

### **IC 9-22-3**

#### **Chapter 3. Salvage Motor Vehicles**

##### **IC 9-22-3-0.5**

###### **Applicability**

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.

*As added by P.L.219-2005, SEC.12. Amended by P.L.150-2009, SEC.16; P.L.259-2013, SEC.20.*

##### **IC 9-22-3-1**

###### **Application of chapter**

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.

*As added by P.L.2-1991, SEC.10. Amended by P.L.59-1998, SEC.2; P.L.125-2012, SEC.127.*

##### **IC 9-22-3-2**

###### **Fair market value defined**

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.

*As added by P.L.2-1991, SEC.10.*

##### **IC 9-22-3-2.5**

###### **Flood damaged vehicle defined**

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 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.

*As added by P.L.59-1998, SEC.3. Amended by P.L.258-1999, SEC.1.*

### **IC 9-22-3-3**

#### **Necessity of certificate of salvage title; bureau determination of fair market value; required application for certificate of salvage title by insurance company or owner**

Sec. 3. (a) A certificate of salvage title is required for a motor vehicle, motorcycle, semitrailer, or recreational vehicle that meets any of the following criteria:

(1) An insurance company has determined that it is economically impractical to repair the wrecked 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 is a business that insures its own vehicles, the cost of repairing the wrecked 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 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).

*As added by P.L.2-1991, SEC.10. Amended by P.L.59-1998, SEC.4; P.L.110-2006, SEC.1.*

### **IC 9-22-3-4**

#### **Issuance of certificate of salvage title**

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, disposal 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.

*As added by P.L.2-1991, SEC.10. Amended by P.L.125-2012, SEC.128.*

#### **IC 9-22-3-5**

##### **Certificate of salvage title; contents**

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.

*As added by P.L.2-1991, SEC.10. Amended by P.L.59-1998, SEC.5; P.L.6-2012, SEC.66; P.L.125-2012, SEC.129.*

#### **IC 9-22-3-6**

##### **Certificate of salvage title; assignment by owner of salvage vehicle**

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.

*As added by P.L.2-1991, SEC.10.*

#### **IC 9-22-3-7**

##### **Certificate of salvage title; assignment by dealer**

Sec. 7. A business that is registered with the secretary of state as a dealer under IC 9-23 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.

*As added by P.L.2-1991, SEC.10. Amended by P.L.93-2010, SEC.7.*

#### **IC 9-22-3-7.5**

##### **Affidavit regarding flood damage to vehicle**

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 shall secure an affidavit from the person who holds the certificate of title. 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) 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).

*As added by P.L.258-1999, SEC.2. Amended by P.L.106-2010, SEC.1.*

### **IC 9-22-3-8**

#### **Vehicle restoration; affidavits**

Sec. 8. 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.

*As added by P.L.2-1991, SEC.10. Amended by P.L.59-1998, SEC.6.*

### **IC 9-22-3-9**

#### **Repealed**

*(Repealed by P.L.125-2012, SEC.130.)*

### **IC 9-22-3-10**

#### **Duplicate certificates of salvage title**

Sec. 10. (a) If a certificate of salvage title is lost, mutilated, or destroyed or becomes illegible, the person who owns the vehicle or the legal representative or legal successor in interest of the person who 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 fee set forth in IC 9-29-7. Upon the issuance of a duplicate certificate of salvage title, the most recent certificate of salvage title issued is considered void by the bureau.

(c) A certificate of salvage title issued under this section must have recorded upon the title's face and back the words "DUPLICATE SALVAGE TITLE".

(d) 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 the words "FLOOD DAMAGED".

*As added by P.L.2-1991, SEC.10. Amended by P.L.59-1998, SEC.8; P.L.125-2012, SEC.131.*

### **IC 9-22-3-11**

**Application by insurer or owner for certificate of salvage title**

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.

