance from the United States Department of Housing and Urban Development or have been owned at one time by a public housing agency. The allocation area need not be contiguous. The definition of "base assessed value" set forth in section 35(a) of this chapter applies to the special fund established under section 26(b) of this chapter for the allocation area.

(d) The special fund established under section 26(b) of this chapter for the allocation area established under this section may be used only for the following purposes:

(1) Subject to subdivision (2), on January 1 and July 1 of each year the balance of the special fund shall be transferred to the housing trust fund established under subsection (e).

(2) The commission may provide each taxpayer in the allocation area a credit for property tax replacement in the manner provided by section 35(b)(7) of this chapter. Transfers made under subdivision (1) shall be reduced by the amount necessary to provide the credit.

(e) The commission shall, by resolution, establish a housing trust fund to be administered, subject to the terms of the resolution, by:

(1) the housing division of the consolidated city; or

(2) the department, division, or agency that has been designated to perform the public housing function by an ordinance adopted under IC 36-7-18-1.

(f) The housing trust fund consists of:

(1) amounts transferred to the fund under subsection (d);

(2) payments in lieu of taxes deposited in the fund under IC 36-3-2-11 (**before its expiration**);

(3) gifts and grants to the fund;

(4) investment income earned on the fund's assets;

(5) money deposited in the fund under IC 36-2-7-10(j); and

(6) other funds from sources approved by the commission.

(g) The commission shall, by resolution, establish uses for the housing trust fund. However, the uses must be limited to:

(1) providing financial assistance to those individuals and families whose income is at or below eighty percent (80%) of the county's median income for individuals and families, respectively, to enable those individuals and families to purchase or lease residential units within the county;

(2) paying expenses of administering the fund;

(3) making grants, loans, and loan guarantees for the development, rehabilitation, or financing of affordable housing for individuals and families whose income is at or below eighty percent (80%) of the county's median income for individuals and families, respectively, including the elderly, persons with disabilities, and homeless individuals and families;

(4) providing technical assistance to nonprofit developers of affordable housing; and

(5) funding other programs considered appropriate to meet the affordable housing and community development needs of lower income families (as defined in IC 5-20-4-5) and very low income families (as defined in IC 5-20-4-6), including lower income elderly individuals, individuals with disabilities, and homeless individuals.

(h) At least fifty percent (50%) of the dollars allocated for production, rehabilitation, or purchase of housing must be used for units to be occupied by individuals and families whose income is at or below fifty percent (50%) of the county's area median income for individuals and families, respectively.

(i) The low income housing trust fund advisory committee is established. The low-income housing trust fund advisory committee consists of eleven (11) members. The membership of the low income housing trust fund advisory committee is comprised of:

(1) one (1) member appointed by the mayor, to represent the interests of low income families;

(2) one (1) member appointed by the mayor, to represent the interests of owners of subsidized, multifamily housing communities;

(3) one (1) member appointed by the mayor, to represent the interests of banks and other financial institutions;

(4) one (1) member appointed by the mayor, of the department of metropolitan development;

(5) three (3) members representing the community at large appointed by the commission, from nominations submitted

- to the commission as a result of a general call for nominations from neighborhood associations, community based organizations, and other social services agencies;
- (6) one (1) member appointed by and representing the Coalition for Homeless Intervention and Prevention of Greater Indianapolis;
- (7) one (1) member appointed by and representing the Local Initiatives Support Corporation;
- (8) one (1) member appointed by and representing the Indianapolis Coalition for Neighborhood Development; and
- (9) one (1) member appointed by and representing the Indianapolis Neighborhood Housing Partnership.

Members of the low income housing trust fund advisory committee serve for a term of four (4) years, and are eligible for reappointment. If a vacancy exists on the committee, the appointing authority who appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy. A committee member may be removed at any time by the appointing authority who appointed the committee member.

(j) The low income housing trust fund advisory committee shall make recommendations to the commission regarding:

- (1) the development of policies and procedures for the uses of the low income housing trust fund; and
- (2) long term sources of capital for the low income housing trust fund, including:

- (A) revenue from:
 - (i) development ordinances;
 - (ii) fees; or
 - (iii) taxes;
- (B) financial market based income;
- (C) revenue derived from private sources; and
- (D) revenue generated from grants, gifts, donations, or income in any other form, from a:
 - (i) government program;
 - (ii) foundation; or
 - (iii) corporation.

(k) The county treasurer shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

SECTION 43. [EFFECTIVE JANUARY 1, 2017] (a) IC 6-3-1-3.5, as amended by this act, applies to taxable years beginning after December 31, 2016.

(b) This SECTION expires January 1, 2019.

SECTION 44. [EFFECTIVE UPON PASSAGE] (a) For any taxpayer predominately engaged in the business of cutting steel bars owned by others into billets, IC 6-2.5-5-3(a)(1)(B), as amended by P.L.250-2015, SECTION 10 (as in effect January 1, 2016), shall be applied retroactively as if it were in effect on January 1, 2011. However, a taxpayer predominantly engaged in the business of cutting steel bars owned by others into billets is not entitled to a refund of state gross retail or use taxes paid for any tax period beginning December 31, 2010, and before January 1, 2016, if that refund is based on a claim that applies under IC 6-2.5-5-3(a)(1)(B).

(b) This SECTION expires January 1, 2020.

SECTION 45. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council created by IC 2-5-1.1-1.

(b) As used in this SECTION, "study committee" means either of the following:

- (1) A statutory committee established under IC 2-5.
- (2) An interim study committee.

(c) The legislative council is urged to assign to the appropriate study committee the topic of the eligibility of low income housing for a property tax exemption.

(d) If the topic described in subsection (c) is assigned to a study committee, the study committee shall issue a final report on the topic to the legislative council in an electronic

format under IC 5-14-6 not later than November 1, 2016.

(e) This SECTION expires December 31, 2016.

SECTION 46. An emergency is declared for this act.

(Reference is to ESB 309 as reprinted March 3, 2016.)

HERSHMAN	T. BROWN
MRVAN	SULLIVAN
Senate Conferees	House Conferees

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 47, I request to be excused from voting on conference committee report 1 on Engrossed Senate Bill 309. Pursuant to House Rule 46, the reason for the request is the following:

"I have a duty to conduct my official duties in a manner that avoids the appearance of impropriety. I am directly impacted by the reporting requirements for 'facilitators' as defined in the bill."

AUSTIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 47, I request to be excused from voting on conference committee report 1 on Engrossed Senate Bill 309. Pursuant to House Rule 46, the reason for the request is the following:

"I have a duty to conduct my official duties in a manner that avoids the appearance of impropriety. I am directly impacted by the reporting requirements for 'facilitators' as defined in the bill."

MOED

Motion prevailed.

The question then was on conference committee report 1. Roll Call 450: yeas 70, nays 23. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 161-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 161 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 25-26-13-4, AS AMENDED BY SEA 80-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2016]: Sec. 4. (a) The board may:

- (1) adopt rules under IC 4-22-2 for implementing and enforcing this chapter;
- (2) establish requirements and tests to determine the moral, physical, intellectual, educational, scientific, technical, and professional qualifications for applicants for pharmacists' licenses;
- (3) refuse to issue, deny, suspend, or revoke a license or permit or place on probation or fine any licensee or permittee under this chapter;
- (4) regulate the sale of drugs and devices in the state of Indiana;
- (5) impound, embargo, confiscate, or otherwise prevent from disposition any drugs, medicines, chemicals, poisons, or devices which by inspection are deemed unfit for use or would be dangerous to the health and welfare of the citizens of the state of Indiana; the board shall follow those embargo procedures found in IC 16-42-1-18 through

IC 16-42-1-31, and persons may not refuse to permit or otherwise prevent members of the board or their representatives from entering such places and making such inspections;

(6) prescribe minimum standards with respect to physical characteristics of pharmacies, as may be necessary to the maintenance of professional surroundings and to the protection of the safety and welfare of the public;

(7) subject to IC 25-1-7, investigate complaints, subpoena witnesses, schedule and conduct hearings on behalf of the public interest on any matter under the jurisdiction of the board;

(8) prescribe the time, place, method, manner, scope, and subjects of licensing examinations which shall be given at least twice annually; and

(9) perform such other duties and functions and exercise such other powers as may be necessary to implement and enforce this chapter.

(b) The board shall adopt rules under IC 4-22-2 for the following:

(1) Establishing standards for the competent practice of pharmacy.

(2) Establishing the standards for a pharmacist to counsel individuals regarding the proper use of drugs.

(3) Establishing standards and procedures before January 1, 2006, to ensure that a pharmacist:

(A) has entered into a contract that accepts the return of expired drugs with; or

(B) is subject to a policy that accepts the return of expired drugs of;

a wholesaler, manufacturer, or agent of a wholesaler or manufacturer concerning the return by the pharmacist to the wholesaler, the manufacturer, or the agent of expired legend drugs or controlled drugs. In determining the standards and procedures, the board may not interfere with negotiated terms related to cost, expenses, or reimbursement charges contained in contracts between parties, but may consider what is a reasonable quantity of a drug to be purchased by a pharmacy. The standards and procedures do not apply to vaccines that prevent influenza, medicine used for the treatment of malignant hyperthermia, and other drugs determined by the board to not be subject to a return policy. An agent of a wholesaler or manufacturer must be appointed in writing and have policies, personnel, and facilities to handle properly returns of expired legend drugs and controlled substances.

(c) The board may grant or deny a temporary variance to a rule it has adopted if:

(1) the board has adopted rules which set forth the procedures and standards governing the grant or denial of a temporary variance; and

(2) the board sets forth in writing the reasons for a grant or denial of a temporary variance.

(d) The board shall adopt rules and procedures, in consultation with the medical licensing board, concerning the electronic transmission of prescriptions. The rules adopted under this subsection must address the following:

(1) Privacy protection for the practitioner and the practitioner's patient.

(2) Security of the electronic transmission.

(3) A process for approving electronic data intermediaries for the electronic transmission of prescriptions.

(4) Use of a practitioner's United States Drug Enforcement Agency registration number.

(5) Protection of the practitioner from identity theft or fraudulent use of the practitioner's prescribing authority.

(e) The governor may direct the board to develop:

(1) a prescription drug program that includes the establishment of criteria to eliminate or significantly reduce prescription fraud; and

(2) a standard format for an official tamper resistant prescription drug form for prescriptions (as defined in IC 16-42-19-7(1)).

The board may adopt rules under IC 4-22-2 necessary to implement this subsection.

(f) The standard format for a prescription drug form described in subsection (e)(2) must include the following:

(1) A counterfeit protection bar code with human readable representation of the data in the bar code.

(2) A thermochromic mark on the front and the back of the prescription that:

(A) is at least one-fourth (1/4) of one (1) inch in height and width; and

(B) changes from blue to clear when exposed to heat.

(g) The board may contract with a supplier to implement and manage the prescription drug program described in subsection (e). The supplier must:

(1) have been audited by a third party auditor using the SAS 70 audit or an equivalent audit for at least the three

(3) previous years; and

(2) be audited by a third party auditor using the SAS 70 audit or an equivalent audit throughout the duration of the contract;

in order to be considered to implement and manage the program.

(h) The board shall adopt rules under IC 4-22-2, or emergency rules in the manner provided under IC 4-22-2-37.1 that take effect on July 1, 2016, concerning:

(1) professional determinations made under IC 35-48-4-14.7(d); and

(2) the determination of a relationship on record with the pharmacy under IC 35-48-4-14.7.

(i) The board ~~shall~~ **may**:

(1) review professional determinations made by a pharmacist; and

(2) take appropriate disciplinary action against a pharmacist who violates a rule adopted under subsection

(h) concerning a professional determination made; under IC 35-48-4-14.7 concerning the sale of ephedrine and pseudoephedrine.

SECTION 2. IC 33-23-1-9.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.7. "NPLeX" refers to the National Precursor Log Exchange.

SECTION 3. IC 33-24-6-3, AS AMENDED BY P.L.284-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The division of state court administration shall do the following:

(1) Examine the administrative and business methods and systems employed in the offices of the clerks of court and other offices related to and serving the courts and make recommendations for necessary improvement.

(2) Collect and compile statistical data and other information on the judicial work of the courts in Indiana. All justices of the supreme court, judges of the court of appeals, judges of all trial courts, and any city or town courts, whether having general or special jurisdiction, court clerks, court reporters, and other officers and employees of the courts shall, upon notice by the executive director and in compliance with procedures prescribed by the executive director, furnish the executive director the information as is requested concerning the nature and volume of judicial business. The information must include the following:

(A) The volume, condition, and type of business conducted by the courts.

(B) The methods of procedure in the courts.

(C) The work accomplished by the courts.

(D) The receipt and expenditure of public money by and for the operation of the courts.

(E) The methods of disposition or termination of cases.
 (3) Prepare and publish reports, not less than one (1) or more than two (2) times per year, on the nature and volume of judicial work performed by the courts as determined by the information required in subdivision (2).
 (4) Serve the judicial nominating commission and the judicial qualifications commission in the performance by the commissions of their statutory and constitutional functions.

(5) Administer the civil legal aid fund as required by IC 33-24-12.

(6) Administer the judicial technology and automation project fund established by section 12 of this chapter.

(7) By December 31, 2013, develop and implement a standard protocol for sending and receiving court data:

(A) between the protective order registry, established by IC 5-2-9-5.5, and county court case management systems;

(B) at the option of the county prosecuting attorney, for:

- (i) a prosecuting attorney's case management system;
- (ii) a county court case management system; and
- (iii) a county court case management system developed and operated by the division of state court administration;

to interface with the electronic traffic tickets, as defined by IC 9-30-3-2.5; and

(C) between county court case management systems and the case management system developed and operated by the division of state court administration.

The standard protocol developed and implemented under this subdivision shall permit private sector vendors, including vendors providing service to a local system and vendors accessing the system for information, to send and receive court information on an equitable basis and at an equitable cost.

(8) Establish and administer an electronic system for receiving information that relates to certain individuals who may be prohibited from possessing a firearm and transmitting this information to the Federal Bureau of Investigation for inclusion in the NICS.

(9) Establish and administer an electronic system for receiving felony conviction information for each felony described in IC 35-48-4-14.5(h)(1) from courts. The division shall notify NPLeX of each felony described in IC 35-48-4-14.5(h)(1) entered after June 30, 2012, and do the following:

(A) Provide NPLeX with the following information:

- (i) The convicted individual's full name.**
- (ii) The convicted individual's date of birth.**
- (iii) The convicted individual's driver's license number, state personal identification number, or other unique number, if available.**
- (iv) The date the individual was convicted of the felony.**

Upon receipt of the information from the division, a stop sale alert must be generated through NPLeX for each individual reported under this clause.

(B) Notify NPLeX if the felony of an individual reported under clause (A) has been:

- (i) set aside;**
- (ii) reversed;**
- (iii) expunged; or**
- (iv) vacated.**

Upon receipt of information under this clause, NPLeX shall remove the stop sale alert issued under clause (A) for the individual.

~~(9)~~ **(10) Staff the judicial technology oversight committee established by IC 33-23-17-2.**

(b) All forms to be used in gathering data must be approved

by the supreme court and shall be distributed to all judges and clerks before the start of each period for which reports are required.

(c) The division may adopt rules to implement this section.

SECTION 4. IC 34-30-2-152.3, AS AMENDED BY P.L.193-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 152.3. **(a) ~~IC 35-48-4-14.7~~ IC 35-48-4-14.7(d) and IC 35-48-4-14.7(k)** (Concerning a pharmacy or NPLeX retailer ~~who~~ **that** discloses information concerning the sale of a product containing ephedrine or pseudoephedrine).

(b) IC 35-48-4-14.7(d)(3) (Concerning a pharmacist's professional judgment not to sell ephedrine or pseudoephedrine to an individual).

SECTION 5. IC 35-48-4-14.3, AS ADDED BY SEA 80-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2016]: Sec. 14.3. (a) The board ~~may~~ **shall** adopt:

(1) a rule under IC 4-22-2; or

(2) an emergency rule in the manner provided under IC 4-22-2-37.1;

to declare that a product is an extraction resistant or a conversion resistant form of ephedrine or pseudoephedrine.

(b) The board, in consultation with the state police, shall find that a product is an extraction resistant or a conversion resistant form of ephedrine or pseudoephedrine if the board determines that the product does not pose a significant risk of being used in the manufacture of methamphetamine. **In making its determination under this subsection, the board may receive information from the federal Drug Enforcement Administration (DEA) as to whether a product is extraction resistant or conversion resistant.**

SECTION 6. IC 35-48-4-14.7, AS AMENDED BY SEA 80-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14.7. (a) This section does not apply to the following:

(1) Ephedrine or pseudoephedrine dispensed pursuant to a prescription. Nothing in this section prohibits a person who is denied the sale of a nonprescription product containing pseudoephedrine or ephedrine from obtaining pseudoephedrine or ephedrine pursuant to a prescription.

(2) The sale of a drug containing ephedrine or pseudoephedrine to a licensed health care provider, pharmacist, retail distributor, wholesaler, manufacturer, or an agent of any of these persons if the sale occurs in the regular course of lawful business activities. However, a retail distributor, wholesaler, or manufacturer is required to report a suspicious order to the state police department in accordance with subsection (g).

(3) The sale of a drug containing ephedrine or pseudoephedrine by a person who does not sell exclusively to walk-in customers for the personal use of the walk-in customers. However, if the person described in this subdivision is a retail distributor, wholesaler, or manufacturer, the person is required to report a suspicious order to the state police department in accordance with subsection (g).

(b) The following definitions apply throughout this section:

(1) "Constant video monitoring" means the surveillance by an automated camera that:

(A) records at least one (1) photograph or digital image every ten (10) seconds;

(B) retains a photograph or digital image for at least seventy-two (72) hours;

(C) has sufficient resolution and magnification to permit the identification of a person in the area under surveillance; and

(D) stores a recorded photograph or digital image at a location that is immediately accessible to a law enforcement officer.

(2) "Convenience package" means a package that contains a drug having as an active ingredient not more than sixty (60) milligrams of ephedrine or pseudoephedrine, or both.

(3) "Ephedrine" means pure or adulterated ephedrine.

(4) "Pharmacy or NPLEx retailer" means:

(A) a pharmacy, as defined in IC 25-26-13-2;

(B) a retailer containing a pharmacy, as defined in IC 25-26-13-2; or

(C) a retailer that electronically submits the required information to the National Precursor Log Exchange (NPLEx), ~~administered by the National Association of Drug Diversion Investigators (NADDI).~~

(5) "Pseudoephedrine" means pure or adulterated pseudoephedrine.

(6) "Retailer" means a grocery store, general merchandise store, or other similar establishment. The term does not include a pharmacy or NPLEx retailer.

(7) "Suspicious order" means a sale or transfer of a drug containing ephedrine or pseudoephedrine if the sale or transfer:

(A) is a sale or transfer that the retail distributor, wholesaler, or manufacturer is required to report to the United States Drug Enforcement Administration;

(B) appears suspicious to the retail distributor, wholesaler, or manufacturer in light of the recommendations contained in Appendix A of the report to the United States attorney general by the suspicious orders task force under the federal Comprehensive Methamphetamine Control Act of 1996; or

(C) is for cash or a money order in a total amount of at least two hundred dollars (\$200).

(8) "Unusual theft" means the theft or unexplained disappearance from a particular pharmacy or NPLEx retailer of drugs containing ten (10) grams or more of ephedrine, pseudoephedrine, or both in a twenty-four (24) hour period.

(c) A drug containing ephedrine or pseudoephedrine may be sold only by a pharmacy or NPLEx retailer.

(d) A pharmacy or NPLEx retailer may sell a drug that contains the active ingredient of ephedrine, pseudoephedrine, or both only if the pharmacy or NPLEx retailer complies with the following conditions:

(1) The pharmacy or NPLEx retailer does not sell the drug to a person less than eighteen (18) years of age.

(2) The pharmacy or NPLEx retailer does not sell drugs containing more than:

(A) three and six-tenths (3.6) grams of ephedrine or pseudoephedrine, or both, to one (1) individual on one (1) day;

(B) seven and two-tenths (7.2) grams of ephedrine or pseudoephedrine, or both, to one (1) individual in a thirty (30) day period; or

(C) sixty-one and two-tenths (61.2) grams of ephedrine or pseudoephedrine, or both, to one (1) individual in a three hundred sixty-five (365) day period.

(3) Except as provided in subsection (f), before the sale occurs the pharmacist or the pharmacy technician (as defined by IC 25-26-19-2) has determined that the purchaser has a relationship on record with the pharmacy, in compliance with rules adopted by the board under IC 25-26-13-4. If it has been determined that the purchaser does not have a relationship on record with the pharmacy, the pharmacist shall make a professional determination as to whether there is a legitimate medical or pharmaceutical need for ephedrine or pseudoephedrine before selling ephedrine or pseudoephedrine to an individual. The pharmacist's professional determination must comply with the rules adopted under IC 25-26-13-4 and may include the following:

(A) Prior medication filling history of the individual.

(B) Consulting with the individual.

(C) Other tools that provide professional reassurance to the pharmacist that a legitimate medical or pharmaceutical need for ephedrine or pseudoephedrine exists.

A pharmacist who in good faith does not sell ephedrine or pseudoephedrine to an individual under this subdivision is immune from civil liability unless the refusal to sell constitutes gross negligence or intentional, wanton, or willful misconduct.

(4) The pharmacy or NPLEx retailer requires:

(A) the purchaser to produce a valid government issued photo identification card showing the date of birth of the person;

(B) the purchaser to sign a written or electronic log attesting to the validity of the information; and

(C) the clerk who is conducting the transaction to initial or electronically record the clerk's identification on the log.

Records from the completion of a log must be retained for at least two (2) years. A law enforcement officer has the right to inspect and copy a log or the records from the completion of a log in accordance with state and federal law. A pharmacy or NPLEx retailer may not sell or release a log or the records from the completion of a log for a commercial purpose. The Indiana criminal justice institute may obtain information concerning a log or the records from the completion of a log from a law enforcement officer if the information may not be used to identify a specific individual and is used only for statistical purposes. A pharmacy or NPLEx retailer that in good faith releases information maintained under this subsection is immune from civil liability unless the release constitutes gross negligence or intentional, wanton, or willful misconduct.

(5) The pharmacy or NPLEx retailer maintains a record of information for each sale of a nonprescription product containing pseudoephedrine or ephedrine. Required information includes:

(A) the name and address of each purchaser;

(B) the type of identification presented;

(C) the governmental entity that issued the identification;

(D) the identification number; and

(E) the ephedrine or pseudoephedrine product purchased, including the number of grams the product contains and the date and time of the transaction.

(6) A pharmacy or NPLEx retailer shall, except as provided in subdivision (7), before completing a sale of an over-the-counter product containing pseudoephedrine or ephedrine, electronically submit the required information to the National Precursor Log Exchange (NPLEx), ~~administered by the National Association of Drug Diversion Investigators (NADDI)~~; if the NPLEx system is available to pharmacies or NPLEx retailers in the state without a charge for accessing the system. The pharmacy or NPLEx retailer may not complete the sale if the system generates a stop sale alert, **including a stop sale alert for a person convicted of a felony reported under IC 33-24-6-3.**

(7) If a pharmacy or NPLEx retailer selling an over-the-counter product containing ephedrine or pseudoephedrine experiences mechanical or electronic failure of the electronic sales tracking system and is unable to comply with the electronic sales tracking requirement, the pharmacy or NPLEx retailer shall maintain a written log or an alternative electronic recordkeeping mechanism until the pharmacy or NPLEx retailer is able to comply with the electronic sales tracking

requirement.

(8) The pharmacy or NPLeX retailer stores the drug behind a counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to a customer without the assistance of an employee.

- (e) A person may not purchase drugs containing more than:
 - (1) three and six-tenths (3.6) grams of ephedrine or pseudoephedrine, or both, on one (1) day;
 - (2) seven and two-tenths (7.2) grams of ephedrine or pseudoephedrine, or both, in a thirty (30) day period; or
 - (3) sixty-one and two-tenths (61.2) grams of ephedrine or pseudoephedrine, or both, in a three hundred sixty-five (365) day period.

These limits apply to the total amount of base ephedrine and pseudoephedrine contained in the products and not to the overall weight of the products.

(f) If a purchaser does not have a relationship on record with the pharmacy, as determined by rules adopted by the board under IC 25-26-13-4, or the pharmacist has made a professional determination that there is not a legitimate medical or pharmaceutical need for ephedrine or pseudoephedrine under subsection (d), the purchaser may, at the pharmacist's discretion, purchase only the following:

- (1) A product that has been determined under section 14.3 of this chapter to be an extraction resistant or a conversion resistant form of ephedrine or pseudoephedrine.
- (2) A product that contains not more than:
 - (A) a total of seven hundred twenty (720) milligrams of ephedrine or pseudoephedrine per package; and
 - (B) thirty (30) milligrams of ephedrine or pseudoephedrine per tablet.

The pharmacist may not sell more than one (1) package of ephedrine or pseudoephedrine to a purchaser under this subdivision per day.

However, if the pharmacist believes that the ephedrine or pseudoephedrine purchase will be used to manufacture methamphetamine, the pharmacist may refuse to sell ephedrine or pseudoephedrine to the purchaser.

(g) A retail distributor, wholesaler, or manufacturer shall report a suspicious order to the state police department in writing.

(h) Not later than three (3) days after the discovery of an unusual theft at a particular retail store, the pharmacy or NPLeX retailer shall report the unusual theft to the state police department in writing. If three (3) unusual thefts occur in a thirty (30) day period at a particular pharmacy or NPLeX retailer, the pharmacy or NPLeX retailer shall, for at least one hundred eighty (180) days after the date of the last unusual theft, locate all drugs containing ephedrine or pseudoephedrine at that particular pharmacy or NPLeX retailer behind a counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to customers without the assistance of an employee.

(i) A unit (as defined in IC 36-1-2-23) may not adopt an ordinance after February 1, 2005, that is more stringent than this section.

(j) A person who knowingly or intentionally violates this section commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this section.

(k) A pharmacy or NPLeX retailer that uses the electronic sales tracking system in accordance with this section is immune from civil liability for any act or omission committed in carrying out the duties required by this section, unless the act or omission was due to ~~negligence~~, recklessness or deliberate or wanton misconduct. A pharmacy or NPLeX retailer is immune from liability to a third party unless the pharmacy or NPLeX retailer has violated a provision of this section and the third party brings an action based on the pharmacy's or NPLeX retailer's violation of this section.

(l) The following requirements apply to the NPLeX:

- (1) Information contained in the NPLeX may be shared only with law enforcement officials.
- (2) A law enforcement official may access Indiana transaction information maintained in the NPLeX for investigative purposes.
- (3) NADDI may not modify sales transaction data that is shared with law enforcement officials.
- (4) At least one (1) time per week, ~~NADDI shall forward~~ **day**, Indiana data contained in the NPLeX ~~including data concerning a transaction that could not be completed due to the issuance of a stop safe alert; for the previous calendar day shall be forwarded~~ to the state police department.

(m) A person or corporate entity may not mandate a protocol or procedure that interferes with the pharmacist's ability to exercise the pharmacist's independent professional judgment under this section, including whether to deny the sale of ephedrine or pseudoephedrine under subsection (f).

SECTION 7. IC 35-48-7-2.7, AS ADDED BY SEA 80-2016, SECTION 5, IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 2.7. As used in this chapter, "controlled substance" has the meaning set forth in IC 35-48-1-9 and includes pure or adulterated ephedrine or pseudoephedrine.~~

SECTION 8. IC 35-48-7-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.5. As used in this chapter, "ephedrine" includes only ephedrine that is dispensed pursuant to a prescription or drug order.**

SECTION 9. IC 35-48-7-5.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5.9. As used in this chapter, "pseudoephedrine" includes only pseudoephedrine that is dispensed pursuant to a prescription or drug order.**

SECTION 10. IC 35-48-7-8.1, AS AMENDED BY P.L.89-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8.1. (a) The board shall provide for ~~a~~ **an ephedrine, pseudoephedrine, and controlled substance** prescription monitoring program that includes the following components:

- (1) Each time **ephedrine, pseudoephedrine, or** a controlled substance designated by the board under IC 35-48-2-5 through IC 35-48-2-10 is dispensed, the dispenser shall transmit to the INSPECT program the following information:
 - (A) The **ephedrine, pseudoephedrine, or** controlled substance recipient's name.
 - (B) The **ephedrine, pseudoephedrine, or** controlled substance recipient's or the recipient representative's identification number or the identification number or phrase designated by the INSPECT program.
 - (C) The **ephedrine, pseudoephedrine, or** controlled substance recipient's date of birth.
 - (D) The national drug code number of the **ephedrine, pseudoephedrine, or** controlled substance dispensed.
 - (E) The date the **ephedrine, pseudoephedrine, or** controlled substance is dispensed.
 - (F) The quantity of the **ephedrine, pseudoephedrine, or** controlled substance dispensed.
 - (G) The number of days of supply dispensed.
 - (H) The dispenser's United States Drug Enforcement Agency registration number.
 - (I) The prescriber's United States Drug Enforcement Agency registration number.
 - (J) An indication as to whether the prescription was transmitted to the pharmacist orally or in writing.
 - (K) Other data required by the board.

(2) The information required to be transmitted under this section must be transmitted as follows:

- (A) Before July 1, 2015, not more than seven (7) days

after the date on which **ephedrine, pseudoephedrine, or** a controlled substance is dispensed.

(B) Beginning July 1, 2015, and until December 31, 2015, not more than three (3) days after the date on which **ephedrine, pseudoephedrine, or** a controlled substance is dispensed.

(C) Beginning January 1, 2016, and thereafter, not more than twenty-four (24) hours after the date on which **ephedrine, pseudoephedrine, or** a controlled substance is dispensed. However, if the dispenser's pharmacy is closed the day following the dispensing, the information must be transmitted by the end of the next business day.

(3) A dispenser shall transmit the information required under this section by:

(A) uploading to the INSPECT web site;

(B) a computer diskette; or

(C) a CD-ROM disk;

that meets specifications prescribed by the board.

(4) The board may require that prescriptions for **ephedrine, pseudoephedrine, or** controlled substances be written on a one (1) part form that cannot be duplicated. However, the board may not apply such a requirement to prescriptions filled at a pharmacy with a Category II permit (as described in IC 25-26-13-17) and operated by a hospital licensed under IC 16-21, or prescriptions ordered for and dispensed to bona fide enrolled patients in facilities licensed under IC 16-28. The board may not require multiple copy prescription forms for any prescriptions written. The board may not require different prescription forms for any individual drug or group of drugs. Prescription forms required under this subdivision must be approved by the Indiana board of pharmacy established by IC 25-26-13-3.

(5) The costs of the program.

(b) The board shall consider the recommendations of the committee concerning the INSPECT program.

(c) This subsection applies only to a retail pharmacy. A pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense **ephedrine, pseudoephedrine, or** a controlled substance may not dispense **ephedrine, pseudoephedrine, or** a controlled substance to a person who is not personally known to the pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense a controlled substance unless the person taking possession of the **ephedrine, pseudoephedrine, or** controlled substance provides documented proof of the person's identification to the pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense **ephedrine, pseudoephedrine, or** a controlled substance.

SECTION 11. IC 35-48-7-10.1, AS AMENDED BY P.L.89-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10.1. (a) The INSPECT program must do the following:

(1) Create a data base for information required to be transmitted under section 8.1 of this chapter in the form required under rules adopted by the board, including search capability for the following:

(A) **An ephedrine, pseudoephedrine, or** a controlled substance recipient's name.

(B) **An ephedrine, pseudoephedrine, or** a controlled substance recipient's or recipient representative's identification number.

(C) **An ephedrine, pseudoephedrine, or** a controlled substance recipient's date of birth.

(D) The national drug code number of **ephedrine, pseudoephedrine, or** a controlled substance dispensed.

(E) The dates **ephedrine, pseudoephedrine, or** a controlled substance is **are** dispensed.

(F) The quantities of **ephedrine, pseudoephedrine, or**

a controlled substance dispensed.

(G) The number of days of supply dispensed.

(H) A dispenser's United States Drug Enforcement Agency registration number.

(I) A prescriber's United States Drug Enforcement Agency registration number.

(J) Whether a prescription was transmitted to the pharmacist orally or in writing.

(K) **An ephedrine, pseudoephedrine, or** a controlled substance recipient's method of payment for the **ephedrine, pseudoephedrine, or** controlled substance dispensed.

(2) Provide the board with continuing twenty-four (24) hour a day online access to the data base.

(3) Secure the information collected and the data base maintained against access by unauthorized persons.

(b) The board may not execute a contract with a vendor designated by the board to perform any function associated with the administration of the INSPECT program, unless the contract has been approved by the committee.

(c) The INSPECT program may gather prescription data from the Medicaid retrospective drug utilization review (DUR) program established under IC 12-15-35.

(d) The board may accept and designate grants, public and private financial assistance, and licensure fees to provide funding for the INSPECT program.

SECTION 12. IC 35-48-7-11.1, AS AMENDED BY P.L.201-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11.1. (a) Information received by the INSPECT program under section 8.1 of this chapter is confidential.

(b) The board shall carry out a program to protect the confidentiality of the information described in subsection (a). The board may disclose the information to another person only under subsection (c), (d), or (g).

(c) The board may disclose confidential information described in subsection (a) to any person who is authorized to engage in receiving, processing, or storing the information.

(d) Except as provided in subsections (e) and (f), the board may release confidential information described in subsection (a) to the following persons:

(1) A member of the board or another governing body that licenses practitioners and is engaged in an investigation, an adjudication, or a prosecution of a violation under any state or federal law that involves **ephedrine, pseudoephedrine, or** a controlled substance.

(2) An investigator for the consumer protection division of the office of the attorney general, a prosecuting attorney, the attorney general, a deputy attorney general, or an investigator from the office of the attorney general, who is engaged in:

(A) an investigation;

(B) an adjudication; or

(C) a prosecution;

of a violation under any state or federal law that involves **ephedrine, pseudoephedrine, or** a controlled substance.

(3) A law enforcement officer who is an employee of:

(A) a local, state, or federal law enforcement agency; or

(B) an entity that regulates **ephedrine, pseudoephedrine, or** controlled substances or enforces **ephedrine, pseudoephedrine, or** controlled substances rules or laws in another state;

that is certified to receive **ephedrine, pseudoephedrine, or** controlled substance prescription drug information from the INSPECT program.

(4) A practitioner or practitioner's agent certified to receive information from the INSPECT program.

(5) **An ephedrine, pseudoephedrine, or** a controlled substance monitoring program in another state with which Indiana has established an interoperability agreement.

- (6) The state toxicologist.
- (7) A certified representative of the Medicaid retrospective and prospective drug utilization review program.
- (8) A substance abuse assistance program for a licensed health care provider who:
 - (A) has prescriptive authority under IC 25; and
 - (B) is participating in the assistance program.
- (9) An individual who holds a valid temporary medical permit issued under IC 25-22.5-5-4 or a **temporary fellowship permit under IC 25-22.5-5-4.6.**
- (e) Information provided to an individual under:
 - (1) subsection (d)(3) is limited to information:
 - (A) concerning an individual or proceeding involving the unlawful diversion or misuse of a schedule II, III, IV, or V controlled substance; and
 - (B) that will assist in an investigation or proceeding; and
 - (2) subsection (d)(4) may be released only for the purpose of:
 - (A) providing medical or pharmaceutical treatment; or
 - (B) evaluating the need for providing medical or pharmaceutical treatment to a patient.
- (f) Before the board releases confidential information under subsection (d), the applicant must be approved by the INSPECT program in a manner prescribed by the board.
- (g) The board may release to:
 - (1) a member of the board or another governing body that licenses practitioners;
 - (2) an investigator for the consumer protection division of the office of the attorney general, a prosecuting attorney, the attorney general, a deputy attorney general, or an investigator from the office of the attorney general; or
 - (3) a law enforcement officer who is:
 - (A) authorized by the state police department to receive **ephedrine, pseudoephedrine, or** controlled substance prescription drug information; and
 - (B) approved by the board to receive the type of information released;

confidential information generated from computer records that identifies practitioners who are prescribing or dispensing large quantities of a controlled substance.

- (h) The information described in subsection (g) may not be released until it has been reviewed by:
 - (1) a member of the board who is licensed in the same profession as the prescribing or dispensing practitioner identified by the data; or
 - (2) the board's designee;

and until that member or the designee has certified that further investigation is warranted. However, failure to comply with this subsection does not invalidate the use of any evidence that is otherwise admissible in a proceeding described in subsection (i).

- (i) An investigator or a law enforcement officer receiving confidential information under subsection (c), (d), or (g) may disclose the information to a law enforcement officer or an attorney for the office of the attorney general for use as evidence in the following:
 - (1) A proceeding under IC 16-42-20.
 - (2) A proceeding under any state or federal law that involves **ephedrine, pseudoephedrine, or** a controlled substance.
 - (3) A criminal proceeding or a proceeding in juvenile court that involves **ephedrine, pseudoephedrine, or** a controlled substance.
- (j) The board may compile statistical reports from the information described in subsection (a). The reports must not include information that identifies any practitioner, ultimate user, or other person administering **ephedrine, pseudoephedrine, or** a controlled substance. Statistical reports compiled under this subsection are public records.

(k) Except as provided in IC 25-22.5-13, this section may not be construed to require a practitioner to obtain information about a patient from the data base.

(l) A practitioner is immune from civil liability for an injury, death, or loss to a person solely due to a practitioner seeking or not seeking information from the INSPECT program. The civil immunity described in this subsection does not extend to a practitioner if the practitioner receives information directly from the INSPECT program and then negligently misuses this information. This subsection does not apply to an act or omission that is a result of gross negligence or intentional misconduct.

(m) The board may review the records of the INSPECT program. If the board determines that a violation of the law may have occurred, the board shall notify the appropriate law enforcement agency or the relevant government body responsible for the licensure, regulation, or discipline of practitioners authorized by law to prescribe controlled substances.

(n) A practitioner who in good faith discloses information based on a report from the INSPECT program to a law enforcement agency is immune from criminal or civil liability. A practitioner that discloses information to a law enforcement agency under this subsection is presumed to have acted in good faith.

