

Adopted	Rejected
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## COMMITTEE REPORT

YES:	8
NO:	2

### MR. SPEAKER:

*Your Committee on Insurance, to which was referred Senate Bill 195, 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:*

1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 8-2.1-22-46, AS AMENDED BY P.L.1-2006,  
4 SECTION 152, IS AMENDED TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2008]: Sec. 46. (a) Notwithstanding any other  
6 provision of this chapter, common and contract carriers and other  
7 carriers engaged in the transportation of passengers or household goods  
8 for hire, over regular or irregular routes, whether operating pursuant to  
9 a certificate or permit or as an exempt carrier under section 2.1(5) of  
10 this chapter, shall file with the department proof of financial  
11 responsibility in the form of surety bonds or policies of insurance or  
12 shall qualify as a self-insured. The minimum level of financial  
13 responsibility required shall be as **follows**:  
14           **(1) For a contract carrier that transports railroad employees,**  
15           **a combined single limit of three million dollars (\$3,000,000)**  
16           **for bodily injury and property damage in any one (1)**

1 **accident.**

2 **(2) For a contract carrier, common carrier, or other carrier**  
 3 **not described in subdivision (1),** the minimum level established  
 4 under 49 U.S.C. 13906(a)(1).

5 (b) A person who violates this section commits a Class C infraction.  
 6 However, the offense is a Class A misdemeanor if the person has a  
 7 prior unrelated judgment for violating this section.

8 (c) In addition to any other penalty imposed upon a person for a  
 9 conviction of a Class A misdemeanor under subsection (b), the law  
 10 enforcement agency may impound the vehicles owned by the person.  
 11 Unless the vehicle is impounded or forfeited under a law other than this  
 12 section, the vehicle shall be released to the carrier when the carrier  
 13 complies with this section.

14 SECTION 2. IC 9-24-1-4 IS AMENDED TO READ AS FOLLOWS  
 15 [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) Except as provided in section  
 16 7 of this chapter, an individual must:

17 (1) have a valid Indiana operator's, chauffeur's, or public  
 18 passenger chauffeur's license; and  
 19 (2) be at least eighteen (18) years of age;  
 20 to drive a medical services vehicle upon an Indiana highway.

21 **(b) Except as provided in section 7 of this chapter, an individual**  
 22 **must have a valid public passenger chauffeur's license to operate**  
 23 **a contract carrier vehicle that:**

24 **(1) is regulated under IC 8-2.1-22; and**  
 25 **(2) transports railroad employees upon an Indiana highway."**

26 Page 2, line 7, delete "shall" and insert "**may**".

27 Page 2, line 8, delete "at least" and insert "**not more than**".

28 Page 2, line 8, delete "and not".

29 Page 2, line 9, delete "more than ten (10)".

30 Page 2, between lines 26 and 27, begin a new paragraph and insert:

31 "SECTION 4. IC 9-25-10 IS ADDED TO THE INDIANA CODE  
 32 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2008]:

34 **Chapter 10. Judicial Reinstatement of Driving Privileges**

35 **Sec. 1. This chapter applies only to a person whose driving**  
 36 **privileges have been suspended under IC 9-25-8-2 for failure to**  
 37 **maintain proof of financial responsibility for a motor vehicle.**

38 **Sec. 2. As used in this chapter, "petitioner" means a person**

1 seeking to have the person's driving privileges reinstated or the  
2 period of suspension modified in accordance with this chapter.

3 **Sec. 3. (a)** A person whose driving privileges have been  
4 suspended under IC 9-25-8-2 may petition a court to:

5 (1) reinstate the person's driving privileges; or

6 (2) modify the period of suspension;

7 by filing a petition with the court that suspended the person's  
8 driving privileges.

9 (b) A petition filed under this section must include the following:

10 (1) The date on which the person's driving privileges were  
11 suspended.

12 (2) The period for which the person's driving privileges were  
13 suspended.

14 (3) A description of any other penalties imposed on the person  
15 for failure to maintain proof of financial responsibility.

16 (4) A list of all convictions or judgments the person has  
17 accumulated for failure to maintain proof of financial  
18 responsibility.

19 (5) A brief description of why the person is entitled to relief  
20 under section 4(b) of this chapter.

21 (6) A brief description of any other reasons that the person  
22 believes that the person is entitled to have the person's driving  
23 privileges reinstated or the period of suspension modified.

24 (c) A petition filed under this section must be verified.