*As added by P.L.2-1991, SEC.10. Amended by P.L.268-2003, SEC.24; P.L.110-2006, SEC.2; P.L.125-2012, SEC.132.*

### **IC 9-22-3-12**

#### **Repealed**

*(Repealed by P.L.125-2012, SEC.133.)*

### **IC 9-22-3-13**

#### **Demolished or destroyed vehicles; records maintenance**

Sec. 13. A scrap metal processor or other appropriate facility that purchases or acquires a salvage motor vehicle that has been totally demolished or destroyed as a result of normal processing performed by a disposal facility is not required to apply for and receive a certificate of salvage title for the vehicle. The facility or processor that performed the processing that resulted in the vehicle being demolished or destroyed shall surrender the certificate of title, the certificate of authority, or the certificate of salvage title to the bureau.

*As added by P.L.2-1991, SEC.10. Amended by P.L.66-1992, SEC.11; P.L.125-2012, SEC.134; P.L.262-2013, SEC.110.*

### **IC 9-22-3-14**

#### **Repealed**

*(Repealed by P.L.125-2012, SEC.135.)*

### **IC 9-22-3-15**

#### **Rebuilt salvage motor vehicles; issuance of certificate of title**

Sec. 15. 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 owns the vehicle shall apply to the bureau for a certificate of title. The bureau shall issue a certificate of title that lists each person who holds a lien on the vehicle to the person who owns the vehicle when the following are completed:

- (1) The inspection of the vehicle by a police officer.
- (2) The verification of proof of ownership of major component parts used and the source of the major component parts.
- (3) The surrender of 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.

*As added by P.L.2-1991, SEC.10.*

### **IC 9-22-3-16**

#### **Rebuilt vehicle or rebuilt flood damaged vehicle designation on certificate of title; affidavits**

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.

*As added by P.L.2-1991, SEC.10. Amended by P.L.59-1998, SEC.9; P.L.125-2012, SEC.136; P.L.262-2013, SEC.111.*

#### **IC 9-22-3-17**

##### **Rebuilt vehicle or rebuilt flood damaged vehicle designation on certificates of title issued by other jurisdictions; designation on new or subsequent certificates of title**

Sec. 17. (a) Except as provided in subsection (b), whenever a certificate of title is issued for a vehicle that was previously titled in another state or jurisdiction and the certificate of title from the other state or jurisdiction contains a "REBUILT", "RECONDITIONED", "DISTRESSED VEHICLE", or similar designation, a new and subsequent certificate of title must conspicuously bear the designation "REBUILT VEHICLE".

(b) Whenever a certificate of title is issued for a vehicle described in subsection (a) that was previously titled in another state or jurisdiction and the certificate of title from the other state or jurisdiction contains a designation that indicates that the vehicle is a flood damaged vehicle, a new and subsequent certificate of title must conspicuously bear the designation "FLOOD DAMAGED VEHICLE".

*As added by P.L.2-1991, SEC.10. Amended by P.L.59-1998, SEC.10; P.L.125-2012, SEC.137; P.L.262-2013, SEC.112.*

#### **IC 9-22-3-18**

##### **Vehicles designated as junk or similar designation**

Sec. 18. A vehicle that has been designated "JUNK", "DISMANTLED", "SCRAP", "DESTROYED", or any similar designation in another state or jurisdiction shall not be titled in Indiana.

*As added by P.L.2-1991, SEC.10. Amended by P.L.125-2012, SEC.138.*

### **IC 9-22-3-18.5**

#### **Rebuilt vehicles; sales, exchange, transfer**

Sec. 18.5. (a) This section does not apply to a person who sells, exchanges, or transfers golf carts.

(b) A seller that is:

(1) a dealer; or

(2) another person who sells, exchanges, or transfers at least five (5) vehicles each year;

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.

*As added by P.L.125-2012, SEC.139.*

### **IC 9-22-3-19**

#### **Recordkeeping forms**

Sec. 19. (a) The secretary of state shall prescribe recordkeeping forms to be used by:

(1) a disposal facility;

(2) an automotive salvage rebuilder; and

(3) a used parts dealer licensed under IC 9-32-9;

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 is licensed under IC 9-32-9 and who is required to keep records under this section.