SECTION 13. IC 35-48-7-12.1, AS AMENDED BY P.L.89-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12.1. (a) The board shall adopt rules under IC 4-22-2 to implement this chapter, including the following:

- (1) Information collection and retrieval procedures for the INSPECT program, including the controlled substances to be included in the program required under section 8.1 of this chapter.
- (2) Design for the creation of the data base required under section 10.1 of this chapter.
- (3) Requirements for the development and installation of online electronic access by the board to information collected by the INSPECT program.
- (4) Identification of emergency situations or other circumstances in which a practitioner may prescribe, dispense, and administer a prescription drug specified in section 8.1 of this chapter without a written prescription or on a form other than a form specified in section 8.1(a)(4) of this chapter.
- (5) Requirements for a practitioner providing treatment for a patient at an opioid treatment program operating under IC 12-23-18 to check the INSPECT program:
 - (A) before initially prescribing **ephedrine, pseudoephedrine, or** a controlled substance to a patient; and
 - (B) periodically during the course of treatment that uses **ephedrine, pseudoephedrine, or** a controlled substance.

- (b) The board may:
 - (1) set standards for education courses for individuals authorized to use the INSPECT program;
 - (2) identify treatment programs for individuals addicted to controlled substances monitored by the INSPECT program; and
 - (3) work with impaired practitioner associations to provide intervention and treatment.

(c) The executive director of the Indiana professional licensing agency may hire a person to serve as the director of the INSPECT program, with the approval of the chairperson of the board.

SECTION 14. [EFFECTIVE UPON PASSAGE] (a) **The general assembly recognizes that SEA 80-2016 adds IC35-48-7-2.7 and that SECTION 5 of this act repeals IC 35-48-7-2.7. The general assembly intends to repeal**

IC 35-48-7-2.7 effective July 1, 2016.**(b) This SECTION expires January 1, 2018.****SECTION 15. An emergency is declared for this act.**

(Reference is to ESB 161 as reprinted February 26, 2016.)

M. YOUNG	FRIZZELL
LANANE	C. BROWN
Senate Conferees	House Conferees

Roll Call 451: yeas 92, nays 4. Report adopted.

CONFERENCE COMMITTEE REPORT
EHB 1290-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1290 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-33-12-6, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) The department shall place in the state general fund the tax revenue collected under this chapter.

(b) Except as provided by *subsections subsection (c) and (d), and IC 6-3-1-20-7, section 8 of this chapter*, the treasurer of state shall quarterly pay the following amounts:

(1) Except as provided in *subsection (k); (j); section 9(g) of this chapter*, one dollar (\$1) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 during the quarter shall be paid to:

- (A) the city in which the riverboat is docked, if the city:
- (i) is located in a county having a population of more than one hundred eleven thousand (111,000) but less than one hundred fifteen thousand (115,000); or
 - (ii) is contiguous to the Ohio River and is the largest city in the county; and

(B) the county in which the riverboat is docked, if the riverboat is not docked in a city described in clause (A).

(2) Except as provided in *subsection (k); (j); section 9(g) of this chapter*, one dollar (\$1) of the admissions tax collected by the licensed owner for each person:

- (A) embarking on a gambling excursion during the quarter; or
- (B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the county in which the riverboat is docked. In the case of a county described in subdivision (1)(B), this one dollar (\$1) is in addition to the one dollar (\$1) received under subdivision (1)(B).

(3) Except as provided in *subsection (k); (j); section 9(g) of this chapter*, ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

- (A) embarking on a gambling excursion during the quarter; or
- (B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Except as provided in *subsection (k); (j); section 9(g) of this chapter*, fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person:

- (A) embarking on a gambling excursion during the quarter; or
- (B) admitted to a riverboat during a quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the state fair commission, for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(5) Except as provided in *subsection (k); (j); section 9(g) of this chapter*, ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

- (A) embarking on a gambling excursion during the quarter; or
- (B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(6) Except as provided in *subsection (k); (j)*, Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21 shall be paid to the state general fund.

(c) With respect to tax revenue collected from a riverboat located in a historic hotel district, the treasurer of state shall quarterly pay the following:

(1) With respect to admissions taxes collected for a person admitted to the riverboat before July 1, 2010, the following amounts:

(A) Twenty-two percent (22%) of the admissions tax collected during the quarter shall be paid to the county treasurer of the county in which the riverboat is located. The county treasurer shall distribute the money received under this clause as follows:

(i) Twenty-two and seventy-five hundredths percent (22.75%) shall be quarterly distributed to the county treasurer of a county having a population of more than forty thousand (40,000) but less than forty-two thousand (42,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this item to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(ii) Twenty-two and seventy-five hundredths percent (22.75%) shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body. The county fiscal body for the receiving county shall provide for the distribution of the money received under this item to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(iii) Fifty-four and five-tenths percent (54.5%) shall be retained by the county where the riverboat is

located for appropriation by the county fiscal body after receiving a recommendation from the county executive.

(B) Five percent (5%) of the admissions tax collected during the quarter shall be paid to a town having a population of more than two thousand (2,000) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand five hundred (19,500) but less than twenty thousand (20,000). At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the school corporation in which the town is located.

(C) Five percent (5%) of the admissions tax collected during the quarter shall be paid to a town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand five hundred (19,500) but less than twenty thousand (20,000). At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the school corporation in which the town is located.

(D) Twenty percent (20%) of the admissions tax collected during the quarter shall be paid in equal amounts to each town that:

(i) is located in the county in which the riverboat is located; and

(ii) contains a historic hotel.

At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the school corporation in which the town is located.

(E) Ten percent (10%) of the admissions tax collected during the quarter shall be paid to the Orange County development commission established under IC 36-7-11.5. At least one-third (1/3) of the taxes paid to the Orange County development commission under this clause must be transferred to the Orange County convention and visitors bureau.

(F) Thirteen percent (13%) of the admissions tax collected during the quarter shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b).

(G) Twenty-five percent (25%) of the admissions tax collected during the quarter shall be paid to the Indiana economic development corporation to be used by the corporation for the development and implementation of a regional economic development strategy to assist the residents of the county in which the riverboat is located and residents of contiguous counties in improving their quality of life and to help promote successful and sustainable communities. The regional economic development strategy must include goals concerning the following issues:

- (i) Job creation and retention.
- (ii) Infrastructure, including water, wastewater, and storm water infrastructure needs.
- (iii) Housing.
- (iv) Workforce training.
- (v) Health care.
- (vi) Local planning.
- (vii) Land use.
- (viii) Assistance to regional economic development groups.
- (ix) Other regional development issues as determined by the Indiana economic development corporation.

(2) With respect to admissions taxes collected for a person admitted to the riverboat after June 30, 2010, the following amounts:

(A) Twenty-nine and thirty-three hundredths percent

(29.33%) to the county treasurer of Orange County. The county treasurer shall distribute the money received under this clause as follows:

(i) Twenty-two and seventy-five hundredths percent (22.75%) to the county treasurer of Dubois County for distribution in the manner described in subdivision (1)(A)(i).

(ii) Twenty-two and seventy-five hundredths percent (22.75%) to the county treasurer of Crawford County for distribution in the manner described in subdivision (1)(A)(ii).

(iii) Fifty-four and five-tenths percent (54.5%) to be retained by the county treasurer of Orange County for appropriation by the county fiscal body after receiving a recommendation from the county executive.

(B) Six and sixty-seven hundredths percent (6.67%) to the fiscal officer of the town of Orleans. At least twenty percent (20%) of the taxes received by the town under this clause must be transferred to Orleans Community Schools.

(C) Six and sixty-seven hundredths percent (6.67%) to the fiscal officer of the town of Paoli. At least twenty percent (20%) of the taxes received by the town under this clause must be transferred to the Paoli Community School Corporation.

(D) Twenty-six and sixty-seven hundredths percent (26.67%) to be paid in equal amounts to the fiscal officers of the towns of French Lick and West Baden Springs. At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the Springs Valley Community School Corporation.

(E) Thirty and sixty-six hundredths percent (30.66%) to the Indiana economic development corporation to be used the manner described in subdivision (1)(G).

(4) (e) With respect This subsection applies to tax revenue collected from a riverboat that operates from a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); Lake County. Except as provided by IC 6-3-1-20-7, the treasurer of state shall quarterly pay the following amounts:

(1) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from East Chicago during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, East Chicago's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, Gary's funding obligation to the authority under IC 36-7.5-4-2.

(3) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Hammond during the

preceding calendar quarter;
to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, Hammond's funding obligation to the authority under IC 36-7.5-4-2.

(4) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Lake County during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(1) (5) Except as provided in subsection (k), (j); the remainder; if any; of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the preceding calendar quarter; that has implemented flexible scheduling under IC 4-33-6-21; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1), (2); or (3), whichever is applicable; for that the calendar quarter;

shall be paid to the city in which the riverboat is docked.

(2) (6) Except as provided in subsection (k), (j); the remainder; if any; of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the preceding calendar quarter; that has implemented flexible scheduling under IC 4-33-6-21; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (4) for that the calendar quarter;

shall be paid to the county in which the riverboat is docked.

(3) (7) Except as provided in subsection (k), (j); nine cents (\$0.09) of the admissions tax collected by the licensed owner for each person

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the preceding calendar quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) (8) Except as provided in subsection (k), (j); one cent (\$0.01) of the admissions tax collected by the licensed owner for each person

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the preceding calendar quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the northwest Indiana law enforcement training center.

(5) (9) Except as provided in subsection (k), (j); fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the preceding calendar quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(6) (10) Except as provided in subsection (k), (j); ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the preceding calendar quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(7) (11) Except as provided in subsection (k); Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat during the preceding calendar quarter that has implemented flexible scheduling under IC 4-33-6-21 shall be paid to the state general fund.

(e) (d) Money paid to a unit of local government under subsection (b) or (c); or (d):

(1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9; or both;

(2) may not be used to reduce the unit's maximum levy under IC 6-1.1-18.5 but may be used at the discretion of the unit to reduce the property tax levy of the unit for a particular year;

(3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds; leases; or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

(f) (e) Money paid by the treasurer of state under subsection (b)(3) or (d)(3), (d)(7), (c)(7) shall be:

(1) deposited in:

(A) the county convention and visitor promotion fund; or

(B) the county's general fund if the county does not have a convention and visitor promotion fund; and

(2) used only for the tourism promotion; advertising; and economic development activities of the county and community.

(g) (f) Money received by the division of mental health and addiction under subsections (b)(5) and (d)(6); (d)(10); (e)(10):

(1) is annually appropriated to the division of mental health and addiction;

(2) shall be distributed to the division of mental health and addiction at times during each state fiscal year determined by the budget agency; and

(3) shall be used by the division of mental health and addiction for programs and facilities for the prevention and treatment of addictions to drugs; alcohol; and compulsive gambling; including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions. The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

(h) (g) This subsection applies to the following:

(1) Each entity receiving money under subsection (b)(1) through (b)(5);

(2) Each entity receiving money under subsection (d)(1) (d)(5), (c)(5) through (d)(2); (d)(6); (e)(6).

~~(3) Each entity receiving money under subsection (d)(5) (d)(9) (c)(9) through (d)(6); (d)(10); (e)(10).~~

The treasurer of state shall determine the total amount of money paid by the treasurer of state to an entity subject to this subsection during the state fiscal year 2002. The amount determined under this subsection is the base year revenue for each entity subject to this subsection. The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

~~(i) (h) This subsection applies to an entity receiving money under subsection (d)(3) (d)(7) (c)(7) or (d)(4); (d)(8); (c)(8). The treasurer of state shall determine the total amount of money paid by the treasurer of state to the entity described in subsection (d)(3) (d)(7) (c)(7) during state fiscal year 2002. The amount determined under this subsection multiplied by nine-tenths (0.9) is the base year revenue for the entity described in subsection (d)(3); (d)(7); (c)(7). The amount determined under this subsection multiplied by one-tenth (0.1) is the base year revenue for the entity described in subsection (d)(4); (d)(8); (c)(8). The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.~~

~~(j) (i) This subsection does not apply to an entity receiving money under subsection (e). The total amount of money distributed to an entity under this section during a state fiscal year may not exceed the entity's base year revenue as determined under subsection (h) (g) or (i); (h). For purposes of this section, the treasurer of state shall treat any amounts distributed under subsection (d) (c) to the northwest Indiana regional development authority as amounts constructively received by East Chicago, Gary, Hammond, and Lake County, as appropriate. If the treasurer of state determines that the total amount of money:~~

~~(1) distributed to an entity; and~~

~~(2) constructively received by an entity;~~

under this section during a state fiscal year is less than the entity's base year revenue, the treasurer of state shall make a supplemental distribution to the entity under IC 4-33-13-5.

~~(k) (j) This subsection does not apply to an entity receiving money under subsection (e). The treasurer of state shall pay that part of the riverboat admissions taxes that:~~

~~(1) exceeds a particular entity's base year revenue; and~~

~~(2) would otherwise be due to the entity under this section; to the state general fund instead of to the entity.~~

SECTION 2. IC 4-33-12-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) This section applies to tax revenue collected from a riverboat operating from Lake County.

(b) Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts from the taxes collected during the preceding calendar quarter from the riverboat operating from East Chicago:

(1) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; to the fiscal officer of the northwest Indiana regional development authority to partially satisfy East Chicago's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) two hundred eighteen thousand seven hundred fifty dollars (\$218,750); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Lake

County's funding obligation to the authority under IC 36-7.5-4-2.

(3) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1) for the calendar quarter;

must be paid to the city of East Chicago.

(4) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (2) for the calendar quarter;

must be paid to Lake County.

(5) Except as provided in section 9(g) of this chapter, nine cents (\$0.09) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the county convention and visitors bureau for Lake County.

(6) Except as provided in section 9(g) of this chapter, one cent (\$0.01) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the northwest Indiana law enforcement training center.

(7) Except as provided in section 9(g) of this chapter, fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(8) Except as provided in section 9(g) of this chapter, ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the division of mental health and addiction.

(9) Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the state general fund.

(c) Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts from the taxes collected during the preceding calendar quarter from each riverboat operating from Gary:

(1) The lesser of:

(A) four hundred thirty-seven thousand five hundred dollars (\$437,500); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Gary's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) two hundred eighteen thousand seven hundred fifty dollars (\$218,750); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(3) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1) for the calendar quarter;

must be paid to the city of Gary.

(4) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (2) for the calendar quarter;

must be paid to Lake County.

(5) Except as provided in section 9(g) of this chapter, nine cents (\$0.09) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the county convention and visitors bureau for Lake County.

(6) Except as provided in section 9(g) of this chapter, one cent (\$0.01) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the northwest Indiana law enforcement training center.

(7) Except as provided in section 9(g) of this chapter, fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(8) Except as provided in section 9(g) of this chapter, ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the division of mental health and addiction.

(9) Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the state general fund.

(d) Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts from the taxes collected during the preceding calendar quarter from the riverboat operating from Hammond:

(1) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Hammond during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Hammond's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) two hundred eighteen thousand seven hundred

fifty dollars (\$218,750); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(3) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1) for the calendar quarter;

must be paid to the city of Hammond.

(4) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (2) for the calendar quarter;

must be paid to Lake County.

(5) Except as provided in section 9(g) of this chapter, nine cents (\$0.09) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the county convention and visitors bureau for Lake County.

(6) Except as provided in section 9(g) of this chapter, one cent (\$0.01) of the admissions tax collected by the licensed owner for each person admitted to a riverboat during the preceding calendar quarter must be paid to the northwest Indiana law enforcement training center.

(7) Except as provided in section 9(g) of this chapter, fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(8) Except as provided in section 9(g) of this chapter, ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the division of mental health and addiction.

(9) Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the state general fund.

SECTION 3. IC 4-33-12-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) Money paid to a unit of local government under section 6 or 8 of this chapter:

(1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the unit's maximum levy under IC 6-1.1-18.5 but may be used at the discretion of the unit to reduce the property tax levy of the unit for a particular year;

(3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

(b) Money paid by the treasurer of state to a county convention and visitors bureau or promotion fund under section 6 of this chapter must be:

(1) deposited in:

(A) the county convention and visitor promotion fund; or

(B) the county's general fund if the county does not have a convention and visitor promotion fund; and

(2) used only for the tourism promotion, advertising, and economic development activities of the county and community.

(c) Money received by the division of mental health and addiction under section 6 or 8 of this chapter:

(1) is annually appropriated to the division of mental health and addiction;

(2) shall be distributed to the division of mental health and addiction at times during each state fiscal year determined by the budget agency; and

(3) shall be used by the division of mental health and addiction for programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions.

The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

(d) This subsection applies to the following entities receiving money under section 6 or 8 of this chapter:

(1) A city or county.

(2) A county convention and visitors bureau or promotion fund for a county other than Lake County.

(3) The state fair commission.

(4) The division of mental health and addiction.

The treasurer of state shall determine the total amount of money paid by the treasurer of state to an entity subject to this subsection during the state fiscal year 2002. The amount determined under this subsection is the base year revenue for each entity subject to this subsection. The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(e) This subsection applies to the following entities receiving money under section 8 of this chapter:

(1) A county convention and visitors bureau for Lake County.

(2) The northwest Indiana law enforcement training center.

The treasurer of state shall determine the total amount of money paid by the treasurer of state to the entity described in subdivision (1) during state fiscal year 2002. The amount determined under this subsection multiplied by nine-tenths (0.9) is the base year revenue for the entity described in subdivision (1). The amount determined under this subsection multiplied by one-tenth (0.1) is the base year revenue for the entity described in subdivision (2). The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(f) The total amount of money distributed to an entity under section 6 or 8 of this chapter during a state fiscal year may not exceed the entity's base year revenue as determined under subsection (d) or (e). For purposes of this section, the treasurer of state shall treat any amounts distributed under section 8 of this chapter to the northwest Indiana regional development authority as amounts constructively received by East Chicago, Gary, Hammond, and Lake County, as appropriate. If the treasurer of state determines that the total amount of money:

(1) distributed to an entity; and

(2) constructively received by an entity; under section 6 or 8 of this chapter during a state fiscal year is less than the entity's base year revenue, the treasurer of state shall make a supplemental distribution to the entity under IC 4-33-13-5.

(g) The treasurer of state shall pay that part of the riverboat admissions taxes that:

(1) exceeds a particular entity's base year revenue; and

(2) would otherwise be due to the entity under this section;

to the state general fund instead of to the entity.

SECTION 4. IC 4-33-12.5-6, AS AMENDED BY P.L.255-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) ~~The county described in IC 4-33-12-6(c)~~ Lake County shall distribute twenty-five percent (25%) of the:

(1) admissions tax revenue received by the county under ~~IC 4-33-12-6(c)(6)~~; IC 4-33-12-8; and

(2) supplemental distributions received under IC 4-33-13-5;

to the eligible municipalities.

(b) The amount that shall be distributed by the county to each eligible municipality under subsection (a) is based on the eligible municipality's proportionate share of the total population of all eligible municipalities. The most current certified census information available shall be used to determine an eligible municipality's proportionate share under this subsection. The determination of proportionate shares under this subsection shall be modified under the following conditions:

(1) The certification from any decennial census completed by the United States Bureau of the Census.

(2) Submission by one (1) or more eligible municipalities of a certified special census commissioned by an eligible municipality and performed by the United States Bureau of the Census.

(c) If proportionate shares are modified under subsection (b), distribution to eligible municipalities shall change with the:

(1) payments beginning April 1 of the year following the certification of a special census under subsection (b)(2); and

(2) the next quarterly payment following the certification of a decennial census under subsection (b)(1).

SECTION 5. IC 4-33-12.5-7, AS AMENDED BY P.L.205-2013, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. The county shall make payments under this chapter directly to each eligible municipality. The county shall make payments to the eligible municipalities not more than thirty (30) days after the county receives the quarterly distribution of admission tax revenue under ~~IC 4-33-12-6~~ IC 4-33-12-8 or the supplemental distributions received under IC 4-33-13-5 from the state.

SECTION 6. IC 4-33-13-5, AS AMENDED BY P.L.255-2015, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) This subsection does not apply to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

(1) The first thirty-three million dollars (\$33,000,000) of tax revenues collected under this chapter shall be set aside for revenue sharing under subsection (e).

(2) Subject to subsection (c), twenty-five percent (25%) of the remaining tax revenue remitted by each licensed owner shall be paid:

(A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of:

(i) a city described in IC 4-33-12-6(b)(1)(A); or

(ii) a city located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(B) to the county that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a riverboat whose home dock is not in a city described in clause (A).

(3) Subject to subsection (d), the remainder of the tax revenue remitted by each licensed owner shall be paid to the state general fund. In each state fiscal year, the treasurer of state shall make the transfer required by this subdivision not later than the last business day of the month in which the tax revenue is remitted to the state for deposit in the state gaming fund. However, if tax revenue is received by the state on the last business day in a month, the treasurer of state may transfer the tax revenue to the state general fund in the immediately following month.

(b) This subsection applies only to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district after June 30, 2015. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue remitted by the operating agent under this chapter as follows:

(1) Fifty-six and five-tenths percent (56.5%) shall be paid to the state general fund.

(2) Forty-three and five-tenths percent (43.5%) shall be paid as follows:

(A) Twenty-two and four-tenths percent (22.4%) shall be paid as follows:

(i) Fifty percent (50%) to the fiscal officer of the town of French Lick.

(ii) Fifty percent (50%) to the fiscal officer of the town of West Baden Springs.

(B) Fourteen and eight-tenths percent (14.8%) shall be paid to the county treasurer of Orange County for distribution among the school corporations in the county. The governing bodies for the school corporations in the county shall provide a formula for the distribution of the money received under this clause among the school corporations by joint resolution adopted by the governing body of each of the school corporations in the county. Money received by a school corporation under this clause must be used to improve the educational attainment of students enrolled in the school corporation receiving the money. Not later than the first regular meeting in the school year of a governing body of a school corporation receiving a distribution under this clause, the superintendent of the school corporation shall submit to the governing body a report describing the purposes for which the receipts under this clause were used and the improvements in educational attainment realized through the use of the money. The report is a public record.

(C) Thirteen and one-tenth percent (13.1%) shall be paid to the county treasurer of Orange County.

(D) Five and three-tenths percent (5.3%) shall be distributed quarterly to the county treasurer of Dubois County for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(E) Five and three-tenths percent (5.3%) shall be distributed quarterly to the county treasurer of Crawford County for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving

county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(F) Six and thirty-five hundredths percent (6.35%) shall be paid to the fiscal officer of the town of Paoli.

(G) Six and thirty-five hundredths percent (6.35%) shall be paid to the fiscal officer of the town of Orleans.

(H) Twenty-six and four-tenths percent (26.4%) shall be paid to the Indiana economic development corporation established by IC 5-28-3-1 for transfer to Radius Indiana or a successor regional entity or partnership for the development and implementation of a regional economic development strategy to assist the residents of Orange County and the counties contiguous to Orange County in improving their quality of life and to help promote successful and sustainable communities. However, an amount sufficient to meet current obligations to retire or refinance indebtedness or leases for which tax revenues under this section were pledged before January 1, 2015, by the Orange County development commission shall be paid to the Orange County development commission before making a distribution to Radius Indiana or a successor regional entity or partnership. The amount paid to the Orange County development commission reduces the amount payable to Radius Indiana or its successor entity or partnership.

(c) For each city and county receiving money under subsection (a)(2), the treasurer of state shall determine the total amount of money paid by the treasurer of state to the city or county during the state fiscal year 2002. The amount determined is the base year revenue for the city or county. The treasurer of state shall certify the base year revenue determined under this subsection to the city or county. The total amount of money distributed to a city or county under this section during a state fiscal year may not exceed the entity's base year revenue. For each state fiscal year, the treasurer of state shall pay that part of the riverboat wagering taxes that:

(1) exceeds a particular city's or county's base year revenue; and

(2) would otherwise be due to the city or county under this section;

to the state general fund instead of to the city or county.

(d) Each state fiscal year the treasurer of state shall transfer from the tax revenue remitted to the state general fund under subsection (a)(3) to the build Indiana fund an amount that when added to the following may not exceed two hundred fifty million dollars (\$250,000,000):

(1) Surplus lottery revenues under IC 4-30-17-3.

(2) Surplus revenue from the charity gaming enforcement fund under IC 4-32.2-7-7.

(3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.

The treasurer of state shall make transfers on a monthly basis as needed to meet the obligations of the build Indiana fund. If in any state fiscal year insufficient money is transferred to the state general fund under subsection (a)(3) to comply with this subsection, the treasurer of state shall reduce the amount transferred to the build Indiana fund to the amount available in the state general fund from the transfers under subsection (a)(3) for the state fiscal year.

(e) Before August 15 of each year, the treasurer of state shall distribute the wagering taxes set aside for revenue sharing under subsection (a)(1) to the county treasurer of each county that does not have a riverboat according to the ratio that the county's population bears to the total population of the counties that do not have a riverboat. Except as provided in subsection (h), the county auditor shall distribute the money received by the county

under this subsection as follows:

- (1) To each city located in the county according to the ratio the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be retained by the county.

(f) Money received by a city, town, or county under subsection (e) or (h) may be used for any of the following purposes:

- (1) To reduce the property tax levy of the city, town, or county for a particular year (a property tax reduction under this subdivision does not reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5).
- (2) For deposit in a special fund or allocation fund created under IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and IC 36-7-30 to provide funding for debt repayment.
- (3) To fund sewer and water projects, including storm water management projects.
- (4) For police and fire pensions.
- (5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county. Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5.

(g) Before ~~September~~ **July** 15 of each year, the treasurer of state shall determine the total amount of money distributed to an entity under IC 4-33-12-6 **or IC 4-33-12-8** during the preceding state fiscal year. If the treasurer of state determines that the total amount of money distributed to an entity under IC 4-33-12-6 **or IC 4-33-12-8** during the preceding state fiscal year was less than the entity's base year revenue (as determined under ~~IC 4-33-12-6~~; **IC 4-33-12-9**), the treasurer of state shall make a supplemental distribution to the entity from taxes collected under this chapter and deposited into the state general fund. Except as provided in subsection (i), the amount of an entity's supplemental distribution is equal to:

- (1) the entity's base year revenue (as determined under ~~IC 4-33-12-6~~; **IC 4-33-12-9**); minus
- (2) the sum of:
 - (A) the total amount of money distributed to the entity and constructively received by the entity during the preceding state fiscal year under IC 4-33-12-6 **or IC 4-33-12-8**; plus
 - (B) the amount of any admissions taxes deducted under IC 6-3.1-20-7.

(h) This subsection applies only to a county containing a consolidated city. The county auditor shall distribute the money received by the county under subsection (e) as follows:

- (1) To each city, other than a consolidated city, located in the county according to the ratio that the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio that the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be paid in equal amounts to the consolidated city and the county.

(i) This subsection applies to a supplemental distribution made after June 30, 2013. The maximum amount of money that may be distributed under subsection (g) in a state fiscal year is forty-eight million dollars (\$48,000,000). If the total amount determined under subsection (g) exceeds forty-eight million dollars (\$48,000,000), the amount distributed to an entity under subsection (g) must be reduced according to the ratio that the

amount distributed to the entity under IC 4-33-12-6 **or IC 4-33-12-8** bears to the total amount distributed under IC 4-33-12-6 **and IC 4-33-12-8** to all entities receiving a supplemental distribution.

(j) This subsection applies to a supplemental distribution, if any, payable to Lake County, Hammond, Gary, or East Chicago under subsections (g) and (i). Beginning in ~~September~~ **July** 2016, the treasurer of state shall, after making any deductions from the supplemental distribution required by IC 6-3.1-20-7, deduct from the remainder of the supplemental distribution otherwise payable to the unit under this section the lesser of:

- (1) the remaining amount of the supplemental distribution; or
- (2) the difference, if any, between:
 - (A) three million five hundred thousand dollars (\$3,500,000); minus
 - (B) the amount of admissions taxes constructively received by the unit in the previous state fiscal year.

The treasurer of state shall distribute the amounts deducted under this subsection to the northwest Indiana redevelopment authority established under IC 36-7.5-2-1 for deposit in the development authority fund established under IC 36-7.5-4-1.

(k) Money distributed to a political subdivision under subsection (b):

- (1) must be paid to the fiscal officer of the political subdivision and may be deposited in the political subdivision's general fund or riverboat fund established under IC 36-1-8-9, or both;
- (2) may not be used to reduce the maximum levy under IC 6-1.1-18.5 of a county, city, or town or the maximum tax rate of a school corporation, but, except as provided in subsection (b)(2)(B), may be used at the discretion of the political subdivision to reduce the property tax levy of the county, city, or town for a particular year;
- (3) except as provided in subsection (b)(2)(B), may be used for any legal or corporate purpose of the political subdivision, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and
- (4) is considered miscellaneous revenue.

Money distributed under subsection (b)(2)(B) must be used for the purposes specified in subsection (b)(2)(B).

SECTION 7. IC 4-22-2-21, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 21. (a) If incorporation of the text in full would be cumbersome, expensive, or otherwise inexpedient, an agency may incorporate by reference into a rule part or all of any of the following matters:

- (1) A federal or state statute, rule, or regulation.
- (2) A code, manual, or other standard adopted by an agent of the United States, a state, or a nationally recognized organization or association.
- (3) A manual of the department of local government finance adopted in a rule described in IC 6-1.1-31-9.

(4) The following requirements:

(A) The schedule, electronic formatting, and standard data, field, and record coding requirements for:

- (i) the electronic data file under IC 6-1.1-4-25 concerning the parcel characteristics and parcel assessments of all parcels and personal property return characteristics and assessments; and**
- (ii) the electronic data file under IC 36-2-9-20 concerning the tax duplicate.**

(B) The schedule, electronic formatting, and standard data, field, and record coding requirements for data required to be submitted under IC 6-1.1-5.5-3 or IC 6-1.1-11-8.

(C) Data export and transmission format

requirements for information described in clauses (A) and (B).

(b) Each matter incorporated by reference under subsection (a) must be fully and exactly described.

(c) An agency may refer to a matter that is directly or indirectly referred to in a primary matter by fully and exactly describing the primary matter.

(d) Whenever an agency submits a rule to the attorney general, the governor, or the publisher under this chapter, the agency shall also submit a copy of the full text of each matter incorporated by reference under subsection (a) into the rule, other than the following:

(1) An Indiana statute or rule.

(2) A form or instructions for a form numbered by the ~~commission on public records~~ **Indiana archives and record administration** under IC 5-15-5.1-6.

(3) The source of a statement that is quoted or paraphrased in full in the rule.

(4) Any matter that has been previously filed with the:

(A) secretary of state before July 1, 2006; or

(B) publisher after June 30, 2006.

(5) Any matter referred to in subsection (c) as a matter that is directly or indirectly referred to in a primary matter.

(e) An agency may comply with subsection (d) by submitting a paper or an electronic copy of the full text of the matter incorporated by reference.

SECTION 8. IC 5-13-10.5-18, AS AMENDED BY P.L.213-2015, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) As used in this section, "capital improvement board" refers to a capital improvement board established under IC 36-10-9.

(b) To qualify for an investment under this section, the capital improvement board must apply to the treasurer of state in the form and manner required by the treasurer. As part of the application, the capital improvement board shall submit a plan for its use of the investment proceeds and for the repayment of the capital improvement board's obligation to the treasurer. Within sixty (60) days after receipt of each application, the treasurer shall consider the application and review its accuracy and completeness.

(c) If the capital improvement board makes an application under subsection (b) and the treasurer approves the accuracy and completeness of the application and determines that there is an adequate method of payment for the capital improvement board's obligations, the treasurer of state shall invest or reinvest funds that are held by the treasurer and that are available for investment in obligations issued by the capital improvement board for the purposes of the capital improvement board in calendar years 2009, 2010, and 2011. The investment may not exceed nine million dollars (\$9,000,000) per calendar year for 2009, 2010, and 2011.

(d) The treasurer of state shall determine the terms of each investment and the capital improvement board's obligation, which must include the following:

(1) Subject to subsections (f) and (g), the duration of the capital improvement board's obligation, which must be for a term of ten (10) years with an option for the capital improvement board to pay its obligation to the treasurer early without penalty.

(2) Subject to subsections (f) and (g), the repayment schedule of the capital improvement board's obligation, which must provide that no payments are due before January 1, 2013.

(3) A rate of interest to be determined by the treasurer.

(4) The amount of each investment, which may not exceed the maximum amounts established for the capital improvement board by this section.

(5) Any other conditions specified by the treasurer.

(e) The capital improvement board may issue obligations under this section by adoption of a resolution and, as set forth in

IC 5-1-14, may use any source of revenue to satisfy the obligation to the treasurer of state under this section. This section constitutes complete authority for the capital improvement board to issue obligations to the treasurer. If the capital improvement board fails to make any payments on the capital improvement board's obligation to the treasurer, the amount payable shall be withheld by the auditor of state from any other money payable to the capital improvement board. The amount withheld shall be transferred to the treasurer to the credit of the capital improvement board.

(f) Subject to subsection (g), if all principal and interest on the obligations issued by the capital improvement board under this section in calendar year 2009, are paid before July 1, 2015, the term of the obligations issued by the capital improvement board to the treasurer of state in calendar year 2010 is extended until 2025. **The treasurer of state shall discharge any remaining unpaid interest on the obligation issued by the capital improvement board to the treasurer of state in 2009, if the capital improvement board submits payment of the principal amount to the treasurer of state before the stated final maturity of that obligation.**

(g) This subsection applies if the capital improvement board before July 1, 2015, adopts a resolution:

(1) to establish a bid fund to be used to assist the capital improvement board, the Indianapolis Convention and Visitors Association (VisitIndy), or the Indiana Sports Corporation in securing conventions, sporting events, and other special events; and

(2) to designate that principal and interest payments that would otherwise be made on the obligation issued by the capital improvement board under this section in calendar year 2010 shall instead be deposited in the bid fund.

If the requirements of subdivisions (1) and (2) are satisfied and the capital improvement board deposits in the bid fund amounts equal to the principal and interests payments that would otherwise be made under the repayment schedule on the obligations issued by the capital improvement board under this section in calendar year 2010, the capital improvement board is not required to make those principal and interests payments to the treasurer of state at the time required under the repayment schedule. The amounts must be deposited in the bid fund not later than the time the principal and interest payments would otherwise be due to the treasurer of state under the repayment schedule. The state board of accounts shall annually examine the bid fund to determine the amount of deposits made to the bid fund under this subsection and to ensure that the money deposited in the bid fund is used only for purposes authorized by this subsection. To the extent that the capital improvement board does not deposit in the bid fund an amount equal to a payment of principal and interest that would otherwise be due under the repayment schedule on the obligations issued by the capital improvement board under this section in calendar year 2010, the capital improvement board must make that payment of principal and interest to the treasurer of state as provided in this section. If the capital improvement board deposits in the bid fund amounts equal to the payments of principal and interest that would otherwise be due under the repayment schedule on the obligations issued by the capital improvement board under this section in calendar year 2010, the capital improvement board is only required to repay to the treasurer of state the principal amount of the obligation.

SECTION 9. IC 5-28-15-5.5 AS ADDED BY SEA 378-2016, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5.5. The corporation has the following powers, in addition to the other powers that are contained in this chapter:

(1) To provide a procedure by which enterprise zones may be monitored and evaluated on an annual basis.

(2) To disqualify a zone business from eligibility for any or all of the incentives available to zone businesses.

(3) To receive funds from any source and expend the funds for the administration and promotion of the enterprise zone program.

(4) To make determinations under IC 6-3.1-11 concerning the designation of locations as industrial recovery sites.

(5) To make determinations **enter into agreements** under IC 6-3.1-11 concerning the disqualification of persons from claiming credits provided by that chapter in appropriate cases: **with an applicant for a tax credit under that chapter.**

SECTION 10. IC 6-1.1-4-43 IS REPEALED [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]. Sec. 43: (a) This section applies to a real property assessment for:

(1) the 2014 assessment date and assessment dates thereafter; and

(2) real property that is:

(A) a limited market or special purpose property that would commonly be regarded as a big box retail building under standard appraisal practices and is at least fifty thousand (50,000) square feet; and

(B) occupied by the original owner or by a tenant for which the improvement was built.

(b) This section does not to apply to the assessment of multi-tenant income producing shopping centers (as defined by the Appraisal Institute Dictionary of Real Estate Appraisal (5th Edition)):

(c) In determining the true tax value of real property under this section which has improvements with an effective age is ten (10) years or less under the rules of the department, assessing officials shall apply the cost approach, less depreciation and obsolescence under the rules and guidelines of the department. For purposes of this subsection, the land value shall be assessed separately. The assessed value of the land underlying the improvements assessed under this section may be assessed or challenged based on the market value of comparable land.

(d) This subsection applies to a taxpayer that files a notice under IC 6-1.1-15 after April 30, 2015, requesting a review of the assessment of the taxpayer's real property that is subject to this section. If the effective age of the improvements is ten (10) years or less under the rules of the department, a taxpayer must provide to the appropriate county or township assessing official information concerning the actual construction costs for the real property. Notwithstanding IC 6-1.1-15, if a taxpayer does not provide all relevant and reasonably available information concerning the actual construction costs for the real property before the hearing scheduled by the county property tax assessment board of appeals regarding the assessment of the real property, the appeal may not be reviewed until all the information is provided. If a taxpayer does provide the information concerning the actual construction costs for the real property and the construction costs for the real property are greater than the cost values determined by using the cost tables under the rules and guidelines of the department of local government finance, then the for purposes of applying the cost approach under subsection (b) or (c) the depreciation and obsolescence shall be deducted from the construction costs rather than the than the cost values determined by using the cost tables under the rules and guidelines of the department of local government finance.

SECTION 11. IC 6-1.1-4-44 IS REPEALED [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]. Sec. 44: (a) This section applies to a real property assessment of commercial nonincome producing real property, including a sale-leaseback property; for:

(1) the 2014 assessment date and assessment dates thereafter; or

(2) any assessment date, if an assessment appeal is pending before the county property tax assessment board of appeals or the board of tax review.

(b) This section does not to apply to the assessment of

multi-tenant income producing shopping centers (as defined by the Appraisal Institute Dictionary of Real Estate Appraisal (5th Edition)):

(e) As used in this section, "sale-leaseback" means a transaction in which one (1) party sells a property to a buyer; and the buyer leases the property back to the seller.