25 **Sec. 4. (a)** After receiving a petition filed under this chapter, a  
26 court may:

27 (1) summarily dismiss the petition; or

28 (2) give notice to the prosecuting attorney and set the matter  
29 for hearing to determine whether the person's driving  
30 privileges should be reinstated or the period of suspension  
31 should be modified.

32 (b) A court may grant a petition filed under this chapter if the  
33 court finds that:

34 (1) the circumstances that caused the petitioner to fail to  
35 maintain proof of financial responsibility:

36 (A) no longer exist; or

37 (B) are unlikely to reoccur;

38 (2) the petitioner:

- 1           **(A) is able to provide proof of financial responsibility; or**
- 2           **(B) will be able to provide proof of financial responsibility**
- 3           **when the period of suspension is no longer in effect; and**
- 4           **(3) the petitioner is likely to maintain proof of financial**
- 5           **responsibility in the future.**

6           **Sec. 5. (a) If the court grants a petition under this chapter, the**  
 7 **court shall recommend that the bureau reinstate the person's**  
 8 **driving privileges or modify the period of suspension.**

9           **(b) Upon receiving the recommendation from the court under**  
 10 **subsection (a), the bureau shall:**

- 11           **(1) reinstate the person's driving privileges; or**
- 12           **(2) modify the period of suspension;**

13 **in accordance with the recommendation of the court.**

14           SECTION 5. IC 27-18 IS ADDED TO THE INDIANA CODE AS  
 15 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 16 2008]:

17           **ARTICLE 18. VEHICLE PROTECTION PRODUCTS**

18           **Chapter 1. Definitions**

19           **Sec. 1. The definitions in this chapter apply throughout this**  
 20 **article.**

21           **Sec. 2. "Administrator" means a third party other than the**  
 22 **warrantor that is designated by the warrantor to be responsible for**  
 23 **the administration of vehicle protection product warranties.**

24           **Sec. 3. "Commissioner" refers to the insurance commissioner**  
 25 **appointed under IC 27-1-1-2.**

26           **Sec. 4. "Department" refers to the department of insurance**  
 27 **created by IC 27-1-1-1.**

28           **Sec. 5. "Incidental costs" means the expenses specified in the**  
 29 **warranty that are incurred by the warranty holder related to the**  
 30 **failure of the vehicle protection product to perform as provided in**  
 31 **the warranty. Incidental costs include:**

- 32           **(1) insurance policy deductibles;**
- 33           **(2) rental vehicle charges;**
- 34           **(3) the difference between the:**
  - 35           **(A) actual value of the stolen vehicle at the time of theft;**
  - 36           **and**
  - 37           **(B) cost of a replacement vehicle;**
- 38           **(4) sales taxes;**

- 1           **(5) registration fees;**  
 2           **(6) transaction fees; and**  
 3           **(7) mechanical inspection fees.**

4           **Sec. 6. "Vehicle protection product" means a product that is**  
 5 **designed to prevent the loss of or damage to a vehicle resulting**  
 6 **from theft.**

7           **Sec. 7. (a) "Vehicle protection product warrantor" or**  
 8 **"warrantor" means a person that is contractually obligated to the**  
 9 **warranty holder under the terms of the vehicle protection product**  
 10 **warranty agreement.**

11           **(b) The term does not include an authorized insurer providing**  
 12 **a warranty reimbursement insurance policy.**

13           **Sec. 8. "Vehicle protection product warranty" or "warranty"**  
 14 **means a written agreement by a warrantor that provides that if the**  
 15 **vehicle protection product fails to prevent the loss of or damage to**  
 16 **a vehicle from a specific cause, the warrantor will pay to or on**  
 17 **behalf of the warranty holder specified incidental costs as a result**  
 18 **of the failure of the vehicle protection product to perform under**  
 19 **the terms of the warranty.**

20           **Sec. 9. "Warranty holder" means a person that:**

- 21           **(1) purchases a vehicle protection product; or**  
 22           **(2) is a permitted transferee of a vehicle protection product.**

23           **Sec. 10. "Warranty reimbursement insurance policy" means a**  
 24 **policy of insurance that is issued to the vehicle protection product**  
 25 **warrantor to:**

- 26           **(1) provide reimbursement to the warrantor for; or**  
 27           **(2) pay on behalf of the warrantor;**

28 **all covered contractual obligations incurred by the warrantor**  
 29 **under the terms and conditions of the vehicle protection product**  
 30 **warranties issued by the warrantor.**

