

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 310 be amended to read as follows:

- 1 Page 2, between lines 5 and 6, begin a new paragraph and insert:
2 "SECTION 2. IC 27-8-9-9.5 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2009]: **Sec. 9.5. (a) As used in this section, "rental agreement"**
5 **means a written contract:**
6 **(1) that authorizes a renter to use a motor vehicle made**
7 **available by a rental company;**
8 **(2) under which a charge for use of the motor vehicle is made**
9 **at a periodic rate; and**
10 **(3) under which title to the motor vehicle is not transferred to**
11 **the renter.**
12 **(b) If:**
13 **(1) a claim arises from the operation of a motor vehicle that**
14 **is rented under a rental agreement; and**
15 **(2) under the rental agreement, the renter agrees to provide**
16 **insurance coverage for damage resulting from the renter's**
17 **operation of the motor vehicle;**
18 **the insurance coverage provided by the renter is primary.**
19 **(c) A claim described in subsection (b) may not be made by the**
20 **rental company against any insurance coverage available for the**
21 **motor vehicle until the limits of the insurance coverage provided**
22 **by the renter are exhausted.**
23 **(d) If:**
24 **(1) a claim arises from the operation of a motor vehicle that**
25 **is:**
26 **(A) used in the business of transporting property for hire;**
27 **and**
28 **(B) rented under a rental agreement; and**
29 **(2) under the rental agreement, the rental company and**
30 **renter agree as to which of the parties' insurance coverage is**
31 **primary for damage resulting from the renter's operation of**

1 **the motor vehicle;**
2 **the agreed upon primary insurance coverage is primary.**
3 **(e) A claim described in subsection (d) may not be made against**
4 **any insurance coverage available for the motor vehicle until the**
5 **limits of the agreed upon primary insurance coverage are**
6 **exhausted."**
7 Page 2, between lines 7 and 8, begin a new paragraph and insert:
8 **"(b) IC 27-8-9-9.5, as added by this act, applies to a claim arising**
9 **after June 30, 2009."**
10 Page 2, line 8, delete "(b)" and insert "(c)".
11 Renumber all SECTIONS consecutively.
 (Reference is to SB 310 as printed February 3, 2009.)

Senator BRODEN