

# PROPOSED AMENDMENT

## HB 1200 # 11

### DIGEST

Used motor vehicles. Requires an applicant for a certificate of title and a dealer to verify that the vehicle identification number for a used motor vehicle matches the powertrain control module. Provides that bona fide purchaser protection does not apply to the sale and purchase of used motor vehicles. Reinstates language repealed in HB 1115-2021 regarding the criminal penalties for fraud associated with the destruction, removal, and alteration of vehicle identification numbers and certificates of title.

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- 1       Page 1, between lines 11 and 12, begin a new paragraph and insert:
- 2       "SECTION 2. IC 9-17-2-6.5 IS ADDED TO THE INDIANA CODE
- 3       **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
- 4       **1, 2026]: Sec. 6.5. An applicant for a certificate of title for a used**
- 5       **motor vehicle must verify that the vehicle identification number**
- 6       **included on the application matches the powertrain control module**
- 7       **for the used motor vehicle.".**
- 8       Page 15, between lines 5 and 6, begin a new paragraph and insert:
- 9       "SECTION 16. IC 9-32-11-26 IS ADDED TO THE INDIANA
- 10      CODE AS A NEW SECTION TO READ AS FOLLOWS
- 11      [EFFECTIVE JULY 1, 2026]: **Sec. 26. (a) This section does not apply**
- 12      **to a used motor vehicle without an OBD-II port.**
- 13      **(b) A dealer must verify that the public vehicle identification**
- 14      **number for a used motor vehicle matches the used motor vehicle's**
- 15      **powertrain control module before the dealer may offer the used**
- 16      **motor vehicle for sale.**
- 17      SECTION 17. IC 24-4-17-1, AS ADDED BY P.L.85-2009,
- 18      SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19      JULY 1, 2026]: Sec. 1. (a) Except as provided in subsections (b)
- 20      through (d); (e), this chapter applies to an item delivered to a retail
- 21      merchant after June 30, 2009.
- 22      (b) This chapter does not apply to an item that has a value less than
- 23      fifty dollars (\$50).
- 24      (c) This chapter does not apply to an item offered at auction, or held
- 25      by an auctioneer before or after being offered at auction.

6 SECTION 18. IC 35-43-5-4, AS AMENDED BY P.L.148-2024,  
7 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2026]: Sec. 4. (a) **Except as provided in section 24 of this**  
9 **chapter**, a person who:

10 (1) with the intent to obtain property or data, or an educational,  
11 governmental, or employment benefit to which the person is not  
12 entitled, knowingly or intentionally:

13 (A) makes a false or misleading statement; or

14 (B) creates a false impression in another person;

15 (2) with the intent to cause another person to obtain property,  
16 knowingly or intentionally:

17 (A) makes a false or misleading statement;

18 (B) creates a false impression in a third person; or

19 (C) causes to be presented a claim that:

20 (i) contains a false or misleading statement; or

21 (ii) creates a false or misleading impression in a third  
22 person;

23 (3) possesses,

24 instrument, con-

25 (A) property;

26 (B) data; or

27 (C) an educational, governmental, or employment benefit;

28 to which the person is not entitled; or  
29 (4) knowingly or intentionally engages in a scheme or artifice to  
30 commit an offense described in subdivisions (1) through (3);  
31 commits fraud, a Class A misdemeanor except as otherwise provided  
32 in this section.

35 (1) The offense is committed not later than seven (7) years from  
36 the date the person:

39 (B) was released from a term of incarceration, probation, or  
40 parole (whichever occurred last) imposed for a prior unrelated

conviction for an offense under this article;  
whichever occurred last.

(2) The pecuniary loss is at least seven hundred fifty dollars (\$750) but less than fifty thousand dollars (\$50,000).

5 (3) The victim is:

6 (A) an endangered adult (as defined in IC 12-10-3-2(a)); or  
7 (B) less than eighteen (18) years of age.

8 (4) The person makes a false or misleading statement representing  
9 an entity as:

10 (A) a disadvantaged business enterprise (as defined in  
11 IC 5-16-6.5-1); or

12 (B) a women-owned business enterprise (as defined in  
13 IC 5-16-6.5-3);

14 in order to qualify for certification as such an enterprise under a  
15 program conducted by a public agency (as defined in  
16 IC 5-16-6.5-2) designed to assist disadvantaged business  
17 enterprises or women-owned business enterprises in obtaining  
18 contracts with public agencies for the provision of goods and  
19 services.

