



February 26, 2016

ENGROSSED HOUSE BILL No. 1048

DIGEST OF HB 1048 (Updated February 23, 2016 1:13 pm - DI 106)

Citations Affected: IC 9-26; IC 35-43.

Synopsis: Motor vehicle accidents. Makes it a Class C infraction if a motor vehicle involved in an accident comes to a stop in the traveled portion of a highway, and the operator fails (with certain exceptions) to move the motor vehicle off the traveled portion of the highway in a manner that does not obstruct traffic more than is necessary. Provides that, with certain exceptions, a person who knowingly or intentionally possesses a plate or label that contains an identification number not attached to the motor vehicle or motor vehicle part to which the plate or label was originally assigned by a manufacturer or governmental
(Continued next page)

Effective: July 1, 2016.

Soliday, Speedy, Forestal, Brown C

(SENATE SPONSORS — CHARBONNEAU, ARNOLD J)

January 5, 2016, read first time and referred to Committee on Roads and Transportation.
January 21, 2016, amended, reported — Do Pass.
January 25, 2016, read second time, ordered engrossed.
January 26, 2016, engrossed. Read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 3, 2016, read first time and referred to Committee on Corrections & Criminal Law.
February 25, 2016, amended, reported favorably — Do Pass.

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Digest Continued

entity commits a Class A misdemeanor, increases the penalty to a Level 6 felony if the person possesses more than one unattached plate or if the value of the motor vehicle or motor vehicle part to which the plate is attached is between \$750 and \$50,000, and increases the penalty to a Level 5 felony if the value of the motor vehicle or motor vehicle part to which the plate is attached is at least \$50,000. Provides that a person that damages, removes, or alters an original or a special identification number commits a Level 6 felony. Increases the penalty for selling a motor vehicle with an altered identification number to a Level 6 felony if the value of the vehicle is between \$750 and \$50,000, and to a Level 5 felony if the value of the vehicle is at least \$50,000. Makes the penalty for counterfeiting a motor vehicle title a Class A misdemeanor (under current law, the offense is a Class B misdemeanor), and increases the penalty to a Level 6 felony if the value of the vehicle is between \$750 and \$50,000, and to a Level 5 felony if the value of the vehicle is at least \$50,000.



February 26, 2016

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1048

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

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

- 1 SECTION 1. IC 9-26-1-1.1, AS AMENDED BY P.L.188-2015,
2 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 1.1. (a) The operator of a motor vehicle involved
4 in an accident shall do the following:
5 (1) **Except as provided in section 1.2 of this chapter, the**
6 **operator shall** immediately stop the operator's motor vehicle:
7 (A) at the scene of the accident; or
8 (B) as close to the accident as possible;
9 in a manner that does not obstruct traffic more than is necessary.
10 (2) Remain at the scene of the accident until the operator does the
11 following:
12 (A) Gives the operator's name and address and the registration
13 number of the motor vehicle the operator was driving to any
14 person involved in the accident.
15 (B) Exhibits the operator's driver's license to any person
16 involved in the accident or occupant of or any person attending
17 to any vehicle involved in the accident.

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- 1 (3) If the accident results in the injury or death of another person,
 2 the operator shall, in addition to the requirements of subdivisions
 3 (1) and (2):
 4 (A) provide reasonable assistance to each person injured in or
 5 entrapped by the accident, as directed by a law enforcement
 6 officer, medical personnel, or a 911 telephone operator; and
 7 (B) as soon as possible after the accident, immediately give
 8 notice of the accident, or ensure that another person gives
 9 notice of the accident, by the quickest means of
 10 communication to one (1) of the following:
 11 (i) The local police department, if the accident occurs within
 12 a municipality.
 13 (ii) The office of the county sheriff or the nearest state police
 14 post, if the accident occurs outside a municipality.
 15 (iii) A 911 telephone operator.
 16 (4) If the accident involves a collision with an unattended vehicle
 17 or damage to property other than a vehicle, the operator shall, in
 18 addition to the requirements of subdivisions (1) and (2):
 19 (A) take reasonable steps to locate and notify the owner or
 20 person in charge of the damaged vehicle or property of the
 21 damage; and
 22 (B) if after reasonable inquiry the operator cannot find the
 23 owner or person in charge of the damaged vehicle or property,
 24 the operator must contact a law enforcement officer or agency
 25 and provide the information required by this section.
 26 (b) An operator of a motor vehicle who knowingly or intentionally
 27 fails to comply with subsection (a) commits leaving the scene of an
 28 accident, a Class B misdemeanor. However, the offense is:
 29 (1) a Class A misdemeanor if the accident results in bodily injury
 30 to another person;
 31 (2) a Level 6 felony if:
 32 (A) the accident results in serious bodily injury to another
 33 person; or
 34 (B) within the five (5) years preceding the commission of the
 35 offense, the operator had a previous conviction of any of the
 36 offenses listed in IC 9-30-10-4(a);
 37 (3) a Level 5 felony if the accident results in the death of another
 38 person; and
 39 (4) a Level 3 felony if the operator knowingly or intentionally
 40 fails to stop or comply with subsection (a) during or after the
 41 commission of the offense of operating while intoxicated causing
 42 serious bodily injury (IC 9-30-5-4) or operating while intoxicated



