

# 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 use of a motor vehicle made available by a**  
7                 **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.)

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Senator BRODEN