(d) In determining the true tax value of real property under this section which has improvements with an effective age of ten (10) years or less under the rules of the department, a comparable real property sale may not be used if the comparable real property:

(1) has been vacant for more than one (1) year as of the assessment date or in the case of industrial property vacant for more than five (5) years;

(2) has significant restrictions placed on the use of the real property by a recorded covenant, restriction, easement, or other encumbrance on the use of the real property;

(3) was sold and is no longer used for the purpose; or a similar purpose; for which the property was used by the original occupant or tenant; or

(4) was not sold in an arm's length transaction.

SECTION 12. IC 6-1.1-15-0.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.7. A holder of a tax sale certificate under IC 6-1.1-24 does not have an interest in tangible property for purposes of obtaining a review or bringing an appeal of an assessment of property under this chapter.

SECTION 13. IC 6-1.1-31-6, AS AMENDED BY P.L.154-2006, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 6. (a) With respect to the assessment of real property, the rules of the department of local government finance shall provide for:

(1) the classification of land on the basis of:

(i) (A) acreage;

(ii) (B) lots;

(iii) (C) size;

(iv) (D) location;

(v) (E) use;

(vi) (F) productivity or earning capacity;

(vii) (G) applicable zoning provisions;

(viii) (H) accessibility to highways, sewers, and other public services or facilities; and

(ix) (I) any other factor that the department determines by rule is just and proper; and

(2) the classification of improvements on the basis of:

(i) (A) size;

(ii) (B) location;

(iii) (C) use;

(iv) (D) type and character of construction;

(v) (E) age;

(vi) (F) condition;

(vii) (G) cost of reproduction; and

(H) market segmentation; and

(viii) (I) any other factor that the department determines by rule is just and proper.

(b) With respect to the assessment of real property, the rules of the department of local government finance shall include instructions for determining:

(1) the proper classification of real property;

(2) the size of real property;

(3) the effects that location and use have on the value of real property;

(4) the productivity or earning capacity of:

(A) agricultural land; and

(B) real property regularly used to rent or otherwise furnish residential accommodations for periods of thirty

(30) days or more;

(5) sales data for generally comparable properties; and

(6) the true tax value of real property based on the factors listed in this subsection and any other factor that the department determines by rule is just and proper.

(c) With respect to the assessment of real property, true tax value does not mean fair market value. ~~Subject to this article, true tax value is the value determined under the rules of the department of local government finance.~~

(d) With respect to the assessment of an improved property, a valuation does not reflect the true tax value of the improved property if the purportedly comparable sale properties supporting the valuation have a different market or submarket than the current use of the improved property, based on a market segmentation analysis. Any market segmentation analysis must be conducted in conformity with generally accepted appraisal principles and is not limited to the categories of markets and submarkets enumerated in the rules or guidance materials adopted by the department of local government finance.

(e) True tax value does not mean the value of the property to the user.

(f) Subject to this article, true tax value shall be determined under the rules of the department of local government finance. The department's rules may include examples to illustrate true tax value.

SECTION 14. IC 6-2.5-3-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 7.5. (a) This section applies to a retail merchant if:**

(1) the retail merchant obtains the information described in section 7(c)(1) through 7(c)(3) of this chapter from a person purchasing tangible personal property for use or consumption in providing public transportation under IC 6-2.5-5-27; and

(2) the person purchasing the tangible personal property provides to the retail merchant the signed affirmation required under section 7(c) of this chapter.

(b) Except as provided in subsection (c), the following apply to a retail merchant that meets the requirements of subsection (a):

(1) Based on the information described in section 7(c)(1) through 7(c)(3) of this chapter and the signed affirmation required under section 7(c) of this chapter, the retail merchant is entitled to assume that the person purchasing the tangible personal property:

(A) will use the tangible personal property for an exempt purpose; or

(B) will make the determination regarding whether use tax is due on the storage, use, or consumption of the tangible personal property, and will pay any use tax that is due on the storage, use, or consumption of the tangible personal property.

(2) The retail merchant is not liable for a failure to collect any use tax that may be due on the storage, use, or consumption of the tangible personal property.

(c) Subsection (b) does not apply to a retail merchant if the retail merchant's reliance on the information described in section 7(c)(1) through 7(c)(3) of this chapter and the signed affirmation required under section 7(c) of this chapter was unreasonable. The department has the burden of proving that the retail merchant's reliance on the information described in section 7(c)(1) through 7(c)(3) of this chapter and the signed affirmation required under section 7(c) of this chapter was unreasonable.

SECTION 15. IC 6-3-1-11, AS AMENDED BY P.L.242-2015, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: **Sec. 11. (a) The term "Internal Revenue Code" means the Internal Revenue Code of 1986 of the United States as amended and in effect on January 1, 2015- 2016.**

(b) Whenever the Internal Revenue Code is mentioned in this article, the particular provisions that are referred to, together

with all the other provisions of the Internal Revenue Code in effect on January 1, ~~2015~~, **2016**, that pertain to the provisions specifically mentioned, shall be regarded as incorporated in this article by reference and have the same force and effect as though fully set forth in this article. To the extent the provisions apply to this article, regulations adopted under Section 7805(a) of the Internal Revenue Code and in effect on January 1, ~~2015~~, **2016**, shall be regarded as rules adopted by the department under this article, unless the department adopts specific rules that supersede the regulation.

(c) An amendment to the Internal Revenue Code made by an act passed by Congress before January 1, ~~2015~~, **2016**, that is effective for any taxable year that began before January 1, ~~2015~~, **2016**, and that affects:

(1) individual adjusted gross income (as defined in Section 62 of the Internal Revenue Code);

(2) corporate taxable income (as defined in Section 63 of the Internal Revenue Code);

(3) trust and estate taxable income (as defined in Section 641(b) of the Internal Revenue Code);

(4) life insurance company taxable income (as defined in Section 801(b) of the Internal Revenue Code);

(5) mutual insurance company taxable income (as defined in Section 821(b) of the Internal Revenue Code); or

(6) taxable income (as defined in Section 832 of the Internal Revenue Code);

is also effective for that same taxable year for purposes of determining adjusted gross income under section 3.5 of this chapter.

(d) This subsection applies to a taxable year ending before January 1, 2013. The following provisions of the Internal Revenue Code that were amended by the Tax Relief Act, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312) are treated as though they were not amended by the Tax Relief Act, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312):

(1) Section 1367(a)(2) of the Internal Revenue Code pertaining to an adjustment of basis of the stock of shareholders.

(2) Section 871(k)(1)(C) and 871(k)(2)(C) of the Internal Revenue Code pertaining to the treatment of certain dividends of regulated investment companies.

(3) Section 897(h)(4)(A)(ii) of the Internal Revenue Code pertaining to regulated investment companies qualified entity treatment.

(4) Section 512(b)(13)(E)(iv) of the Internal Revenue Code pertaining to the modification of tax treatment of certain payments to controlling exempt organizations.

(5) Section 613A(c)(6)(H)(ii) of the Internal Revenue Code pertaining to the limitations on percentage depletion in the case of oil and gas wells.

(6) Section 451(i)(3) of the Internal Revenue Code pertaining to special rule for sales or dispositions to implement Federal Energy Regulatory Commission or state electric restructuring policy for qualified electric utilities.

(7) Section 954(c)(6) of the Internal Revenue Code pertaining to the look-through treatment of payments between related controlled foreign corporation under foreign personal holding company rules.

The department shall develop forms and adopt any necessary rules under IC 4-22-2 to implement this subsection.

SECTION 16. IC 6-3-1-11-1, AS AMENDED BY P.L.288-2013, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 1. As used in this chapter, "applicable percentage" means the percentage determined as follows:**

(1) If a plant that is located on an industrial recovery site was placed in service at least fifteen (15) years ago but less than thirty (30) years ago, the applicable percentage

is fifteen percent (15%).

(2) If a plant that is located on an industrial recovery site was placed in service at least thirty (30) years ago but less than forty (40) years ago, the applicable percentage is twenty percent (20%).

(3) If a plant that is located on an industrial recovery site was placed in service at least forty (40) years ago, the applicable percentage is twenty-five percent (25%).

The time that has expired since a plant was placed in service shall be determined as of the date that an application is filed with the corporation. ~~for designation of the location as an industrial recovery site under this chapter. However, in the case of an industrial recovery site described in section 5(2) of this chapter, the time that has expired since a plant was placed in service shall be determined as of the date on which the demolition of the vacant plant was completed.~~

SECTION 17. IC 6-3.1-11-3 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. Sec. 3: As used in this chapter, "executive" has the meaning set forth in IC 36-1-2-5.

SECTION 18. IC 6-3.1-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5. As used in this chapter, "industrial recovery site" means ~~an industrial recovery site designated under this chapter. land on which a vacant plant having at least one hundred thousand (100,000) square feet of total floor space:~~

(1) exists as of the date an application is filed with the corporation under this chapter and was placed in service at least fifteen (15) years before the date on which an application is filed with the corporation under this chapter; or

(2) existed within five (5) years before the date an application is filed with the corporation under this chapter and was placed in service at least fifteen (15) years before the date on which the demolition of the vacant plant was completed.

SECTION 19. IC 6-3.1-11-6 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. Sec. 6: As used in this chapter, "legislative body" has the meaning set forth in IC 36-1-2-9.

SECTION 20. IC 6-3.1-11-7 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. Sec. 7: As used in this chapter, "municipality" has the meaning set forth in IC 36-1-2-11.

SECTION 21. IC 6-3.1-11-15 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. Sec. 15: As used in this chapter, "vacant industrial facility" means a tract of land on which there is located a plant that:

(+) has:

(A) for taxable years beginning after December 31, 2010, and beginning before January 1, 2015, at least fifty thousand (50,000) square feet of floor space; or

(B) for taxable years beginning after December 31, 2014, at least one hundred thousand (100,000) square feet of floor space; and

(2) was placed in service at least fifteen (15) years ago.

SECTION 22. IC 6-3.1-11-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 16. (a) **Subject to entering into an agreement with the corporation under section 19.5 of this chapter and** subject to section 21 of this chapter, a taxpayer is entitled to a credit against the taxpayer's state tax liability for a taxable year if the taxpayer makes a qualified investment in that year.

(b) The amount of the credit to which a taxpayer is entitled is the qualified investment made by the taxpayer during the taxable year multiplied by the applicable percentage.

(c) A taxpayer may assign any part of the credit to which the taxpayer is entitled under this chapter to a lessee of the industrial recovery site. A credit that is assigned under this subsection remains subject to this chapter.

(d) An assignment under subsection (c) must be in writing and both the taxpayer and the lessee must report the assignment on their state tax return for the year in which the assignment is

made, in the manner prescribed by the department of state revenue. The taxpayer shall not receive value in connection with the assignment under subsection (c) that exceeds the value of the part of the credit assigned.

SECTION 23. IC 6-3.1-11-18.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 18.5. (a) A taxpayer that proposes to make qualified investments on an industrial recovery site as provided under this chapter may apply to the corporation to enter into an agreement for a tax credit under this chapter.**

(b) The corporation shall prescribe the form of the application.

SECTION 24. IC 6-3.1-11-19, AS AMENDED BY P.L.288-2013, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 19. (a) The corporation shall consider the following factors in evaluating applications filed under this chapter:

(1) The level of distress in the surrounding community caused by the loss of jobs at the ~~vacant industrial facility. recovery site.~~

(2) Evidence of support for the designation by residents, businesses, and private organizations in the surrounding community.

(3) Evidence of a commitment by private or governmental entities to assist in the financing of improvements or redevelopment activities benefiting the ~~vacant industrial facility. recovery site.~~

(4) Whether the industrial recovery site is within an economic revitalization area designated under IC 6-1.1-12.1.

(b) The corporation may not approve an application to receive tax credits under this chapter for qualified investments made on an industrial recovery site described in section 5(2) of this chapter unless the applicant can demonstrate that the plant was not maintained and was removed from the site in an effort to protect the health, safety, and welfare of the community.

SECTION 25. IC 6-3.1-11-19.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 19.5. If the corporation approves an application under this chapter, the corporation shall require the applicant to enter into an agreement with the corporation as a condition of receiving a tax credit under this chapter.**

SECTION 26. IC 6-3.1-20-7, AS AMENDED BY P.L.255-2015, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The department shall before July 1 of each year determine the following:

(1) The greater of:

(+) (A) eight million five hundred thousand dollars (\$8,500,000); or

(2) (B) the amount of credits allowed under this chapter for taxable years ending before January 1 of the year.

(2) **The quotient of:**

(A) the amount determined under subdivision (1); divided by

(B) four (4).

(b) Except as provided in subsection (d), one-half (1/2) of the amount determined by the department under subsection (a) (2) shall be:

(1) deducted ~~during the year each quarter~~ from the riverboat admissions tax revenue otherwise payable to the county under ~~IC 4-33-12-6(c)(6)~~ **IC 4-33-12-8** and the supplemental distribution otherwise payable to the county under IC 4-33-13-5(g); and

(2) paid instead to the state general fund.

(c) Except as provided in subsection (d), one-sixth (1/6) of the amount determined by the department under subsection (a)

(a)(2) shall be:

(1) deducted ~~during the year each quarter~~ from the riverboat admissions tax revenue otherwise payable under ~~IC 4-33-12-6(c)(5)~~ **IC 4-33-12-8** and the supplemental distribution otherwise payable under IC 4-33-13-5(g) to each of the following:

- (A) The largest city by population located in the county.
- (B) The second largest city by population located in the county.
- (C) The third largest city by population located in the county; and

(2) paid instead to the state general fund.

(d) If the amount determined by the department under subsection ~~(a)(2)~~ **(a)(1)(B)** is less than eight million five hundred thousand dollars (\$8,500,000), the difference of:

(1) eight million five hundred thousand dollars (\$8,500,000); minus

(2) the amount determined by the department under subsection ~~(a)(2)~~; **(a)(1)(B)**;

shall be paid **in four (4) equal quarterly payments** to the northwest Indiana regional development authority established by IC 36-7.5-2-1 instead of the state general fund. Any amounts paid under this subsection shall be used by the northwest Indiana regional development authority only to establish or improve public mass rail transportation systems in Lake County.

SECTION 27. IC 6-6-1.1-903, AS AMENDED BY P.L.210-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 903. (a) A person is entitled to a refund of gasoline tax paid on gasoline purchased or used for the following purposes:

- (1) Operating stationary gas engines.
- (2) Operating equipment mounted on motor vehicles, whether or not operated by the engine propelling the motor vehicle.
- (3) Operating a tractor used for agricultural purposes.
- (3.1) Operating implements of agriculture (as defined in IC 9-13-2-77).
- (4) Operating motorboats or aircraft.
- (5) Cleaning or dyeing.
- (6) Other commercial use, except propelling motor vehicles operated in whole or in part on an Indiana public highway.
- (7) Operating a taxicab (as defined in section 103 of this chapter).

(8) Used to create racing fuel and the fuel:

(A) consists of a fuel blend nominally consisting of more than eighty-nine percent (89%) ethanol and less than eleven percent (11%) gasoline;

(B) will not be blended to become a fuel that can be used for propelling a motor vehicle operated in whole or in part on an Indiana public highway; and

(C) will be resold by the person purchasing the fuel to a purchaser that is located in another state, territory, or foreign country.

(b) If a refund is not issued within ninety (90) days of filing of the verified statement and all supplemental information required by IC 6-6-1.1-904.1, the department shall pay interest at the rate established by IC 6-8.1-9 computed from the date of filing of the verified statement and all supplemental information required by the department until a date determined by the administrator that does not precede by more than thirty (30) days the date on which the refund is made.

SECTION 28. IC 6-9-2-4.3, AS AMENDED BY P.L.172-2011, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.3. (a) The Lake County convention and visitor bureau shall establish a convention, tourism, and visitor promotion alternate revenue fund (referred to in this chapter as the "alternate revenue fund"). The bureau may deposit in the alternate revenue fund all money

received by the bureau after June 30, 2005, that is not required to be deposited in the promotion fund under section 2 of this chapter or a fund established by the bureau, including appropriations, gifts, grants, membership dues, and contributions from any public or private source.

(b) The bureau may, without appropriation by the county council, expend money from the alternate revenue fund to promote and encourage conventions, trade shows, visitors, special events, sporting events, and exhibitions in the county. Money may be paid from the alternate revenue fund by claim in the same manner as municipalities may pay claims under IC 5-11-10-1.6.

(c) All money in the alternate revenue fund shall be deposited, held, secured, invested, and paid in accordance with statutes relating to the handling of public funds. The handling and expenditure of money in the alternate revenue fund is subject to audit and supervision by the state board of accounts.

~~(d) Money derived from the taxes imposed under IC 4-33-12 and IC 4-33-13 may not be transferred to the alternate revenue fund.~~

SECTION 29. IC 11-12-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015 (RETROACTIVE)]:

Chapter 11. County Misdemeanant Fund

Sec. 1. As used in this chapter, "county misdemeanant fund" refers to a fund established under section 4 of this chapter.

Sec. 2. As used in this chapter, "minimum allocation amount" refers to the amount of funding that applies to a county under section 6(a) of this chapter.

Sec. 3. As used in this chapter, "multiplier" refers to the number that applies to a county under section 6(b) of this chapter.

Sec. 4. (a) A county legislative body receiving deposits made under section 7 of this chapter shall establish a county misdemeanant fund.

(b) The county fiscal body shall administer the county misdemeanant fund.

(c) The fund consists of deposits made by the department under section 7 of this chapter.

Sec. 5. A county misdemeanant fund must be used only for funding the operation of the county's jail, jail programs, or other local correctional facilities or community based programs. Any money remaining in a county misdemeanant fund at the end of the year does not revert to any other fund, but remains in the county misdemeanant fund.

Sec. 6. (a) The minimum allocation amount under this chapter, which represents the dollar amount each county was entitled to receive under level 3 funding in state fiscal year 1998, is as follows:

Adams County	\$14,000
Allen County	129,500
Bartholomew County	35,000
Benton County	3,500
Blackford County	14,000
Boone County	14,000
Brown County	3,500
Carroll County	7,000
Cass County	17,500
Clark County	49,000
Clay County	7,000
Clinton County	17,500
Crawford County	3,500
Daviess County	7,000
Dearborn County	35,000
Decatur County	24,500
Dekalb County	24,500
Delaware County	35,000
Dubois County	45,500
Elkhart County	52,500
Fayette County	10,500

Floyd County	21,000
Fountain County	7,000
Franklin County	7,000
Fulton County	14,000
Gibson County	24,500
Grant County	28,000
Greene County	17,500
Hamilton County	28,000
Hancock County	10,500
Harrison County	24,500
Hendricks County	24,500
Henry County	17,500
Howard County	66,500
Huntington County	10,500
Jackson County	45,500
Jasper County	14,000
Jay County	7,000
Jefferson County	21,000
Jennings County	10,500
Johnson County	31,500
Knox County	14,000
Kosciusko County	42,000
LaGrange County	7,000
Lake County	234,500
LaPorte County	35,000
Lawrence County	52,500
Madison County	101,500
Marion County	294,000
Marshall County	35,000
Martin County	3,500
Miami County	24,500
Monroe County	35,000
Montgomery County	24,500
Morgan County	31,500
Newton County	7,000
Noble County	28,000
Ohio County	3,500
Orange County	7,000
Owen County	7,000
Parke County	7,000
Perry County	14,000
Pike County	10,500
Porter County	42,000
Posey County	14,000
Pulaski County	10,500
Putnam County	14,000
Randolph County	10,500
Ripley County	17,500
Rush County	7,000
St. Joseph County	112,000
Scott County	31,500
Shelby County	17,500
Spencer County	10,500
Starke County	10,500
Steuben County	14,000
Sullivan County	7,000
Switzerland County	7,000
Tippecanoe County	56,000
Tipton County	3,500
Union County	3,500
Vanderburgh County	161,000
Vermillion County	14,000
Vigo County	42,000
Wabash County	21,000
Warren County	7,000
Warrick County	21,000
Washington County	31,500
Wayne County	38,500
Wells County	10,500
White County	14,000
Whitley County	17,500

(b) The multiplier under this chapter for each county, which represents each county's approximate proportion of the total state population, is as follows:

Adams County	.0053
Allen County	.0548
Bartholomew County	.0118
Benton County	.0014
Blackford County	.0020
Boone County	.0087
Brown County	.0024
Carroll County	.0031
Cass County	.0060
Clark County	.0170
Clay County	.0041
Clinton County	.0051
Crawford County	.0017
Daviess County	.0049
Dearborn County	.0077
Decatur County	.0040
Dekalb County	.0065
Delaware County	.0181
Dubois County	.0065
Elkhart County	.0305
Fayette County	.0037
Floyd County	.0115
Fountain County	.0027
Franklin County	.0036
Fulton County	.0032
Gibson County	.0052
Grant County	.0108
Greene County	.0051
Hamilton County	.0423
Hancock County	.0108
Harrison County	.0061
Hendricks County	.0224
Henry County	.0076
Howard County	.0128
Huntington County	.0057
Jackson County	.0065
Jasper County	.0052
Jay County	.0033
Jefferson County	.0050
Jennings County	.0044
Johnson County	.0215
Knox County	.0059
Kosciusko County	.0119
LaGrange County	.0057
Lake County	.0765
LaPorte County	.0172
Lawrence County	.0071
Madison County	.0203
Marion County	.1393
Marshall County	.0073
Martin County	.0016
Miami County	.0057
Monroe County	.0213
Montgomery County	.0059
Morgan County	.0106
Newton County	.0022
Noble County	.0073
Ohio County	.0009
Orange County	.0031
Owen County	.0033
Parke County	.0027
Perry County	.0030
Pike County	.0020
Porter County	.0253
Posey County	.0040
Pulaski County	.0021
Putnam County	.0059
Randolph County	.0040

Ripley County	.0044
Rush County	.0027
St. Joseph County	.0412
Scott County	.0037
Shelby County	.0069
Spencer County	.0032
Starke County	.0036
Steuben County	.0053
Sullivan County	.0033
Switzerland County	.0016
Tiptecanoe County	.0266
Tipton County	.0025
Union County	.0012
Vanderburgh County	.0277
Vermillion County	.0025
Vigo County	.0166
Wabash County	.0051
Warren County	.0013
Warrick County	.0092
Washington County	.0044
Wayne County	.0106
Wells County	.0043
White County	.0038
Whitley County	.0051

Sec. 7. Before September 1 of each year after 2014, the department shall deposit in the misdemeanor fund of each county the greatest of the following:

- (1) The sum determined by multiplying the total amount appropriated for the county misdemeanor fund by the county's multiplier.
- (2) The minimum allocation amount assigned to the county under section 6(a) of this chapter.
- (3) The amount deposited by the department in the misdemeanor fund for the county in state fiscal year 1999.

Sec. 8. (a) Notwithstanding section 7 of this chapter, the department shall deposit funds in county misdemeanor funds under this section if the funds appropriated to the department for county misdemeanor funds are insufficient to meet the amounts required to be deposited under section 7 of this chapter.

(b) Before July 16 of each year, the commissioner shall send a notice to each county executive and sheriff. The notice must contain the following:

- (1) The amount of money appropriated for all county misdemeanor funds in Indiana.
- (2) The amount that will be deposited in the county misdemeanor funds.

(c) The notice required under subsection (b) must be in the following form:

"Notice Concerning County Misdemeanant Funds
The amount appropriated for July 1 (fill in year) to June 30 (fill in year) for county misdemeanor funds is \$ (fill in dollar amount). The amount your county misdemeanor fund will receive is \$ (fill in dollar amount)."

SECTION 30. IC 16-46-14-2, AS ADDED BY P.L.125-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 15, 2016]: Sec. 2. (a) The safety PIN (protecting Indiana's newborns) grant fund is established for the ~~purposes~~ purpose of distributing money for the reducing infant mortality grant program. The fund shall be administered by the state department.

(b) The fund consists of:

- (1) money appropriated for the program or to the fund by the general assembly;
- (2) money received from state or federal grants or programs; and
- (3) gifts, money, and donations received from any other source, including transfers from other funds or accounts.

(c) The expenses of administering the fund shall be paid from

money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from the investments shall be deposited in the fund.

(e) Money in the fund at the end of the state fiscal year does not revert to the state general fund or to any other fund in the case of an appropriation made to the program from a fund other than the state general fund. In addition, if there is an appropriation for the program for a state fiscal year, the money appropriated shall be transferred to the fund at the beginning of the state fiscal year for which the appropriation is made.

SECTION 31. IC 16-46-14-3, AS ADDED BY P.L.125-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A person seeking a grant under this chapter must submit a proposal to the state department.

(b) A proposal for a grant under this chapter must include the following:

- (1) The targeted area.
- (2) Measurable behavioral or secondary outcomes within the target area.
- (3) A proposed specific reduction in the rate of infant mortality among the targeted area that is measurable based on available information to the state department.
- (4) The time frame in which to achieve the reduction described in subdivision (3).

(c) The state department shall determine whether to approve a grant proposal. If the state department approves a proposal, the initial award amount shall not exceed ~~fifty percent (50%)~~ **sixty percent (60%)** of the total grant amount approved for the proposal. The state department shall distribute the remaining amount of the approved grant to the grantee when the state department determines that the reduction in the infant mortality rate among the proposal's targeted area has been achieved within the time frame specified in the grant proposal.

SECTION 32. IC 36-7-14-8, AS AMENDED BY P.L.87-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 8. (a) The redevelopment commissioners shall hold a meeting for the purpose of organization not later than thirty (30) days after they are appointed and, after that, each year on a day that is not a Saturday, a Sunday, or a legal holiday and that is their first meeting day of the year. They shall choose one (1) of their members as president, another as vice president, and another as secretary. These officers shall perform the duties usually pertaining to their offices and shall serve from the date of their election until their successors are elected and qualified.

(b) The fiscal officer of the unit establishing a redevelopment commission is the treasurer of the redevelopment commission. Notwithstanding any other provision of this chapter, but subject to subsection (c), the treasurer has charge over and is responsible for the administration, investment, and disbursement of all funds and accounts of the redevelopment commission in accordance with the requirements of state laws that apply to other funds and accounts administered by the fiscal officer. The treasurer shall report annually to the redevelopment commission before April 1.

(c) The treasurer of the redevelopment commission may disburse funds of the redevelopment commission only after the redevelopment commission allows and approves the disbursement. However, the redevelopment commission may, by rule or resolution, authorize the treasurer to make certain types of disbursements before the redevelopment commission's allowance and approval at its next regular meeting.

(d) The following apply to funds of the redevelopment commission:

- (1) The funds must be accounted for separately by the unit establishing the redevelopment commission and**

the daily balance of the funds must be maintained in a separate ledger statement.

(2) Except as provided in subsection (e), all funds designated as redevelopment commission funds must be accessible to the redevelopment commission at any time.

(3) The amount of the daily balance of redevelopment commission funds may not be below zero (0) at any time.

(4) The funds may not be maintained or used in a manner that is intended to avoid the waiver procedures and requirements for a unit and the redevelopment commission under subsection (e).

(e) If the fiscal body of a unit determines that it is necessary to engage in short term borrowing until the next tax collection period, the fiscal body of the unit may request approval from the redevelopment commission to waive the requirement in subsection (d)(2). In order to waive the requirement under subsection (d)(2), the fiscal body of the unit and the redevelopment commission must adopt similar resolutions that set forth:

(1) the amount of the funds designated as redevelopment commission funds that are no longer accessible to the redevelopment commission under the waiver; and

(2) an expiration date for the waiver.

If a loan is made to a unit from funds designated as redevelopment funds, the loan must be repaid by the unit and the funds made accessible to the redevelopment commission not later than the end of the calendar year in which the funds are received by the unit.

(f) Subsections (d) and (e) do not restrict transfers or uses by a redevelopment commission made to meet commitments under a written agreement of the redevelopment commission that was entered into before January 1, 2016, if the written agreement complied with the requirements existing under the law at the time the redevelopment commission entered into the written agreement.

(g) The redevelopment commissioners may adopt the rules and bylaws they consider necessary for the proper conduct of their proceedings, the carrying out of their duties, and the safeguarding of the money and property placed in their custody by this chapter. In addition to the annual meeting, the commissioners may, by resolution or in accordance with their rules and bylaws, prescribe the date and manner of notice of other regular or special meetings.

(h) This subsection does not apply to a county redevelopment commission that consists of seven (7) members. Three (3) of the redevelopment commissioners constitute a quorum, and the concurrence of three (3) commissioners is necessary to authorize any action.

(i) This subsection applies only to a county redevelopment commission that consists of seven (7) members. Four (4) of the redevelopment commissioners constitute a quorum, and the concurrence of four (4) commissioners is necessary to authorize any action.

SECTION 33. IC 36-7-14-13, AS AMENDED BY P.L.87-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) Not later than April 15 of each year, the redevelopment commissioners or their designees shall file with the unit's executive and fiscal body a report setting out their activities during the preceding calendar year.

(b) The report of the commissioners of a municipal redevelopment commission must show the names of the then qualified and acting commissioners, the names of the officers of that body, the number of regular employees and their fixed salaries or compensation, the amount of the expenditures made during the preceding year and their general purpose, an accounting of the tax increment revenues expended by any

entity receiving the tax increment revenues as a grant or loan from the commission, the amount of funds on hand at the close of the calendar year, and other information necessary to disclose the activities of the commissioners and the results obtained.

(c) The report of the commissioners of a county redevelopment commission must show all the information required by subsection (b), plus the names of any commissioners appointed to or removed from office during the preceding calendar year.

(d) A copy of each report filed under this section must be submitted to the department of local government finance in an electronic format.

(e) The report required under subsection (a) must also include the following information set forth for each tax increment financing district regarding the previous year:

(1) Revenues received.

(2) Expenses paid.

(3) Fund balances.

(4) The amount and maturity date for all outstanding obligations.

(5) The amount paid on outstanding obligations.

(6) A list of all the parcels included in each tax increment financing district allocation area and the base assessed value and incremental assessed value for each parcel in the list.

(7) To the extent that the following information has not previously been provided to the department of local government finance:

(A) The year in which the tax increment financing district was established.

(B) The section of the Indiana Code under which the tax increment financing district was established.

(C) Whether the tax increment financing district is part of an area needing redevelopment, an economic development area, a redevelopment project area, or an urban renewal project area.

(D) If applicable, the year in which the boundaries of the tax increment financing district were changed and a description of those changes.

(E) The date on which the tax increment financing district will expire.

(F) A copy of each resolution adopted by the redevelopment commission that establishes or alters the tax increment financing district.

(f) A redevelopment commission and a department of redevelopment are subject to the same laws, rules, and ordinances of a general nature that apply to all other commissions or departments of the unit.

SECTION 34. IC 36-7-15.1-3.5, AS AMENDED BY P.L.87-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3.5. (a) The controller of the consolidated city is the fiscal officer of a commission subject to this chapter.

(b) The controller may obtain financial services on a contractual basis for purposes of carrying out the powers and duties of the commission and protecting the public interests related to the operations and funding of the commission. Subject to subsection (c), the controller has charge over and is responsible for the administration, investment, and disbursement of all funds and accounts of the commission in accordance with the requirements of state law that apply to other funds and accounts administered by the controller.

(c) The controller may disburse funds of the commission only after the commission allows and approves the disbursement. However, the commission may, by rule or resolution, authorize the controller to make certain types of disbursements before the commission's allowance and approval at its next regular meeting.

(d) The following apply to funds of the redevelopment commission:

(1) The funds must be accounted for separately by the unit establishing the redevelopment commission and the daily balance of the funds must be maintained in a separate ledger statement.

(2) Except as provided in subsection (e), all funds designated as redevelopment commission funds must be accessible to the redevelopment commission at any time.

(3) The amount of the daily balance of redevelopment commission funds shall be not below zero (0) at any time.

(4) The funds may not be maintained or used in a manner that is intended to avoid the waiver procedures and requirements for a unit and the redevelopment commission under subsection (e).

(e) If the fiscal body of the unit determines that it is necessary to engage in short-term borrowing until the next tax collection period, the fiscal body of the unit may request approval from the redevelopment commission to waive the requirement in subsection (d)(2). In order to waive the requirement under subsection (d)(2), the fiscal body of the unit and the redevelopment commission must adopt similar resolutions that set forth:

(1) the amount of the funds designated as redevelopment commission funds that are no longer accessible to the redevelopment commission under the waiver; and

(2) an expiration date for the waiver.

If a loan is made to a unit from funds designated as redevelopment funds, the loan must be repaid by the unit and the funds made accessible to the redevelopment commission not later than the end of the calendar year in which the funds are received by the unit.

(f) Subsections (d) and (e) do not restrict transfers or uses by a redevelopment commission made to meet commitments under a written agreement of the redevelopment commission that was entered into before January 1, 2016, if the written agreement complied with the requirements existing under the law at the time the redevelopment commission entered into the written agreement.

SECTION 35. IC 36-7-15.1-36.3, AS AMENDED BY P.L.87-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 36.3. (a) Not later than April 15 of each year, the commission or its designee shall file with the mayor and the fiscal body a report setting out the commission's activities during the preceding calendar year.

(b) The report required by subsection (a) must show the names of the then qualified and acting commissioners, the names of the officers of that body, the number of regular employees and their fixed salaries or compensation, the amount of the expenditures made during the preceding year and their general purpose, an accounting of the tax increment revenues expended by any entity receiving the tax increment revenues as a grant or loan from the commission, the amount of funds on hand at the close of the calendar year, and other information necessary to disclose the activities of the commission and the results obtained.

(c) A copy of each report filed under this section must be submitted to the department of local government finance in an electronic format.

(d) The report required under subsection (a) must also include the following information set forth for each tax increment financing district regarding the previous year:

(1) Revenues received.

(2) Expenses paid.

(3) Fund balances.

(4) The amount and maturity date for all outstanding obligations.

(5) The amount paid on outstanding obligations.

(6) A list of all the parcels included in each tax increment

financing district allocation area and the base assessed value and incremental assessed value for each parcel in the list.

(7) To the extent that the following information has not previously been provided to the department of local government finance:

(A) The year in which the tax increment financing district was established.

(B) The section of the Indiana Code under which the tax increment financing district was established.

(C) Whether the tax increment financing district is part of an area needing redevelopment, an economic development area, a redevelopment project area, or an urban renewal project area.

(D) If applicable, the year in which the boundaries of the tax increment financing district were changed and a description of those changes.

(E) The date on which the tax increment financing district will expire.

(F) A copy of each resolution adopted by the redevelopment commission that establishes or alters the tax increment financing district.

SECTION 36. IC 36-7.5-1-10, AS AMENDED BY P.L.192-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. "Economic development project" means the following:

(1) An economic development project described in any of the following:

(A) IC 36-7.5-2-1(2), or IC 36-7.5-2-1(3), or IC 36-7.5-2-1(4).

(B) IC 36-7.5-3-1(2) or IC 36-7.5-3-1(4).

(C) The Marquette Plan.

(2) A dredging, sediment removal, or channel improvement project.

SECTION 37. IC 36-7.5-2-1, AS AMENDED BY P.L.192-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The northwest Indiana regional development authority is established as a separate body corporate and politic to carry out the purposes of this article by:

(1) acquiring, constructing, equipping, owning, leasing, and financing projects and facilities for lease to or for the benefit of eligible political subdivisions under this article in accordance with IC 36-7.5-3-1.5;

(2) funding and developing the Gary/Chicago International Airport expansion and other airport authority projects, commuter transportation district and other rail projects and services, regional bus authority projects and services, regional transportation authority projects and services, Lake Michigan marina and shoreline development projects and activities, and economic development projects in northwestern Indiana; and

(3) assisting with the funding of infrastructure needed to sustain development of an intermodal facility in northwestern Indiana; and

(4) studying and evaluating destination based economic development projects that have:

(A) an identified market;

(B) identified funding sources and these funding sources include at least fifty percent (50%) from nongovernmental sources; and

(C) a demonstrable short and long term local and regional economic impact, as verified by an independent economic analysis.

An economic analysis conducted under clause (C) must be submitted to the budget committee at least thirty (30) days before review is sought for the project under IC 36-7.5-3-1.5.

SECTION 38. IC 36-7.5-3-1.5, AS ADDED BY P.L.192-2015, SECTION 12, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) This section applies to revenue received by the authority to the extent that the revenue has not been pledged or otherwise obligated to pay bonds or leases entered into before July 1, 2015.

(b) The authority may expend money received under this article to fund economic development projects only to the extent that:

(1) the development board finds that the economic development project is **a destination based economic development project evaluated under IC 36-7.5-2-1(4) or is** consistent with:

- (A) a duty imposed upon the development authority under section 1(2) or 1(4) of this chapter; or
- (B) the Marquette Plan; and

(2) funding the project is reviewed by the state budget committee under subsection (c).

(c) The development board shall submit to the state budget committee for review and comment any proposal to fund an economic development project **(including any destination based economic development project)** under this article. The state budget committee shall review any proposal received under this subsection and may request that the authority appear at a public meeting of the state budget committee concerning the funding proposal.

SECTION 39. IC 36-7.5-3-2, AS AMENDED BY P.L.197-2011, SECTION 152, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The development authority may do any of the following:

- (1) Finance, improve, construct, reconstruct, renovate, purchase, lease, acquire, and equip land and projects located in an eligible county or eligible municipality.
- (2) Lease land or a project to an eligible political subdivision.
- (3) Finance and construct additional improvements to projects or other capital improvements owned by the development authority and lease them to or for the benefit of an eligible political subdivision.
- (4) Acquire land or all or a portion of one (1) or more projects from an eligible political subdivision by purchase or lease and lease the land or projects back to the eligible political subdivision, with any additional improvements that may be made to the land or projects.
- (5) Acquire all or a portion of one (1) or more projects from an eligible political subdivision by purchase or lease to fund or refund indebtedness incurred on account of the projects to enable the eligible political subdivision to make a savings in debt service obligations or lease rental obligations or to obtain relief from covenants that the eligible political subdivision considers to be unduly burdensome.
- (6) Make loans, loan guarantees, and grants or provide other financial assistance to or on behalf of the following:
 - (A) A commuter transportation district.
 - (B) An airport authority or airport development authority.
 - (C) The Lake Michigan marina and shoreline development commission.
 - (D) A regional bus authority. A loan, loan guarantee, grant, or other financial assistance under this clause may be used by a regional bus authority for acquiring, improving, operating, maintaining, financing, and supporting the following:
 - (i) Bus services (including fixed route services and flexible or demand-responsive services) that are a component of a public transportation system.
 - (ii) Bus terminals, stations, or facilities or other regional bus authority projects.
 - (E) A regional transportation authority.
 - (F) A member municipality that is eligible to make an appointment to the development board under**

IC 36-7.5-2-3(b)(2) and that has pledged admissions tax revenue for a bond anticipation note after March 31, 2014, and before June 30, 2015. However, a loan made to such a member municipality before June 30, 2016, under this clause must have a term of not more than ten (10) years, must require annual level debt service payments, and must have a market based interest rate. If a member municipality defaults on the repayment of a loan made under this clause, the development authority shall notify the treasurer of state of the default and the treasurer of state shall:

- (i) withhold from any funds held for distribution to the municipality under IC 4-33-12, or IC 4-33-13 an amount sufficient to cure the default; and**
- (ii) pay that amount to the development authority.**

(7) Provide funding to assist a railroad that is providing commuter transportation services in an eligible county or eligible municipality.