20 (5) The person makes a false or misleading statement representing  
21 an entity with which the person will subcontract all or part of a  
22 contract with a public agency (as defined in IC 5-16-6.5-2) as:

23 (A) a disadvantaged business enterprise (as defined in  
24 IC 5-16-6.5-1); or

25 (B) a women-owned business enterprise (as defined in  
26 IC 5-16-6.5-3);

27 in order to qualify for certification as an eligible bidder under a  
28 program that is conducted by a public agency designed to assist  
29 disadvantaged business enterprises or women-owned business  
30 enterprises in obtaining contracts with public agencies for the  
31 provision of goods and services.

32 (6) The offense is committed by a person who is confined in:

33 (A) the department of correction;

34 (B) a county jail; or

35 (C) a secure juvenile facility.

36 (7) The document or instrument that the person possesses,  
37 manufactures, uses, or alters is a document or instrument:

38 (A) issued by a public servant or a governmental entity;

39 (B) that has been manufactured or altered to appear to have  
40 been issued by a public servant or a governmental entity; or

(C) that the person tendered to, or intends to tender to a public servant or a governmental entity.

(8) Except as provided in subsection (e), the person:

(A) made the false or misleading statement; or

(B) created the false impression in another person, or by means of a document or written instrument.

(9) The agreement is unconscionable.

(10) The offense involves human reproductive material (as defined in IC 34-24-5-1).

(c) The offense described in subsection (a) is a Level 5 felony if one

(1) or more of the following apply:

(1) The pecuniary loss is at least fifty thousand dollars (\$50,000) and less than one hundred thousand dollars (\$100,000).

(2) The pecuniary loss is at least seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000) and the victim is:

- (A) an endangered adult (as defined in IC 12-10-3-2(a)); or
- (B) less than eighteen (18) years of age.

(3) The victim was a financial institution.

20 (d) The offense described in subsection (a) is a Level 4 felony if one

21 (1) or more of the following apply:

(1) The pecuniary loss is at least one hundred thousand dollars (\$100,000).

(2) The pecuniary loss is at least fifty thousand dollars (\$50,000) and the victim is:

- (A) an endangered adult (as defined in IC 12-10-3-2(a)); or
- (B) less than eighteen (18) years of age.

(1) value of the property, data, or benefit intended to be obtained;  
and

(2) actual pecuniary loss;

34 is less than seven hundred fifty dollars (\$750).

35 SECTION 19. IC 35-43-5-24 IS ADDED TO THE INDIANA  
36 CODE AS A NEW SECTION TO READ AS FOLLOWS  
37 [EFFECTIVE JULY 1, 2026]: Sec. 24. (a) A person that sells or  
38 offers for sale a vehicle, a vehicle part, or a watercraft knowing  
39 that an identification number or certificate of title of the vehicle,  
40 vehicle part, or watercraft has been:

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

6                   **commits a Class A misdemeanor. However, the offense is a Level**  
7                   **6 felony if the aggregate fair market value of all vehicles, vehicle**  
8                   **parts, and watercraft sold or offered for sale is at least seven**  
9                   **hundred fifty dollars (\$750) and less than fifty thousand dollars**  
10                   **(\$50,000), and a Level 5 felony if the aggregate fair market value**  
11                   **of all vehicles, vehicle parts, and watercraft sold or offered for sale**  
12                   **is at least fifty thousand dollars (\$50,000).**

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

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

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

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

25                   **commits a Class A misdemeanor, except as provided in subsection**

26                   **(d).**

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

28                   **(1) Level 6 felony if:**

- 29                   **(A) the person possesses more than one (1) plate or label**  
30                   **and the plates or labels are not attached to a motor vehicle**  
31                   **or motor vehicle part; or**
- 32                   **(B) the aggregate fair market value of all plates and labels,**  
33                   **and of all motor vehicles and motor vehicle parts to which**  
34                   **the plates or labels are wrongfully attached, is at least**  
35                   **seven hundred fifty dollars (\$750) and less than fifty**  
36                   **thousand dollars (\$50,000); and**

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

Renumber all **SECTIONS** consecutively.

(Reference is to HB 1200 as introduced.)