### 31           **Chapter 2. Applicability**

32           **Sec. 1. A vehicle protection product may not be sold or offered**  
 33 **for sale unless a seller, warrantor, or administrator complies with**  
 34 **this article.**

35           **Sec. 2. A warranty, indemnity agreement, or guarantee that is**  
 36 **not provided as a part of a vehicle protection product is not subject**  
 37 **to the provisions of this article.**

### 38           **Chapter 3. Registration of Vehicle Protection Product**

1       **Warrantors**

2           **Sec. 1. Except as provided in section 5 of this chapter, a person**  
3 **may not:**

- 4           (1) **operate as a warrantor; or**  
5           (2) **represent to the public that the person is a warrantor;**  
6 **unless the person is registered with the department under this**  
7 **chapter.**

8           **Sec. 2. (a) A person who:**

- 9           (1) **operates as a warrantor; or**  
10          (2) **represents to the public that the person is a warrantor;**  
11 **must register with the department by filing an application on a**  
12 **form prescribed by the commissioner.**

13          **(b) An application filed under subsection (a) must contain the**  
14 **following information:**

15           (1) **The warrantor's name, any fictitious name under which**  
16 **the warrantor does business in Indiana, the principal location,**  
17 **mailing address, and telephone number of the warrantor, and**  
18 **corresponding information for any offices maintained in**  
19 **Indiana.**

20           (2) **The name and address of the agent of the warrantor for**  
21 **service of process in Indiana, if other than the warrantor.**

22           (3) **The names of the warrantor's executive officer or officers**  
23 **directly responsible for the warrantor's vehicle protection**  
24 **product business.**

25           (4) **The name, address, and telephone number of any**  
26 **administrators designated by the warrantor to be responsible**  
27 **for the administration of vehicle protection product**  
28 **warranties.**

29           (5) **A copy of the warranty reimbursement insurance policy or**  
30 **policies or other financial information required by**  
31 **IC 27-18-4-1.**

32           (6) **A copy of each warranty that the warrantor proposes to**  
33 **use.**

34           (7) **A statement indicating under which subdivision of**  
35 **IC 27-18-4-1 the warrantor qualifies to do business as a**  
36 **warrantor.**

37          **Sec. 3. (a) A registration must be:**

- 38           (1) **updated not later than thirty (30) days after any change**

1           that makes information previously provided under section  
2           2(b) of this chapter no longer correct; and  
3           (2) renewed on an annual basis.

4           (b) If a warrantor registered under section 2 of this chapter fails  
5           to renew the registration by the registration deadline, and a  
6           renewal is not filed within thirty (30) days, the warrantor shall be  
7           made inactive by the commissioner.

8           Sec. 4. The department may establish:

- 9           (1) a fee for the issuance of a registration; and  
10          (2) a fee for the renewal of registration;

11          under this chapter in an amount sufficient to implement this  
12          article. Fees collected under this section shall be deposited in the  
13          department of insurance fund established by IC 27-1-3-28.

14          Sec. 5. An administrator or person that sells or solicits a sale of  
15          a vehicle protection product but is not a warrantor is not required  
16          to register as a warrantor or to be licensed under this title to sell a  
17          vehicle protection product.

18          Chapter 4. Financial Responsibility

19          Sec. 1. A vehicle protection product shall not be sold or offered  
20          for sale unless the conditions set forth in at least one (1) of the  
21          following subdivisions are met to ensure adequate performance  
22          under the warranty:

23          (1) All of the following apply:

24               (A) The vehicle protection product warrantor is insured  
25               under a warranty reimbursement insurance policy that is  
26               issued by an insurer authorized to do business in Indiana.

27               (B) The warranty reimbursement insurance policy  
28               provides that the insurer will pay to, or on behalf of, the  
29               warrantor one hundred percent (100%) of all sums that  
30               the warrantor legally is obligated to pay according to the  
31               warrantor's contractual obligations under the warrantor's  
32               vehicle protection product warranty.

33               (C) A true and exact copy of the warranty reimbursement  
34               insurance policy has been filed with the department by the  
35               warrantor.

36               (D) The warranty reimbursement insurance policy  
37               contains the provisions required under IC 27-18-5-1.