(8) Provide funding to assist an airport authority located in an eligible county or eligible municipality in the construction, reconstruction, renovation, purchase, lease, acquisition, and equipping of an airport facility or airport project.

(9) Provide funding to assist in the development of an intermodal facility to facilitate the interchange and movement of freight.

(10) Provide funding to assist the Lake Michigan marina and shoreline development commission in carrying out the purposes of IC 36-7-13.5.

(11) Provide funding for economic development projects in an eligible county or eligible municipality.

(12) Hold, use, lease, rent, purchase, acquire, and dispose of by purchase, exchange, gift, bequest, grant, condemnation, lease, or sublease, on the terms and conditions determined by the development authority, any real or personal property located in an eligible county or eligible municipality.

(13) After giving notice, enter upon any lots or lands for the purpose of surveying or examining them to determine the location of a project.

(14) Make or enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this article.

(15) Sue, be sued, plead, and be impleaded.

(16) Design, order, contract for, and construct, reconstruct, and renovate a project or improvements to a project.

(17) Appoint an executive director and employ appraisers, real estate experts, engineers, architects, surveyors, attorneys, accountants, auditors, clerks, construction managers, and any consultants or employees that are necessary or desired by the development authority in exercising its powers or carrying out its duties under this article.

(18) Accept loans, grants, and other forms of financial assistance from the federal government, the state government, a political subdivision, or any other public or private source.

(19) Use the development authority's funds to match federal grants or make loans, loan guarantees, or grants to carry out the development authority's powers and duties under this article.

(20) Except as prohibited by law, take any action necessary to carry out this article.

(b) If the development authority is unable to agree with the owners, lessees, or occupants of any real property selected for the purposes of this article, the development authority may

proceed under IC 32-24-1 to procure the condemnation of the property. The development authority may not institute a proceeding until it has adopted a resolution that:

- (1) describes the real property sought to be acquired and the purpose for which the real property is to be used;
- (2) declares that the public interest and necessity require the acquisition by the development authority of the property involved; and
- (3) sets out any other facts that the development authority considers necessary or pertinent.

The resolution is conclusive evidence of the public necessity of the proposed acquisition.

SECTION 40. [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)] (a) This SECTION applies notwithstanding IC 6-1.1-10, IC 6-1.1-11, or any other law or administrative rule or provision.

(b) This SECTION applies to an assessment date occurring in 2008 through 2011.

(c) As used in this SECTION, "eligible property" means real property for which a charitable exemption from property taxes was granted for the 2012 through 2015 assessment dates that consists of:

- (1) a building owned, occupied, and used for the charitable fundraising activities described in subsection (d) during 2008 through 2015; and
- (2) a parking lot that serves the building described in subdivision (1) during 2008 through 2015.

(d) As used in this SECTION, "qualified taxpayer" refers to an Indiana domestic nonprofit corporation that from 2008 through 2015:

- (1) owned the eligible property;
- (2) held a charity gaming license issued by the Indiana gaming commission under IC 4-32.2; and
- (3) used the eligible property to conduct charitable fundraising activities to support its boarding high school.

(e) A qualified taxpayer may, before September 1, 2016, file property tax exemption applications and supporting documents claiming a property tax exemption under IC 6-1.1-10-16 and this SECTION for the eligible property for the 2008 through 2011 assessment dates.

(f) A property tax exemption application filed under subsection (e) by a qualified taxpayer is considered to have been timely filed.

(g) If a qualified taxpayer files the property tax exemption applications under subsection (e) and the county assessor finds that the eligible property would have qualified for an exemption under IC 6-1.1-10-16 for an assessment date described in subsection (e) if the property tax exemption application had been filed under IC 6-1.1-11 in a timely manner for that assessment date, the following apply:

- (1) The property tax exemption for the eligible property shall be allowed and granted for that assessment date by the county assessor and county auditor.
- (2) The qualified taxpayer is not required to pay any property taxes, penalties, or interest with respect to the eligible property for that assessment date.

(h) The exemption allowed by this SECTION shall be applied without the need for any further ruling or action by the county assessor, the county auditor, or the county property tax assessment board of appeals of the county in which the eligible property is located or by the Indiana board of tax review.

(i) To the extent the qualified taxpayer has paid any property taxes, penalties, or interest with respect to the eligible property for an assessment date described in subsection (e), the eligible taxpayer is entitled to a refund of the amounts paid. Notwithstanding the filing deadlines for a claim in IC 6-1.1-26, any claim for a refund filed by an

eligible taxpayer under this subsection before September 1, 2016, is considered timely filed. The county auditor shall pay the refund due under this SECTION in one (1) installment.

(j) This SECTION expires July 1, 2018.

SECTION 41. [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)] (a) This SECTION applies to a taxpayer notwithstanding IC 6-1.1-11 or any other law or administrative rule or provision.

(b) This SECTION applies to an assessment date (as defined in IC 6-1.1-1-2) occurring after December 31, 2007, and before January 1, 2011.

(c) As used in this SECTION, "taxpayer" refers to an Indiana nonprofit corporation that owns a hospital and associated office buildings used for medical purposes.

(d) A taxpayer, after January 15, 2016, and before May 1, 2016, may file in any manner consistent with IC 6-1.1-36-1.5 property tax exemption applications, along with any supporting documents, claiming exemptions from real property taxes under IC 6-1.1-10-16 or IC 6-1.1-10-18.5 for any assessment date described in subsection (b).

(e) If the real property for which an exemption application is filed under this SECTION would have qualified for an exemption under IC 6-1.1-10-16 or IC 6-1.1-10-18.5 for an assessment date described in subsection (b) if an exemption application had been timely filed:

- (1) the property tax exemption is allowed; and
- (2) the property tax exemption application filed under this SECTION is considered to have been timely filed.

(f) A taxpayer is considered to be the owner of the real property and is entitled to the exemption from real property tax as claimed on any property tax exemption application filed under this SECTION, regardless of whether:

- (1) a property tax exemption application was previously filed for the same or similar property for the assessment date;
- (2) the county property tax assessment board of appeals has issued a final determination regarding any previously filed property tax exemption application for the assessment date;
- (3) the taxpayer or any entity affiliated with the taxpayer appealed any denial of a previously filed property tax exemption application for the assessment date; or
- (4) the records of the county in which the property subject to the property tax exemption application at any time before January 1, 2011, identified the taxpayer as the owner of the property for which a property tax exemption is claimed.

(g) The property tax exemptions claimed by a taxpayer under this SECTION are considered approved without further action being required by the county assessor or the county property tax assessment board of appeals for the county in which the property subject to the property tax exemption application is located. This exemption approval is final and may not be appealed by the county assessor, the county property tax assessment board of appeals, or any member of the county property tax assessment board of appeals.

(h) A taxpayer who files a property tax exemption application under this SECTION is not entitled to a refund of real property tax paid with respect to the property for which a property tax exemption is approved under this SECTION.

(i) The auditor of the county in which a property subject to any property tax exemption application that is allowed under this SECTION is located shall remove all penalties assigned to the property as of January 1, 2016. The penalties shall be removed regardless of when they accrued and whether they relate to an assessment date identified in

subsection (b) or a different assessment date.

(j) This SECTION expires January 1, 2018.

SECTION 42. [EFFECTIVE UPON PASSAGE] (a) Before June 15, 2016, all the money remaining from the appropriation from the tobacco master settlement agreement fund that was made in HEA 1001-2015, SECTION 8, for the state department of health for the safety PIN program for state fiscal year 2015-2016 shall be transferred to the safety PIN grant fund established by IC 16-46-14-2.

(b) This SECTION expires June 30, 2017.

SECTION 43. An emergency is declared for this act.

(Reference is to EHB 1290 as reprinted March 1, 2016.)

T. BROWN	HERSHMAN
PORTER	ROGERS
House Conferees	Senate Conferees

Roll Call 452: yeas 95, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
EHB 1127-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1127 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 24-4.5-1-201.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 201.1. CPAP transactions, as defined in section 301.5 of this chapter, are subject to this article and to IC 24-12.**

SECTION 2. IC 24-4.5-1-301.5, AS AMENDED BY P.L.137-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 301.5. In addition to definitions appearing in subsequent chapters in this article, the following definitions apply throughout this article:

(1) "Affiliate", with respect to any person subject to this article, means a person that, directly or indirectly, through one (1) or more intermediaries:

- (a) controls;
- (b) is controlled by; or
- (c) is under common control with;

the person subject to this article.

(2) "Agreement" means the bargain of the parties in fact as found in their language or by implication from other circumstances, including course of dealing or usage of trade or course of performance.

(3) "Agricultural purpose" means a purpose related to the production, harvest, exhibition, marketing, transportation, processing, or manufacture of agricultural products by a natural person who cultivates, plants, propagates, or nurtures the agricultural products. "Agricultural products" includes agricultural, horticultural, viticultural, and dairy products, livestock, wildlife, poultry, bees, forest products, fish and shellfish, and any and all products raised or produced on farms and any processed or manufactured products thereof.

(4) "Average daily balance" means the sum of each of the daily balances in a billing cycle divided by the number of days in the billing cycle, and if the billing cycle is a month, the creditor may elect to treat the number of days in each billing cycle as thirty (30).

(5) "Closing costs" with respect to a subordinate lien mortgage transaction includes:

- (a) fees or premiums for title examination, title insurance,

or similar purposes, including surveys;

(b) fees for preparation of a deed, settlement statement, or other documents;

(c) escrows for future payments of taxes and insurance;

(d) fees for notarizing deeds and other documents;

(e) appraisal fees; and

(f) fees for credit reports.

(6) "Conspicuous" refers to a term or clause when it is so written that a reasonable person against whom it is to operate ought to have noticed it.

(7) "Consumer credit" means credit offered or extended to a consumer primarily for a personal, family, or household purpose.

(8) "Consumer credit sale" is a sale of goods, services, or an interest in land in which:

(a) credit is granted by a person who regularly engages as a seller in credit transactions of the same kind;

(b) the buyer is a person other than an organization;

(c) the goods, services, or interest in land are purchased primarily for a personal, family, or household purpose;

(d) either the debt is payable in installments or a credit service charge is made; and

(e) with respect to a sale of goods or services, either:

- (i) the amount of credit extended, the written credit limit, or the initial advance does not exceed fifty-three thousand five hundred dollars (\$53,500) or another amount as adjusted in accordance with the annual adjustment of the exempt threshold amount specified in Regulation Z (12 CFR 226.3 or 12 CFR 1026.3(b), as applicable); or
- (ii) the debt is secured by personal property used or expected to be used as the principal dwelling of the buyer.

Unless the sale is made subject to this article by agreement (IC 24-4.5-2-601), "consumer credit sale" does not include a sale in which the seller allows the buyer to purchase goods or services pursuant to a lender credit card or similar arrangement or except as provided with respect to disclosure (IC 24-4.5-2-301), debtors' remedies (IC 24-4.5-5-201), providing payoff amounts (IC 24-4.5-2-209), and powers and functions of the department (IC 24-4.5-6) a sale of an interest in land which is a first lien mortgage transaction.

(9) "Consumer loan" means a loan made by a person regularly engaged in the business of making loans in which:

(a) the debtor is a person other than an organization;

(b) the debt is primarily for a personal, family, or household purpose;

(c) either the debt is payable in installments or a loan finance charge is made; and

(d) either:

- (i) the amount of credit extended, the written credit limit, or the initial advance does not exceed fifty-three thousand five hundred dollars (\$53,500) or another amount as adjusted in accordance with the annual adjustment of the exempt threshold amount specified in Regulation Z (12 CFR 226.3 or 12 CFR 1026.3(b), as applicable); or
- (ii) the debt is secured by an interest in land or by personal property used or expected to be used as the principal dwelling of the debtor.

Except as described in IC 24-4.5-3-105, the term does not include a first lien mortgage transaction.

(10) "Credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

(11) "Creditor" means a person:

- (a) who regularly engages in the extension of consumer credit that is subject to a credit service charge or loan finance charge, as applicable, or is payable by written

agreement in more than four (4) installments (not including a down payment); and

(b) to whom the obligation is initially payable, either on the face of the note or contract, or by agreement when there is not a note or contract.

(12) "Depository institution" has the meaning set forth in the Federal Deposit Insurance Act (12 U.S.C. 1813(c)) and includes any credit union.

(13) "Director" means the director of the department of financial institutions or the director's designee.

(14) "Dwelling" means a residential structure that contains one (1) to four (4) units, regardless of whether the structure is attached to real property. The term includes an individual:

- (a) condominium unit;
- (b) cooperative unit;
- (c) mobile home; or
- (d) trailer;

that is used as a residence.

(15) "Earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments under a pension or retirement program.

(16) "Employee" means an individual who is paid wages or other compensation by an employer required under federal income tax law to file Form W-2 on behalf of the individual.

(17) "Federal banking agencies" means the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.

(18) "First lien mortgage transaction" means:

- (a) a consumer loan; or
- (b) a consumer credit sale;

that is or will be used by the debtor primarily for personal, family, or household purposes and that is secured by a mortgage or a land contract (or another consensual security interest equivalent to a mortgage or a land contract) that constitutes a first lien on a dwelling or on residential real estate upon which a dwelling is constructed or intended to be constructed.

(19) "Immediate family member" means a spouse, child, sibling, parent, grandparent, or grandchild. The term includes stepparents, stepchildren, stepsiblings, and adoptive relationships.

(20) "Individual" means a natural person.

(21) "Lender credit card or similar arrangement" means an arrangement or loan agreement, other than a seller credit card, pursuant to which a lender gives a debtor the privilege of using a credit card, letter of credit, or other credit confirmation or identification in transactions out of which debt arises:

- (a) by the lender's honoring a draft or similar order for the payment of money drawn or accepted by the debtor;
- (b) by the lender's payment or agreement to pay the debtor's obligations; or
- (c) by the lender's purchase from the obligee of the debtor's obligations.

(22) "Licensee" means a person licensed as a creditor under this article.

(23) "Loan brokerage business" means any activity in which a person, in return for any consideration from any source, procures, attempts to procure, or assists in procuring, a mortgage transaction from a third party or any other person, whether or not the person seeking the mortgage transaction actually obtains the mortgage transaction.

(24) "Loan processor or underwriter" means an individual who performs clerical or support duties as an employee at the direction of, and subject to the supervision and instruction of, a person licensed or exempt from licensing under this article. For purposes of this subsection, the term "clerical or support duties" may include, after the receipt of an application, the following:

- (a) The receipt, collection, distribution, and analysis of

information common for the processing or underwriting of a mortgage transaction.

(b) The communication with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that the communication does not include:

- (i) offering or negotiating loan rates or terms; or
- (ii) counseling consumers about mortgage transaction rates or terms.

An individual engaging solely in loan processor or underwriter activities shall not represent to the public through advertising or other means of communicating or providing information, including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items, that the individual can or will perform any of the activities of a mortgage loan originator.

(25) "Mortgage loan originator" means an individual who, for compensation or gain, or in the expectation of compensation or gain, regularly engages in taking a mortgage transaction application or in offering or negotiating the terms of a mortgage transaction that either is made under this article or under IC 24-4.4 or is made by an employee of a person licensed or exempt from licensing under this article or under IC 24-4.4, while the employee is engaging in the loan brokerage business. The term does not include the following:

(a) An individual engaged solely as a loan processor or underwriter as long as the individual works exclusively as an employee of a person licensed or exempt from licensing under this article.

(b) Unless the person or entity is compensated by:

- (i) a creditor;
- (ii) a loan broker;
- (iii) another mortgage loan originator; or
- (iv) any agent of the creditor, loan broker, or other mortgage loan originator described in items (i) through (iii);

a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable state law.

(c) A person solely involved in extensions of credit relating to timeshare plans (as defined in 11 U.S.C. 101(53D)).

(26) "Mortgage servicer" means the last person to whom a mortgagor or the mortgagor's successor in interest has been instructed by a mortgagee to send payments on a loan secured by a mortgage.

(27) "Mortgage transaction" means:

- (a) a consumer loan; or
- (b) a consumer credit sale;

that is or will be used by the debtor primarily for personal, family, or household purposes and that is secured by a mortgage or a land contract (or another consensual security interest equivalent to a mortgage or a land contract) on a dwelling or on residential real estate upon which a dwelling is constructed or intended to be constructed.

(28) "Nationwide Mortgage Licensing System and Registry", or "NMLSR", means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of creditors and mortgage loan originators.

(29) "Nontraditional mortgage product" means any mortgage product other than a thirty (30) year fixed rate mortgage.

(30) "Official fees" means:

- (a) fees and charges prescribed by law which actually are or will be paid to public officials for determining the existence of or for perfecting, releasing, or satisfying a security interest related to a consumer credit sale, consumer lease, or consumer loan; or
- (b) premiums payable for insurance in lieu of perfecting a security interest otherwise required by the creditor in

connection with the sale, lease, or loan, if the premium does not exceed the fees and charges described in paragraph (a) that would otherwise be payable.

(31) "Organization" means a corporation, a government or governmental subdivision, an agency, a trust, an estate, a partnership, a limited liability company, a cooperative, an association, a joint venture, an unincorporated organization, or any other entity, however organized.

(32) "Payable in installments" means that payment is required or permitted by written agreement to be made in more than four (4) installments not including a down payment.

(33) "Person" includes an individual or an organization.

(34) "Person related to" with respect to an individual means:

- (a) the spouse of the individual;
- (b) a brother, brother-in-law, sister, or sister-in-law of the individual;
- (c) an ancestor or lineal descendants of the individual or the individual's spouse; and
- (d) any other relative, by blood or marriage, of the individual or the individual's spouse who shares the same home with the individual.

(35) "Person related to" with respect to an organization means:

- (a) a person directly or indirectly controlling, controlled by, or under common control with the organization;
- (b) a director, an executive officer, or a manager of the organization or a person performing similar functions with respect to the organization or to a person related to the organization;
- (c) the spouse of a person related to the organization; and
- (d) a relative by blood or marriage of a person related to the organization who shares the same home with the person.

(36) "Presumed" or "presumption" means that the trier of fact must find the existence of the fact presumed, unless and until evidence is introduced that would support a finding of its nonexistence.

(37) "Real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including the following:

- (a) Acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property.
- (b) Bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property.
- (c) Negotiating, on behalf of any party, any part of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to the sale, purchase, lease, rental, or exchange of real property).
- (d) Engaging in any activity for which a person is required to be registered or licensed as a real estate agent or real estate broker under any applicable law.
- (e) Offering to engage in any activity, or act in any capacity, described in this subsection.

(38) "Registered mortgage loan originator" means any individual who:

- (a) meets the definition of mortgage loan originator and is an employee of:
 - (i) a depository institution;
 - (ii) a subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency; or
 - (iii) an institution regulated by the Farm Credit Administration; and
- (b) is registered with, and maintains a unique identifier through, the NMLSR.

(39) "Regularly engaged", with respect to a person who extends consumer credit, refers to a person who:

- (a) extended consumer credit:
 - (i) more than twenty-five (25) times; or

- (ii) more than five (5) times for a mortgage transaction secured by a dwelling;

in the preceding calendar year; or

(b) extends or will extend consumer credit:

- (i) more than twenty-five (25) times; or

- (ii) more than five (5) times for a mortgage transaction secured by a dwelling;

in the current calendar year, if the person did not meet the numerical standards described in subdivision (a) in the preceding calendar year.

(40) "Residential real estate" means any real property that is located in Indiana and on which there is located or intended to be constructed a dwelling.

(41) "Seller credit card" means an arrangement that gives to a buyer or lessee the privilege of using a credit card, letter of credit, or other credit confirmation or identification for the purpose of purchasing or leasing goods or services from that person, a person related to that person, or from that person and any other person. The term includes a card that is issued by a person, that is in the name of the seller, and that can be used by the buyer or lessee only for purchases or leases at locations of the named seller.

(42) "Subordinate lien mortgage transaction" means:

- (a) a consumer loan; or
- (b) a consumer credit sale;

that is or will be used by the debtor primarily for personal, family, or household purposes and that is secured by a mortgage or a land contract (or another consensual security interest equivalent to a mortgage or a land contract) that constitutes a subordinate lien on a dwelling or on residential real estate upon which a dwelling is constructed or intended to be constructed.

(43) "Unique identifier" means a number or other identifier assigned by protocols established by the NMLSR.

(44) "Land contract" means a contract for the sale of real estate in which the seller of the real estate retains legal title to the real estate until the total contract price is paid by the buyer.

(45) "Bona fide nonprofit organization" means an organization that does the following, as determined by the director under criteria established by the director:

- (a) Maintains tax exempt status under Section 501(c)(3) of the Internal Revenue Code.
- (b) Promotes affordable housing or provides home ownership education or similar services.
- (c) Conducts the organization's activities in a manner that serves public or charitable purposes.
- (d) Receives funding and revenue and charges fees in a manner that does not encourage the organization or the organization's employees to act other than in the best interests of the organization's clients.
- (e) Compensates the organization's employees in a manner that does not encourage employees to act other than in the best interests of the organization's clients.
- (f) Provides to, or identifies for, debtors mortgage transactions with terms that are favorable to the debtor (as described in section 202(b)(15) of this chapter) and comparable to mortgage transactions and housing assistance provided under government housing assistance programs.
- (g) Maintains certification by the United States Department of Housing and Urban Development or employs counselors who are certified by the Indiana housing and community development authority.

(46) "Civil proceeding advance payment transaction", or "CPAP transaction", has the meaning set forth in IC 24-4.5-3-110.

(47) "Civil proceeding", with respect to a CPAP transaction, has the meaning set forth in IC 24-4.5-3-110.5.

(48) "Civil proceeding advance payment contract", or "CPAP contract", has the meaning set forth in IC 24-4.5-3-110.5.

(49) "Civil proceeding advance payment provider", or "CPAP provider", has the meaning set forth in IC 24-4.5-3-110.5.

(50) "Consumer claimant", with respect to a CPAP transaction, has the meaning set forth in IC 24-4.5-3-110.5.

(51) "Funded amount", with respect to a CPAP transaction, has the meaning set forth in IC 24-4.5-3-110.5.

SECTION 3. IC 24-4.5-3-110 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 110. (1) "Civil proceeding advance payment transaction", or "CPAP transaction", means a nonrecourse transaction in which a CPAP provider provides a funded amount to a consumer claimant to use for any purpose other than prosecuting the consumer claimant's civil proceeding, if the repayment of the funded amount is:

- (a) required only if the consumer claimant prevails in the civil proceeding; and
- (b) sourced from the proceeds of the civil proceeding, whether the proceeds result from a judgment, a settlement, or some other resolution.

(2) The term includes a transaction:

- (a) that is termed or described as:
 - (i) a purchase; or
 - (ii) an assignment of an interest in a consumer claimant's civil proceeding, or in the proceeds of a consumer claimant's civil proceeding;

by the CPAP provider; or

(b) with respect to which the CPAP provider sets forth in a CPAP contract, an agreement by:

- (i) the CPAP provider to purchase from the consumer claimant; or
- (ii) the consumer claimant to assign to the CPAP provider;

a contingent right to receive a share of the potential proceeds of the consumer claimant's civil proceeding, whether the proceeds result from a judgment, a settlement, or some other resolution.

(3) Notwithstanding section 202(1)(i) of this chapter and section 502(6) of this chapter, a CPAP transaction is not a consumer loan.

SECTION 4. IC 24-4.5-3-110.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 110.5. (1) "Civil proceeding", with respect to a CPAP transaction, means:

- (a) a civil action;
- (b) a mediation, an arbitration, or any other alternative dispute resolution proceeding; or
- (c) an administrative proceeding before:
 - (i) an agency or instrumentality of the state; or
 - (ii) a political subdivision, or an agency or instrumentality of a political subdivision, of the state;

that is filed in, or is under the jurisdiction of, a court with jurisdiction in Indiana, a tribunal in Indiana, or an agency or instrumentality described in subdivision (c) in Indiana. The term includes all proceedings arising out of or relating to the proceeding, including any proceedings on appeal or remand, and any enforcement, ancillary, or parallel proceedings.

(2) "Civil proceeding advance payment contract", or "CPAP contract", means a contract for a CPAP transaction that a CPAP provider enters into, or offers to enter into, with a consumer claimant.

(3) "Civil proceeding advance payment provider", or "CPAP provider", means a person that:

- (a) enters into, or offers to enter into, a CPAP transaction with a consumer claimant in connection with a civil proceeding; and

(b) notwithstanding section 110(3) of this chapter, and subject to IC 24-12-9, is licensed with the department in accordance with this chapter and IC 24-12-9.

(4) "Consumer claimant" means an individual:

(a) who is or may become a plaintiff, a claimant, or a defendant in a civil proceeding; and

(b) who:

(i) is offered a CPAP transaction by a CPAP provider; or

(ii) enters into a CPAP transaction with a CPAP provider;

regardless of whether the individual is a resident of Indiana.

(5) "Funded amount", with respect to a CPAP transaction, means the amount of money:

(a) that is provided to the consumer claimant by the CPAP provider; and

(b) the repayment of which is:

(i) required only if the consumer claimant prevails in the consumer claimant's civil proceeding; and

(ii) sourced from the proceeds of the civil proceeding, whether the proceeds result from a judgment, a settlement, or some other resolution;

regardless of the term used by the CPAP provider in the CPAP contract to identify the amount.

SECTION 5. IC 24-4.5-3-202, AS AMENDED BY P.L.217-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 202. (1) In addition to the loan finance charge permitted by IC 24-4.5-3-201 through IC 24-4.5-3-210, a lender may contract for and receive the following additional charges in connection with a consumer loan:

(a) Official fees and taxes.

(b) Charges for insurance as described in subsection (2).

(c) Annual participation fees assessed in connection with a revolving loan account. Annual participation fees must:

(i) be reasonable in amount;

(ii) bear a reasonable relationship to the lender's costs to maintain and monitor the loan account; and

(iii) not be assessed for the purpose of circumvention or evasion of this article, as determined by the department.

(d) With respect to a debt secured by an interest in land, the following closing costs, if they are bona fide, reasonable in amount, and not for the purpose of circumvention or evasion of this article:

(i) Fees for title examination, abstract of title, title insurance, property surveys, or similar purposes.

(ii) Fees for preparing deeds, mortgages, and reconveyance, settlement, and similar documents.

(iii) Notary and credit report fees.

(iv) Amounts required to be paid into escrow or trustee accounts if the amounts would not otherwise be included in the loan finance charge.

(v) Appraisal fees.

(e) Notwithstanding provisions of the Federal Consumer Credit Protection Act concerning disclosure, charges for other benefits, including insurance, conferred on the debtor, if the benefits are of value to the debtor and if the charges are reasonable in relation to the benefits, and are excluded as permissible additional charges from the loan finance charge. With respect to any other additional charge not specifically provided for in this section to be a permitted charge under this subsection, the creditor must submit a written explanation of the charge to the department indicating how the charge would be assessed and the value or benefit to the debtor. Supporting documents may be required by the department. The department shall determine whether the charge would be of benefit to the debtor and is reasonable in relation to the benefits.

(f) A charge not to exceed twenty-five dollars (\$25) for each return by a bank or other depository institution of a dishonored check, negotiable order of withdrawal, or share draft issued by the debtor.

(g) With respect to a revolving loan account, a fee not to exceed twenty-five dollars (\$25) in each billing cycle during which the balance due under the revolving loan account exceeds by more than one hundred dollars (\$100) the maximum credit limit for the account established by the lender.

(h) With respect to a revolving loan account, a transaction fee that may not exceed the lesser of the following:

- (i) Two percent (2%) of the amount of the transaction.
- (ii) Ten dollars (\$10).

(i) This subdivision applies to a CPAP transaction offered or entered into after June 30, 2016. With respect to a CPAP transaction, a CPAP provider may impose the following charges and fees:

(i) A fee calculated at an annual rate that does not exceed thirty-six percent (36%) of the funded amount.

(ii) A servicing charge calculated at an annual rate that does not exceed seven percent (7%) of the funded amount.

(iii) If the funded amount of the CPAP transaction is less than five thousand dollars (\$5,000), a one (1) time charge that does not exceed two hundred fifty dollars (\$250) for obtaining and preparing documents.

(iv) If the funded amount of the CPAP transaction is at least five thousand dollars (\$5,000), a one (1) time charge that does not exceed five hundred dollars (\$500) for obtaining and preparing documents.

A CPAP provider may not assess, or collect from the consumer claimant, any other fee or charge in connection with a CPAP transaction, including any finance charges under section 201 or 508 of this chapter.

The additional charges provided for in subdivisions (f), (g), and (h), and (i) are not subject to refund or rebate.

(2) An additional charge may be made for insurance in connection with the loan, other than insurance protecting the lender against the debtor's default or other credit loss:

(a) with respect to insurance against loss of or damage to property or against liability, if the lender furnishes a clear and specific statement in writing to the debtor, setting forth the cost of the insurance if obtained from or through the lender and stating that the debtor may choose the person, subject to the lender's reasonable approval, through whom the insurance is to be obtained; and

(b) with respect to consumer credit insurance providing life, accident, unemployment or other loss of income, or health coverage, if the insurance coverage is not a factor in the approval by the lender of the extension of credit and this fact is clearly disclosed in writing to the debtor, and if, in order to obtain the insurance in connection with the extension of credit, the debtor gives specific affirmative written indication of the desire to do so after written disclosure of the cost of the insurance.

SECTION 6. IC 24-4.5-3-502, AS AMENDED BY P.L.186-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 502. (1) A person that is a:

- (a) depository institution;
- (b) subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency; or
- (c) credit union service organization;

may engage in Indiana in the making of consumer loans (including small loans that are subject to IC 24-4.5-7) that are

not mortgage transactions without obtaining a license under this article.

(2) A collection agency licensed under IC 25-11-1 may engage in:

(a) taking assignments of consumer loans (including small loans that are subject to IC 24-4.5-7) that are not mortgage transactions; and

(b) undertaking the direct collection of payments from or the enforcement of rights against debtors arising from consumer loans (including small loans that are subject to IC 24-4.5-7) that are not mortgage transactions;

in Indiana without obtaining a license under this article.

(3) A person that does not qualify under subsection (1) or (2) shall acquire and retain a license under this chapter in order to regularly engage in Indiana in the following actions with respect to consumer loans that are not small loans (as defined in IC 24-4.5-7-104) or mortgage transactions:

(a) The making of consumer loans.

(b) Taking assignments of consumer loans.

(c) Undertaking the direct collection of payments from or the enforcement of rights against debtors arising from consumer loans.

(4) A separate license under this chapter is required for each legal entity that engages in Indiana in any activity described in subsection (3). However, a separate license under this chapter is not required for each branch of a legal entity licensed under this chapter to perform an activity described in subsection (3).

(5) Except as otherwise provided in subsections (1) and (2), a separate license under IC 24-4.5-7 is required in order to regularly engage in Indiana in the following actions with respect to small loans (as defined in IC 24-4.5-7-104):

(a) The making of small loans (as defined in IC 24-4.5-7-104).

(b) Taking assignments of small loans (as defined in IC 24-4.5-7-104).

(c) Undertaking the direct collection of payments from or the enforcement of rights against debtors arising from small loans (as defined in IC 24-4.5-7-104).

A person that seeks licensure under IC 24-4.5-7 in order to regularly engage in Indiana in the actions set forth in this subsection shall apply to the department for that license in the form and manner prescribed by the department, and is subject to the same licensure requirements and procedures as an applicant for a license to make consumer loans (other than small loans or mortgage transactions) under this section.

(6) A CPAP contract must comply with IC 24-12-2.

SECTION 7. IC 24-12 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

ARTICLE 12. CIVIL PROCEEDING ADVANCE PAYMENTS

Chapter 1. Definitions

Sec. 1. The following definitions apply throughout this article:

(1) "Advertise" means publishing or disseminating any written, electronic, or printed communication, or any communication by means of recorded telephone messages or transmitted on radio, television, the Internet, or similar communications media, including film strips, motion pictures, and videos, published, disseminated, circulated, or placed before the public, directly or indirectly, for the purpose of inducing a consumer to enter into a CPAP transaction.

(2) "Charges" means the amount of money to be paid to a CPAP provider by or on behalf of a consumer above the funded amount provided by or on behalf of the CPAP provider to a consumer claimant. The term includes all administrative, origination, underwriting, and other fees no matter how denominated.

(3) "Civil proceeding", with respect to a CPAP

transaction, has the meaning set forth in IC 24-4.5-3-110.5.

(4) "Civil proceeding advance payment provider", or "CPAP provider", has the meaning set forth in IC 24-4.5-3-110.5.

(5) "Civil proceeding advance payment transaction", or "CPAP transaction", has the meaning set forth in IC 24-4.5-3-110.

(6) "Consumer claimant", with respect to a CPAP transaction, has the meaning set forth in IC 24-4.5-3-110.5.

(7) "Funded amount", with respect to a CPAP transaction, has the meaning set forth in IC 24-4.5-3-110.5.

(8) "Funding date" means the date on which the funded amount is transferred to the consumer claimant by the CPAP provider, by:

(A) personal delivery, wire, Automated Clearing House (ACH), or other electronic means; or

(B) insured, certified, or registered United States mail.

(9) "Resolution date" means the date the amount funded to the consumer claimant, plus the agreed upon charges, are delivered to the CPAP provider.

Chapter 2. CPAP Contract Requirements

Sec. 1. Every CPAP transaction must meet the following requirements:

(1) The CPAP contract must be completely filled in when presented to the consumer claimant for signature.

(2) The CPAP contract must contain, in bold and boxed type, a right of rescission, allowing the consumer claimant to cancel the contract without penalty or further obligation if, not later than five (5) business days after the funding date, the consumer claimant either:

(A) returns to the CPAP provider the full amount of the disbursed funds by delivering the provider's uncashed check to the provider's office in person; or
(B) mails, by insured, certified, or registered United States mail, to the address specified in the contract, a notice of cancellation and includes in the mailing a return of the full amount of disbursed funds in the form of the provider's uncashed check or a registered or certified check or money order.

(3) The CPAP contract must contain the initials of the consumer claimant on each page.

(4) If the consumer claimant is represented by an attorney in the civil proceeding on which a CPAP transaction is based, the CPAP contract must contain a written acknowledgment by the attorney that attests to the following:

(A) That to the best of the attorney's knowledge, all costs and charges relating to the CPAP transaction have been disclosed to the consumer claimant.

(B) That the attorney is being paid by the consumer claimant on a contingency basis under a written fee agreement.

(C) That all proceeds of the civil proceeding will be disbursed through a trust account of the attorney, or through a settlement fund established to receive the proceeds of the civil proceeding on behalf of the consumer claimant.

(D) That the attorney is following the instructions of the consumer claimant with respect to the CPAP transaction.

(E) That the attorney has not received a referral fee or other consideration from the CPAP provider, and agrees not to receive a referral fee or other consideration from the CPAP provider at any time, in connection with the CPAP transaction.

If the attorney retained by the consumer claimant in the consumer claimant's civil proceeding does not complete the acknowledgment required by this subdivision, the CPAP contract, and the CPAP transaction to which it pertains, are void. However, the CPAP contract, and the CPAP transaction to which it pertains, remain valid and enforceable if the consumer claimant or the attorney terminates the representation.

Chapter 3. CPAP Provider Prohibitions

Sec. 1. A CPAP provider may not do any of the following:

(1) Pay or offer to pay a commission, referral fee, or other form of consideration to any attorney, law firm, medical provider, chiropractor, or physical therapist, or any of their employees for referring a consumer claimant to the provider.

(2) Accept a commission, referral fee, rebate, or other form of consideration from an attorney, law firm, medical provider, chiropractor, or physical therapist, or any of their employees.

(3) Intentionally advertise materially false or misleading information regarding the CPAP provider's products or services.

(4) Refer, in furtherance of an initial CPAP transaction, a consumer claimant or potential consumer claimant to a specific attorney, law firm, medical provider, chiropractor, or physical therapist, or any of their employees. However, if a consumer claimant needs legal representation, the company may refer the person to a local or state bar association referral service.

(5) Knowingly provide funding to a consumer claimant who has previously assigned or sold a part of the consumer claimant's right to proceeds from the consumer claimant's civil proceeding without first making payment to or purchasing a prior unsatisfied CPAP provider's entire funded amount and contracted charges, unless a lesser amount is otherwise agreed to in writing by the prior CPAP provider. However, multiple CPAP providers may agree to provide a CPAP transaction to a consumer claimant simultaneously if the consumer claimant and the consumer claimant's attorney consent to the arrangement in writing.

(6) Receive any right to make any decision with respect to the conduct of the underlying civil proceeding or any settlement or resolution of the civil proceeding, or make any decision with respect to the conduct of the underlying civil proceeding or any settlement or resolution of the civil proceeding. The right to make these decisions remains solely with the consumer claimant and the attorney in the civil proceeding.

(7) Knowingly pay or offer to pay for court costs, filing fees, or attorney's fees either during or after the resolution of the civil proceeding, using funds from the CPAP transaction.

Chapter 4. Disclosures

Sec. 1. Each CPAP contract must contain the disclosures specified in this section, which are material terms of the contract. Unless otherwise specified, the disclosures must be in at least a 12 point bold font and be placed clearly and conspicuously within the contract. The following disclosures are required:

(1) On the front page, under appropriate headings, language specifying:

(A) the funded amount to be paid to the consumer claimant by the CPAP provider;

(B) an itemization of one (1) time charges;

(C) the total amount to be assigned by the consumer claimant to the CPAP provider, including the funded amount and all charges; and

(D) a payment schedule including the funded amount and all charges, listing all dates and the amount due at the end of each one hundred eighty (180) day period, from the funding date until the date on which the maximum amount due to the CPAP provider by the consumer claimant occurs.