1 causing death (IC 9-30-5-5).

2 SECTION 2. IC 9-26-1-1.2 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2016]: **Sec. 1.2. (a) If, after an operator of a motor vehicle is
5 involved in an accident, the operator's motor vehicle comes to a
6 stop in the traveled portion of a highway, the operator shall, as
7 soon as safely possible, move the motor vehicle off the traveled
8 portion of the highway and to a location as close to the accident as
9 possible. However, the operator shall not move the motor vehicle
10 if the accident:**

- 11 (1) involves the transportation of hazardous materials; or
12 (2) results in injury or death of a person or the entrapment of
13 a person in a vehicle.

14 **A person who violates this subsection commits a Class C infraction.**

15 (b) **An operator of a motor vehicle to whom subsection (a)
16 applies, is also subject to section 1.1(a)(2), 1.1(a)(3), and 1.1(a)(4)
17 of this chapter. An operator who knowingly or intentionally fails
18 to comply with section 1.1(a)(2), 1.1(a)(3), or 1.1(a)(4) of this
19 chapter commits leaving the scene of an accident, a Class B
20 misdemeanor, and is subject to the penalties in section 1.1(b) of this
21 chapter.**

22 SECTION 3. IC 35-43-6.5-1, AS ADDED BY P.L.217-2014,
23 SECTION 192, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2016]: **Sec. 1. (a) A person ~~who~~ that sells or
25 offers for sale a vehicle, a vehicle part, or a watercraft knowing that an
26 identification number or certificate of title of the vehicle, vehicle part,
27 or watercraft has been:**

- 28 (1) destroyed;
29 (2) removed;
30 (3) altered;
31 (4) covered; or
32 (5) defaced;

33 **commits a Class A misdemeanor. However, the offense is a Level 6
34 felony if the aggregate fair market value of all vehicles, vehicle
35 parts, and watercraft sold or offered for sale is at least seven
36 hundred fifty dollars (\$750) and less than fifty thousand dollars
37 (\$50,000), and a Level 5 felony if the aggregate fair market value
38 of all vehicles, vehicle parts, and watercraft sold or offered for sale
39 is at least fifty thousand dollars (\$50,000).**

40 (b) **Subsection (c) does not apply to a person that manufactures
41 or installs a plate or label containing an original identification
42 number:**



- 1 (1) in a program authorized by a manufacturer of motor
 2 vehicles or motor vehicle parts; or
 3 (2) as authorized by the bureau under IC 9-17-4.
 4 (c) A person that knowingly or intentionally possesses a plate or
 5 label that:
 6 (1) contains an identification number; and
 7 (2) is not attached to the motor vehicle or motor vehicle part
 8 to which the identification number was assigned by the
 9 manufacturer or governmental entity;
 10 commits a Class A misdemeanor, except as provided in subsection
 11 (d).
 12 (d) The offense described in subsection (c) is a:
 13 (1) Level 6 felony if:
 14 (A) the person possesses more than one (1) plate or label
 15 and the plates or labels are not attached to a motor vehicle
 16 or motor vehicle part; or
 17 (B) the aggregate fair market value of all plates and labels,
 18 and of all motor vehicles and motor vehicle parts to which
 19 the plates or labels are wrongfully attached, is at least
 20 seven hundred fifty dollars (\$750) and less than fifty
 21 thousand dollars (\$50,000); and
 22 (2) Level 5 felony if the aggregate fair market value of all
 23 plates or labels, and of all motor vehicles and motor vehicle
 24 parts to which the plate or label is wrongfully attached, is at
 25 least fifty thousand dollars (\$50,000).
 26 (e) A person that knowingly:
 27 (1) damages;
 28 (2) removes; or
 29 (3) alters;
 30 an original or special identification number commits a Level 6
 31 felony.
 32 ~~(b)~~ (f) A person who counterfeits or falsely reproduces a certificate
 33 of title for a motor vehicle, semitrailer, or recreational vehicle with
 34 intent to:
 35 (1) use the certificate of title; or
 36 (2) permit another person to use the certificate of title;
 37 commits a ~~Class B~~ Class A misdemeanor. **However, the offense is a**
 38 **Level 6 felony if the aggregate fair market value of all motor**
 39 **vehicles, semitrailers, and recreational vehicles for which the**
 40 **person counterfeits or falsely reproduces a certificate of title is at**
 41 **least seven hundred fifty dollars (\$750) and less than fifty thousand**
 42 **dollars (\$50,000), and a Level 5 felony if the aggregate fair market**