38          (2) All of the following apply:

1           **(A) The vehicle protection product warrantor or its parent**  
2           **company maintains a net worth or stockholders' equity of**  
3           **at least fifty million dollars (\$50,000,000).**

4           **(B) The warrantor provides the commissioner with a copy**  
5           **of:**

6                 **(i) the warrantor's most recent audited financial**  
7                 **statement; or**

8                 **(ii) the warrantor's parent company's audited financial**  
9                 **statement;**

10           **showing a net worth of at least fifty million dollars**  
11           **(\$50,000,000).**

12           **(C) If clauses (A) and (B) are satisfied through the**  
13           **warrantor's parent company, the warrantor's parent**  
14           **company agrees to guarantee the obligations of the**  
15           **warrantor relating to warranties issued by the warrantor.**

16           **The financial information filed under this subdivision is**  
17           **confidential as a trade secret of the entity filing the**  
18           **information.**

19           **Sec. 2. No financial security requirements or financial standards**  
20           **for warrantors other than those set forth in section 1 of this**  
21           **chapter are required under this article.**

22           **Chapter 5. Warranty Reimbursement Policy Requirements**

23           **Sec. 1. A warranty reimbursement insurance policy may not be**  
24           **issued, sold, or offered for sale unless the policy meets the following**  
25           **conditions:**

26                 **(1) The policy states that the issuer of the policy will:**

27                         **(A) reimburse or pay on behalf of the vehicle protection**  
28                         **product warrantor all covered sums that the warrantor is**  
29                         **legally obligated to pay; or**

30                         **(B) provide all service that the warrantor is legally**  
31                         **obligated to perform according to the warrantor's**  
32                         **contractual obligations under the provisions of the insured**  
33                         **warranties issued by the warrantor.**

34                 **(2) The policy states that if payment due under the terms of**  
35                 **the warranty is not provided by the warrantor within sixty**  
36                 **(60) days after proof of loss has been filed according to the**  
37                 **terms of the warranty by the warranty holder, the warranty**  
38                 **holder may file directly with the warranty reimbursement**



- 1 insurance company for reimbursement.
- 2 **(3) The policy provides that:**
- 3 **(A) a warranty reimbursement insurance company that**
- 4 **insures a warranty shall be considered to have received**
- 5 **payment of the premium if the warranty holder paid for**
- 6 **the vehicle protection product; and**
- 7 **(B) the insurer's liability under the policy shall not be**
- 8 **reduced or relieved by a failure of the warrantor, for any**
- 9 **reason, to report the issuance of a warranty to the insurer.**
- 10 **(4) The policy has the following provisions regarding**
- 11 **cancellation of the policy:**
- 12 **(A) The issuer of a reimbursement insurance policy may**
- 13 **not cancel the policy until a notice of cancellation in**
- 14 **writing has been mailed or delivered to the commissioner**
- 15 **and each insured warrantor.**
- 16 **(B) The cancellation of a reimbursement insurance policy**
- 17 **may not reduce the issuer's responsibility for vehicle**
- 18 **protection products sold before the date of cancellation.**
- 19 **(C) If an insurer cancels a policy that a warrantor has filed**
- 20 **with the commissioner, the warrantor shall do one (1) of**
- 21 **the following:**
- 22 **(i) File a copy of a new policy with the commissioner**
- 23 **before the termination of the prior policy, to ensure that**
- 24 **there is no lapse in coverage following the termination of**
- 25 **the prior policy.**
- 26 **(ii) Discontinue offering warranties as of the termination**
- 27 **date of the policy until a new policy becomes effective**
- 28 **and is accepted by the commissioner.**
- 29 **Chapter 6. Disclosure to Warranty Holder; Incidental Costs**
- 30 **Sec. 1. A vehicle protection product warranty may not be sold**
- 31 **or offered unless the warranty does the following:**
- 32 **(1) States:**
- 33 **(A) "The obligations of the warrantor to the warranty**
- 34 **holder are guaranteed under a warranty reimbursement**
- 35 **insurance policy" if the warrantor elects to meet its**
- 36 **financial responsibility obligations under IC 27-18-4-1(1);**
- 37 **or**
- 38 **(B) "The obligations of the warrantor under this warranty**

