

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 Reinstates language repealed in HB 1115-2021 regarding the criminal penalties for fraud associated with the destruction, removal, and alteration of vehicle identification numbers and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.

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.**

(d) If a provision of this chapter conflicts with the Uniform Commercial Code (IC 26-1), the Uniform Commercial Code controls with respect to that provision.

(e) This chapter does not apply to the sale or purchase of a used motor vehicle (as defined in IC 9-32-2.1-43).

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

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

(A) makes a false or misleading statement; or

(B) creates a false impression in another person;

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

(A) makes a false or misleading statement;

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

(C) causes to be presented a claim that:

(i) contains a false or misleading statement; or

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

(3) possesses, manufactures, uses, or alters a document, instrument, computer program, or device with the intent to obtain:

(A) property;

(B) data; or

(C) an educational, governmental, or employment benefit; to which the person is not entitled; or

(4) knowingly or intentionally engages in a scheme or artifice to commit an offense described in subdivisions (1) through (3);

commits fraud, a Class A misdemeanor except as otherwise provided in this section.

(b) The offense described in subsection (a) is a Level 6 felony if one (1) or more of the following apply:

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

(A) was convicted of a prior unrelated conviction for an offense under this article; or

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

- 1 conviction for an offense under this article;
2 whichever occurred last.
- 3 (2) The pecuniary loss is at least seven hundred fifty dollars
4 (\$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

- 1 (C) that the person tendered to, or intends to tender to a public
 2 servant or a governmental entity.
- 3 (8) Except as provided in subsection (e), the person:
- 4 (A) made the false or misleading statement; or
- 5 (B) created the false impression in another person;
- 6 on or by means of a document or written instrument.
- 7 (9) The agreement is unconscionable.
- 8 (10) The offense involves human reproductive material (as
 9 defined in IC 34-24-5-1).
- 10 (c) The offense described in subsection (a) is a Level 5 felony if one
 11 (1) or more of the following apply:
- 12 (1) The pecuniary loss is at least fifty thousand dollars (\$50,000)
 13 and less than one hundred thousand dollars (\$100,000).
- 14 (2) The pecuniary loss is at least seven hundred fifty dollars
 15 (\$750) and less than fifty thousand dollars (\$50,000) and the
 16 victim is:
- 17 (A) an endangered adult (as defined in IC 12-10-3-2(a)); or
- 18 (B) less than eighteen (18) years of age.
- 19 (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:
- 22 (1) The pecuniary loss is at least one hundred thousand dollars
 23 (\$100,000).
- 24 (2) The pecuniary loss is at least fifty thousand dollars (\$50,000)
 25 and the victim is:
- 26 (A) an endangered adult (as defined in IC 12-10-3-2(a)); or
- 27 (B) less than eighteen (18) years of age.
- 28 (e) The offense described in subsection (b)(8) is a Class A
 29 misdemeanor if the defendant proves by a preponderance of the
 30 evidence that the:
- 31 (1) value of the property, data, or benefit intended to be obtained;
 32 and
- 33 (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) destroyed;
- (2) removed;
- (3) altered;
- (4) covered; or
- (5) defaced;

commits a Class A misdemeanor. 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).

(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 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).

1 (e) A person that knowingly:

2 (1) damages;

3 (2) removes; or

4 (3) alters;

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

7 (f) A person who counterfeits or falsely reproduces a certificate
8 of title for a motor vehicle, semitrailer, or recreational vehicle with
9 intent to:

10 (1) use the certificate of title; or

11 (2) permit another person to use the certificate of title;

12 commits a Class A misdemeanor. However, the offense is a Level
13 6 felony if the aggregate fair market value of all motor vehicles,
14 semitrailers, and recreational vehicles for which the person
15 counterfeits or falsely reproduces a certificate of title is at least
16 seven hundred fifty dollars (\$750) and less than fifty thousand
17 dollars (\$50,000), and a Level 5 felony if the aggregate fair market
18 value of all motor vehicles, semitrailers, and recreational vehicles
19 for which the person counterfeits or falsely reproduces a certificate
20 of title is at least fifty thousand dollars (\$50,000).".

21 Renumber all SECTIONS consecutively.

 (Reference is to HB 1200 as introduced.)