(2) A notice within the body of the contract stating the following: "Consumer Claimant's Right to Cancellation: You may cancel this contract without penalty or further obligation within five (5) business days after the funding date if you either:

(A) return to the CPAP provider the full amount of the disbursed funds by delivering the provider's uncashed check to the provider's office in person; or

(B) mail, by insured, certified, or registered United States mail, to the CPAP provider at the address specified in the contract, a notice of cancellation and include in the mailing a return of the full amount of disbursed funds in the form of the provider's uncashed check or a registered or certified check or money order."

(3) A notice informing the consumer claimant that the CPAP provider has no role in deciding whether, when, and how much the civil proceeding is settled for. However, the consumer claimant and consumer claimant's attorney must notify the CPAP provider of the outcome of the civil proceeding by settlement or adjudication before the resolution date. The CPAP provider may seek updated information about the status of the civil proceeding but in no event may the provider interfere with the independent professional judgment of the attorney in the handling of the civil proceeding or any settlement.

(4) Within the body of the contract, in all capital letters in at least a 12 point bold font contained within a box the following: "THE FUNDED AMOUNT AND AGREED UPON CHARGES SHALL BE PAID ONLY FROM THE PROCEEDS OF YOUR CIVIL PROCEEDING, AND SHALL BE PAID ONLY TO THE EXTENT THAT THERE ARE AVAILABLE PROCEEDS FROM YOUR CIVIL PROCEEDING. YOU WILL NOT OWE (INSERT NAME OF THE CIVIL PROCEEDING ADVANCE PAYMENT PROVIDER) ANYTHING IF THERE ARE NO PROCEEDS FROM YOUR CIVIL PROCEEDING, UNLESS YOU HAVE VIOLATED ANY MATERIAL TERM OF THIS CONTRACT OR YOU HAVE COMMITTED FRAUD AGAINST THE CIVIL PROCEEDING ADVANCE PAYMENT PROVIDER."

(5) Located immediately above the place on the contract where the consumer claimant's signature is required, in at least a 12 point bold font the following: "Do not sign this contract before you read it completely or if the contract contains any blank spaces. You are entitled to a completely filled in copy of the contract. Before you sign this contract, you should obtain the advice of an attorney. Depending on the circumstances, you may want to consult a tax, public or private benefits planning, or financial professional. You acknowledge that your attorney in the civil proceeding has provided no tax, public or private benefit planning, or financial advice regarding this transaction."

Chapter 5. Violations

Sec. 1. (a) The department of financial institutions may enforce this article.

(b) This article does not restrict the exercise of powers or the performance of the duties of the department of financial institutions.

Sec. 2. If a court with jurisdiction determines that a CPAP provider has intentionally violated the provisions of this article with regard to a specific CPAP transaction, the CPAP provider is entitled to recover only the funded amount provided to the consumer claimant in that CPAP transaction and is not entitled to any additional charges.

Chapter 6. Assignability

Sec. 1. A consumer claimant may assign the contingent right to receive an amount of the potential proceeds of a civil proceeding.

Sec. 2. This article may not be construed to cause any CPAP transaction that complies with this article to be considered a loan or to be otherwise subject to any other provisions of Indiana law governing loans.

Chapter 7. Attorney Prohibitions

Sec. 1. An attorney or law firm retained by the consumer claimant in the civil proceeding may not have a financial interest in the CPAP provider offering a CPAP transaction to that consumer claimant. Additionally, any attorney who has referred the consumer claimant to the consumer claimant's retained attorney may not have a financial interest in the CPAP provider offering a CPAP transaction to that consumer claimant.

Chapter 8. Privileged Communication

Sec. 1. No communication between the consumer claimant's attorney in the civil proceeding and the CPAP provider with respect to the CPAP transaction limits, waives, or abrogates the scope or nature of any statutory or common law privilege, including the work product doctrine and the attorney client privilege.

Chapter 9. Licensure

Sec. 1. After December 31, 2016, a person may not regularly engage (as determined in accordance with the number of transactions set forth in IC 24-4.5-1-301.5(39)) in the business of making CPAP transactions in Indiana unless the person obtains, and maintains on an annual basis, a CPAP license issued by the department under IC 24-4.5-3.

Sec. 2. Every person shall, at the time of filing for licensure, file with the department of financial institutions, if required by the department, a bond satisfactory to the department in an amount not to exceed fifty thousand dollars (\$50,000). Instead of the bond, at the option of the person, the person may post an irrevocable letter of credit. The terms of the bond must run concurrently with the period during which the license will be in effect. The bond must provide that the person will faithfully follow the law.

Sec. 3. A CPAP transaction entered into before July 1, 2016, is not subject to this article or to IC 24-4.5.

Chapter 10. Rules

Sec. 1. The department of financial institutions may adopt rules under IC 4-22-2 or policies to implement this article. The department of financial institutions has all authority and powers necessary to regulate CPAP transactions, including the right to require the department's prior approval of:

- (1) CPAP contracts;
- (2) disclosures; and
- (3) other documents;

to be used by CPAP providers in entering into CPAP transactions, in order to ensure that consumer complainants are provided with a detailed explanation of the costs and obligations involved in a CPAP transaction before entering into a CPAP contract.

(Reference is to EHB 1127 as reprinted February 26, 2016.)

LEHMAN	HEAD
AUSTIN	TAYLOR
House Conferees	Senate Conferees

Roll Call 453: yeas 63, nays 32. Report adopted.

HOUSE MOTION

Mr. Speaker: I move that the House rescind its action whereby it adopted CCR-1 on Engrossed House Bill 1069 and that said report be withdrawn.

ZENT

Motion prevailed.

CONFERENCE COMMITTEE REPORT
EHB 1069-2

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1069 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the Conference Committee Report HB 1069 - 1 (LSA CC106903) as adopted March 10, 2016, delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-2-6.1-8, AS AMENDED BY P.L.238-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. As used in this chapter, "violent crime" means the following:

(1) A crime under the Indiana Code that is a felony of any kind or a Class A misdemeanor that results in bodily injury or death to the victim but does not include any of the following:

(A) A crime under IC 9-30-5 resulting from the operation of a vehicle other than a motor vehicle.

(B) Involuntary manslaughter resulting from the operation of a motor vehicle by a person who was not intoxicated (IC 35-42-1-4).

(C) Reckless homicide resulting from the operation of a motor vehicle by a person who was not intoxicated (IC 35-42-1-5).

(D) Criminal recklessness involving the use of a motor vehicle, unless the offense was intentional or the person using the motor vehicle was intoxicated (IC 35-42-2-2).

(E) A crime involving the operation of a motor vehicle if the driver of the motor vehicle was not charged with an offense under IC 9-30-5.

(F) A battery **offense included in IC 35-42-2** upon a child less than fourteen (14) years of age. (~~IC 35-42-2-1~~).

(G) Child molesting (IC 35-42-4-3).

(H) Child seduction (IC 35-42-4-7).

(2) A crime in another jurisdiction in which the elements of the crime are substantially similar to the elements of a crime that, if the crime results in death or bodily injury to the victim, would be a felony or a Class A misdemeanor if committed in Indiana. However, the term does not include any of the following:

(A) A crime in another jurisdiction resulting from operating a vehicle, other than a motor vehicle, while intoxicated.

(B) A crime in another jurisdiction with elements substantially similar to involuntary manslaughter resulting from the operation of a motor vehicle if the crime was committed by a person who was not intoxicated.

(C) A crime in another jurisdiction with elements substantially similar to reckless homicide resulting from the operation of a motor vehicle if the crime was committed by a person who was not intoxicated.

(D) A crime in another jurisdiction with elements substantially similar to criminal recklessness involving the use of a motor vehicle unless the offense was

intentional or the person using the motor vehicle was intoxicated.

(E) A crime involving the operation of a motor vehicle if the driver of the motor vehicle was not charged with an offense under IC 9-30-5.

(3) A terrorist act.

SECTION 2. IC 5-2-6.1-16, AS AMENDED BY P.L.238-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) A person eligible for assistance under section 12 of this chapter may file an application for assistance with the division if the violent crime was committed in Indiana.

(b) Except as provided in subsection (e), the application must be received by the division not more than one hundred eighty (180) days after the date the crime was committed. The division may grant an extension of time for good cause shown by the claimant. However, and except as provided in subsection (e), the division may not accept an application that is received more than two (2) years after the date the crime was committed.

(c) The application must be filed in the office of the division in person, through the division's **Internet** web site, or by first class or certified mail. If requested, the division shall assist a victim in preparing the application.

(d) The division shall accept all applications filed in compliance with this chapter. Upon receipt of a complete application, the division shall promptly begin the investigation and processing of an application.

(e) An alleged victim of a child sex crime may submit an application to the division until the victim becomes thirty-one (31) years of age.

(f) An alleged victim of a battery **offense included in IC 35-42-2** upon a child less than fourteen (14) years of age ~~under IC 35-42-2-1~~ may submit an application to the division not later than five (5) years after the commission of the offense.

SECTION 3. IC 8-1-34-30, AS ADDED BY P.L.241-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 30. (a) As used in this section, "designated employee" means a holder's:

(1) employee; or

(2) authorized agent;

whom the holder designates or will designate to receive direct marketing authority.

(b) As used in this section, "direct marketing authority" means the authority granted by the commission to a holder to market any service or product offered by the holder directly to all households in a service area served by the holder.

(c) As used in this section, "political subdivision" has the meaning set forth in IC 36-1-2-13.

(d) A holder may apply to the commission, in the manner and form prescribed by the commission, for direct marketing authority. An application must include the following information with respect to each designated employee of the holder:

(1) Name.

(2) Home address.

(3) Driver's license number.

(4) A certification described in subsection (e)(1).

(e) In an application under subsection (d), a holder shall include the following:

(1) A certification by the holder that each designated employee satisfies the following requirements:

(A) The employee is at least eighteen (18) years of age.

(B) The employee has a high school diploma or the equivalent of a high school diploma.

(C) The employee has not been convicted of a felony within the seven (7) years immediately preceding the date of the application.

(D) Within the seven (7) years immediately preceding the date of the application, the employee has not been released from incarceration after serving time for a felony conviction.

- (E) The employee has not been convicted of:
 - (i) a misdemeanor involving fraud, deceit, or dishonesty;
 - (ii) a battery offense included in IC 35-42-2 as a misdemeanor; or
 - (iii) two (2) or more misdemeanors involving the illegal use of alcohol or the illegal sale, use, or possession of a controlled substance; within the five (5) years immediately preceding the date of the application.

(F) The employee has a valid driver's license.

(2) Proof of financial responsibility.

(f) A holder may comply with subsection (e)(1) by submitting to the commission a document signed by the holder in which the holder:

- (1) identifies each designated employee by name, home address, and driver's license number;
- (2) certifies that each designated employee has been the subject of a criminal history background check for each jurisdiction in the United States in which the designated employee has lived or worked within the seven (7) years immediately preceding the date of the application; and
- (3) affirms that the background check described in subdivision (2) for each designated employee indicates that the designated employee satisfies the requirements set forth in subsection (e)(1), as applicable.

(g) Not more than fifteen (15) days after the commission receives an application under subsection (d), the commission shall determine whether the application is complete and properly verified. If the commission determines that the application is incomplete or not properly verified, the commission shall notify the applicant holder of the deficiency and allow the holder to resubmit the application after correcting the deficiency. If the commission determines that the application is complete and properly verified, the commission shall issue an order granting the holder direct marketing authority. The order must contain the following:

- (1) The name of the holder.
- (2) The names of designated employees of the holder.
- (3) A grant of direct marketing authority to the holder and designated employees of the holder.
- (4) The date on which the order takes effect.

The commission shall provide public notice of an order granting direct marketing authority under this subsection by posting the order on the commission's Internet web site.

(h) A holder that has direct marketing authority shall notify the commission in a timely manner of any changes to the holder's list of designated employees. A designated employee may exercise direct marketing authority immediately upon the holder's submission to the commission of all information required under subsection (e)(1) with respect to the designated employee.

(i) Only the commission is authorized to grant direct marketing authority to a holder under this section. However, subject to subsection (j), with respect to direct marketing activities in a holder's service area within a political subdivision, this section does not prohibit a holder from electing to:

- (1) apply for marketing or solicitation authority directly from the political subdivision; and
- (2) exercise any marketing or solicitation authority under a license, permit, or other authority granted by the political subdivision before, on, or after June 30, 2013;

instead of applying for and exercising direct marketing authority granted by the commission under this section.

(j) A political subdivision may not do any of the following:

- (1) Require a holder that is granted direct marketing authority from the commission under this section to also obtain marketing or solicitation authority from the political subdivision in order to engage in direct marketing in the holder's service area within the political subdivision.

(2) Impose any licensing requirement or fee on a holder in connection with any direct marketing authority granted to the holder by the commission under this section with respect to the holder's service area within the political subdivision.

(3) Except as provided in subsection (k), otherwise regulate a holder that is granted direct marketing authority from the commission under this section and that engages in direct marketing in the holder's service area within the political subdivision.

(k) A political subdivision may enforce any ordinance or regulation that:

(1) imposes restrictions as to the hours or manner in which direct marketing activities may be performed in the political subdivision; and

(2) applies uniformly to all persons engaging in direct marketing or other soliciting in the political subdivision, regardless of:

- (A) the product or service being marketed; or
- (B) the type of business engaged in by the person engaging in the direct marketing or other soliciting.

SECTION 4. IC 11-12-3.7-6, AS AMENDED BY P.L.158-2013, SECTION 178, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. As used in this chapter, "violent offense" means one (1) or more of the following offenses:

- (1) Murder (IC 35-42-1-1).
- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Aggravated battery (IC 35-42-2-1.5).
- (7) Battery (IC 35-42-2-1) as a:
 - (A) Class A felony, Class B felony, or Class C felony (for a crime committed before July 1, 2014); or
 - (B) Level 2 felony, Level 3 felony, or Level 5 felony (for a crime committed after June 30, 2014).
- (8) Kidnapping (IC 35-42-3-2).
- (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that is a:
 - (A) Class A felony, Class B felony, or Class C felony (for a crime committed before July 1, 2014); or
 - (B) Level 1 felony, Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony (for a crime committed after June 30, 2014).
- (10) Sexual misconduct with a minor (IC 35-42-4-9) as a:
 - (A) Class A felony or Class B felony (for a crime committed before July 1, 2014); or
 - (B) Level 1 felony, Level 2 felony, or Level 4 felony (for a crime committed after June 30, 2014).
- (11) Incest (IC 35-46-1-3).
- (12) Robbery (IC 35-42-5-1) as a:
 - (A) Class A felony or a Class B felony (for a crime committed before July 1, 2014); or
 - (B) Level 2 felony or Level 3 felony (for a crime committed after June 30, 2014).
- (13) Burglary (IC 35-43-2-1) as a:
 - (A) Class A felony or a Class B felony (for a crime committed before July 1, 2014); or
 - (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (for a crime committed after June 30, 2014).
- (14) Carjacking (IC 35-42-5-2) (repealed).
- (15) Assisting a criminal (IC 35-44.1-2-5) as a:
 - (A) Class C felony (for a crime committed before July 1, 2014); or
 - (B) Level 5 felony (for a crime committed after June 30, 2014).
- (16) Escape (IC 35-44.1-3-4) as a:
 - (A) Class B felony or Class C felony (for a crime

committed before July 1, 2014); or
 (B) Level 4 felony or Level 5 felony (for a crime committed after June 30, 2014).

(17) Trafficking with an inmate (IC 35-44.1-3-5) as a:
 (A) Class C felony (for a crime committed before July 1, 2014); or
 (B) Level 5 felony (for a crime committed after June 30, 2014).

(18) Causing death when operating a vehicle (IC 9-30-5-5).

(19) Criminal confinement (IC 35-42-3-3) as a:
 (A) Class B felony (for a crime committed before July 1, 2014); or
 (B) Level 3 felony (for a crime committed after June 30, 2014).

(20) Arson (IC 35-43-1-1) as a:
 (A) Class A or Class B felony (for a crime committed before July 1, 2014); or
 (B) Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014).

(21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).

(22) Terroristic mischief (IC 35-47-12-3) as a:
 (A) Class B felony (for a crime committed before July 1, 2014); or
 (B) Level 4 felony (for a crime committed after June 30, 2014).

(23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).

(24) A violation of IC 35-47.5 (controlled explosives) as a:

(A) Class A or Class B felony (for a crime committed before July 1, 2014); or
 (B) Level 2 or Level 4 felony (for a crime committed after June 30, 2014).

(25) Domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level 3 felony, or Level 5 felony.

~~(25)~~ (26) A crime under the laws of another jurisdiction, including a military court, that is substantially similar to any of the offenses listed in this subdivision.

~~(26)~~ (27) Any other crimes evidencing a propensity or history of violence.

SECTION 5. IC 12-7-2-20.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 20.8. "Battery", for purposes of IC 12-10-3, includes battery (IC 35-42-2-1), domestic battery (IC 35-42-2-1.3), and aggravated battery (IC 35-42-2-1.5).**

SECTION 6. IC 12-10-3-2, AS AMENDED BY P.L.117-2015, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in subsection (b), as used in this chapter, "endangered adult" means an individual who is:

- (1) at least eighteen (18) years of age;
- (2) incapable by reason of mental illness, intellectual disability, dementia, habitual drunkenness, excessive use of drugs, or other physical or mental incapacity of managing or directing the management of the individual's property or providing or directing the provision of self-care; and
- (3) harmed or threatened with harm as a result of:
 - (A) neglect;
 - (B) a battery offense included in IC 35-42-2; or
 - (C) exploitation of the individual's personal services or property.

(b) For purposes of IC 12-10-3-17, IC 35-42-2-1, IC 35-42-2-1.3, and IC 35-46-1-13, "endangered adult" means an individual who is:

- (1) at least eighteen (18) years of age;
- (2) incapable by reason of mental illness, intellectual disability, dementia, or other physical or mental incapacity

of managing or directing the management of the individual's property or providing or directing the provision of self-care; and

(3) harmed or threatened with harm as a result of:

- (A) neglect; or
- (B) battery.

(c) An individual is not an endangered adult solely:

(1) for the reason that the individual is being provided spiritual treatment in accordance with a recognized religious method of healing instead of specified medical treatment if the individual would not be considered to be an endangered adult if the individual were receiving the medical treatment; or

(2) on the basis of being physically unable to provide self care when appropriate care is being provided.

SECTION 7. IC 16-41-8-1, AS AMENDED BY HEA 1036-2016, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) As used in this chapter, "potentially disease transmitting offense" means any of the following:

(1) Battery (**IC 35-42-2-1**) or **domestic battery (IC 35-42-2-1.3)** involving placing a bodily fluid or waste on another person. ~~(IC 35-42-2-1);~~

(2) An offense relating to a criminal sexual act (as defined in IC 35-31.5-2-216), if sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) occurred.

The term includes an attempt to commit an offense, if sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) occurred, and a delinquent act that would be a crime if committed by an adult.

(b) Except as provided in this chapter, a person may not disclose or be compelled to disclose medical or epidemiological information involving a communicable disease or other disease that is a danger to health (as defined under rules adopted under IC 16-41-2-1). This information may not be released or made public upon subpoena or otherwise, except under the following circumstances:

(1) Release may be made of medical or epidemiologic information for statistical purposes if done in a manner that does not identify an individual.

(2) Release may be made of medical or epidemiologic information with the written consent of all individuals identified in the information released.

(3) Release may be made of medical or epidemiologic information to the extent necessary to enforce public health laws, laws described in IC 31-37-19-4 through IC 31-37-19-6, IC 31-37-19-9 through IC 31-37-19-10, IC 31-37-19-12 through IC 31-37-19-23, IC 35-38-1-7.1, and IC 35-45-21-1 or to protect the health or life of a named party.

(4) Release may be made of the medical information of a person in accordance with this chapter.

(c) Except as provided in this chapter, a person responsible for recording, reporting, or maintaining information required to be reported under IC 16-41-2 who recklessly, knowingly, or intentionally discloses or fails to protect medical or epidemiologic information classified as confidential under this section commits a Class A misdemeanor.

(d) In addition to subsection (c), a public employee who violates this section is subject to discharge or other disciplinary action under the personnel rules of the agency that employs the employee.

(e) Release shall be made of the medical records concerning an individual to:

- (1) the individual;
- (2) a person authorized in writing by the individual to receive the medical records; or
- (3) a coroner under IC 36-2-14-21.

(f) An individual may voluntarily disclose information about the individual's communicable disease.

(g) The provisions of this section regarding confidentiality apply to information obtained under IC 16-41-1 through IC 16-41-16.

SECTION 8. IC 16-41-8-5, AS AMENDED BY HEA 1036-2016, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) This section does not apply to medical testing of an individual for whom an indictment or information is filed for a sex crime and for whom a request to have the individual tested under section 6 of this chapter is filed.

(b) The following definitions apply throughout this section:

(1) "Bodily fluid" means blood, human waste, or any other bodily fluid.

(2) "Dangerous disease" means any of the following:

- (A) Chancroid.
- (B) Chlamydia.
- (C) Gonorrhea.
- (D) Hepatitis.
- (E) Human immunodeficiency virus (HIV).
- (F) Lymphogranuloma venereum.
- (G) Syphilis.
- (H) Tuberculosis.

(3) "Offense involving the transmission of a bodily fluid" means any offense (including a delinquent act that would be a crime if committed by an adult) in which a bodily fluid is transmitted from the defendant to the victim in connection with the commission of the offense.

(c) This subsection applies only to a defendant who has been charged with a potentially disease transmitting offense. At the request of an alleged victim of the offense, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), the prosecuting attorney shall petition a court to order a defendant charged with the commission of a potentially disease transmitting offense to submit to a screening test to determine whether the defendant is infected with a dangerous disease. In the petition, the prosecuting attorney must set forth information demonstrating that the defendant has committed a potentially disease transmitting offense. The court shall set the matter for hearing not later than forty-eight (48) hours after the prosecuting attorney files a petition under this subsection. The alleged victim, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, and the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2) are entitled to receive notice of the hearing and are entitled to attend the hearing. The defendant and the defendant's counsel are entitled to receive notice of the hearing and are entitled to attend the hearing. If, following the hearing, the court finds probable cause to believe that the defendant has committed a potentially disease transmitting offense, the court may order the defendant to submit to a screening test for one (1) or more dangerous diseases. If the defendant is charged with battery **(IC 35-42-2-1) or domestic battery (IC 35-42-2-1.3)** involving placing a bodily fluid or waste on another person, ~~(IC 35-42-2-1)~~; the court may limit testing under this subsection to a test only for human immunodeficiency virus (HIV). However, the court may order additional testing for human immunodeficiency virus (HIV) as may be medically appropriate. The court shall take actions to ensure the confidentiality of evidence introduced at the hearing.

(d) This subsection applies only to a defendant who has been charged with an offense involving the transmission of a bodily fluid. At the request of an alleged victim of the offense, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), the prosecuting attorney shall petition a court to order a defendant charged with the commission of an

offense involving the transmission of a bodily fluid to submit to a screening test to determine whether the defendant is infected with a dangerous disease. In the petition, the prosecuting attorney must set forth information demonstrating that:

- (1) the defendant has committed an offense; and
- (2) a bodily fluid was transmitted from the defendant to the victim in connection with the commission of the offense.

The court shall set the matter for hearing not later than forty-eight (48) hours after the prosecuting attorney files a petition under this subsection. The alleged victim of the offense, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, and the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2) are entitled to receive notice of the hearing and are entitled to attend the hearing. The defendant and the defendant's counsel are entitled to receive notice of the hearing and are entitled to attend the hearing. If, following the hearing, the court finds probable cause to believe that the defendant has committed an offense and that a bodily fluid was transmitted from the defendant to the alleged victim in connection with the commission of the offense, the court may order the defendant to submit to a screening test for one (1) or more dangerous diseases. If the defendant is charged with battery **(IC 35-42-2-1) or domestic battery (IC 35-42-2-1.3)** involving placing bodily fluid or waste on another person, ~~(IC 35-42-2-1)~~; the court may limit testing under this subsection to a test only for human immunodeficiency virus (HIV). However, the court may order additional testing for human immunodeficiency virus (HIV) as may be medically appropriate. The court shall take actions to ensure the confidentiality of evidence introduced at the hearing.

(e) The testimonial privileges applying to communication between a husband and wife and between a health care provider and the health care provider's patient are not sufficient grounds for not testifying or providing other information at a hearing conducted in accordance with this section.

(f) A health care provider (as defined in IC 16-18-2-163) who discloses information that must be disclosed to comply with this section is immune from civil and criminal liability under Indiana statutes that protect patient privacy and confidentiality.

(g) The results of a screening test conducted under this section shall be kept confidential if the defendant ordered to submit to the screening test under this section has not been convicted of the potentially disease transmitting offense or offense involving the transmission of a bodily fluid with which the defendant is charged. The results may not be made available to any person or public or private agency other than the following:

- (1) The defendant and the defendant's counsel.
- (2) The prosecuting attorney.
- (3) The department of correction or the penal facility, juvenile detention facility, or secure private facility where the defendant is housed.
- (4) The alleged victim or the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), and the alleged victim's counsel.

The results of a screening test conducted under this section may not be admitted against a defendant in a criminal proceeding or against a child in a juvenile delinquency proceeding.

(h) As soon as practicable after a screening test ordered under this section has been conducted, the alleged victim or the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), and the victim's counsel shall be notified of the results of the test.

(i) An alleged victim may disclose the results of a screening

test to which a defendant is ordered to submit under this section to an individual or organization to protect the health and safety of or to seek compensation for:

- (1) the alleged victim;
- (2) the alleged victim's sexual partner; or
- (3) the alleged victim's family.

(j) The court shall order a petition filed and any order entered under this section sealed.

(k) A person that knowingly or intentionally:

- (1) receives notification or disclosure of the results of a screening test under this section; and
- (2) discloses the results of the screening test in violation of this section;

commits a Class B misdemeanor.

SECTION 9. IC 20-19-3-4, AS AMENDED BY P.L.213-2015, SECTION 152, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The department shall:

- (1) perform the duties required by statute;
- (2) implement the policies and procedures established by the state board;
- (3) conduct analytical research to assist the state board in determining the state's educational policy;
- (4) compile statistics concerning the ethnicity, gender, and disability status of students in Indiana schools, including statistics for all information that the department receives from school corporations on enrollment, number of suspensions, and number of expulsions; and
- (5) provide technical assistance to school corporations.

(b) In compiling statistics by gender, ethnicity, and disability status under subsection (a)(4), the department shall also categorize suspensions and expulsions by cause as follows:

- (1) Alcohol.
- (2) Drugs.
- (3) Deadly weapons (other than firearms).
- (4) Handguns.
- (5) Rifles or shotguns.
- (6) Other firearms.
- (7) Tobacco.
- (8) Attendance.
- (9) Destruction of property.
- (10) Legal settlement (under IC 20-33-8-17).
- (11) Fighting (incident does not rise to the level of battery).
- (12) **A battery offense included in IC 35-42-2. (~~IC 35-42-2-1~~).**
- (13) Intimidation (IC 35-45-2-1).
- (14) Verbal aggression or profanity.
- (15) Defiance.
- (16) Other.

(c) The department shall provide the state board any data, including fiscal data, as determined by the state board, in a reasonable time frame established by the state board after consultation with the department, necessary to conduct an audit or evaluation of any federal or state supported program principally engaged in the provision of education, including, but not limited to:

- (1) early childhood education;
- (2) elementary and secondary education;
- (3) postsecondary education;
- (4) special education;
- (5) job training;
- (6) career and technical education; and
- (7) adult education;

or for the enforcement of or compliance with federal legal requirements related to those education programs as determined by the state board. The state board and the department are considered state educational authorities within the meaning of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g and 34 CFR Part 99) for the purpose of allowing

the free exchange of information between the department and the state board.

(d) The department shall develop guidelines necessary to implement this section.

SECTION 10. IC 20-26-5-11, AS AMENDED BY P.L.233-2015, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) This section applies to:

- (1) a school corporation;
- (2) a charter school; and
- (3) an entity:
 - (A) with which the school corporation contracts for services; and
 - (B) that has employees who are likely to have direct, ongoing contact with children within the scope of the employees' employment.

(b) A school corporation, charter school, or entity may use information obtained under section 10 of this chapter concerning an individual's conviction for one (1) of the following offenses as grounds to not employ or contract with the individual:

- (1) Murder (IC 35-42-1-1).
- (2) Causing suicide (IC 35-42-1-2).
- (3) Assisting suicide (IC 35-42-1-2.5).
- (4) Voluntary manslaughter (IC 35-42-1-3).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (7) Aggravated battery (IC 35-42-2-1.5).
- (8) Kidnapping (IC 35-42-3-2).
- (9) Criminal confinement (IC 35-42-3-3).
- (10) A sex offense under IC 35-42-4.
- (11) Carjacking (IC 35-42-5-2) (repealed).
- (12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (13) Incest (IC 35-46-1-3).
- (14) Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (15) Child selling (IC 35-46-1-4(d)).
- (16) Contributing to the delinquency of a minor (IC 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (17) An offense involving a weapon under IC 35-47 or IC 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (18) An offense relating to controlled substances under IC 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (19) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (20) An offense relating to operating a motor vehicle while intoxicated under IC 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (21) **Domestic battery (IC 35-42-2-1.3), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole,**

whichever is latest.

~~(21)~~ **(22)** An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.

(c) An individual employed by a school corporation, charter school, or an entity described in subsection (a) shall notify the governing body of the school corporation, if during the course of the individual's employment, the individual is convicted in Indiana or another jurisdiction of an offense described in subsection (b).

SECTION 11. IC 20-33-9-1.3, AS ADDED BY P.L.72-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.3. As used in this chapter, "battery" refers to:

- (1) battery under IC 35-42-2-1;
- (2) **domestic battery under IC 35-42-2-1.3; and**
- (3) **aggravated battery under IC 35-42-2-1.5.**

SECTION 12. IC 31-9-2-29.5, AS AMENDED BY P.L.111-2009, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 29.5. "Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:

- (1) A homicide offense under IC 35-42-1.
- (2) A battery offense under IC 35-42-2.
- (3) Kidnapping or confinement under IC 35-42-3.
- (4) A sex offense under IC 35-42-4.
- (5) Robbery under IC 35-42-5.
- (6) Arson or mischief under IC 35-43-1.
- (7) Burglary or trespass under IC 35-43-2.
- (8) Disorderly conduct under IC 35-45-1.
- (9) Intimidation or harassment under IC 35-45-2.
- (10) Voyeurism under IC 35-45-4.
- (11) Stalking under IC 35-45-10.
- (12) An offense against the family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, ~~or~~ IC 35-46-1-15.1, **or IC 35-46-1-15.3.**
- (13) Human and sexual trafficking crimes under IC 35-42-3.5.
- (14) A crime involving animal cruelty and a family or household member under IC 35-46-3-12(b)(2) or IC 35-46-3-12.5.

SECTION 13. IC 31-19-9-10, AS AMENDED BY P.L.168-2014, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. A court shall determine that consent to adoption is not required from a parent if:

- (1) the parent is convicted of and incarcerated at the time of the filing of a petition for adoption for:
 - (A) murder (IC 35-42-1-1);
 - (B) causing suicide (IC 35-42-1-2);
 - (C) voluntary manslaughter (IC 35-42-1-3);
 - (D) rape (IC 35-42-4-1);
 - (E) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
 - (F) child molesting (IC 35-42-4-3) as a:
 - (i) Class A or Class B felony, for a crime committed before July 1, 2014; or
 - (ii) Level 1, Level 2, Level 3, or Level 4 felony, for a crime committed after June 30, 2014;
- (G) incest (IC 35-46-1-3) as a:
 - (i) Class B felony, for a crime committed before July 1, 2014; or
 - (ii) Level 4 felony, for a crime committed after June 30, 2014;
- (H) neglect of a dependent (IC 35-46-1-4) as a:
 - (i) Class B felony, for a crime committed before July 1, 2014; or

(ii) Level 1 or Level 3 felony, for a crime committed after June 30, 2014;

- (I) battery (IC 35-42-2-1) of a child as a:
 - (i) Class C felony, for a crime committed before July 1, 2014; or
 - (ii) Level 5 felony, for a crime committed after June 30, 2014;
- (J) battery (IC 35-42-2-1) as a:
 - (i) Class A or Class B felony, for a crime committed before July 1, 2014; or
 - (ii) Level 2, ~~or~~ Level 3, **or Level 4** felony, for a crime committed after June 30, 2014; ~~or~~

(K) domestic battery (IC 35-42-2-1.3) as a Level 5, Level 4, Level 3, or Level 2 felony;

(L) aggravated battery (IC 35-42-2-1.5) as a Level 3 or Level 1 felony; or

~~(K)~~ **(M)** an attempt under IC 35-41-5-1 to commit an offense described in ~~clauses (A) through (J); this subdivision;~~

(2) the child or the child's sibling, half-blood sibling, or step-sibling of the parent's current marriage is the victim of the offense; and

(3) after notice to the parent and a hearing, the court determines that dispensing with the parent's consent to adoption is in the child's best interests.

SECTION 14. IC 31-34-4-2, AS AMENDED BY P.L.123-2014, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) If a child alleged to be a child in need of services is taken into custody under an order of the court under this chapter and the court orders out-of-home placement, the department is responsible for that placement and care and must consider placing the child with a:

- (1) suitable and willing relative; or
- (2) de facto custodian;

before considering any other out-of-home placement.

(b) The department shall consider placing a child described in subsection (a) with a relative related by blood, marriage, or adoption before considering any other placement of the child.

(c) Before the department places a child in need of services with a relative or a de facto custodian, the department shall complete an evaluation based on a home visit of the relative's home.

(d) Except as provided in subsection (f), before placing a child in need of services in an out-of-home placement, the department shall conduct a criminal history check of each person who is currently residing in the location designated as the out-of-home placement.

(e) Except as provided in subsection (g), the department may not make an out-of-home placement if a person described in subsection (d) has:

- (1) committed an act resulting in a substantiated report of child abuse or neglect; or
- (2) been convicted of a felony listed in IC 31-27-4-13 or had a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult.

(f) The department is not required to conduct a criminal history check under subsection (d) if the department makes an out-of-home placement to an entity or a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.

(g) A court may order or the department may approve an out-of-home placement if:

- (1) a person described in subsection (d) has:
 - (A) committed an act resulting in a substantiated report of child abuse or neglect;
 - (B) been convicted of:
 - (i) **a battery offense included in IC 35-42-2** ~~(IC 35-42-2-1)~~ as a felony;
 - (ii) criminal confinement (IC 35-42-3-3) as a felony;

- (iii) carjacking (IC 35-42-5-2) (repealed) as a felony;
- (iv) arson (IC 35-43-1-1) as a felony;
- (v) a felony involving a weapon under IC 35-47 or IC 35-47.5;
- (vi) a felony relating to controlled substances under IC 35-48-4;
- (vii) a felony under IC 9-30-5; or
- (viii) a felony that is substantially equivalent to a felony listed in ~~items (i) through (vii)~~ **this clause** for which the conviction was entered in another ~~state;~~ **jurisdiction;**

if the conviction did not occur within the past five (5) years; or

(C) had a juvenile adjudication for an act listed in IC 31-27-4-13(a) that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and the placement is in the best interest of the child.

However, a court or the department may not make an out-of-home placement if the person has been convicted of a felony listed in IC 31-27-4-13 that is not specifically excluded under subdivision (1)(B).

(h) In considering the placement under subsection (g), the court or the department shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 15. IC 31-34-20-1.5, AS AMENDED BY P.L.158-2013, SECTION 322, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) Except as provided in subsection (d), the juvenile court may not enter a dispositional decree approving or ordering placement of a child in another home under section 1(a)(3) of this chapter or awarding wardship to the department that will place the child in another home under section 1(a)(4) of this chapter if a person who is currently residing in the home in which the child would be placed under section 1(a)(3) or 1(a)(4) of this chapter has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(b) The department or caseworker who prepared the predispositional report shall conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13. However, the department or caseworker is not required to conduct a criminal history check under this section if criminal history information under IC 31-34-4-2 or IC 31-34-18-6.1 establishes whether a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13(a) if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13(a).

(c) The department or caseworker is not required to conduct a criminal history check under this section if:

(1) the department or caseworker is considering only an out-of-home placement to an entity or a facility that:

(A) is not a residence (as defined in IC 3-5-2-42.5); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the

time the predispositional report is prepared.

(d) A juvenile court may enter a dispositional decree that approves placement of a child in another home or award wardship to the department that will place the child in a home with a person described in subsection (a) if:

(1) the person described in subsection (a) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect;

(B) been convicted of:

(i) a battery ~~offense included in IC 35-42-2~~ ~~(IC 35-42-2-1)~~ as a felony;

(ii) criminal confinement (IC 35-42-3-3) as a felony;

(iii) carjacking (IC 35-42-5-2) (repealed) as a felony;

(iv) arson (IC 35-43-1-1) as a felony;

(v) a felony involving a weapon under IC 35-47 or IC 35-47.5;

(vi) a felony relating to controlled substances under IC 35-48-4;

(vii) a felony under IC 9-30-5; or

(viii) a felony that is substantially equivalent to a felony listed in ~~items (i) through (vii)~~ **this clause** for which the conviction was entered in another ~~state;~~ **jurisdiction;**

if the conviction did not occur within the past five (5) years; or

(C) had a juvenile adjudication for an act listed in IC 31-27-4-13(a) that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and placing a child in another home or awarding wardship to the department is in the best interest of the child.

However, a court may not enter a dispositional decree that approves placement of a child in another home or awards wardship to the department if the person has been convicted of a felony listed in IC 31-27-4-13(a) that is not specifically excluded under subdivision (1)(B).

(e) In considering the placement under subsection (d), the court shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 16. IC 31-34-21-7.5, AS AMENDED BY P.L.104-2015, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.5. (a) Except as provided in subsection (d), the juvenile court may not approve a permanency plan under subsection (c)(1)(D), (c)(1)(E), or (c)(1)(F) if a person who is currently residing with a person described in subsection (c)(1)(D) or (c)(1)(E) or in a residence in which the child would be placed under subsection (c)(1)(F) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(b) Before requesting juvenile court approval of a permanency plan, the department shall conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13. However, the department

is not required to conduct a criminal history check under this section if criminal history information under IC 31-34-4-2, IC 31-34-18-6.1, or IC 31-34-20-1.5 establishes whether a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(c) A permanency plan under this chapter includes the following:

(1) The intended permanent or long term arrangements for care and custody of the child that may include any of the following arrangements that the department or the court considers most appropriate and consistent with the best interests of the child:

(A) Return to or continuation of existing custodial care within the home of the child's parent, guardian, or custodian or placement of the child with the child's noncustodial parent.