- 1           **are backed by the full faith and credit of the warrantor" if**  
 2           **the warrantor elects to meet its financial responsibility**  
 3           **obligations under IC 27-18-4-1(2).**
- 4           **(2) States that if a warranty holder must make a claim against**  
 5           **a party other than the warranty reimbursement insurance**  
 6           **policy holder, the warranty holder may make a direct claim**  
 7           **against the insurer upon the failure of the warrantor to pay**  
 8           **any claim or meet any obligation under the terms of the**  
 9           **warranty within sixty (60) days after proof of loss has been**  
 10           **filed with the warrantor, if the warrantor elects to meet its**  
 11           **financial obligations under IC 27-18-4-1(1).**
- 12           **(3) States the name and address of the issuer of the warranty**  
 13           **reimbursement insurance policy. This information does not**  
 14           **need to be preprinted on the warranty form, but may be**  
 15           **added to or stamped on the warranty, if the warrantor elects**  
 16           **to meet its financial obligations under IC 27-18-4-1(1).**
- 17           **(4) Identifies the:**
- 18                   **(A) warrantor;**  
 19                   **(B) seller; and**  
 20                   **(C) warranty holder.**
- 21           **(5) Sets forth the total purchase price and the terms under**  
 22           **which the purchase price is to be paid. However, the purchase**  
 23           **price is not required to be preprinted on the vehicle protection**  
 24           **product warranty and may be negotiated with the consumer**  
 25           **at the time of sale.**
- 26           **(6) Sets forth the procedure for making a claim, and includes**  
 27           **the name, mailing address, and telephone number of a contact**  
 28           **representing the warrantor.**
- 29           **(7) Sets forth the payments or performance to be provided**  
 30           **under the warranty, including:**
- 31                   **(A) payment for incidental costs;**  
 32                   **(B) the manner of calculation or determination of payment**  
 33                   **or performance; and**  
 34                   **(C) any limitations, exceptions, or exclusions.**
- 35           **(8) Sets forth all the obligations and duties of the warranty**  
 36           **holder, including:**
- 37                   **(A) the duty to protect against any further damage to the**  
 38                   **vehicle;**

1           **(B) the obligation to notify the warrantor in advance of**  
2           **any repair; or**

3           **(C) a similar requirement.**

4           **(9) Sets forth any terms, restrictions, or conditions governing**  
5           **transferability and cancellation of the warranty, if any.**

6           **(10) Contains a disclosure that reads substantially as follows:**  
7           **"This agreement is a product warranty and is not**  
8           **insurance."**

9           **Sec. 2. Incidental costs may be reimbursed under the provisions**  
10          **of a vehicle protection product warranty by:**

11           **(1) a fixed amount specified in the warranty or sales**  
12           **agreement; or**

13           **(2) the use of a formula itemizing specific incidental costs**  
14           **incurred by the warranty holder.**

15          **Chapter 7. Record Keeping**

16          **Sec. 1. All vehicle protection product warrantors shall keep**  
17          **accurate accounts, books, and records concerning transactions**  
18          **subject to this article.**

19          **Sec. 2. A vehicle protection product warrantor's accounts, books**  
20          **and records must include:**

21           **(1) copies of all vehicle protection product warranties;**

22           **(2) the name and address of each warranty holder; and**

23           **(3) the dates, amounts, and descriptions of all receipts, claims,**  
24           **and expenditures.**

25          **Sec. 3. A vehicle protection product warrantor shall retain all**  
26          **required accounts, books, and records related to each warranty**  
27          **holder for at least two (2) years after the specified period of**  
28          **coverage has expired. A warrantor discontinuing business shall**  
29          **maintain the records of the business until the warrantor furnishes**  
30          **satisfactory proof to the commissioner that the warrantor has**  
31          **discharged all obligations to warranty holders in Indiana.**

32          **Sec. 4. A vehicle protection product warrantor shall make all**  
33          **accounts, books, and records concerning transactions regulated**  
34          **under this article available to the commissioner for examination at**  
35          **the expense of the warrantor.**

36          **Chapter 8. Rulemaking**

37          **Sec. 1. The department may adopt rules under IC 4-22-2 to**  
38          **implement this article. If rules are adopted, they must address the**

1 following issues:

- 2 (1) Disclosures for the benefit of the warranty holder.  
 3 (2) Record keeping.  
 4 (3) Procedures for public complaints.  
 5 (4) Conditions under which surplus line insurers may be  
 6 rejected for the purpose of underwriting vehicle protection  
 7 product warranty agreements.