*As added by P.L.2-1991, SEC.10. Amended by P.L.106-2008, SEC.17; P.L.92-2013, SEC.47.*

### **IC 9-22-3-20**

#### **Retention of records**

Sec. 20. 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.

*As added by P.L.2-1991, SEC.10. Amended by P.L.93-2010, SEC.8.*

### **IC 9-22-3-21**

#### **Availability and production of records**

Sec. 21. 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.

*As added by P.L.2-1991, SEC.10. Amended by P.L.93-2010, SEC.9.*

### **IC 9-22-3-22**

#### **Late model vehicles purchased by disposal facilities or automotive salvage rebuilders; completion of recordkeeping forms**

Sec. 22. (a) This section applies to vehicles and their component parts that are in either their current model year or in the immediately preceding six (6) model years when purchased by a disposal facility or automotive salvage rebuilder.

(b) A disposal facility and automotive salvage rebuilder licensed under IC 9-32-9 must complete the recordkeeping forms developed under section 19 of this chapter for the purchase of a salvage motor vehicle or major component part.

*As added by P.L.2-1991, SEC.10. Amended by P.L.59-1998, SEC.12; P.L.92-2013, SEC.48.*

### **IC 9-22-3-23**

#### **Inspection of records by police officers; examination of business premises**

Sec. 23. A record required to be maintained under this chapter is subject to inspection by a police officer during normal business hours. In addition to the inspections authorized under section 24 of this chapter, an inspection under this section may include an examination of the premises of the licensee's established place of business for the purpose of determining the accuracy of the required records.

*As added by P.L.2-1991, SEC.10.*

### **IC 9-22-3-24**

**Entry onto premises to inspect vehicles, parts, records, or certificates of title**

Sec. 24. 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 disposal facility, insurance company, or other business dealing in salvage vehicles 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.

*As added by P.L.2-1991, SEC.10. Amended by P.L.93-2010, SEC.10.*

**IC 9-22-3-25**

**Releasing or providing evidence or information; immunity from civil and criminal liability**

Sec. 25. In the absence of fraud or bad faith, a person who releases or provides evidence or information under this chapter to any of the following is immune from civil or criminal liability for providing that evidence or information:

- (1) The superintendent of the state police or the superintendent's designee.
- (2) The attorney general or the attorney general's designee.
- (3) The city police chief or the city police chief's designee.
- (4) The county sheriff or the county sheriff's designee.
- (5) The prosecuting attorney or the prosecuting attorney's designee responsible for prosecutions in the county that has jurisdiction of the auto theft.

*As added by P.L.2-1991, SEC.10.*

**IC 9-22-3-26**

**Issuance of search warrant**

Sec. 26. A court may issue a warrant to search the premises of an automotive salvage rebuilder, an automotive salvage recycler, a disposal facility, or a used parts dealer for any major component parts being possessed, kept, sold, bartered, given away, used, or transported in violation of this chapter.

*As added by P.L.2-1991, SEC.10.*

**IC 9-22-3-27**

**Search warrant; service and return**

Sec. 27. A warrant issued under section 26 of this chapter shall be directed to a police officer who has the power of criminal process. The person to whom the warrant was issued shall serve the warrant and make the return within twenty (20) days after the date of issue.

*As added by P.L.2-1991, SEC.10.*

**IC 9-22-3-28**

**Search warrant; articles to be seized; disposition ordered by court**

Sec. 28. The police officer who serves a warrant issued under section 26 of this chapter shall seize any article described in the warrant and any other article the police officer finds during the

search that is held in violation of this chapter. The police officer shall hold the articles pending the disposition ordered by the court in which a prosecution may be instituted for a violation of this chapter. *As added by P.L.2-1991, SEC.10.*

#### **IC 9-22-3-29**

##### **Articles seized under warrant; replevin and other process**

Sec. 29. A major component part seized under this chapter and any other article found on the searched premises and taken under a warrant issued under section 26 of this chapter may not be taken from the custody of the person who served the warrant by a writ of replevin or other process while proceedings are pending.