(B) Initiation of a proceeding for termination of the parent-child relationship under IC 31-35.

(C) Placement of the child for adoption.

(D) Placement of the child with a responsible person, including:

- (i) an adult sibling;
- (ii) a grandparent;
- (iii) an aunt;
- (iv) an uncle;
- (v) a custodial parent of a sibling of the child; or
- (vi) another relative;

who is able and willing to act as the child's permanent custodian and carry out the responsibilities required by the permanency plan.

(E) Appointment of a legal guardian. The legal guardian appointed under this section is a caretaker in a judicially created relationship between the child and caretaker that is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child:

- (i) Care, custody, and control of the child.
- (ii) Decision making concerning the child's upbringing.

(F) A supervised independent living arrangement or foster care for the child with a permanency plan of another planned, permanent living arrangement. However, a child less than sixteen (16) years of age may not have another planned, permanent living arrangement as the child's permanency plan.

(2) A time schedule for implementing the applicable provisions of the permanency plan.

(3) Provisions for temporary or interim arrangements for care and custody of the child, pending completion of implementation of the permanency plan.

(4) Other items required to be included in a case plan under IC 31-34-15 or federal law, consistent with the permanent or long term arrangements described by the permanency plan.

(d) A juvenile court may approve a permanency plan if:

(1) a person described in subsection (a) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect;

(B) been convicted of:

- (i) ~~a battery offense included in IC 35-42-2~~ **as a felony;**
- (ii) criminal confinement (IC 35-42-3-3) as a felony;
- (iii) carjacking (IC 35-42-5-2) (repealed) **as a felony;**
- (iv) arson (IC 35-43-1-1) as a felony;
- (v) a felony involving a weapon under IC 35-47 or

a felony involving controlled explosives under IC 35-47.5;

(vi) a felony relating to controlled substances under IC 35-48-4;

(vii) a felony under IC 9-30-5; or

(viii) a felony that is substantially equivalent to a felony listed in ~~items (i) through (vii)~~ **this clause** for which the conviction was entered in another ~~state;~~ **jurisdiction;**

if the conviction did not occur within the past five (5) years; or

(C) had a juvenile adjudication for an act listed in IC 31-27-4-13(a) that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and that approval of the permanency plan is in the best interest of the child.

However, a court may not approve a permanency plan if the person has been convicted of a felony listed in IC 31-27-4-13 that is not specifically excluded under subdivision (1)(B), or has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult that is not specifically excluded under subdivision (1)(B).

(e) In making its written finding under subsection (d), the court shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 17. IC 31-34-25-1, AS AMENDED BY P.L.146-2008, SECTION 614, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. Any of the following may sign and file a petition for the juvenile court to require a person to refrain from direct or indirect contact with a child **or a member of a foster family home (as defined in IC 31-9-2-46.9):**

(1) The attorney for the department.

(2) The guardian ad litem or court appointed special advocate.

SECTION 18. IC 31-37-4-3, AS AMENDED BY SEA 141-2016, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) This section applies if a child is arrested or taken into custody for allegedly committing an act that would be any of the following crimes if committed by an adult:

(1) Murder (IC 35-42-1-1).

(2) Attempted murder (IC 35-41-5-1).

(3) Voluntary manslaughter (IC 35-42-1-3).

(4) Involuntary manslaughter (IC 35-42-1-4).

(5) Reckless homicide (IC 35-42-1-5).

(6) Aggravated battery (IC 35-42-2-1.5).

(7) Battery (IC 35-42-2-1).

(8) Kidnapping (IC 35-42-3-2).

(9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.

(10) Sexual misconduct with a minor (IC 35-42-4-9).

(11) Incest (IC 35-46-1-3).

(12) Robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1).

(13) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (IC 35-43-2-1).

(14) Assisting a criminal as a Level 5 felony (IC 35-44.1-2-5).

(15) Escape (IC 35-44.1-3-4) as a Level 4 felony or Level 5 felony.

- (16) Trafficking with an inmate as a Level 5 felony (IC 35-44.1-3-5).
- (17) Causing death when operating a vehicle (IC 9-30-5-5).
- (18) Criminal confinement (IC 35-42-3-3) as a Level 2 or Level 3 felony.
- (19) Arson (IC 35-43-1-1) as a Level 2 felony, Level 3 felony, or Level 4 felony.
- (20) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).
- (21) Terroristic mischief (IC 35-47-12-3) as a Level 2 or Level 3 felony.
- (22) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- (23) A violation of IC 35-47.5 (controlled explosives) as a Level 2 felony, Level 3 felony, or Level 4 felony.
- (24) A controlled substances offense under IC 35-48.
- (25) A criminal organization offense under IC 35-45-9.
- (26) Domestic battery (IC 35-42-2-1.3).**

(b) If a child is taken into custody under this chapter for a crime or act listed in subsection (a) or a situation to which IC 12-26-4-1 applies, the law enforcement agency that employs the law enforcement officer who takes the child into custody shall notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, in which the child is enrolled or, if the child is enrolled in a public school, the superintendent of the school district in which the child is enrolled:

- (1) that the child was taken into custody; and
- (2) of the reason why the child was taken into custody.

(c) The notification under subsection (b) must occur within forty-eight (48) hours after the child is taken into custody.

(d) A law enforcement agency may not disclose information that is confidential under state or federal law to a school or school district under this section.

(e) A law enforcement agency shall include in its training for law enforcement officers training concerning the notification requirements under subsection (b).

SECTION 19. IC 31-37-19-6.5, AS AMENDED BY P.L.158-2013, SECTION 329, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6.5. (a) Except as provided in subsection (d), the juvenile court may not enter a dispositional decree approving placement of a child in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility that results in a placement with a person under section 1(a)(4) or 6(b)(2)(E) of this chapter if a person who is currently residing in the home in which the child would be placed under section 1(a)(3), 1(a)(4), 6(b)(2)(D), or 6(b)(2)(E) of this chapter has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(b) The juvenile probation officer who prepared the predispositional report shall conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13. However, the probation officer is not required to conduct a criminal history check under this section if criminal history information obtained under IC 31-37-17-6.1 establishes whether a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(c) The juvenile probation officer is not required to conduct a criminal history check under this section if:

- (1) the probation officer is considering only an

out-of-home placement to an entity or a facility that:

- (A) is not a residence (as defined in IC 3-5-2-42.5); or
- (B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared.

(d) The juvenile court may enter a dispositional decree approving placement of a child in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility that results in a placement with a person under section 1(a)(4) or 6(b)(2)(E) of this chapter if:

- (1) a person described in subsection (a) has:
 - (A) committed an act resulting in a substantiated report of child abuse or neglect;
 - (B) been convicted of:
 - (i) **a battery offense included in IC 35-42-2** (~~IC 35-42-2-1~~) as a felony;
 - (ii) criminal confinement (IC 35-42-3-3) as a felony;
 - (iii) carjacking (IC 35-42-5-2) (repealed) as a felony;
 - (iv) arson (IC 35-43-1-1) as a felony;
 - (v) a felony involving a weapon under IC 35-47 or IC 35-47.5;
 - (vi) a felony relating to controlled substances under IC 35-48-4; or
 - (vii) a felony that is substantially equivalent to a felony listed in ~~items (i) through (vi)~~ **this clause** for which the conviction was entered in another ~~state;~~ **jurisdiction;**

if the conviction did not occur within the past five (5) years; or

(C) had a juvenile adjudication for an act listed in IC 31-27-4-13(a) that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and placing the child in another home is in the best interest of the child.

However, a court may not enter a dispositional decree placing a child in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility under this subsection if a person with whom the child is or will be placed has been convicted of a felony listed in IC 31-27-4-13 that is not specifically excluded under subdivision (1)(B).

(e) In considering the placement under subsection (d), the court shall consider the following:

- (1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.
- (2) The severity of the offense, delinquent act, or abuse or neglect.
- (3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 20. IC 33-37-5-12, AS AMENDED BY SEA 17-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. The court shall order a person to pay a child abuse prevention fee of one hundred dollars (\$100) to the clerk in each criminal action in which:

- (1) the person is found to have committed the offense of:
 - (A) murder (IC 35-42-1-1);
 - (B) causing suicide (IC 35-42-1-2);
 - (C) voluntary manslaughter (IC 35-42-1-3);
 - (D) reckless homicide (IC 35-42-1-5);
 - (E) battery (IC 35-42-2-1);
 - (F) strangulation (IC 35-42-2-9);
 - (G) domestic battery (IC 35-42-2-1.3);**
 - (H) aggravated battery (IC 35-42-2-1.5);**
 - ~~(I)~~ **(I)** rape (IC 35-42-4-1);
 - ~~(J)~~ **(J)** criminal deviate conduct (IC 35-42-4-2)

- (repealed);
- ~~(K)~~ (K) child molesting (IC 35-42-4-3);
- ~~(L)~~ (L) child exploitation (IC 35-42-4-4);
- ~~(M)~~ (M) vicarious sexual gratification (IC 35-42-4-5);
- ~~(N)~~ (N) child solicitation (IC 35-42-4-6);
- ~~(O)~~ (O) incest (IC 35-46-1-3);
- ~~(P)~~ (P) neglect of a dependent (IC 35-46-1-4);
- ~~(Q)~~ (Q) child selling (IC 35-46-1-4); or
- ~~(R)~~ (R) child seduction (IC 35-42-4-7); and

(2) the victim of the offense is less than eighteen (18) years of age.

SECTION 21. IC 34-13-3-3, AS AMENDED BY P.L.220-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. A governmental entity or an employee acting within the scope of the employee's employment is not liable if a loss results from the following:

- (1) The natural condition of unimproved property.
- (2) The condition of a reservoir, dam, canal, conduit, drain, or similar structure when used by a person for a purpose that is not foreseeable.
- (3) The temporary condition of a public thoroughfare or extreme sport area that results from weather.
- (4) The condition of an unpaved road, trail, or footpath, the purpose of which is to provide access to a recreation or scenic area.
- (5) The design, construction, control, operation, or normal condition of an extreme sport area, if all entrances to the extreme sport area are marked with:
 - (A) a set of rules governing the use of the extreme sport area;
 - (B) a warning concerning the hazards and dangers associated with the use of the extreme sport area; and
 - (C) a statement that the extreme sport area may be used only by persons operating extreme sport equipment.

This subdivision shall not be construed to relieve a governmental entity from liability for the continuing duty to maintain extreme sports areas in a reasonably safe condition.

- (6) The initiation of a judicial or an administrative proceeding.
- (7) The performance of a discretionary function; however, the provision of medical or optical care as provided in IC 34-6-2-38 shall be considered as a ministerial act.
- (8) The adoption and enforcement of or failure to adopt or enforce:
 - (A) a law (including rules and regulations); or
 - (B) in the case of a public school or charter school, a policy;

unless the act of enforcement constitutes false arrest or false imprisonment.

- (9) An act or omission performed in good faith and without malice under the apparent authority of a statute which is invalid if the employee would not have been liable had the statute been valid.
- (10) The act or omission of anyone other than the governmental entity or the governmental entity's employee.
- (11) The issuance, denial, suspension, or revocation of, or failure or refusal to issue, deny, suspend, or revoke any permit, license, certificate, approval, order, or similar authorization, where the authority is discretionary under the law.
- (12) Failure to make an inspection, or making an inadequate or negligent inspection, of any property, other than the property of a governmental entity, to determine whether the property complied with or violates any law or contains a hazard to health or safety.
- (13) Entry upon any property where the entry is expressly or impliedly authorized by law.

- (14) Misrepresentation if unintentional.
- (15) Theft by another person of money in the employee's official custody, unless the loss was sustained because of the employee's own negligent or wrongful act or omission.
- (16) Injury to the property of a person under the jurisdiction and control of the department of correction if the person has not exhausted the administrative remedies and procedures provided by section 7 of this chapter.
- (17) Injury to the person or property of a person under supervision of a governmental entity and who is:

- (A) on probation; or
- (B) assigned to an alcohol and drug services program under IC 12-23, a minimum security release program under IC 11-10-8, a pretrial conditional release program under IC 35-33-8, or a community corrections program under IC 11-12.

(18) Design of a highway (as defined in IC 9-13-2-73), toll road project (as defined in IC 8-15-2-4(4)), tollway (as defined in IC 8-15-3-7), or project (as defined in IC 8-15.7-2-14) if the claimed loss occurs at least twenty (20) years after the public highway, toll road project, tollway, or project was designed or substantially redesigned; except that this subdivision shall not be construed to relieve a responsible governmental entity from the continuing duty to provide and maintain public highways in a reasonably safe condition.

(19) Development, adoption, implementation, operation, maintenance, or use of an enhanced emergency communication system.

(20) Injury to a student or a student's property by an employee of a school corporation if the employee is acting reasonably under a:

- (A) discipline policy adopted under IC 20-33-8-12; or
- (B) restraint and seclusion plan adopted under IC 20-20-40-14.

(21) An act or omission performed in good faith under the apparent authority of a court order described in IC 35-46-1-15.1 or IC 35-46-1-15.3 that is invalid, including an arrest or imprisonment related to the enforcement of the court order, if the governmental entity or employee would not have been liable had the court order been valid.

(22) An act taken to investigate or remediate hazardous substances, petroleum, or other pollutants associated with a brownfield (as defined in IC 13-11-2-19.3) unless:

- (A) the loss is a result of reckless conduct; or
- (B) the governmental entity was responsible for the initial placement of the hazardous substances, petroleum, or other pollutants on the brownfield.

(23) The operation of an off-road vehicle (as defined in IC 14-8-2-185) by a nongovernmental employee, or by a governmental employee not acting within the scope of the employment of the employee, on a public highway in a county road system outside the corporate limits of a city or town, unless the loss is the result of an act or omission amounting to:

- (A) gross negligence;
- (B) willful or wanton misconduct; or
- (C) intentional misconduct.

This subdivision shall not be construed to relieve a governmental entity from liability for the continuing duty to maintain highways in a reasonably safe condition for the operation of motor vehicles licensed by the bureau of motor vehicles for operation on public highways.

(24) Any act or omission rendered in connection with a request, investigation, assessment, or opinion provided under IC 36-9-28.7.

SECTION 22. IC 35-31.5-2-76, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 76. "Crime

involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:

- (1) A homicide offense under IC 35-42-1.
- (2) A battery offense under IC 35-42-2.
- (3) Kidnapping or confinement under IC 35-42-3.
- (4) Human and sexual trafficking crimes under IC 35-42-3.5.
- (5) A sex offense under IC 35-42-4.
- (6) Robbery under IC 35-42-5.
- (7) Arson or mischief under IC 35-43-1.
- (8) Burglary or trespass under IC 35-43-2.
- (9) Disorderly conduct under IC 35-45-1.
- (10) Intimidation or harassment under IC 35-45-2.
- (11) Voyeurism under IC 35-45-4.
- (12) Stalking under IC 35-45-10.
- (13) An offense against family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, ~~or~~ IC 35-46-1-15.1, **or IC 35-46-1-15.3.**
- (14) A crime involving animal cruelty and a family or household member under IC 35-46-3-12(b)(2) or IC 35-46-3-12.5.

SECTION 23. IC 35-31.5-2-139.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 139.3. "Foster family home", for purposes of IC 35-42-2-1, has the meaning set forth in IC 31-9-2-46.9.**

SECTION 24. IC 35-33-1-1, AS AMENDED BY P.L.226-2014(ts), SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A law enforcement officer may arrest a person when the officer has:

- (1) a warrant commanding that the person be arrested;
- (2) probable cause to believe the person has committed or attempted to commit, or is committing or attempting to commit, a felony;
- (3) probable cause to believe the person has violated the provisions of IC 9-26-1-1.1 or IC 9-30-5;
- (4) probable cause to believe the person is committing or attempting to commit a misdemeanor in the officer's presence;
- (5) probable cause to believe the person has committed a:
 - (A) battery resulting in bodily injury under IC 35-42-2-1; or
 - (B) domestic battery under IC 35-42-2-1.3.

The officer may use an affidavit executed by an individual alleged to have direct knowledge of the incident alleging the elements of the offense of battery to establish probable cause;

- (6) probable cause to believe that the person violated IC 35-46-1-15.1 (invasion of privacy) **or IC 35-46-1-15.3;**
- (7) probable cause to believe that the person violated IC 35-47-2-1 (carrying a handgun without a license) or IC 35-47-2-22 (counterfeit handgun license);
- (8) probable cause to believe that the person is violating or has violated an order issued under IC 35-50-7;
- (9) probable cause to believe that the person is violating or has violated IC 35-47-6-1.1 (undisclosed transport of a dangerous device);
- (10) probable cause to believe that the person is:
 - (A) violating or has violated IC 35-45-2-5 (interference with the reporting of a crime); and
 - (B) interfering with or preventing the reporting of a crime involving domestic or family violence (as defined in IC 34-6-2-34.5);
- (11) probable cause to believe that the person has committed theft (IC 35-43-4-2);
- (12) a removal order issued for the person by an immigration court;

- (13) a detainer or notice of action for the person issued by the United States Department of Homeland Security; or
- (14) probable cause to believe that the person has been indicted for or convicted of one (1) or more aggravated felonies (as defined in 8 U.S.C. 1101(a)(43)).

(b) A person who:

- (1) is employed full time as a federal enforcement officer;
- (2) is empowered to effect an arrest with or without warrant for a violation of the United States Code; and
- (3) is authorized to carry firearms in the performance of the person's duties;

may act as an officer for the arrest of offenders against the laws of this state where the person reasonably believes that a felony has been or is about to be committed or attempted in the person's presence.

SECTION 25. IC 35-36-7-3, AS AMENDED BY P.L.169-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) This section applies to criminal actions for:

- (1) an offense listed in IC 11-8-8-4.5(a);
- (2) neglect of a dependent (IC 35-46-1-4);
- (3) a battery **offense included in IC 35-42-2** (~~IC 35-42-2-1~~) if the victim is:
 - (A) less than eighteen (18) years of age; or
 - (B) an endangered adult (as defined in IC 12-10-3-2); and
- (4) attempts of the crimes listed in subdivisions (1) through (3).

(b) If a motion is made to postpone a trial or other court proceeding that involves an offense listed in subsection (a), the court shall consider whether a postponement will have an adverse impact upon an endangered adult (as defined in IC 12-10-3-2) or a child who is less than sixteen (16) years of age and who:

- (1) is the alleged victim of an offense listed in subsection (a); or
- (2) will be a witness in the trial.

SECTION 26. IC 35-37-4-6, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) This section applies to a criminal action involving the following offenses where the victim is a protected person under subsection (c)(1) or (c)(2):

- (1) Sex crimes (IC 35-42-4).
- (2) A battery **offense included in IC 35-42-2** upon a child less than fourteen (14) years of age. (~~IC 35-42-2-1~~).
- (3) Kidnapping and confinement (IC 35-42-3).
- (4) Incest (IC 35-46-1-3).
- (5) Neglect of a dependent (IC 35-46-1-4).
- (6) Human and sexual trafficking crimes (IC 35-42-3.5).
- (7) An attempt under IC 35-41-5-1 **for to commit an offense listed in subdivisions (+) through (-): this subsection.**

(b) This section applies to a criminal action involving the following offenses where the victim is a protected person under subsection (c)(3):

- (1) Exploitation of a dependent or endangered adult (IC 35-46-1-12).
- (2) A sex crime (IC 35-42-4).
- (3) A battery **offense included in IC 35-42-2.** (~~IC 35-42-2-1~~).
- (4) Kidnapping, confinement, or interference with custody (IC 35-42-3).
- (5) Home improvement fraud (IC 35-43-6).
- (6) Fraud (IC 35-43-5).
- (7) Identity deception (IC 35-43-5-3.5).
- (8) Synthetic identity deception (IC 35-43-5-3.8).
- (9) Theft (IC 35-43-4-2).
- (10) Conversion (IC 35-43-4-3).

- (11) Neglect of a dependent (IC 35-46-1-4).
- (12) Human and sexual trafficking crimes (IC 35-42-3.5).
- (c) As used in this section, "protected person" means:
 - (1) a child who is less than fourteen (14) years of age;
 - (2) an individual with a mental disability who has a disability attributable to an impairment of general intellectual functioning or adaptive behavior that:
 - (A) is manifested before the individual is eighteen (18) years of age;
 - (B) is likely to continue indefinitely;
 - (C) constitutes a substantial impairment of the individual's ability to function normally in society; and
 - (D) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated; or
 - (3) an individual who is:
 - (A) at least eighteen (18) years of age; and
 - (B) incapable by reason of mental illness, ~~mental retardation~~, *intellectual disability*, dementia, or other physical or mental incapacity of:
 - (i) managing or directing the management of the individual's property; or
 - (ii) providing or directing the provision of self-care.
- (d) A statement or videotape that:
 - (1) is made by a person who at the time of trial is a protected person;
 - (2) concerns an act that is a material element of an offense listed in subsection (a) or (b) that was allegedly committed against the person; and
 - (3) is not otherwise admissible in evidence;
 is admissible in evidence in a criminal action for an offense listed in subsection (a) or (b) if the requirements of subsection (e) are met.
 - (e) A statement or videotape described in subsection (d) is admissible in evidence in a criminal action listed in subsection (a) or (b) if, after notice to the defendant of a hearing and of the defendant's right to be present, all of the following conditions are met:
 - (1) The court finds, in a hearing:
 - (A) conducted outside the presence of the jury; and
 - (B) attended by the protected person in person or by using closed circuit television testimony as described in section 8(f) and 8(g) of this chapter; that the time, content, and circumstances of the statement or videotape provide sufficient indications of reliability.
 - (2) The protected person:
 - (A) testifies at the trial; or
 - (B) is found by the court to be unavailable as a witness for one (1) of the following reasons:
 - (i) From the testimony of a psychiatrist, physician, or psychologist, and other evidence, if any, the court finds that the protected person's testifying in the physical presence of the defendant will cause the protected person to suffer serious emotional distress such that the protected person cannot reasonably communicate.
 - (ii) The protected person cannot participate in the trial for medical reasons.
 - (iii) The court has determined that the protected person is incapable of understanding the nature and obligation of an oath.
 - (f) If a protected person is unavailable to testify at the trial for a reason listed in subsection (e)(2)(B), a statement or videotape may be admitted in evidence under this section only if the protected person was available for cross-examination:
 - (1) at the hearing described in subsection (e)(1); or
 - (2) when the statement or videotape was made.
 - (g) A statement or videotape may not be admitted in evidence

under this section unless the prosecuting attorney informs the defendant and the defendant's attorney at least ten (10) days before the trial of:

- (1) the prosecuting attorney's intention to introduce the statement or videotape in evidence; and
- (2) the content of the statement or videotape.
- (h) If a statement or videotape is admitted in evidence under this section, the court shall instruct the jury that it is for the jury to determine the weight and credit to be given the statement or videotape and that, in making that determination, the jury shall consider the following:
 - (1) The mental and physical age of the person making the statement or videotape.
 - (2) The nature of the statement or videotape.
 - (3) The circumstances under which the statement or videotape was made.
 - (4) Other relevant factors.
- (i) If a statement or videotape described in subsection (d) is admitted into evidence under this section, a defendant may introduce a:
 - (1) transcript; or
 - (2) videotape;
 of the hearing held under subsection (e)(1) into evidence at trial.
- SECTION 27. IC 35-37-4-8, AS AMENDED BY P.L.238-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) This section applies to a criminal action under the following:
 - (1) Sex crimes (IC 35-42-4).
 - (2) A battery offense included in IC 35-42-2 upon a child less than fourteen (14) years of age. (~~IC 35-42-2-1~~).
 - (3) Kidnapping and confinement (IC 35-42-3).
 - (4) Incest (IC 35-46-1-3).
 - (5) Neglect of a dependent (IC 35-46-1-4).
 - (6) Human and sexual trafficking crimes (IC 35-42-3.5).
 - (7) An attempt under IC 35-41-5-1 for an offense listed in subdivisions (1) through (6).
- (b) As used in this section, "protected person" has the meaning set forth in section 6 of this chapter.
- (c) On the motion of the prosecuting attorney, the court may order that the testimony of a protected person be taken in a room other than the courtroom, and that the questioning of the protected person by the prosecution and the defense be transmitted using a two-way closed circuit television arrangement that:
 - (1) allows the protected person to see the accused and the trier of fact; and
 - (2) allows the accused and the trier of fact to see and hear the protected person.
- (d) On the motion of the prosecuting attorney or the defendant, the court may order that the testimony of a protected person be videotaped for use at trial. The videotaping of the testimony of a protected person under this subsection must meet the requirements of subsection (c).
- (e) The court may not make an order under subsection (c) or (d) unless:
 - (1) the testimony to be taken is the testimony of a protected person who:
 - (A) is the alleged victim of an offense listed in subsection (a) for which the defendant is being tried or is a witness in a trial for an offense listed in subsection (a); and
 - (B) is found by the court to be a protected person who should be permitted to testify outside the courtroom because:
 - (i) the court finds from the testimony of a psychiatrist, physician, or psychologist and any other evidence that the protected person's testifying in the physical presence of the defendant would cause the protected person to suffer serious emotional harm and the court finds that the protected person could

not reasonably communicate in the physical presence of the defendant to the trier of fact;
 (ii) a physician has certified that the protected person cannot be present in the courtroom for medical reasons; or
 (iii) evidence has been introduced concerning the effect of the protected person's testifying in the physical presence of the defendant, and the court finds that it is more likely than not that the protected person's testifying in the physical presence of the defendant creates a substantial likelihood of emotional or mental harm to the protected person;

- (2) the prosecuting attorney has informed the defendant and the defendant's attorney of the intention to have the protected person testify outside the courtroom; and
- (3) the prosecuting attorney informed the defendant and the defendant's attorney under subdivision (2) at least ten (10) days before the trial of the prosecuting attorney's intention to have the protected person testify outside the courtroom.

(f) If the court makes an order under subsection (c), only the following persons may be in the same room as the protected person during the protected person's testimony:

- (1) A defense attorney if:
 - (A) the defendant is represented by the defense attorney; and
 - (B) the prosecuting attorney is also in the same room.
- (2) The prosecuting attorney if:
 - (A) the defendant is represented by a defense attorney; and
 - (B) the defense attorney is also in the same room.
- (3) Persons necessary to operate the closed circuit television equipment.
- (4) Persons whose presence the court finds will contribute to the protected person's well-being.
- (5) A court bailiff or court representative.

(g) If the court makes an order under subsection (d), only the following persons may be in the same room as the protected person during the protected person's videotaped testimony:

- (1) The judge.
- (2) The prosecuting attorney.
- (3) The defendant's attorney (or the defendant, if the defendant is not represented by an attorney).
- (4) Persons necessary to operate the electronic equipment.
- (5) The court reporter.
- (6) Persons whose presence the court finds will contribute to the protected person's well-being.
- (7) The defendant, who can observe and hear the testimony of the protected person with the protected person being able to observe or hear the defendant. However, if the defendant is not represented by an attorney, the defendant may question the protected person.

(h) If the court makes an order under subsection (c) or (d), only the following persons may question the protected person:

- (1) The prosecuting attorney.
- (2) The defendant's attorney (or the defendant, if the defendant is not represented by an attorney).
- (3) The judge.

SECTION 28. IC 35-37-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) This section applies even if no criminal charges were filed concerning the act that is the basis of the evidence of a previous battery.

(b) As used in this section, "evidence of a previous battery" means evidence that a person charged with a crime described in subsection (c)(1) through ~~(c)(3)~~ **(c)(5)** committed a prior unrelated act of battery or attempted battery on the victim of a crime described in subsection (c)(1) through ~~(c)(3)~~ **(c)(5)** within five (5) years before the person allegedly committed the crime described in subsection (c)(1) through ~~(c)(3)~~ **(c)(5)**.

(c) In a prosecution for:

- (1) battery (IC 35-42-2-1);
- (2) domestic battery (IC 35-42-2-1.3);**
- ~~(2) (3) aggravated battery (IC 35-42-2-1.5);~~
- ~~(3) (4) murder (IC 35-42-1-1); or~~
- ~~(4) (5) voluntary manslaughter (IC 35-42-1-3);~~

evidence of a previous battery is admissible into evidence in the state's case-in-chief for purposes of proving motive, intent, identity, or common scheme and design.

(d) If the state proposes to offer evidence described in subsection (b), the following procedure must be followed:

- (1) The state shall file a written motion not less than ten (10) days before trial stating that the state has an offer of proof concerning evidence described in subsection (b) and the relevancy of the evidence to the case. The motion must be accompanied by an affidavit in which the offer of proof is stated.
- (2) If the court finds that the offer of proof is sufficient, the court shall order a hearing out of the presence of the jury. At the hearing, the court shall allow the questioning of the victim or witness regarding the offer of proof made by the state.

At the conclusion of the hearing, if the court finds that evidence proposed to be offered by the state is admissible, the court shall make an order stating what evidence may be introduced by the state and the nature of the questions to be permitted. The state may then offer evidence under the order of the court.

(e) This section shall not be construed to limit the admissibility of evidence of a previous battery in any civil or criminal proceeding.

SECTION 29. IC 35-38-2.6-1, AS AMENDED BY P.L.185-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to the sentencing of a person convicted of a felony whenever any part of the sentence may not be suspended under IC 35-50-2-2.1 or IC 35-50-2-2.2.

(b) This chapter does not apply to persons convicted of any of the following:

- (1) Sex crimes under IC 35-42-4 or IC 35-46-1-3.
- (2) Any of the following felonies:
 - (A) Murder (IC 35-42-1-1).
 - (B) **A battery offense included in IC 35-42-2** ~~(IC 35-42-2-1)~~ with a deadly weapon or **battery** causing death.
 - (C) Kidnapping (IC 35-42-3-2).
 - (D) Criminal confinement (IC 35-42-3-3) with a deadly weapon.
 - (E) Robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon.
 - (F) Arson (IC 35-43-1-1) for hire resulting in serious bodily injury.
 - (G) Burglary (IC 35-43-2-1) resulting in serious bodily injury.
 - (H) Resisting law enforcement (IC 35-44.1-3-1) with a deadly weapon.
 - (I) Escape (IC 35-44.1-3-4) with a deadly weapon.
 - (J) Rioting (IC 35-45-1-2) with a deadly weapon.
 - (K) Aggravated battery (IC 35-42-2-1.5).
 - (L) Disarming a law enforcement officer (IC 35-44.1-3-2).
- (3) An offense under IC 9-30-5-4.
- (4) An offense under IC 9-30-5-5.

SECTION 30. IC 35-40-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) This section applies if either of the following has occurred:

- (1) The alleged felony or delinquent act that would have been a felony if committed by an adult was directly perpetrated against the victim.
- (2) The alleged felony, misdemeanor, or delinquent act

that would have been a felony or misdemeanor if committed by an adult was:

(A) a violation of IC 35-42-2 (offenses against the person), IC 35-45-2-1 (intimidation), IC 35-45-2-2 (harassment), IC 35-46-1-15.1 (invasion of privacy), ~~or IC 35-46-1-15.3, or~~ IC 35-47-4-3 (pointing a firearm); and

(B) directly perpetrated against the victim by a person who:

- (i) is or was a spouse of the victim;
- (ii) is or was living as if a spouse of the victim; or
- (iii) has a child in common with the victim.

(3) The alleged misdemeanor or delinquent act that would have been a misdemeanor if committed by an adult, other than a misdemeanor described in subdivision (2), was directly perpetrated against the victim, and the victim has complied with the notice requirements under IC 35-40-10.

(b) A victim has the right to confer with a representative of the prosecuting attorney's office:

- (1) after a crime allegedly committed against the victim has been charged;
- (2) before the trial of a crime allegedly committed against the victim; and
- (3) before any disposition of a criminal case involving the victim.

This right does not include the authority to direct the prosecution of a criminal case involving the victim.

SECTION 31. IC 35-42-1-4, AS AMENDED BY P.L.158-2013, SECTION 414, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) As used in this section, "fetus" means a fetus that has attained viability (as defined in IC 16-18-2-365).

(b) A person who kills another human being while committing or attempting to commit:

- (1) a Level 5 or Level 6 felony that inherently poses a risk of serious bodily injury;
- (2) a Class A misdemeanor that inherently poses a risk of serious bodily injury; or
- (3) battery;

commits involuntary manslaughter, a Level 5 felony.

(c) A person who kills a fetus while committing or attempting to commit:

- (1) a Level 5 or Level 6 felony that inherently poses a risk of serious bodily injury;
- (2) a Class A misdemeanor that inherently poses a risk of serious bodily injury;
- (3) **a battery offense included in IC 35-42-2; or**
- (4) a violation of IC 9-30-5-1 through IC 9-30-5-5 (operating a vehicle while intoxicated);

commits involuntary manslaughter, a Level 5 felony.

SECTION 32. IC 35-42-2-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 0.5. "Relative", for purposes of IC 35-42-2-1, has the meaning set forth in IC 35-42-2-1(b).**

SECTION 33. IC 35-42-2-1, AS AMENDED BY P.L.147-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) As used in this section, "public safety official" means:

- (1) a law enforcement officer, including an alcoholic beverage enforcement officer;
- (2) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71);
- (3) an employee of the department of correction;
- (4) a probation officer;
- (5) a parole officer;
- (6) a community corrections worker;
- (7) a home detention officer;
- (8) a department of child services employee;
- (9) a firefighter;

- (10) an emergency medical services provider; or
- (11) a judicial officer.

(b) As used in this section, "relative" means an individual related by blood, half-blood, adoption, marriage, or remarriage, including:

- (1) a spouse;**
- (2) a parent or stepparent;**
- (3) a child or stepchild;**
- (4) a grandchild or stepgrandchild;**
- (5) a grandparent or stepgrandparent;**
- (6) a brother, sister, stepbrother, or stepsister;**
- (7) a niece or nephew;**
- (8) an aunt or uncle;**
- (9) a daughter-in-law or son-in-law;**
- (10) a mother-in-law or father-in-law; or**
- (11) a first cousin.**

~~(b)~~ **(c)** Except as provided in subsections ~~(e)~~ **(d)** through ~~(j)~~ **(k)**, a person who knowingly or intentionally:

- (1) touches another person in a rude, insolent, or angry manner; or
- (2) in a rude, insolent, or angry manner places any bodily fluid or waste on another person;

commits battery, a Class B misdemeanor.

~~(e)~~ **(d)** The offense described in subsection ~~(b)~~ **(c)**(1) or ~~(b)~~ **(c)**(2) is a Class A misdemeanor if it:

- (1) results in bodily injury to any other person; or**
- (2) is committed against a member of a foster family home (as defined in IC 35-31.5-2-139.3) by a person who is not a resident of the foster family home if the person who committed the offense is a relative of a person who lived in the foster family home at the time of the offense.**

~~(d)~~ **(e)** The offense described in subsection ~~(b)~~ **(c)**(1) or ~~(b)~~ **(c)**(2) is a Level 6 felony if one (1) or more of the following apply:

- (1) The offense results in moderate bodily injury to any other person.
- (2) The offense is committed against a public safety official while the official is engaged in the official's official duty.
- (3) The offense is committed against a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.
- (4) The offense is committed against a person of any age who has a mental or physical disability and is committed by a person having the care of the person with the mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation.
- (5) The offense is committed against an endangered adult (as defined in IC 12-10-3-2).

~~(6)~~ The offense is committed against a family or household member (as defined in IC ~~35-31.5-2-128~~) if the person who committed the offense:

- ~~(A)~~ is at least eighteen ~~(18)~~ years of age; and
- ~~(B)~~ committed the offense in the physical presence of a child less than sixteen ~~(16)~~ years of age, knowing that the child was present and might be able to see or hear the offense.

(6) The offense:

- (A) is committed against a member of a foster family home (as defined in IC 35-31.5-2-139.3) by a person who is not a resident of the foster family home if the person who committed the offense is a relative of a person who lived in the foster family home at the time of the offense; and**
- (B) results in bodily injury to the member of the foster family.**

~~(e)~~ **(f)** The offense described in subsection ~~(b)~~ **(c)**(2) is a Level 6 felony if the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was

infected with hepatitis, tuberculosis, or human immunodeficiency virus.

~~(f)~~ **(g)** The offense described in subsection ~~(b)(1)~~ **(c)(1)** or ~~(b)(2)~~ **(c)(2)** is a Level 5 felony if one (1) or more of the following apply:

- (1) The offense results in serious bodily injury to another person.
- (2) The offense is committed with a deadly weapon.
- (3) The offense results in bodily injury to a pregnant woman if the person knew of the pregnancy.
- (4) The person has a previous conviction for a battery offense:

(A) included in this chapter against the same victim; or

(B) against the same victim in any other jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a battery offense included in this chapter.

- (5) The offense results in bodily injury to one (1) or more of the following:

(A) A public safety official while the official is engaged in the official's official duties.

(B) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(C) A person who has a mental or physical disability if the offense is committed by an individual having care of the person with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation.

(D) An endangered adult (as defined in IC 12-10-3-2).

~~(g)~~ **(h)** The offense described in subsection ~~(b)(2)~~ **(c)(2)** is a Level 5 felony if:

- (1) the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus; and
- (2) the person placed the bodily fluid or waste on a public safety official.

~~(h)~~ **(i)** The offense described in subsection ~~(b)(1)~~ **(c)(1)** or ~~(b)(2)~~ **(c)(2)** is a Level 4 felony if it results in serious bodily injury to an endangered adult (as defined in IC 12-10-3-2).

~~(i)~~ **(j)** The offense described in subsection ~~(b)(1)~~ **(c)(1)** or ~~(b)(2)~~ **(c)(2)** is a Level 3 felony if it results in serious bodily injury to a person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

~~(j)~~ **(k)** The offense described in subsection ~~(b)(1)~~ **(c)(1)** or ~~(b)(2)~~ **(c)(2)** is a Level 2 felony if it results in the death of one (1) or more of the following:

- (1) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.
- (2) An endangered adult (as defined in IC 12-10-3-2).