8 **Chapter 9. Prohibited Acts**

9 **Sec. 1. A vehicle protection product warrantor shall not use in**  
 10 **the name, contracts, or literature of the vehicle protection product**  
 11 **warrantor the words "insurance", "casualty", "surety", "mutual",**  
 12 **or other words descriptive of the insurance, casualty, or surety**  
 13 **business or deceptively similar to the name or description of an**  
 14 **insurance or a surety corporation, or another vehicle protection**  
 15 **product warrantor.**

16 **Sec. 2. A vehicle protection product seller or warrantor may not**  
 17 **require that a retail purchaser of a vehicle purchase a vehicle**  
 18 **protection product as a condition of financing.**

19 **Chapter 10. Sanctions and Administrative Penalties**

20 **Sec. 1. The commissioner may:**

- 21 (1) conduct examinations of warrantors, administrators, and  
 22 other persons to enforce this article; and  
 23 (2) take action necessary or appropriate to enforce this article  
 24 and the rules of the department;  
 25 to protect warranty holders.

26 **Sec. 2. If a warrantor engages in a pattern or practice of**  
 27 **conduct that appears to violate this article and that the**  
 28 **commissioner reasonably believes threatens to render the**  
 29 **warrantor insolvent or cause irreparable loss or injury to the**  
 30 **property or business of a person, the commissioner shall:**

- 31 (1) notify the warrantor in writing specifically stating the  
 32 alleged grounds for sanctions; and  
 33 (2) hold a hearing under IC 4-21.5.

34 **Sec. 3. If, after a hearing under section 2 of this chapter, the**  
 35 **commissioner finds grounds for sanction, the commissioner may**  
 36 **issue:**

- 37 (1) an order directed to the warrantor to cease and desist  
 38 from engaging in further acts, practices, or transactions that

- 1           are causing the conduct that violates this article;
- 2           **(2) an order prohibiting the warrantor from selling or**
- 3           **offering for sale vehicle protection products in violation of**
- 4           **this article;**
- 5           **(3) an order imposing a civil penalty on the warrantor; or**
- 6           **(4) a combination of orders under subdivisions (1) through**
- 7           **(3), as applicable.**

8           **Sec. 4. The decision, determination, or order of the**  
 9           **commissioner under section 3 of this chapter is subject to judicial**  
 10          **review under IC 4-21.5.**

11          **Sec. 5. The commissioner may bring a civil action in the name**  
 12          **of the state through the attorney general, in a circuit or superior**  
 13          **court having jurisdiction in a county in which the warrantor does**  
 14          **business or in which the property or business of a person may**  
 15          **suffer loss or injury from the warrantor, to restrain the warrantor**  
 16          **from commencing or continuing to violate any of the following:**

- 17           **(1) This article.**
- 18           **(2) A rule adopted under this article.**
- 19           **(3) An order entered under this article.**

20          **Sec. 6. (a) In addition to an order issued against a warrantor**  
 21          **under section 3 of this chapter, the commissioner may order the**  
 22          **warrantor to pay the department a civil penalty in an amount**  
 23          **determined by the commissioner of not more than five hundred**  
 24          **dollars (\$500) per violation and not more than ten thousand dollars**  
 25          **(\$10,000) total for all violations of a similar nature.**

26          **(b) For purposes of this section, violations are of a similar**  
 27          **nature if the violations consist of the same or similar course of**  
 28          **conduct, action, or practice, regardless of the number of times the**  
 29          **conduct, action, or practice that is determined to be a violation of**  
 30          **this article occurred.**

31          **(c) Civil penalties collected under this section shall be deposited**  
 32          **in the department of insurance fund established by IC 27-1-3-28.**

33          **SECTION 6. [EFFECTIVE JULY 1, 2008] (a) As used in this**  
 34          **SECTION, "vehicle protection product" has the meaning set forth**  
 35          **in IC 27-18-1-6, as added by this act.**

36          **(b) IC 27-18, as added by this act, applies only to a vehicle**  
 37          **protection product sold or offered for sale after June 30, 2008.**

38          **SECTION 7. [EFFECTIVE JULY 1, 2008] (a) The definitions in**

1 **IC 27-18-1, as added by this act, apply throughout this SECTION.**

2 **(b) The failure of a person to comply with IC 27-18, as added by**  
3 **this act, before July 1, 2008, is not admissible in a court**  
4 **proceeding, an administrative proceeding, arbitration, or an**  
5 **alternative dispute resolution proceeding and may not be used to**  
6 **prove that the action of a person or the affected vehicle protection**  
7 **product was unlawful or otherwise improper.**

8 **(c) The enactment of IC 27-18, as added by this act, does not**  
9 **imply that a vehicle protection product warranty was insurance**  
10 **before July 1, 2008."**

11 Renumber all SECTIONS consecutively.

(Reference is to SB 195 as printed January 25, 2008.)

**and when so amended that said bill do pass.**

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Representative Fry