*As added by P.L.2-1991, SEC.10.*

#### **IC 9-22-3-30**

##### **Sales, exchanges, or transfers of rebuilt vehicles by dealers; disclosures**

Sec. 30. A seller that is:

(1) a dealer; or

(2) any other person who sells, exchanges, or transfers at least five (5) vehicles each year;

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.

*As added by P.L.2-1991, SEC.10.*

#### **IC 9-22-3-31 Version a**

##### **Sale or offer to sell manufacturer's identification plate or serial plate removed from vehicle that is total loss or salvage; classification of offense**

*Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.*

Sec. 31. A person who knowingly 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 Class D felony.

*As added by P.L.2-1991, SEC.10.*

#### **IC 9-22-3-31 Version b**

##### **Sale or offer to sell manufacturer's identification plate or serial plate removed from vehicle that is total loss or salvage; classification of offense**

*Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.*

Sec. 31. A person who knowingly 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.

*As added by P.L.2-1991, SEC.10. Amended by P.L.158-2013, SEC.149.*

**IC 9-22-3-32 Version a**

**Nontitle state certificates of title or ownership papers; violations; classification of offense**

*Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.*

Sec. 32. A person who 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 Class D felony.

*As added by P.L.2-1991, SEC.10.*

**IC 9-22-3-32 Version b**

**Nontitle state certificates of title or ownership papers; violations; classification of offense**

*Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.*

Sec. 32. A person who 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.

*As added by P.L.2-1991, SEC.10. Amended by P.L.158-2013, SEC.150.*

**IC 9-22-3-33 Version a**

**Certificate of salvage title violations; penalties**

*Note: This version of section amended by P.L.92-2013, SEC.49. See also following version of this section amended by P.L.158-2013, SEC.151, effective 7-1-2014.*

Sec. 33. (a) A person who recklessly, knowingly, or intentionally violates section 4, 5, 6, 7, or 8 of this chapter (or section 9 of this chapter before its repeal) commits a Class D felony.

(b) A person who recklessly, knowingly, or intentionally violates section 18.5 or 30 of this chapter commits a Class A misdemeanor.

*As added by P.L.2-1991, SEC.10. Amended by P.L.125-2012, SEC.140; P.L.92-2013, SEC.49.*

**IC 9-22-3-33 Version b**

**Certain certificate of salvage title violations; classification of offense**

*Note: This version of section amended by P.L.158-2013, SEC.151, effective 7-1-2014. See also preceding version of this section*

*amended by P.L.92-2013, SEC.49.*

Sec. 33. A person who knowingly violates section 4, 5, 6, 7, or 8 of this chapter (or section 9 of this chapter before its repeal) commits a Level 6 felony.

*As added by P.L.2-1991, SEC.10. Amended by P.L.125-2012, SEC.140; P.L.158-2013, SEC.151.*

#### **IC 9-22-3-34**

##### **Violations for which there is no specific penalty; classification**

Sec. 34. A person who violates a provision of this chapter for which there is no specific penalty commits a Class B misdemeanor.

*As added by P.L.2-1991, SEC.10.*

#### **IC 9-22-3-35**

##### **Commencement of prosecution; indictment or information**

Sec. 35. The prosecution of a disposal facility, automotive salvage rebuilders, insurance company, or individual suspected of having violated this section may be instituted by the filing of an information or indictment in the same manner as other criminal cases are commenced.

*As added by P.L.2-1991, SEC.10.*

#### **IC 9-22-3-36**

##### **Civil remedies for violations; actual damages; treble damages; costs and attorney's fees**

Sec. 36. A person aggrieved by a violation of this chapter may recover the actual damages sustained, together with costs and reasonable attorney's fees. In the court's discretion the court may increase the award of damages to:

(1) an amount not to exceed three (3) times the actual damages sustained; or

(2) two thousand five hundred dollars (\$2,500);

whichever is greater.

*As added by P.L.2-1991, SEC.10.*

#### **IC 9-22-3-37**

##### **Violations as deceptive acts; action by attorney general; remedies and penalties**

Sec. 37. Except as provided in section 11(f) of this chapter, a person who violates 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.

*As added by P.L.2-1991, SEC.10. Amended by P.L.110-2006, SEC.3.*