SECTION 34. IC 35-42-2-1.3, AS AMENDED BY P.L.158-2013, SECTION 421, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.3. (a) **Except as provided in subsections (b) through (f)**, a person who knowingly or intentionally: touches an individual who:

- ~~(1)~~ is or was a spouse of the other person;
- ~~(2)~~ is or was living as if a spouse of the other person as provided in subsection (e); or
- ~~(3)~~ has a child in common with the other person;

in a rude, insolent, or angry manner that results in bodily injury to the person described in subdivision ~~(1)~~; ~~(2)~~; or ~~(3)~~

(1) touches a family or household member in a rude, insolent, or angry manner; or

(2) in a rude, insolent, or angry manner places any bodily fluid or waste on a family or household

member;

commits domestic battery, a Class A misdemeanor.

~~(b)~~ **(a)** ~~However,~~ The offense under subsection ~~(a)~~ **(a)(1)** or **(a)(2)** is a Level 6 felony if the person who committed the offense: one (1) or more of the following apply:

- (1) **The person who committed the offense** has a previous, unrelated conviction:

~~(A) under this section (or IC 35-42-2-1(a)(2)(E) before that provision was removed by P.L.188-1999, SECTION 5); for a battery offense included in this chapter; or~~

~~(B) in any other jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements described in this section: of a battery offense included in this chapter. or~~

- (2) **The person who committed the offense is at least eighteen (18) years of age and committed the offense against a family or household member** in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense.

(3) The offense results in moderate bodily injury to a family or household member.

(4) The offense is committed against a family or household member who is less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.

(5) The offense is committed against a family or household member of any age who has a mental or physical disability and is committed by a person having the care of the family or household member with the mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation.

(6) The offense is committed against a family or household member who is an endangered adult (as defined in IC 12-10-3-2).

~~(c)~~ In considering whether a person is or was living as a spouse of another individual for purposes of subsection ~~(a)(2)~~; the court shall review:

- ~~(1)~~ the duration of the relationship;
- ~~(2)~~ the frequency of contact;
- ~~(3)~~ the financial interdependence;
- ~~(4)~~ whether the two (2) individuals are raising children together;
- ~~(5)~~ whether the two (2) individuals have engaged in tasks directed toward maintaining a common household; and
- ~~(6)~~ other factors the court considers relevant.

(c) The offense described in subsection (a)(1) or (a)(2) is a Level 5 felony if one (1) or more of the following apply:

(1) The offense results in serious bodily injury to a family or household member.

(2) The offense is committed with a deadly weapon against a family or household member.

(3) The offense results in bodily injury to a pregnant family or household member if the person knew of the pregnancy.

(4) The person has a previous conviction for a battery offense:

(A) included in this chapter against the same family or household member; or

(B) against the same family or household member in any other jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a battery offense included in this chapter.

- (5) **The offense results in bodily injury to one (1) or more of the following:**

(A) A family or household member who is less than

fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(B) A family or household member who has a mental or physical disability if the offense is committed by an individual having care of the family or household member with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation.

(C) A family or household member who is an endangered adult (as defined in IC 12-10-3-2).

(d) The offense described in subsection (a)(1) or (a)(2) is a Level 4 felony if it results in serious bodily injury to a family or household member who is an endangered adult (as defined in IC 12-10-3-2).

(e) The offense described in subsection (a)(1) or (a)(2) is a Level 3 felony if it results in serious bodily injury to a family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(f) The offense described in subsection (a)(1) or (a)(2) is a Level 2 felony if it results in the death of one (1) or more of the following:

(1) A family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(2) A family or household member who is an endangered adult (as defined in IC 12-10-3-2).

SECTION 35. IC 35-45-9-1, AS AMENDED BY SEA 141-2016, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this chapter, "criminal organization" means a formal or informal group with at least three (3) members that specifically:

(1) either:

(A) promotes, sponsors, or assists in;

(B) participates in; or

(C) has as one (1) of its goals; or

(2) requires as a condition of membership or continued membership;

the commission of a felony, an act that would be a felony if committed by an adult, or ~~the a battery offense of battery (IC 35-42-2-1); included in IC 35-42-2.~~

SECTION 36. IC 35-46-1-14, AS AMENDED BY P.L.238-2015, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. Any person acting in good faith who:

(1) makes or causes to be made a report of neglect, a battery offense included in IC 35-42-2, or exploitation under this chapter or ~~IC 35-42-2-1~~ concerning an endangered adult or person of any age who has a mental or physical disability;

(2) makes or causes to be made photographs or x-rays of a victim of suspected neglect or a battery offense included in IC 35-42-2 of an endangered adult or a dependent eighteen (18) years of age or older; or

(3) participates in any official proceeding or a proceeding resulting from a report of neglect, a battery offense included in IC 35-42-2, or exploitation of an endangered adult or a dependent eighteen (18) years of age or older relating to the subject matter of that report;

is immune from any civil or criminal liability that might otherwise be imposed because of these actions. However, this section does not apply to a person accused of neglect, a battery offense, or exploitation of an endangered adult or a dependent eighteen (18) years of age or older.

SECTION 37. IC 35-46-1-15.1, AS AMENDED BY P.L.158-2013, SECTION 557, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15.1. A person who knowingly or intentionally violates:

(1) a protective order to prevent domestic or family violence issued under IC 34-26-5 (or, if the order involved

a family or household member, under IC 34-26-2 or IC 34-4-5.1-5 before their repeal);

(2) an ex parte protective order issued under IC 34-26-5 (or, if the order involved a family or household member, an emergency order issued under IC 34-26-2 or IC 34-4-5.1 before their repeal);

(3) a workplace violence restraining order issued under IC 34-26-6;

(4) a no contact order in a dispositional decree issued under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order issued under IC 31-32-13 (or IC 31-6-7-14 before its repeal) that orders the person to refrain from direct or indirect contact with a child in need of services or a delinquent child;

(5) a no contact order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion, and including a no contact order issued under IC 35-33-8-3.6;

(6) a no contact order issued as a condition of probation;

(7) a protective order to prevent domestic or family violence issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2 before their repeal);

(8) a protective order to prevent domestic or family violence issued under IC 31-14-16-1 in a paternity action;

~~(9) a no contact order issued under IC 31-34-25 in a child in need of services proceeding or under IC 31-37-25 in a juvenile delinquency proceeding;~~

~~(10) (9) an order issued in another state that is substantially similar to an order described in subdivisions (1) through (9); (8);~~

~~(11) (10) an order that is substantially similar to an order described in subdivisions (1) through (9) (8) and is issued by an Indian:~~

(A) tribe;

(B) band;

(C) pueblo;

(D) nation; or

(E) organized group or community, including an Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

that is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians;

~~(12) (11) an order issued under IC 35-33-8-3.2; or~~

~~(13) (12) an order issued under IC 35-38-1-30;~~

commits invasion of privacy, a Class A misdemeanor. However, the offense is a Level 6 felony, if the person has a prior unrelated conviction for an offense under this section.

SECTION 38. IC 35-46-1-15.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15.3. A person who knowingly or intentionally violates:

(1) a no contact order issued under IC 31-34-25 in a child in need of services proceeding or under IC 31-37-25 in a juvenile delinquency proceeding;

(2) an order issued in another state that is substantially similar to an order described in subdivision (1); or

(3) an order that is substantially similar to an order described in subdivision (1) and is issued by an Indian:

(A) tribe;

(B) band;

(C) pueblo;

(D) nation; or

(E) organized group or community, including an Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

that is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians;

commits a Level 6 felony.

SECTION 39. IC 35-47-4-5, AS AMENDED BY SEA 141-2016, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of:

- (1) committing a serious violent felony in:
 - (A) Indiana; or
 - (B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a serious violent felony; or
- (2) attempting to commit or conspiring to commit a serious violent felony in:
 - (A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2; or
 - (B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of attempting to commit or conspiring to commit a serious violent felony.

(b) As used in this section, "serious violent felony" means:

- (1) murder (IC 35-42-1-1);
- (2) voluntary manslaughter (IC 35-42-1-3);
- (3) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);
- (4) battery (IC 35-42-2-1) as a:
 - (A) Class A felony, Class B felony, or Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony, for a crime committed after June 30, 2014;

(5) domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony;

- ~~(5)~~ **(6)** aggravated battery (IC 35-42-2-1.5);
- ~~(6)~~ **(7)** kidnapping (IC 35-42-3-2);
- ~~(7)~~ **(8)** criminal confinement (IC 35-42-3-3);
- ~~(8)~~ **(9)** rape (IC 35-42-4-1);
- ~~(9)~~ **(10)** criminal deviate conduct (IC 35-42-4-2) (before its repeal);
- ~~(10)~~ **(11)** child molesting (IC 35-42-4-3);
- ~~(11)~~ **(12)** sexual battery (IC 35-42-4-8) as a:
 - (A) Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 5 felony, for a crime committed after June 30,

2014;

- ~~(12)~~ **(13)** robbery (IC 35-42-5-1);
- ~~(13)~~ **(14)** carjacking (IC 35-42-5-2) (before its repeal);
- ~~(14)~~ **(15)** arson (IC 35-43-1-1(a)) as a:
 - (A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or
 - (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;
- ~~(15)~~ **(16)** burglary (IC 35-43-2-1) as a:
 - (A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or
 - (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;
- ~~(16)~~ **(17)** assisting a criminal (IC 35-44.1-2-5) as a:
 - (A) Class C felony, for a crime committed before July 1, 2014; or
 - (B) Level 5 felony, for a crime committed after June 30, 2014;
- ~~(17)~~ **(18)** resisting law enforcement (IC 35-44.1-3-1) as a:
 - (A) Class B felony or Class C felony, for a crime

committed before July 1, 2014; or
(B) Level 2 felony, Level 3 felony, or Level 5 felony, for a crime committed after June 30, 2014;

~~(18)~~ **(19)** escape (IC 35-44.1-3-4) as a:

(A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
(B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;

~~(19)~~ **(20)** trafficking with an inmate (IC 35-44.1-3-5) as a:

(A) Class C felony, for a crime committed before July 1, 2014; or
(B) Level 5 felony, for a crime committed after June 30, 2014;

~~(20)~~ **(21)** criminal organization intimidation (IC 35-45-9-4);

~~(21)~~ **(22)** stalking (IC 35-45-10-5) as a:

(A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
(B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;

~~(22)~~ **(23)** incest (IC 35-46-1-3);

~~(23)~~ **(24)** dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);

~~(24)~~ **(25)** dealing in methamphetamine (IC 35-48-4-1.1);

~~(25)~~ **(26)** dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);

~~(26)~~ **(27)** dealing in a schedule IV controlled substance (IC 35-48-4-3); or

~~(27)~~ **(28)** dealing in a schedule V controlled substance (IC 35-48-4-4).

(c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Level 4 felony.

SECTION 40. IC 35-50-2-9, AS AMENDED BY SEA 141-2016, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) The state may seek either a death sentence or a sentence of life imprisonment without parole for murder by alleging, on a page separate from the rest of the charging instrument, the existence of at least one (1) of the aggravating circumstances listed in subsection (b). In the sentencing hearing after a person is convicted of murder, the state must prove beyond a reasonable doubt the existence of at least one (1) of the aggravating circumstances alleged. However, the state may not proceed against a defendant under this section if a court determines at a pretrial hearing under IC 35-36-9 that the defendant is an individual with an intellectual disability.

(b) The aggravating circumstances are as follows:

(1) The defendant committed the murder by intentionally killing the victim while committing or attempting to commit any of the following:

- (A) Arson (IC 35-43-1-1).
- (B) Burglary (IC 35-43-2-1).
- (C) Child molesting (IC 35-42-4-3).
- (D) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (E) Kidnapping (IC 35-42-3-2).
- (F) Rape (IC 35-42-4-1).
- (G) Robbery (IC 35-42-5-1).
- (H) Carjacking (IC 35-42-5-2) (before its repeal).
- (I) Criminal organization activity (IC 35-45-9-3).
- (J) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).
- (K) Criminal confinement (IC 35-42-3-3).

(2) The defendant committed the murder by the unlawful detonation of an explosive with intent to injure a person or damage property.

(3) The defendant committed the murder by lying in wait.

(4) The defendant who committed the murder was hired to kill.

- (5) The defendant committed the murder by hiring another person to kill.
- (6) The victim of the murder was a corrections employee, probation officer, parole officer, community corrections worker, home detention officer, fireman, judge, or law enforcement officer, and either:
- (A) the victim was acting in the course of duty; or
 - (B) the murder was motivated by an act the victim performed while acting in the course of duty.
- (7) The defendant has been convicted of another murder.
- (8) The defendant has committed another murder, at any time, regardless of whether the defendant has been convicted of that other murder.
- (9) The defendant was:
- (A) under the custody of the department of correction;
 - (B) under the custody of a county sheriff;
 - (C) on probation after receiving a sentence for the commission of a felony; or
 - (D) on parole;
- at the time the murder was committed.
- (10) The defendant dismembered the victim.
- (11) The defendant:
- (A) burned, mutilated, or tortured the victim; or
 - (B) decapitated or attempted to decapitate the victim; while the victim was alive.
- (12) The victim of the murder was less than twelve (12) years of age.
- (13) The victim was a victim of any of the following offenses for which the defendant was convicted:
- (A) **A battery offense included in IC 35-42-2** committed before July 1, 2014, as a Class D felony or as a Class C felony, ~~under IC 35-42-2-1~~ or a **battery offense included in IC 35-42-2** committed after June 30, 2014, as a Level 6 felony, a Level 5 felony, a Level 4 felony, or a Level 3 felony.
 - (B) Kidnapping (IC 35-42-3-2).
 - (C) Criminal confinement (IC 35-42-3-3).
 - (D) A sex crime under IC 35-42-4.
- (14) The victim of the murder was listed by the state or known by the defendant to be a witness against the defendant and the defendant committed the murder with the intent to prevent the person from testifying.
- (15) The defendant committed the murder by intentionally discharging a firearm (as defined in IC 35-47-1-5):
- (A) into an inhabited dwelling; or
 - (B) from a vehicle.
- (16) The victim of the murder was pregnant and the murder resulted in the intentional killing of a fetus that has attained viability (as defined in IC 16-18-2-365).
- (17) The defendant knowingly or intentionally:
- (A) committed the murder:
 - (i) in a building primarily used for an educational purpose;
 - (ii) on school property; and
 - (iii) when students are present; or
 - (B) committed the murder:
 - (i) in a building or other structure owned or rented by a state educational institution or any other public or private postsecondary educational institution and primarily used for an educational purpose; and
 - (ii) at a time when classes are in session.
- (18) The murder is committed:
- (A) in a building that is primarily used for religious worship; and
 - (B) at a time when persons are present for religious worship or education.
- (c) The mitigating circumstances that may be considered under this section are as follows:
- (1) The defendant has no significant history of prior criminal conduct.
 - (2) The defendant was under the influence of extreme mental or emotional disturbance when the murder was committed.
 - (3) The victim was a participant in or consented to the defendant's conduct.
 - (4) The defendant was an accomplice in a murder committed by another person, and the defendant's participation was relatively minor.
 - (5) The defendant acted under the substantial domination of another person.
 - (6) The defendant's capacity to appreciate the criminality of the defendant's conduct or to conform that conduct to the requirements of law was substantially impaired as a result of mental disease or defect or of intoxication.
 - (7) The defendant was less than eighteen (18) years of age at the time the murder was committed.
 - (8) Any other circumstances appropriate for consideration.
- (d) If the defendant was convicted of murder in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall conduct the sentencing hearing. The jury or the court may consider all the evidence introduced at the trial stage of the proceedings, together with new evidence presented at the sentencing hearing. The court shall instruct the jury concerning the statutory penalties for murder and any other offenses for which the defendant was convicted, the potential for consecutive or concurrent sentencing, and the availability of educational credit, good time credit, and clemency. The court shall instruct the jury that, in order for the jury to recommend to the court that the death penalty or life imprisonment without parole should be imposed, the jury must find at least one (1) aggravating circumstance beyond a reasonable doubt as described in subsection (l) and shall provide a special verdict form for each aggravating circumstance alleged. The defendant may present any additional evidence relevant to:
- (1) the aggravating circumstances alleged; or
 - (2) any of the mitigating circumstances listed in subsection (c).
- (e) For a defendant sentenced after June 30, 2002, except as provided by IC 35-36-9, if the hearing is by jury, the jury shall recommend to the court whether the death penalty or life imprisonment without parole, or neither, should be imposed. The jury may recommend:
- (1) the death penalty; or
 - (2) life imprisonment without parole;
- only if it makes the findings described in subsection (l). If the jury reaches a sentencing recommendation, the court shall sentence the defendant accordingly. After a court pronounces sentence, a representative of the victim's family and friends may present a statement regarding the impact of the crime on family and friends. The impact statement may be submitted in writing or given orally by the representative. The statement shall be given in the presence of the defendant.
- (f) If a jury is unable to agree on a sentence recommendation after reasonable deliberations, the court shall discharge the jury and proceed as if the hearing had been to the court alone.
- (g) If the hearing is to the court alone, except as provided by IC 35-36-9, the court shall:
- (1) sentence the defendant to death; or
 - (2) impose a term of life imprisonment without parole;
- only if it makes the findings described in subsection (l).
- (h) If a court sentences a defendant to death, the court shall order the defendant's execution to be carried out not later than one (1) year and one (1) day after the date the defendant was convicted. The supreme court has exclusive jurisdiction to stay the execution of a death sentence. If the supreme court stays the execution of a death sentence, the supreme court shall order a new date for the defendant's execution.
- (i) If a person sentenced to death by a court files a petition for post-conviction relief, the court, not later than ninety (90)

days after the date the petition is filed, shall set a date to hold a hearing to consider the petition. If a court does not, within the ninety (90) day period, set the date to hold the hearing to consider the petition, the court's failure to set the hearing date is not a basis for additional post-conviction relief. The attorney general shall answer the petition for post-conviction relief on behalf of the state. At the request of the attorney general, a prosecuting attorney shall assist the attorney general. The court shall enter written findings of fact and conclusions of law concerning the petition not later than ninety (90) days after the date the hearing concludes. However, if the court determines that the petition is without merit, the court may dismiss the petition within ninety (90) days without conducting a hearing under this subsection.

(j) A death sentence is subject to automatic review by the supreme court. The review, which shall be heard under rules adopted by the supreme court, shall be given priority over all other cases. The supreme court's review must take into consideration all claims that the:

- (1) conviction or sentence was in violation of the:
 - (A) Constitution of the State of Indiana; or
 - (B) Constitution of the United States;
- (2) sentencing court was without jurisdiction to impose a sentence; and
- (3) sentence:
 - (A) exceeds the maximum sentence authorized by law; or
 - (B) is otherwise erroneous.

If the supreme court cannot complete its review by the date set by the sentencing court for the defendant's execution under subsection (h), the supreme court shall stay the execution of the death sentence and set a new date to carry out the defendant's execution.

(k) A person who has been sentenced to death and who has completed state post-conviction review proceedings may file a written petition with the supreme court seeking to present new evidence challenging the person's guilt or the appropriateness of the death sentence if the person serves notice on the attorney general. The supreme court shall determine, with or without a hearing, whether the person has presented previously undiscovered evidence that undermines confidence in the conviction or the death sentence. If necessary, the supreme court may remand the case to the trial court for an evidentiary hearing to consider the new evidence and its effect on the person's conviction and death sentence. The supreme court may not make a determination in the person's favor nor make a decision to remand the case to the trial court for an evidentiary hearing without first providing the attorney general with an opportunity to be heard on the matter.

(l) Before a sentence may be imposed under this section, the jury, in a proceeding under subsection (e), or the court, in a proceeding under subsection (g), must find that:

- (1) the state has proved beyond a reasonable doubt that at least one (1) of the aggravating circumstances listed in subsection (b) exists; and
- (2) any mitigating circumstances that exist are outweighed by the aggravating circumstance or circumstances.

(Reference is to EHB 1069 as reprinted March 1, 2016.)

ZENT	GLICK
LAWSON	BRODEN
House Conferees	Senate Conferees

Roll Call 454: yeas 96, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
EHB 1001-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1001 respectfully reports that said two committees have conferred and agreed as

follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-10-22-1, AS AMENDED BY P.L.213-2015, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) After the end of **the state fiscal year beginning July 1, 2015, and ending June 30, 2016, and after the end of each odd-numbered state fiscal year thereafter**, the office of management and budget shall calculate in the customary manner the total amount of state reserves as of the end of the state fiscal year. The office of management and budget shall make the calculation not later **than July 31, 2016, and not later than July 31 of each odd-numbered year thereafter**.

(b) The office of management and budget may not consider a balance in the state tuition reserve account established by IC 4-12-1-15.7 when making the calculation required by subsection (a) **in 2017 and in an odd-numbered year thereafter**.

(c) The office of management and budget shall consider a balance in the state tuition reserve account established by IC 4-12-1-15.7 when making the calculation required by subsection (a) in 2016.

SECTION 2. IC 4-10-22-2, AS AMENDED BY P.L.160-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. If:

(1) the total amount of state reserves calculated by the office of management and budget exceeds:

(A) eleven and five-tenths percent (11.5%) of the general revenue appropriations for the current state fiscal year, in the case of a calculation made in calendar year 2016; or

(B) twelve and five-tenths percent (12.5%) of the general revenue appropriations for the current state fiscal year, in the case of a calculation made in 2017 and in an odd-numbered year thereafter; and

(2) the accounts payable by the state at the end of the preceding state fiscal year are not unusually large as a percentage of the total amount of state reserves (as compared to recent history);

the governor shall make a presentation to the state budget committee regarding the disposition of excess state reserves under section 3 of this chapter. The presentation must be made not later **than September 30, 2016, not later than September 30, 2017, and not later than September 30** of each odd-numbered year **thereafter**.

SECTION 3. IC 4-10-22-3, AS AMENDED BY P.L.91-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a) This subsection does not apply in calendar year 2016.** If, after completing the presentation to the state budget committee described in section 2 of this chapter, the amount of the excess reserves is fifty million dollars (\$50,000,000) or more, the governor shall do the following:

(1) If the year is calendar year 2013, transfer one hundred percent (100%) of the excess reserves to the pension stabilization fund established by IC 5-10.4-2-5 for the purposes of the pension stabilization fund. If the year is calendar year 2014 or **the calendar year is 2017 or an odd-numbered year thereafter**, transfer fifty percent (50%) of any excess reserves to the pension stabilization fund established by IC 5-10.4-2-5 for the purposes of the pension stabilization fund.

(2) If the year is calendar year 2014 or **the calendar year is 2017 or an odd-numbered year thereafter**, use fifty percent (50%) of any excess reserves for the purposes of

providing an automatic taxpayer refund under section 4 of this chapter.

(b) This subsection applies in calendar year 2016. If excess reserves exist, and after completing the calculation required in section 1 of this chapter and the presentation to the state budget committee described in section 2 of this chapter, the governor shall transfer one hundred percent (100%) of the excess reserves as follows:

(1) Fifty-five percent (55%) of the excess reserves transferred shall be transferred to the state highway fund.

(2) Forty-five percent (45%) of the excess reserves transferred shall be transferred to the local road and bridge matching grant fund established by IC 8-23-30.

This transfer shall be made from the state general fund. Money transferred to the state highway fund under this subsection is appropriated from the state highway fund to the Indiana department of transportation for the Indiana department of transportation's use for preserving and reconstructing existing state highways and bridges for which the Indiana department of transportation is responsible. Money transferred to the state highway fund under this subsection does not revert to the state general fund at the end of a state fiscal year.

SECTION 4. IC 6-2.5-10-1, AS AMENDED BY P.L.205-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The department shall account for all state gross retail and use taxes that it collects.

(b) Of all the state gross retail and use taxes that the department collects, the department shall determine separately the parts that:

(1) the department collects under IC 6-2.5-3.5; and
 (2) the department collects under this article, less the amount described in subdivision (1).

(c) The department shall deposit the collections described in subsection (b)(1) in the following manner:

(1) For state fiscal year 2017, the following:

(A) Fourteen and two hundred eighty-six thousandths percent (14.286%) of the collections shall be deposited in the motor vehicle highway account established under IC 8-14-1.

(B) Eighty-five and seven hundred fourteen thousandths percent (85.714%) to the state general fund.

(2) For state fiscal year 2018, the following:

(A) Fourteen and two hundred eighty-six thousandths percent (14.286%) of the collections shall be deposited in the motor vehicle highway account established under IC 8-14-1.

(B) Fourteen and two hundred eighty-six thousandths percent (14.286%) of the collections shall be deposited in the local road and bridge matching grant fund established under IC 8-23-30.

(C) Seventy-one and four hundred twenty-eight thousandths percent (71.428%) to the state general fund.

(3) For state fiscal year 2019 and thereafter, the following:

(A) Fourteen and two hundred eighty-six thousandths percent (14.286%) of the collections shall be deposited in the motor vehicle highway account established under IC 8-14-1.

(B) Twenty-one and four hundred twenty-nine thousandths percent (21.429%) of the collections shall be deposited in the local road and bridge matching grant fund established under IC 8-23-30.

(C) Sixty-four and two hundred eighty-five thousandths percent (64.285%) to the state general fund.

(d) The department shall deposit those collections

described in subsection (b)(2) in the following manner:

(1) ~~Ninety-eight~~ ~~Ninety-nine~~ and eight hundred ~~forty-eight~~ ~~thirty-eight~~ thousandths percent (~~98.848%~~) (99.838%) of the collections shall be paid into the state general fund.

(2) ~~One percent (1%)~~ of the collections shall be deposited in the motor vehicle highway account established under ~~IC 8-14-1.~~

(3) ~~Twenty-nine thousandths of one percent (0.029%)~~ ~~Thirty-one thousandths of one percent (0.031%)~~ of the collections shall be deposited into the industrial rail service fund established under IC 8-3-1.7-2.

(4) ~~One hundred twenty-three~~ ~~thirty-one~~ thousandths of one percent (~~0.123%~~) (0.131%) of the collections shall be deposited into the commuter rail service fund established under IC 8-3-1.5-20.5.

SECTION 5. IC 6-3.5-4-1, AS AMENDED BY P.L.205-2013, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in The following definitions apply throughout this chapter:

(1) "Adopting entity" means either the county council or the county income tax council established by IC 6-3.5-6-2 for the county, whichever adopts an ordinance to impose a surtax first.

(2) "Branch office" means a branch office of the bureau of motor vehicles.

(3) "County council" includes the city-county council of a county that contains a consolidated city of the first class.

(4) "Motor vehicle" means a vehicle which is subject to the annual license excise tax imposed under IC 6-6-5.

(5) "Net annual license excise tax" means the tax due under IC 6-6-5 after the application of the adjustments and credits provided by that chapter.

(6) "Surtax" means the annual license excise surtax imposed by an adopting entity under this chapter.

(7) "Transportation asset management plan" includes planning for drainage systems and rights-of-way that affect transportation assets.

SECTION 6. IC 6-3.5-4-2, AS AMENDED BY P.L.249-2015, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) An adopting entity of any county may, subject to the limitation imposed by subsection (d), (f), adopt an ordinance to impose an annual license excise surtax on each motor vehicle listed in subsection (e) that is registered in the county.

(b) If a county does not use a transportation asset management plan approved by the Indiana department of transportation, the adopting entity of the county may impose the surtax either:

(1) at a rate of not less than two percent (2%) nor more than ten percent (10%); or

(2) at a specific amount of at least seven dollars and fifty cents (\$7.50) and not more than twenty-five dollars (\$25).

However, the surtax on a vehicle may not be less than seven dollars and fifty cents (\$7.50). The adopting entity shall state the surtax rate or amount in the ordinance which imposes the tax.

(c) If a county uses a transportation asset management plan approved by the Indiana department of transportation, the adopting entity of the county may impose the surtax either:

(1) at a rate of at least two percent (2%) and not more than twenty percent (20%); or

(2) at a specific amount of at least seven dollars and fifty cents (\$7.50) and not more than fifty dollars (\$50).

However, the surtax on a vehicle may not be less than seven dollars and fifty cents (\$7.50). The adopting entity shall state the surtax rate or amount in the ordinance that imposes the tax.

(d) Subject to the limits and requirements of this section, the adopting entity may do any of the following:

(1) Impose the annual license excise surtax at the same rate or amount on each motor vehicle that is subject to the tax.

(2) Impose the annual license excise surtax on vehicles subject to the tax at one (1) or more different rates based on the class of vehicle listed in subsection (e).

(e) The license excise surtax applies to the following vehicles:

(1) Passenger vehicles.

(2) Motorcycles.

(3) Trucks with a declared gross weight that does not exceed eleven thousand (11,000) pounds.

(4) Motor driven cycles.

(f) The adopting entity may not adopt an ordinance to impose the surtax unless it concurrently adopts an ordinance under IC 6-3.5-5 to impose the wheel tax.

(g) Notwithstanding any other provision of this chapter or IC 6-3.5-5, ordinances adopted by a county council before June 1, 2013, to impose or change the annual license excise surtax and the annual wheel tax in the county remain in effect until the ordinances are amended or repealed under this chapter or IC 6-3.5-5.

SECTION 7. IC 6-3.5-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) In the case of a county that does not contain a consolidated city of the first class, the county treasurer shall deposit the surtax revenues in a fund to be known as the "_____ County Surtax Fund".

(b) Before the twentieth day of each month, the county auditor shall allocate the money deposited in the county surtax fund during that month among the county and the cities and the towns in the county. The county auditor shall allocate the money to counties, cities, and towns under IC 8-14-2-4(c)(1) through IC 8-14-2-4(c)(3).

(c) Before the twenty-fifth day of each month, the county treasurer shall distribute to the county and the cities and towns in the county the money deposited in the county surtax fund during that month. The county treasurer shall base the distribution on allocations made by the county auditor for that month under subsection (b).

(d) A county, city, or town may only use the surtax revenues it receives under this section:

(1) to construct, reconstruct, repair, or maintain streets and roads under its jurisdiction; **or**

(2) **for the county's, city's, or town's contribution to obtain a grant from the local road and bridge matching grant fund under IC 8-23-30.**

SECTION 8. IC 6-3.5-5-1, AS AMENDED BY P.L.205-2013, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. **As used in The following definitions apply throughout** this chapter:

(1) "Adopting entity" means either the county council or the county income tax council established by IC 6-3.5-6-2 for the county, whichever adopts an ordinance to impose a wheel tax first.

(2) "Branch office" means a branch office of the bureau of motor vehicles.

(3) "Bus" has the meaning set forth in IC 9-13-2-17(a).

(4) "Commercial motor vehicle" has the meaning set forth in IC 6-6-5.5-1(c).

(5) "County council" includes the city-county council of a county that contains a consolidated city of the first class.

(6) "In-state miles" has the meaning set forth in IC 6-6-5.5-1(i).

(7) "Political subdivision" has the meaning set forth in IC 34-6-2-110.

(8) "Recreational vehicle" has the meaning set forth in IC 9-13-2-150.

(9) "Semitrailer" has the meaning set forth in IC 9-13-2-164(a).

(10) "State agency" has the meaning set forth in

IC 34-6-2-141.

(11) "Tractor" has the meaning set forth in IC 9-13-2-180.

(12) "Trailer" has the meaning set forth in IC 9-13-2-184(a).

(13) "Transportation asset management plan" includes planning for drainage systems and rights-of-way that affect transportation assets.

(14) "Truck" has the meaning set forth in IC 9-13-2-188(a).

(15) "Wheel tax" means the tax imposed under this chapter.

SECTION 9. IC 6-3.5-5-2, AS AMENDED BY P.L.205-2013, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The adopting entity of any county may, subject to the limitation imposed by subsection (b), adopt an ordinance to impose an annual wheel tax on each vehicle that:

(1) is included in one (1) of the classes of vehicles listed in section 3 of this chapter;

(2) is not exempt from the wheel tax under section 4 of this chapter; and

(3) is registered in the county.

(b) The adopting entity of a county may not adopt an ordinance to impose the wheel tax unless it concurrently adopts an ordinance under IC 6-3.5-4 to impose the annual license excise surtax.

(c) The adopting entity may impose the wheel tax at a different rate for each of the classes of vehicles listed in section 3 of this chapter. In addition, the adopting entity may establish different rates within the classes of buses, semitrailers, trailers, tractors, and trucks based on weight classifications of those vehicles that are established by the bureau of motor vehicles for use throughout Indiana. However, the wheel tax rate for a particular class or weight classification of vehicles:

(1) may not be less than five dollars (\$5) and may not exceed forty dollars (\$40), **if the county does not use a transportation asset management plan approved by the Indiana department of transportation; or**

(2) **may not be less than five dollars (\$5) and may not exceed eighty dollars (\$80), if the county uses a transportation asset management plan approved by the Indiana department of transportation.**

The adopting entity shall state the initial wheel tax rates in the ordinance that imposes the tax.

SECTION 10. IC 6-3.5-5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) In the case of a county that does not contain a consolidated city, the county treasurer shall deposit the wheel tax revenues in a fund to be known as the "County Wheel Tax Fund".

(b) Before the twentieth day of each month, the county auditor shall allocate the money deposited in the county wheel tax fund during that month among the county and the cities and the towns in the county. The county auditor shall allocate the money to counties, cities, and towns under IC 8-14-2-4(c)(1) through IC 8-14-2-4(c)(3).

(c) Before the twenty-fifth day of each month, the county treasurer shall distribute to the county and the cities and towns in the county the money deposited in the county wheel tax fund during that month. The county treasurer shall base the distribution on allocations made by the county auditor for that month under subsection (b).

(d) A county, city, or town may only use the wheel tax revenues it receives under this section:

(1) to construct, reconstruct, repair, or maintain streets and roads under its jurisdiction; **or**

(2) as a contribution to an authority established under IC 36-7-23; **or**

(3) **for the county's, city's, or town's contribution to obtain a grant from the local road and bridge matching grant fund under IC 8-23-30.**

SECTION 11. IC 6-3.5-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 10. Municipal Motor Vehicle License Excise Surtax

Sec. 1. The following definitions apply throughout this chapter:

- (1) "Adopting municipality" means an eligible municipality that has adopted the surtax.
- (2) "Eligible municipality" means a municipality having a population of at least ten thousand (10,000).
- (3) "Fiscal body" has the meaning set forth in IC 36-1-2-6.
- (4) "Fiscal officer" has the meaning set forth in IC 36-1-2-7.
- (5) "Motor vehicle" means a vehicle that is subject to the annual license excise tax imposed under IC 6-6-5.
- (6) "Municipality" has the meaning set forth in IC 36-1-2-11.
- (7) "Surtax" means the annual license excise surtax imposed by the fiscal body of an eligible municipality under this chapter.
- (8) "Transportation asset management plan" includes planning for drainage systems and rights-of-way that affect transportation assets.

Sec. 2. (a) The fiscal body of an eligible municipality may, subject to subsections (d) and (e), adopt an ordinance to impose an annual license excise surtax on each motor vehicle listed in subsection (c) that is registered in the eligible municipality. The eligible municipality may impose the surtax at a specific amount of:

- (1) at least seven dollars and fifty cents (\$7.50); and
- (2) not more than twenty-five dollars (\$25).

The eligible municipality shall state the surtax rate or amount in the ordinance that imposes the tax.

(b) Subject to the limits and requirements of this section, the fiscal body of an eligible municipality may do any of the following:

- (1) Impose the annual license excise surtax at the same amount on each motor vehicle that is subject to the tax.
- (2) Impose the annual license excise surtax on vehicles subject to the tax at one (1) or more different amounts based on the class of vehicle listed in subsection (c).

(c) The license excise surtax applies to the following vehicles:

- (1) Passenger vehicles.
- (2) Motorcycles.
- (3) Trucks with a declared gross weight that does not exceed eleven thousand (11,000) pounds.
- (4) Motor driven cycles.

(d) The fiscal body of an eligible municipality may not adopt an ordinance to impose the surtax unless the fiscal body concurrently adopts an ordinance under IC 6-3.5-11 to impose the municipal wheel tax.

(e) The fiscal body of an eligible municipality may not adopt an ordinance to impose the surtax unless the eligible municipality uses a transportation asset management plan approved by the Indiana department of transportation.

Sec. 3. If the fiscal body of an eligible municipality adopts an ordinance imposing the surtax after December 31 but before July 1 of the following year, a motor vehicle is subject to the tax if the motor vehicle is registered in the adopting municipality after December 31 of the year in which the ordinance is adopted. If the fiscal body of an eligible municipality adopts an ordinance imposing the surtax after June 30 but before the following January 1, a motor vehicle is subject to the tax if the motor vehicle is registered in the adopting municipality after December 31 of the year following the year in which the ordinance is adopted. However, in the first year the surtax is effective,

the surtax does not apply to the registration of a motor vehicle for the registration year that commenced in the calendar year preceding the year the surtax is first effective.

Sec. 4. (a) After January 1 but before July 1 of any year, the fiscal body of an adopting municipality may, subject to the limitations imposed by subsection (b), adopt an ordinance to rescind the surtax. If a fiscal body adopts an ordinance to rescind the surtax, the surtax does not apply to a motor vehicle registered after December 31 of the year in which the ordinance is adopted.

(b) A fiscal body may not adopt an ordinance to rescind the surtax unless the fiscal body concurrently adopts an ordinance under IC 6-3.5-11 to rescind the municipal wheel tax.

Sec. 5. The fiscal body of an adopting municipality may adopt an ordinance to increase or decrease the surtax amount. The new surtax amount must be within the range of amounts prescribed by section 2 of this chapter. A new amount that is established by an ordinance that is adopted after December 31 but before July 1 of the following year applies to motor vehicles registered after December 31 of the year in which the ordinance to change the amount is adopted. A new amount that is established by an ordinance that is adopted after June 30 but before January 1 of the following year applies to motor vehicles registered after December 31 of the year following the year in which the ordinance is adopted.

Sec. 6. If the fiscal body of an eligible municipality adopts an ordinance to impose, rescind, or change the amount of the surtax, the fiscal body shall send a copy of the ordinance to the commissioner of the bureau of motor vehicles.

Sec. 7. A person may not register a motor vehicle in an adopting municipality unless the person pays the surtax due, if any, to the bureau of motor vehicles. The amount of the surtax due equals the amount established under section 2 of this chapter. The bureau of motor vehicles shall collect the surtax due, if any, at the time a motor vehicle is registered.