1 **value of all motor vehicles, semitrailers, and recreational vehicles**
2 **for which the person counterfeits or falsely reproduces a certificate**
3 **of title is at least fifty thousand dollars (\$50,000).**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1048, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, after line 21, begin a new paragraph and insert:

"SECTION 3. IC 35-43-6.5-1, AS ADDED BY P.L.217-2014, SECTION 192, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A person ~~who~~ **that** sells or offers for sale a vehicle, a vehicle part, or a watercraft knowing that an identification number or certificate of title of the vehicle, vehicle part, or watercraft has been:

- (1) destroyed;
- (2) removed;
- (3) altered;
- (4) covered; or
- (5) defaced;

commits a Class A misdemeanor.

(b) Subsection (c) does not apply to a person that manufactures or installs a plate or label containing an original identification number:

- (1) in a program authorized by a manufacturer of motor vehicles or motor vehicle parts; or**
- (2) as authorized by the bureau under IC 9-17-4.**

(c) A person that knowingly or intentionally possesses a plate or label that:

- (1) contains an identification number; and**
- (2) is not attached to the motor vehicle or motor vehicle part to which the identification number was assigned by the manufacturer or governmental entity;**

commits a Level 6 felony.

(d) A person that knowingly:

- (1) damages;**
- (2) removes; or**
- (3) alters;**

an original or special identification number commits a Level 6 felony.

~~(b)~~ **(e) A person who counterfeits or falsely reproduces a certificate of title for a motor vehicle, semitrailer, or recreational vehicle with intent to:**

- (1) use the certificate of title; or**



(2) permit another person to use the certificate of title; commits a Class B misdemeanor."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1048 as introduced.)

SOLIDAY

Committee Vote: yeas 13, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1048, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 33, after "misdemeanor." insert "**However, the offense is a Level 6 felony if the aggregate fair market value of all vehicles, vehicle parts, and watercraft sold or offered for sale is at least seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000), and a Level 5 felony if the aggregate fair market value of all vehicles, vehicle parts, and watercraft sold or offered for sale is at least fifty thousand dollars (\$50,000).**".

Page 4, line 4, delete "Level 6 felony." and insert "**Class A misdemeanor, except as provided in subsection (d).**".

(d) The offense described in subsection (c) is a:

(1) Level 6 felony if:

(A) the person possesses more than one (1) plate or label and the plates or labels are not attached to a motor vehicle or motor vehicle part; or

(B) the aggregate fair market value of all plates and labels, and of all motor vehicles and motor vehicle parts to which the plates or labels are wrongfully attached, is at least seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000); and

(2) Level 5 felony if the aggregate fair market value of all plates or labels, and of all motor vehicles and motor vehicle parts to which the plate or label is wrongfully attached, is at least fifty thousand dollars (\$50,000)."

Page 4, line 5, delete "(d)" and insert "(e)".

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Page 4, line 11, delete "(e)" and insert "(f)".

Page 4, line 16, strike "Class B" and insert "Class A".

Page 4, line 16, after "misdemeanor." insert "**However, the offense is a Level 6 felony if the aggregate fair market value of all motor vehicles, semitrailers, and recreational vehicles for which the person counterfeits or falsely reproduces a certificate of title is at least seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000), and a Level 5 felony if the aggregate fair market value of all motor vehicles, semitrailers, and recreational vehicles for which the person counterfeits or falsely reproduces a certificate of title is at least fifty thousand dollars (\$50,000).**".

and when so amended that said bill do pass.

(Reference is to HB 1048 as printed January 22, 2016.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 7, Nays 1.