Sec. 8. (a) If a vehicle has been acquired or brought into Indiana, or for any other reason becomes subject to registration after the regular annual registration date in the year on or before which the owner of the vehicle is required under the motor vehicle registration laws of Indiana to register vehicles, the amount of the surtax shall be reduced in the same manner as the excise tax is reduced under IC 6-6-5-7.2.

(b) The owner of a vehicle who sells the vehicle in a year in which the owner has paid the surtax imposed by this chapter is entitled to receive a credit that is calculated in the same manner and subject to the same requirements as the credit for the excise tax under IC 6-6-5-7.2.

(c) If the name of the owner of a vehicle is legally changed and the change has caused a change in the owner's annual registration date, the surtax liability of the owner shall be adjusted in the same manner as excise taxes are adjusted under IC 6-6-5-7.2.

Sec. 9. On or before the tenth day of the month following the month in which the surtax is collected, the bureau of motor vehicles shall remit the surtax to the fiscal officer of the adopting municipality that imposed the surtax. Concurrently with the remittance, the bureau of motor vehicles shall file a surtax collections report prepared on forms prescribed by the state board of accounts with the fiscal officer of the adopting municipality.

Sec. 10. (a) The fiscal officer of an adopting municipality shall deposit the surtax revenues in a fund to be known as the "municipal surtax fund".

(b) An adopting municipality may use the surtax revenues that the adopting municipality receives under this section:

- (1) to construct, reconstruct, repair, or maintain streets and roads under the adopting municipality's jurisdiction; or

(2) for the county's, city's, or town's contribution to obtain a grant from the local road and bridge matching grant fund under IC 8-23-30.

Sec. 11. On or before August 1 of each year, the fiscal officer of an adopting municipality shall provide the fiscal body of the adopting municipality with an estimate of the surtax revenues to be received by the adopting municipality during the next calendar year. The adopting municipality shall include the estimated surtax revenues in the adopting municipality's budget estimate for the calendar year.

Sec. 12. The department or the bureau of motor vehicles, as applicable, may impose a service charge under IC 9-29 for each surtax collected under this chapter.

Sec. 13. (a) The owner of a motor vehicle who knowingly registers the vehicle without paying the surtax imposed under this chapter with respect to that registration commits a Class B misdemeanor.

(b) An employee of the bureau of motor vehicles who recklessly issues a registration on any motor vehicle without collecting the surtax imposed under this chapter with respect to that registration commits a Class B misdemeanor.

SECTION 12. IC 6-3.5-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 11. Municipal Wheel Tax

Sec. 1. The following definitions apply throughout this chapter:

- (1) "Adopting municipality" means an eligible municipality that has adopted the wheel tax.
- (2) "Branch office" means a branch office of the bureau of motor vehicles.
- (3) "Bus" has the meaning set forth in IC 9-13-2-17(a).
- (4) "Commercial vehicle" has the meaning set forth in IC 6-6-5.5-1(c).
- (5) "Department" refers to the department of state revenue.
- (6) "Eligible municipality" means a municipality having a population of at least ten thousand (10,000).
- (7) "In-state miles" has the meaning set forth in IC 6-6-5.5-1(i).
- (8) "Political subdivision" has the meaning set forth in IC 34-6-2-110.
- (9) "Recreational vehicle" has the meaning set forth in IC 9-13-2-150.
- (10) "Semitrailer" has the meaning set forth in IC 9-13-2-164(a).
- (11) "State agency" has the meaning set forth in IC 34-6-2-141.
- (12) "Tractor" has the meaning set forth in IC 9-13-2-180.
- (13) "Trailer" has the meaning set forth in IC 9-13-2-184(a).
- (14) "Transportation asset management plan" includes planning for drainage systems and rights-of-way that affect transportation assets.
- (15) "Truck" has the meaning set forth in IC 9-13-2-188(a).
- (16) "Wheel tax" means the tax imposed under this chapter.

Sec. 2. (a) The fiscal body of an eligible municipality may, subject to subsections (b) and (c), adopt an ordinance to impose an annual wheel tax on each vehicle that:

- (1) is included in one (1) of the classes of vehicles listed in section 3 of this chapter;
- (2) is not exempt from the wheel tax under section 4 of this chapter; and
- (3) is registered in the eligible municipality.

(b) The fiscal body of an eligible municipality may not adopt an ordinance to impose the wheel tax unless the fiscal body concurrently adopts an ordinance under IC 6-3.5-10 to impose the annual license excise surtax.

(c) The fiscal body of an eligible municipality may not adopt an ordinance to impose the wheel tax unless the eligible municipality uses a transportation asset management plan approved by the Indiana department of transportation.

(d) The fiscal body of an eligible municipality may impose the wheel tax at a different rate for each of the classes of vehicles listed in section 3 of this chapter. In addition, the fiscal body may establish different rates within the classes of buses, recreational vehicles, semitrailers, trailers, tractors, and trucks based on weight classifications of those vehicles that are established by the bureau of motor vehicles for use throughout Indiana. However, the wheel tax rate for a particular class or weight classification of vehicles may not be less than five dollars (\$5) and may not exceed forty dollars (\$40). The fiscal body shall state the initial wheel tax rates in the ordinance that imposes the tax.

Sec. 3. The wheel tax applies to the following classes of vehicles:

- (1) Buses.
- (2) Recreational vehicles.
- (3) Semitrailers.
- (4) Tractors.
- (5) Trailers.
- (6) Trucks.

Sec. 4. A vehicle is exempt from the wheel tax imposed under this chapter if the vehicle is:

- (1) owned by the state;
- (2) owned by a state agency of the state;
- (3) owned by a political subdivision of the state;
- (4) subject to the annual license excise surtax imposed under IC 6-3.5-10; or
- (5) a bus owned and operated by a religious or nonprofit youth organization and used to transport persons to religious services or for the benefit of its members.

Sec. 5. If the fiscal body of an eligible municipality adopts an ordinance imposing the wheel tax after December 31 but before July 1 of the following year, a vehicle described in section 2(a) of this chapter is subject to the tax if the vehicle is registered in the adopting municipality after December 31 of the year in which the ordinance is adopted. If a fiscal body adopts an ordinance imposing the wheel tax after June 30 but before the following January 1, a vehicle described in section 2(a) of this chapter is subject to the tax if the vehicle is registered in the adopting municipality after December 31 of the year following the year in which the ordinance is adopted. However, in the first year the tax is effective, the tax does not apply to the registration of a motor vehicle for the registration year that commenced in the calendar year preceding the year the tax is first effective.

Sec. 6. (a) After January 1 but before July 1 of any year, the fiscal body of an adopting municipality may, subject to the limitations imposed by subsection (b), adopt an ordinance to rescind the wheel tax. If a fiscal body adopts an ordinance to rescind the wheel tax, the wheel tax does not apply to a vehicle registered after December 31 of the year the ordinance is adopted.

(b) The fiscal body of an adopting municipality may not adopt an ordinance to rescind the wheel tax unless the fiscal body concurrently adopts an ordinance under IC 6-3.5-10 to rescind the annual license excise surtax.

Sec. 7. The fiscal body of an adopting municipality may adopt an ordinance to increase or decrease the wheel tax rates. The new wheel tax rates must be within the range of rates prescribed by section 2 of this chapter. New rates that are established by an ordinance that is adopted after December 31 but before July 1 of the following year apply to vehicles registered after December 31 of the year in which the ordinance to change the rates is adopted. New rates that are established by an ordinance that is adopted after June

30 but before July 1 of the following year apply to motor vehicles registered after December 31 of the year following the year in which the ordinance is adopted.

Sec. 8. If the fiscal body of an eligible municipality adopts an ordinance to impose, rescind, or change the rates of the wheel tax, the fiscal body shall send a copy of the ordinance to:

- (1) the commissioner of the bureau of motor vehicles; and
- (2) the department of state revenue.

Sec. 9. (a) Every owner of a vehicle for which the wheel tax has been paid for the owner's registration year is entitled to a credit if during that registration year the owner sells the vehicle. The amount of the credit equals the wheel tax paid by the owner for the vehicle that was sold. The credit may be applied by the owner only against the wheel tax owed for a vehicle that is purchased during the same registration year.

(b) An owner of a vehicle is not entitled to a refund of any part of a credit that is not used under this section.

Sec. 10. A person may not register a vehicle in an adopting municipality unless the person pays the wheel tax due, if any, to the bureau of motor vehicles. The amount of the wheel tax due is based on the wheel tax rate, for that class of vehicle, in effect at the time of registration. The bureau of motor vehicles shall collect the wheel tax due, if any, at the time a motor vehicle is registered. The department or the bureau of motor vehicles, as applicable, may impose a service charge under IC 9-29 for each wheel tax collection made under this chapter.

Sec. 11. (a) An owner of one (1) or more commercial vehicles paying an apportioned registration to the state under the International Registration Plan that is required to pay a wheel tax shall pay an apportioned wheel tax calculated by dividing in-state actual miles by total fleet miles generated during the preceding year. If in-state miles are estimated for purposes of proportional registration, these miles are divided by total actual and estimated fleet miles. The apportioned wheel tax under this section shall be paid at the same time and in the same manner as the commercial vehicle excise tax under IC 6-6-5.5.

(b) A voucher from the department showing payment of the wheel tax may be accepted by the bureau of motor vehicles instead of the payment required under section 10 of this chapter.

Sec. 12. On or before the tenth day of the month following the month in which the wheel tax is collected, the bureau of motor vehicles shall remit the wheel tax to the fiscal officer of the adopting municipality that imposed the wheel tax. Concurrently with the remittance, the bureau shall file a wheel tax collections report prepared on forms prescribed by the state board of accounts with the fiscal officer of the adopting municipality.

Sec. 13. (a) If the wheel tax is collected directly by the bureau of motor vehicles instead of at a branch office, the commissioner of the bureau shall:

- (1) remit the wheel tax to, and file a wheel tax collections report with, the fiscal officer of the appropriate municipality; and
- (2) file a wheel tax collections report with the fiscal officer of the appropriate municipality;

in the same manner and at the same time that a branch office manager is required to remit and report under section 12 of this chapter.

(b) If the wheel tax for a commercial vehicle is collected directly by the department, the commissioner of the department shall:

- (1) remit the wheel tax to, and file a wheel tax collections report with, the fiscal officer of the appropriate municipality; and
- (2) file a wheel tax collections report with the fiscal

officer of the appropriate municipality; in the same manner and at the same time that a branch office manager is required to remit and report under section 12 of this chapter.

Sec. 14. (a) The fiscal officer of an adopting municipality shall deposit the wheel tax revenues in a fund to be known as the "municipal wheel tax fund".

(b) An adopting municipality may use the wheel tax revenues that the municipality receives under this section only:

- (1) to construct, reconstruct, repair, or maintain streets and roads under its jurisdiction;
- (2) as a contribution to an authority established under IC 36-7-23; or
- (3) for the county's, city's, or town's contribution to obtain a grant from the local road and bridge matching grant fund under IC 8-23-30.

Sec. 15. On or before August 1 of each year, the fiscal officer of an adopting municipality shall provide the fiscal body of the adopting municipality with an estimate of the wheel tax revenues to be received by the adopting municipality during the next calendar year. The adopting municipality shall include the estimated wheel tax revenues in the adopting municipality's budget estimate for the calendar year.

Sec. 16. (a) The owner of a vehicle who knowingly registers the vehicle without paying the wheel tax imposed under this chapter with respect to that registration commits a Class B misdemeanor.

(b) An employee of the bureau of motor vehicles who recklessly issues a registration on any vehicle without collecting the wheel tax imposed under this chapter with respect to that registration commits a Class B misdemeanor.

SECTION 13. IC 6-8.1-3-25, AS ADDED BY P.L.213-2015, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. Notwithstanding any other law, the department shall deposit the amounts collected under a tax amnesty program carried out under section 17 of this chapter after June 30, 2015, as follows:

- (1) County income tax collected under IC 6-3.5-1.1, IC 6-3.5-6, or IC 6-3.5-7 (repealed January 1, 2017) shall be distributed to counties in the same manner as otherwise provided by the appropriate chapter of the Indiana Code.
- (2) Eight percent (8%) of inheritance tax collected for resident decedents shall be distributed to counties in the manner provided under IC 6-4.1-9-6.
- (3) County innkeeper's tax collected shall be deposited as required by IC 6-9.
- (4) County and municipal food and beverage tax collected shall be deposited as required by IC 6-9.
- (5) County admissions taxes collected shall be deposited as required by IC 6-9-13 and IC 6-9-28.
- (6) Aircraft license excise tax collected shall be deposited as required by IC 6-6-6.5-21.
- (7) Auto rental excise tax collected shall be deposited as required by IC 6-6-9-11.
- (8) Supplemental auto rental excise tax shall be deposited as otherwise required by the appropriate chapter of the Indiana Code.
- (9) Financial institutions tax collected shall be deposited as required by IC 6-5.5-8-2.
- (+) (10) After making the deposits required under subdivisions (1) through (9), the first eighty-four million dollars (\$84,000,000) collected must be deposited into the Indiana regional cities development fund established by IC 5-28-38-2.
- (±) (11) After making the deposits required under subdivision subdivisions (1) through (10), the next six million dollars (\$6,000,000) collected shall be transferred to the Indiana department of transportation to reimburse

the Indiana department of transportation for money expended by the Indiana department of transportation under IC 8-23-2-18.5 for the operation of the Hoosier State Rail Line. However, the total amount transferred under this subdivision to the Indiana department of transportation may not exceed the lesser of:

- (A) six million dollars (\$6,000,000); or
- (B) the total amount expended by the Indiana department of transportation under IC 8-23-2-18.5 for the operation of the Hoosier State Rail Line after June 30, 2015, and before July 1, 2017.

(12) After making the deposits required under subdivisions (1) through (11), the next forty-two million dollars (\$42,000,000) collected must be deposited into the Indiana regional cities development fund established by IC 5-28-38-2. The amount deposited under this subdivision is appropriated to the Indiana economic development corporation for the purposes of the Indiana regional cities development fund.

(13) After making the deposits required under subdivisions (1) through (12), the next twenty-nine million eight hundred seventy thousand dollars (\$29,870,000) shall be transferred as follows:

- (A) Eight million seven hundred thousand dollars (\$8,700,000) to the Indiana public retirement system for credit to the Indiana public employees retirement fund established by IC 5-10.3-2-1.
- (B) Twenty million seven hundred thousand dollars (\$20,700,000) to the Indiana public retirement system for credit to the pre-1996 account of the Indiana state teacher's retirement fund established by IC 5-10.4-2-1.
- (C) Seventy thousand dollars (\$70,000) to the Indiana public retirement system for credit to the state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan established by IC 5-10.5-3-1.
- (D) Two hundred thousand dollars (\$200,000) to the treasurer of state for credit to the trust fund under IC 10-12-1-11 for the state police pre-1987 benefit system.
- (E) Two hundred thousand dollars (\$200,000) to the treasurer of state for credit to the trust fund under IC 10-12-1-11 for the state police 1987 benefit system.

The amounts transferred under this subdivision shall be used to pay costs that must be paid for any thirteenth check payments or similar supplemental check payments that are enacted by the general assembly and made to the members and beneficiaries of a public pension plan under HEA 1161-2016. The amounts transferred under this subdivision are appropriated for the purposes of this subdivision.

(14) After making the deposits required under subdivisions (1) through (13), the next ten million dollars (\$10,000,000) shall be deposited into the next generation Hoosier educators scholarship fund established by IC 21-12-16-3.

~~(15)~~ (15) Any remaining amounts collected must be deposited into the state general fund.

SECTION 14. IC 8-14-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) A qualified county which:

- (1) has adopted the county motor vehicle excise surtax under IC 6-3.5-4 and the county wheel tax under IC 6-3.5-5;
- (2) is imposing the county motor vehicle excise surtax at:
 - (A) the maximum allowable rate, if the qualified county sets a county motor vehicle excise surtax rate under ~~IC 6-3.5-4-2(a)(1)~~; IC 6-3.5-4-2(b)(1) or

IC 6-3.5-4-2(c)(1); or

(B) ~~an the maximum allowable amount, of not less than twenty dollars (\$20)~~; if the qualified county sets the county motor vehicle excise surtax at a specific amount under ~~IC 6-3.5-4-2(a)(2)~~; IC 6-3.5-4-2(b)(2) or IC 6-3.5-4-2(c)(2); and

(3) has not issued bonds under IC 8-14-9;

may apply to the Indiana department of transportation for a loan from the distressed road fund. At the time of the application, the county shall notify the department of local government finance that it has made the application.

(b) The application must include, at a minimum:

- (1) a map depicting all roads and streets in the system of the applicant; and
- (2) a copy of that county's proposed program of work covering the current and the immediately following calendar year.

SECTION 15. IC 8-14-14.1-5, AS ADDED BY P.L.213-2015, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) After review by the budget committee, the budget agency may, after June 30, 2015, and before July 1, 2016, direct the auditor of state to transfer not more than one hundred million dollars (\$100,000,000) to the fund from the state general fund. If the budget agency directs the auditor of state to make such a transfer, the auditor of state shall transfer to the fund the amount determined by the budget agency. There is appropriated from the state general fund an amount sufficient to make the transfer under this subsection.

(b) ~~After review by the budget committee, the budget agency may, After June 30, 2016, and before July 1, 2017, direct the auditor of state to shall transfer not more than one hundred million dollars (\$100,000,000) to the state highway fund created by IC 8-23-9-54 from the state general fund. If the budget agency directs the auditor of state to make such a transfer, the auditor of state shall transfer to the fund the amount determined by the budget agency.~~ There is appropriated from the state general fund an amount sufficient to make the transfer under this subsection.

(c) Notwithstanding section 3(e) of this chapter, if one (1) or more transfers under subsection (a) ~~or (b)~~ are made to the fund, the budget agency may after review by the budget committee transfer from the fund to the major moves construction fund established by IC 8-14-14-5 an amount equal to the lesser of:

- (1) ~~two one~~ one hundred million dollars (~~\$200,000,000~~); (\$100,000,000); or
- (2) the total amount of any transfers under subsection (a) ~~or (b)~~ that are made to the fund.

(d) Money that is transferred as described in subsection (c) may be used for any purpose of the major moves construction fund.

(e) Notwithstanding section 3(e) of this chapter, the transfer under subsection (b) to the state highway fund must be used only for preserving or reconstructing existing state highways and bridges for which the department is responsible.

SECTION 16. IC 8-23-30 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 30. Local Road and Bridge Matching Grant Fund

Sec. 1. The following definitions apply throughout this chapter:

- (1) "Eligible project" means a project:
 - (A) that is undertaken by a local unit;
 - (B) that repairs or increases the capacity of local roads and bridges; and
 - (C) that is part of the local unit's transportation asset management plan.
- (2) "Fund" refers to the local road and bridge

matching grant fund established by section 2 of this chapter.

- (3) "Local unit" means a county or municipality.
- (4) "Transportation asset management plan" includes planning for drainage systems and rights-of-way that affect transportation assets.

Sec. 2. (a) The local road and bridge matching grant fund is established to provide matching grants to local units for eligible projects.

(b) The department shall administer the fund.

(c) The fund consists of the following:

- (1) Appropriations by the general assembly.**
- (2) Interest deposited in the fund under subsection (d).**
- (3) Money deposited in or transferred to the fund from any other source.**

(d) The treasurer of state shall invest money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) Money in the fund is continuously appropriated for the purpose of the fund.

Sec. 3. A local unit may apply to the department for a grant from the fund for an eligible project if the local unit:

- (1) uses a transportation asset management plan approved by the department; and**
- (2) commits to a local match by using one (1) or more of the following:**

(A) Revenue attributable to an increase, after June 30, 2016, in the local unit's motor vehicle excise surtax or wheel tax rate under IC 6-3.5.

(B) Money received by the local unit as a special distribution of local income taxes under IC 6-3.6-9-17.

(C) Money in the local unit's rainy day fund under IC 36-1-8-5.1.

The application must be in the form and manner prescribed by the department.

Sec. 4. A local unit's application for a grant from the fund must specify the amount of money that the local unit is committing to contribute to the eligible project.

Sec. 5. In the evaluation of an application for a grant from the fund, the department shall give preference to projects that are anticipated by the department to have the greatest regional economic significance for the region in which the local unit is located.

Sec. 6. If the department approves a grant to a local unit under this chapter, the amount of the grant from the fund is equal to the amount that the local unit commits to contribute to the proposed eligible project.

Sec. 7. The department shall allocate at least fifty percent (50%) of the grants to be made in a state fiscal year to local units located in counties having a population of less than fifty thousand (50,000).

Sec. 8. The department may adopt guidelines to implement this chapter, including guidelines that establish a maximum amount that any one (1) local unit may receive as a grant.

SECTION 17. IC 34-28-5-4, AS AMENDED BY P.L.106-2010, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) A judgment of up to ten thousand dollars (\$10,000) may be entered for a violation constituting a Class A infraction.

(b) A judgment of up to one thousand dollars (\$1,000) may be entered for a violation constituting a Class B infraction.

(c) Except as provided in subsection (f), a judgment of up to five hundred dollars (\$500) may be entered for a violation constituting a Class C infraction.

(d) A judgment of up to twenty-five dollars (\$25) may be

entered for a violation constituting a Class D infraction.

(e) Subject to section 1(i) of this chapter, a judgment:

- (1) up to the amount requested in the complaint; and
- (2) not exceeding any limitation under IC 36-1-3-8;

may be entered for an ordinance violation.

(f) Except as provided in subsections (g) and (h), a person who has admitted to a moving violation constituting a Class C infraction, pleaded nolo contendere to a moving violation constituting a Class C infraction, or has been found by a court to have committed a moving violation constituting a Class C infraction may not be required to pay more than the following amounts for the violation:

(1) If, before the appearance date specified in the summons and complaint, the person mails or delivers an admission of the moving violation or a plea of nolo contendere to the moving violation, the person may not be required to pay any amount, except court costs and a judgment that does not exceed thirty-five dollars and fifty cents (\$35.50).

(2) If the person admits the moving violation or enters a plea of nolo contendere to the moving violation on the appearance date specified in the summons and complaint, the person may not be required to pay any amount, except court costs and a judgment that does not exceed thirty-five dollars and fifty cents (\$35.50).

(3) If the person contests the moving violation in court and is found to have committed the moving violation, the person may not be required to pay any amount, except:

(A) court costs and a judgment that does not exceed thirty-five dollars and fifty cents (\$35.50) if, in the five (5) years before the appearance date specified in the summons and complaint, the person was not found by a court in the county to have committed a moving violation;

(B) court costs and a judgment that does not exceed two hundred fifty dollars and fifty cents (\$250.50) if, in the five (5) years before the appearance date specified in the summons and complaint, the person was found by a court in the county to have committed one (1) moving violation; and

(C) court costs and a judgment that does not exceed five hundred dollars (\$500) if, in the five (5) years before the appearance date specified in the summons and complaint, the person was found by a court in the county to have committed two (2) or more moving violations.

In a proceeding under subdivision (3), the court may require the person to submit an affidavit or sworn testimony concerning whether, in the five (5) years before the appearance date specified in the summons and complaint, the person has been found by a court to have committed one (1) or more moving violations.

(g) The amounts described in subsection (f) are in addition to any amount that a person may be required to pay for attending a defensive driving school program.

(h) This subsection applies only to infraction judgments imposed in Marion County for traffic violations after December 31, 2010. Subsection (f) applies to an infraction judgment described in this subsection. However, a court shall impose a judgment of not less than thirty-five dollars (\$35) for an infraction judgment that is entered in Marion County. These funds shall be transferred to a dedicated fund in accordance with section 5 of this chapter.

(i) This subsection applies only to infraction judgments imposed in Clark County for toll violations after January 1, 2017. Subsection (f) applies to an infraction judgment described in this subsection. However, a court shall impose a judgment of not less than thirty-five dollars (\$35) for an infraction judgment that is entered in Clark County. These funds shall be transferred to a dedicated fund in accordance

with section 5(f) of this chapter.

SECTION 18. IC 34-28-5-5, AS AMENDED BY P.L.106-2010, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) A defendant against whom a judgment is entered is liable for costs. Costs are part of the judgment and may not be suspended except under IC 9-30-3-12. Whenever a judgment is entered against a person for the commission of two (2) or more civil violations (infractions or ordinance violations), the court may waive the person's liability for costs for all but one (1) of the violations. This subsection does not apply to judgments entered for violations constituting:

- (1) Class D infractions; or
- (2) Class C infractions for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8.

(b) If a judgment is entered:

- (1) for a violation constituting:
 - (A) a Class D infraction; or
 - (B) a Class C infraction for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8; or
- (2) in favor of the defendant in any case;

the defendant is not liable for costs.

(c) Except for costs, and except as provided in subsections (e) and (f) and IC 9-21-5-11(e), the funds collected as judgments for violations of statutes defining infractions shall be deposited in the state general fund.

(d) A judgment may be entered against a defendant under this section or section 4 of this chapter upon a finding by the court that the defendant:

- (1) violated:
 - (A) a statute defining an infraction; or
 - (B) an ordinance; or
- (2) consents to entry of judgment for the plaintiff upon a pleading of nolo contendere for a moving traffic violation.

(e) The funds collected for an infraction judgment described in section 4(h) of this chapter shall be transferred to a dedicated county fund. The money in the dedicated county fund does not revert to the county general fund or state general fund and may be used, after appropriation by the county fiscal body, only for the following purposes:

- (1) To pay compensation of commissioners appointed under IC 33-33-49.
- (2) To pay costs of the county's guardian ad litem program.

(f) The funds collected for an infraction judgment described in section 4(i) of this chapter shall be transferred to a dedicated toll revenue fund created as part of a project under IC 8-15.5-1-2(b)(4). The money in the fund does not revert to the county general fund or state general fund and may be used only to pay the cost of operating, maintaining, and repairing the tolling system for a project under IC 8-15.5-1-2(b)(4), including major repairs, replacements, and improvements.

SECTION 19. IC 35-52-6-24.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24.7. IC 6-3.5-10-13 defines crimes concerning the municipal motor vehicle license excise surtax.

SECTION 20. IC 35-52-6-24.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24.8. IC 6-3.5-11-16 defines crimes concerning the municipal wheel tax.

SECTION 21. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "task force" refers to the funding Indiana's roads for a stronger, safer tomorrow task force established by subsection (b).

(b) The funding Indiana's roads for a stronger, safer

tomorrow task force is established.

(c) The task force consists of the following members:

- (1) The chairperson of the house of representatives ways and means committee.
 - (2) The chairperson of the senate appropriations committee.
 - (3) The chairperson of the senate tax and fiscal policy committee.
 - (4) The chairperson of the house of representatives roads and transportation committee.
 - (5) The chairperson of the senate homeland security and transportation committee.
 - (6) The director of the office of management and budget.
 - (7) The public finance director of the Indiana finance authority.
 - (8) One (1) member who represents counties and is appointed by the governor after considering the recommendation of the Association of Indiana Counties.
 - (9) One (1) member who represents municipalities and is appointed by the governor after considering the recommendation of the Indiana Association of Cities and Towns.
 - (10) One (1) member appointed by the governor after considering the recommendation of the Build Indiana Council.
 - (11) One (1) member appointed by the governor who is an employee of the Indiana department of transportation.
 - (12) One (1) member appointed by the governor who is a member of the Indiana Motor Truck Association.
 - (13) One (1) member appointed by the governor who represents taxpayers.
 - (14) One (1) member of the general assembly who is a member of the majority party of the house of representatives and is appointed by the speaker of the house of representatives.
 - (15) One (1) member of the general assembly who is a member of the minority party of the house of representatives and is appointed by the speaker of the house of representatives in consultation with the minority leader of the house of representatives.
 - (16) One (1) member of the general assembly who is a member of the minority party of the senate and is appointed by the president pro tempore of the senate in consultation with the minority leader of the senate.
- (d) The budget committee shall select a member of the task force to serve as the chairperson of the task force.
- (e) The task force shall do the following:
- (1) Review state highway and major bridge needs.
 - (2) Verify road and bridge needs at the local level.
 - (3) Develop a long term plan for state highway and major bridge needs that addresses the ten (10) points described in subsection (g) and:
 - (A) will achieve the recommended pavement and bridge conditions;
 - (B) will complete the current statewide priority projects by finishing projects that have been started;
 - (C) includes Tier 1, 2, and 3 projects; and
 - (D) using the model developed by the Indiana department of transportation, includes sustainable funding mechanisms for the various components of the plan.
 - (4) Develop a long term plan for local road and bridge needs.
- (f) The long term plan for state highway and major bridge needs must provide a basis for consideration for the state biennial budget enacted for the biennium beginning July 1, 2017.

(g) The long term plan for state highway and major bridge needs must include the following ten (10) points:

- (1) Estimates of the costs of major projects, including a study of which projects can be done within current revenue streams and which projects may require additional funding.
- (2) The identification of projects for which a public-private partnership, a public-private agreement, or tolling might be viable, with planning to verify and confirm these public-private partnership, public-private agreement, or tolling opportunities.
- (3) The identification of resources for annual maintenance need, concentrating first on available user fees and attempting to secure stable and predictable funding sources. This must include a determination of whether additional resources must be pursued and what form of resource is most appropriate for each project.
- (4) A review of the state's debt situation and the development of a plan to maintain a strong financial position for the state. This must include consideration of whether a fee or tax could be associated with the life of a bond for an individual project, with the fee or tax then expiring by law upon payment of the bond.
- (5) The evaluation of the state system of taxes, fees, and registration fees, and the equity of payments by different groups of users of transportation assets. This must include an evaluation of the overall reliability over time of the receipt of revenue from these sources.
- (6) A review of the fuel tax system, including such concepts as indexing tax rates, changing tax rates, and the appropriate collection points for these taxes.
- (7) The ensuring that the projects listed in the plan are priority items that should be carried out, and confirming that these projects bring value to citizens either through access and safety needs or for economic development of Indiana as a whole.
- (8) A review of the impact and advisability of dedicating some part of state sales tax to roads and road maintenance.
- (9) An analysis of how collective purchasing agreements could be developed to share and reduce costs across the system of state and local governments.
- (10) A presentation of the plan and recommendations to the budget committee before January 1, 2017.

(h) The legislative services agency shall provide staff support to the task force.

(i) The meetings of the task force must be held in public as provided under IC 5-14-1.5. However, the task force is permitted to meet in executive session as determined necessary by the chairperson of the task force.

(j) This SECTION expires June 30, 2017.

SECTION 22. [EFFECTIVE JULY 1, 2016] (a) There is appropriated for the state fiscal year beginning July 1, 2016, and ending June 30, 2017, five hundred thousand dollars (\$500,000) from the motor vehicle highway account to the Indiana department of transportation. The funds appropriated under this SECTION shall be used by the local technical assistance program established under IC 8-23-2-5(a)(6) to do the following:

- (1) Study issues related to the development and operation by local governments of transportation asset management plans and pavement management plans.
- (2) Assist local governments in Indiana in developing and operating transportation asset management plans and pavement management plans.

(b) The calculation of the other distributions to be made from the motor vehicle highway account under IC 8-14-1-3 in the state fiscal year beginning July 1, 2016, and ending June 30, 2017, shall be made after deducting the amount appropriated under this SECTION.

(c) This SECTION expires June 30, 2017.

SECTION 23. An emergency is declared for this act.

(Reference is to EHB 1001 as reprinted March 1, 2016.)

SOLIDAY	KENLEY
FORESTAL	TALLIAN
House Conferees	Senate Conferees

Roll Call 455: yeas 91, nays 5. Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I petition to change my voting record on passage of Conference Committee Report 1 on Engrossed House Bill 1005, Roll Call 416, on March 9, 2016. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote nay."

MOED

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I petition to change my voting record on passage of Conference Committee Report 1 on Engrossed House Bill 1005, Roll Call 416, on March 9, 2016. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the nay button when I intended to vote yea."

SCHAIBLEY

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: adoption of the petitions of Representatives Moed and Schaibley changes the vote tally for Roll Call 416 to 52 yeas, 43 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I petition to change my voting record on the concurrence on Engrossed House Bill 1082, Roll Call 355, on March 3, 2016. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the yea button when I intended to vote nay."

SCHAIBLEY

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 355 to 65 yeas, 30 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I petition to change my voting record on passage of Conference Committee Report 1 on Engrossed Senate Bill 80, Roll Call 426, on March 9, 2016. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the yea button when I intended to vote nay."

MAYFIELD

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 426 to 71 yeas, 26 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I petition to change my voting record on passage of Conference Committee Report 1 on Engrossed Senate Bill 324, Roll Call 395, on March 8, 2016. In support of this petition, I submit the following reason:

“I was present and in my seat, but when I attempted to vote, I inadvertently pushed the yea button when I intended to vote nay.”

PIERCE

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 395 to 84 yeas, 7 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 357, Roll Call 333, on March 3, 2016. In support of this petition, I submit the following reason:

“I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea.”

DVORAK

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 333 to 97 yeas, 0 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the adoption of House Resolution 14, Roll Call 178, on February 15, 2016. In support of this petition, I submit the following reason:

“I was present and in my seat, but when I attempted to vote, I inadvertently pushed the yea button when I intended to vote nay.”

MILLER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 178 to 79 yeas, 13 nays.*]

HOUSE MOTION

Mr. Speaker: I move that Representative Riecken be added as coauthor of House Resolution 56.

KARICKHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hale be added as coauthor of House Resolution 62.

MOED

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Carbaugh and Hale be added as coauthors of House Resolution 63.

MOED

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted Conference Committee Report 1 on Engrossed House Bills 1001, 1161, 1211 and 1395.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted Conference Committee Report 1 on Engrossed House Bill 1002.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted Conference Committee Report 1 on Engrossed House Bills 1005, 1069, 1087, 1215 and 1273.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted Conference Committee Report 1 on Engrossed House Bills 1019, 1156, 1179, 1271, 1272, 1298 and 1372.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted Conference Committee Report 2 on Engrossed House Bill 1069.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted Conference Committee Report 1 on Engrossed House Bills 1127, 1290 and 1394.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted Conference Committee Report 1 on Engrossed Senate Bills 14, 165 and 173.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted Conference Committee Report 1 on Engrossed Senate Bills 20, 93, 206, 213, 234, 279, 295 and 364.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted Conference Committee Report 1 on Engrossed Senate Bills 67 and 330.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted Conference Committee Report 1 on Engrossed Senate Bills 161, 308 and 309.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House

that the Senate has concurred in the House amendments to Engrossed Senate Bill 80.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1109.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1382.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1386.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 21.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 305.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 378.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 47, 56, 58 and 74 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1012, 1019, 1130, 1136, 1156, 1179, 1231, 1233, 1271, 1272, 1298, 1337, 1344, 1353, 1365 and 1373 and Senate Enrolled Acts 3, 20, 28, 30, 80, 81, 93, 146, 148, 165, 177, 183, 187, 206, 213, 214, 234, 253, 256, 279, 301, 304, 321, 324, 355, 357, 362, 364 and 366 on March 10.

**ADJOURNMENT OF
THE SECOND REGULAR SESSION**

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the following committee report:

Your committee appointed to ascertain whether the House of Representatives has any further legislative business to transact hereby reports that your Committee of Senators Waltz, Schneider, Broden and Yoder has conferred with the House of Representatives and the House of Representatives has no further business to transact with the Senate.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the following committee report:

Your committee appointed to confer with the Governor to ascertain whether or not he has any further communications to make to the Senate hereby reports that your Committee of Senators Patricia Miller, Rogers, Steele and Arnold has waited upon the Governor and that the Governor has no further communications to make to the Senate.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adjourned the Second Regular Session of the 119th Indiana General Assembly *sine die* on the tenth day of March, 2016 at 8:28 p.m.

JENNIFER L. MERTZ
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that all requests for interim studies, including those made by resolution, bills which failed to pass both Houses of the General Assembly, or written or oral requests to the Speaker of the House are hereby referred to the Legislative Council for further consideration as it deems necessary or appropriate.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to confer with the Senate for the purpose of ascertaining if the Senate has any further legislative business to transact with the House of Representatives.

LEHMAN

Motion prevailed. The Speaker appointed Representatives Harman, Ellington, Niezgodski and Riecken.

COMMITTEE REPORT

Mr. Speaker: Your Committee which was appointed by the Speaker to ascertain if the Senate has further legislative business to transact with the House of Representatives has performed the duties assigned to them. The committee reports that the Senate has no further legislative business to transact with the House of Representatives.

HARMAN
ELLINGTON

NIEZGODSKI
RIECKEN

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to confer with the Governor for the purpose of ascertaining if the Governor has any further communication to make to the House of Representatives.

LEHMAN

Motion prevailed. The Speaker appointed Representatives Price, Lyness, Harris and Forestal.

COMMITTEE REPORT

Mr. Speaker: Your Committee which was appointed by the Speaker to ascertain if the Governor has further legislative business to transact with the House of Representatives has performed the duties assigned to them. The committee reports that the Governor has no further business with the House of Representatives.

PRICE
LYNESS

HARRIS
FORESTAL

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to inform the Senate that the House of Representatives has completed its business and is ready to adjourn.

LEHMAN

Motion prevailed. The Speaker appointed Representatives Rhoads, Koch, Bartlett and Klinker.

COMMITTEE REPORT

Mr. Speaker: Your Committee which was appointed by the Speaker to inform the Senate that the House of Representatives has completed its business and is ready to adjourn has performed the duties assigned to them. The committee reports that they have informed the Senate that the House of Representatives has completed its business and is ready to adjourn.

RHOADS
KOCH

BARTLETT
KLINKER

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to inform the Governor that the House of Representatives has completed its business and is ready to adjourn.

LEHMAN

Motion prevailed. The Speaker appointed Representatives Dermody, Truitt, Austin and Moed.

COMMITTEE REPORT

Mr. Speaker: Your Committee which was appointed by the Speaker to inform the Governor that the House of Representatives has completed its business and is ready to adjourn has performed the duties assigned to them. The committee reports that they have informed the Governor that the House of Representatives has completed its business and is ready to adjourn.

DERMODY
TRUITT

AUSTIN
MOED

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that the House of Representatives of the Second Regular Session of the 119th General Assembly do now adjourn *sine die* at 9:36 p.m., this tenth day of March, 2016.

SOLIDAY

Motion prevailed; the House adjourned *sine die*.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives