

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1279

AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 2-5-36.2 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 36.2. Special Group Recognition License Plate Committee

Sec. 1. As used in this chapter, "bureau" refers to the bureau of motor vehicles created by IC 9-14-1-1.

Sec. 2. As used in this chapter, "license plate committee" refers to the special group recognition license plate committee established by section 4 of this chapter.

Sec. 3. As used in this chapter, "special group" has the meaning set forth in IC 9-13-2-170.

Sec. 4. The special group recognition license plate committee is established.

Sec. 5. The license plate committee consists of the following eight (8) members of the general assembly:

- (1) Two (2) members appointed by the president pro tempore of the senate.
- (2) Two (2) members appointed by the minority leader of the senate.
- (3) Two (2) members appointed by the speaker of the house of representatives.

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(4) Two (2) members appointed by the minority leader of the house of representatives.

Sec. 6. The chairman of the legislative council shall appoint the chairperson of the license plate committee. The term of the chairperson of the license plate committee is coterminous with the term of the chairman of the legislative council who appointed the chairperson of the license plate committee.

Sec. 7. A member of the license plate committee shall serve until a successor is appointed.

Sec. 8. A member of the license plate committee may be removed at any time by the authority who appointed the member under section 5 of this chapter.

Sec. 9. The primary purpose of the license plate committee is to make advisory recommendations to the bureau regarding special group recognition license plates under IC 9-18-25. To fulfill this purpose, the license plate committee:

(1) shall meet at least two (2) times each year on the call of the chairperson; and

(2) may advise the bureau regarding the following:

(A) The suitability of a special group to receive a special group recognition license plate for the special group for the first time.

(B) The suitability of a special group to continue participating in the special group recognition license plate program.

Sec. 10. Each member of the license plate committee is entitled to receive the same per diem, mileage, and travel allowance paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this section shall be paid from appropriations made to the legislative council or the legislative services agency.

Sec. 11. The legislative services agency shall provide staff support for the license plate committee.

SECTION 2. IC 9-13-2-93.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 93.3. "License plate committee", for purposes of IC 9-18-25, has the meaning set forth in IC 9-18-25-0.5.**

SECTION 3. IC 9-18-15-1, AS AMENDED BY P.L.87-2010, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) A person who is the registered owner or lessee of a:

(1) passenger motor vehicle;



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(2) motorcycle;
 (3) recreational vehicle; or
 (4) vehicle registered as a truck with a declared gross weight of not more than eleven thousand (11,000) pounds;
 registered with the bureau or who makes an application for an original registration or renewal registration of a vehicle may apply to the bureau for a personalized license plate to be affixed to the vehicle for which registration is sought instead of the regular license plate.

(b) A person who:

(1) is the registered owner or lessee of a vehicle described in subsection (a); and

(2) is eligible to receive a license plate for the vehicle under:

- (A) IC 9-18-17 (prisoner of war license plates);
- (B) IC 9-18-18 (disabled Hoosier veteran license plates);
- (C) IC 9-18-19 (Purple Heart license plates);
- (D) IC 9-18-20 (Indiana National Guard license plates);
- (E) IC 9-18-21 (Indiana Guard Reserve license plates);
- (F) IC 9-18-22 (license plates for persons with disabilities);
- (G) IC 9-18-23 (amateur radio operator license plates);
- (H) IC 9-18-24 (civic event license plates);
- (I) IC 9-18-24.5 (In God We Trust license plates);
- (J) IC 9-18-25 (special group recognition license plates);
- (K) IC 9-18-29 (environmental license plates);
- (L) IC 9-18-30 (kids first trust license plates);
- (M) IC 9-18-31 (education license plates);
- (N) IC 9-18-32.2 (drug free Indiana trust license plates);
- (O) IC 9-18-33 (Indiana FFA trust license plates);
- (P) IC 9-18-34 (Indiana firefighter license plates);
- (Q) IC 9-18-35 (Indiana food bank trust license plates);
- (R) IC 9-18-36 (Indiana girl scouts trust license plates);
- (S) IC 9-18-37 (Indiana boy scouts trust license plates);
- (T) IC 9-18-38 (Indiana retired armed forces member license plates);
- (U) IC 9-18-39 (Indiana antique car museum trust license plates);
- (V) IC 9-18-40 (D.A.R.E. Indiana trust license plates);
- (W) IC 9-18-41 (Indiana arts trust license plates);
- (X) IC 9-18-42 (Indiana health trust license plates);
- (Y) IC 9-18-43 (Indiana mental health trust license plates);
- (Z) IC 9-18-44 (Indiana Native American trust license plates);
- (AA) IC 9-18-45.8 (Pearl Harbor survivor license plates);
- (BB) IC 9-18-46.2 (Indiana state educational institution trust

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license plates);
 (CC) IC 9-18-47 (Lewis and Clark bicentennial license plates);
 (DD) IC 9-18-48 (Riley Children's Foundation license plates);
 (EE) IC 9-18-49 (National Football League franchised professional football team license plates);
 (FF) IC 9-18-50 (Hoosier veteran license plates);
 (GG) IC 9-18-51 (support our troops license plates);
 (HH) IC 9-18-52 (Abraham Lincoln bicentennial license plates);
 (II) IC 9-18-53 (Earlham College Trust license plates); or
 (JJ) IC 9-18-54 (Indiana Gold Star family member license plates);

may apply to the bureau for a personalized license plate to be affixed to the vehicle for which registration is sought instead of the regular special recognition license plate.

SECTION 4. IC 9-18-18-4 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 4. Not more than two (2) disabled Hoosier veteran license plates may be issued to each eligible person.~~

SECTION 5. IC 9-18-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. The bureau shall design and issue a vehicle license plate under IC 9-18-25 that will designate a vehicle as being registered by an active member of the ~~Indiana~~ National Guard.

SECTION 6. IC 9-18-20-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. ~~An Indiana A~~ National Guard license plate must display the following:

- (1) An identification number.
- (2) Any other information and design selected by the bureau.

SECTION 7. IC 9-18-20-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) A resident of Indiana who is an active member of the ~~Indiana~~ Army or Air National Guard may apply for and receive one (1) or more license plates under this chapter.

(b) A person applying for a National Guard license plate under this chapter must demonstrate the person's status as an active member of the ~~Indiana~~ Army or Air National Guard by presenting the following with the person's application:

- (1) A current armed forces identification card.
- (2) A letter signed by the person's commanding officer identifying the person as a current active member.

SECTION 8. IC 9-18-20-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. ~~An Indiana A~~

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National Guard license plate must be displayed on a vehicle legally registered by the person described in section 3 of this chapter.

SECTION 9. IC 9-18-25-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.5. As used in this chapter, "license plate committee" means the special group recognition license plate committee established by IC 2-5-36.2-4.**

SECTION 10. IC 9-18-25-1, AS AMENDED BY P.L.87-2010, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. This chapter does not apply to the following:

- (1) Antique motor vehicle license plates (IC 9-18-12).
- (2) Recovery vehicle license plates (IC 9-18-13).
- (3) Personalized license plates (IC 9-18-15).
- (4) Prisoner of war license plates (IC 9-18-17).
- (5) Disabled Hoosier veteran license plates (IC 9-18-18).
- (6) Purple Heart license plates (IC 9-18-19).
- (7) ~~Indiana~~ National Guard license plates (IC 9-18-20).
- (8) Person with a disability license plates (IC 9-18-22).
- (9) Amateur radio operator license plates (IC 9-18-23).
- (10) In God We Trust license plates (IC 9-18-24.5).
- (11) Pearl Harbor survivor license plates (IC 9-18-45.8).
- (12) Hoosier veteran license plates (IC 9-18-50).
- (13) Support our troops license plates (IC 9-18-51).
- (14) Abraham Lincoln bicentennial license plates (IC 9-18-52).
- (15) Indiana Gold Star family member license plates (IC 9-18-54).

SECTION 11. IC 9-18-25-1.7, AS AMENDED BY P.L.2-2005, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.7. **(a) This section expires January 1, 2014.**

(b) Section 15 of this chapter does not apply to a college or university special group recognition license plate.

SECTION 12. IC 9-18-25-2, AS AMENDED BY P.L.125-2012, SECTION 112, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The bureau shall adopt rules under IC 4-22-2 establishing the requirements to qualify for participation in the special group recognition license plate program.

(b) Representatives of a special group shall petition the bureau to qualify for participation in the special group recognition license plate program.

(c) Each petition submitted under this section must contain the printed name, address, and signature of at least five hundred (500) members of the special group who pledge to purchase the special group

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recognition license plate if a special group recognition license plate is issued for the group under this chapter.

(d) Except as provided in subsection (e), when a petition containing the information required in subsection (c) is submitted to the bureau, the bureau may design and issue a special group recognition license plate that designates a vehicle as being registered under this chapter by a person (as defined in IC 9-13-2-124) who is a member of the special group.

(e) ~~This subsection expires December 31, 2013.~~ Notwithstanding subsection (d), the bureau may not approve a new special group recognition license plate in accordance with this section until July 15, 2013.

(f) This section expires January 1, 2014.

SECTION 13. IC 9-18-25-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.3. (a) Effective August 1, 2013, a special group that seeks initial participation in the special group recognition license plate program must submit a completed application to the bureau not later than April 1 for potential issuance in the following year. The application must contain the following:**

- (1) The name and address of the resident agent of the special group.**
- (2) Evidence of governance by a board of directors consisting of at least five (5) members, a majority of whom are outside directors, who meet at least semiannually to establish policy for the special group and review the accomplishments of the special group.**
- (3) A copy of the:**
 - (A) ethics statement;**
 - (B) constitution and bylaws; and**
 - (C) articles of incorporation as an entity that is exempt from federal income taxation under Section 501(c) of the Internal Revenue Code;****of the special group.**
- (4) Copies of the last three (3) consecutive:**
 - (A) annual reports; and**
 - (B) annual generally accepted auditing standards or government auditing standards audits;****of the special group.**
- (5) Evidence of appropriate use of resources and compliance with federal and state laws, including evidence of appropriate**

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management and internal controls in order to ensure:

- (A) compliance with law;
 - (B) that finances are used in compliance with the purpose statement of the special group; and
 - (C) maintenance as an entity that is exempt from taxation under Section 501(c) of the Internal Revenue Code.
- (6) Evidence of transparency of financial and operational activities to include availability of current financial statements at any time upon the request of the bureau or a donor to the special group.
- (7) Evidence of internal controls to prevent conflict of interest by board members and employees.
- (8) A petition with the signatures of at least five hundred (500) residents of Indiana who pledge to purchase the special group recognition license plate.
- (9) A statement of the designated use of any annual fee to be collected by the bureau.
- (10) A copy of a certified motion passed by the board of directors of the special group requesting that the special group recognition license plate be issued by the bureau and stating the designated use of any annual fee to be collected by the bureau.
- (11) Evidence of statewide public benefit from the special group.
- (12) Evidence of statewide public benefit from the use of the annual fee collected by the bureau.
- (13) Evidence that the special group's use of the annual fee to be collected by the bureau and the organizational purpose statement of the special group conform with at least one (1) of the following categories:
- (A) Direct health care or medical research.
 - (B) Fraternal or service organizations.
 - (C) Government and quasi-government. For purposes of this clause, a special group that designates the use of the fees collected for deposit in the capital projects fund established by IC 9-18-49-5(a) is considered to have a quasi-government purpose.
 - (D) Military and veterans' affairs.
 - (E) Public and transportation safety.
 - (F) Universities located in Indiana for scholarships for Indiana residents.
 - (G) Agriculture, animals, and environment.

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(14) Evidence that the organization has prohibitions and internal controls prohibiting advocacy of the following:

- (A) Violation of federal or state law.**
- (B) Violation of generally accepted ethical standards or societal behavioral standards.**
- (C) Individual political candidates.**

(b) The bureau shall review the application for a special group recognition license plate that has been submitted to the bureau under subsection (a). Upon satisfaction to the bureau of the completeness of the information in the application, the bureau shall forward the application to the chairperson of the license plate committee for review by the license plate committee.

SECTION 14. IC 9-18-25-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. (a) The license plate committee shall meet at least two (2) times a year at the call of the chairperson to review applications for special group recognition license plates that have been forwarded to the license plate committee by the bureau under section 2.3(b) of this chapter.**

(b) After reviewing the applications, the license plate committee shall:

- (1) compile a list recommending new special group recognition license plates; and**
- (2) forward to the bureau by written means the list of recommended special groups that meet the suitability for issuance of a special group recognition license plate.**

The license plate committee may not recommend more than five (5) new special group recognition license plates to the bureau under this subsection in a calendar year.

(c) After receiving the list forwarded under subsection (b)(2), the bureau shall conduct an independent review of the applications, taking into consideration the recommendations of the license plate committee. The bureau may issue a special group recognition license plate in the absence of a positive recommendation from the license plate committee. However, the bureau may not issue a special group recognition license plate unless the license plate has first been reviewed by the license plate committee and has been given a positive or negative recommendation to the bureau regarding that special group.

(d) The bureau may not issue more than five (5) special group recognition license plates for the first time in a year.

SECTION 15. IC 9-18-25-2.7 IS ADDED TO THE INDIANA

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CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.7. (a) The bureau shall determine the date of first issuance of all special group recognition license plates in production as of July 1, 2013, and prepare a list of the results. The bureau shall forward the list to the license plate committee before September 1, 2013.**

(b) Upon receipt of the list prepared under subsection (a), the license plate committee shall review the special group recognition license plates that were issued initially in 2003 or earlier. In the review, the license plate committee shall consider the criteria set forth in section 2.3(a) of this chapter and may seek evidence of the criteria from a special group. The license plate committee shall recommend to the bureau that participation in the special group recognition license plate program be terminated for a special group that the license plate committee finds is not suitable for inclusion in the program because the special group does not satisfy the criteria set forth in section 2.3(a) of this chapter.

(c) In 2014 and subsequent years, the bureau shall forward to the license plate committee the name of a special group:

- (1) that was awarded initially a special group recognition license plate by the bureau more than ten (10) years in the past; and**
- (2) whose special group recognition license plate has not been reviewed by the license plate committee during the ten (10) year period following the initial or subsequent award of the special group recognition license plate.**

Upon receipt of the name of a special group, the license plate committee shall require the special group to submit to the license plate committee evidence of the criteria set forth in section 2.3(a) of this chapter. Upon submission of the criteria, the license plate committee shall review and recommend termination by the bureau as provided in subsection (b) if the license plate committee finds that termination is appropriate because the special group is not suitable for inclusion in the special group license plate program.

(d) Upon receiving a recommendation of termination for a special group under subsection (b) or (c), the bureau may:

- (1) terminate the special group from participation in the special group recognition license plate program; or**
- (2) allow the special group to continue participating in the special group recognition license plate program for a period of not more than eighteen (18) months.**

(e) If the bureau terminates the participation of a special group

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under subsection (d)(1):

- (1) the bureau may not issue additional special group recognition license plates to plateholders; and
- (2) a plateholder may not renew a special group recognition license plate.

If the special group desires to continue participating in the special group recognition license plate program, the special group must submit an application to the bureau containing the criteria set forth in section 2.3(a) of this chapter. The bureau shall then follow the procedure set forth in section 2.3(b) of this chapter.

(f) If the bureau allows a special group to continue participating in the special group recognition license plate program for a period under subsection (d)(2), the bureau shall:

- (1) establish the duration of the set period under subsection (d)(2); and
- (2) require the special group to submit to the bureau:
 - (A) evidence of the criteria set forth in section 2.3(a) of this chapter; and
 - (B) any additional information the bureau determines is necessary.

(g) The bureau shall:

- (1) review the evidence and additional information submitted by a special group under subsection (f)(2); and
- (2) determine whether to terminate or continue the participation of the special group in the special group recognition license plate program.

(h) After the review under subsection (g), if the bureau terminates the participation of the special group and the special group desires to continue participating, the special group must submit an application to the bureau containing the criteria set forth in section 2.3(a) of this chapter. The bureau shall then follow the procedure set forth in section 2.3(b) of this chapter.

(i) After the review under subsection (g), if the bureau continues the participation of the special group in the special group recognition license plate program, the bureau may do one (1) or more of the following:

- (1) Allow the special group to remedy the defect or the violation that caused the special group to not be suitable for inclusion in the special group recognition license plate program.
- (2) Place restrictions on or temporarily suspend the sales of special group recognition license plates for the special group.

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(3) Require the special group to appear before the commission for review or reinstatement, or both.

(j) The bureau may suspend the issuance of a special group recognition license plate for a special group if the bureau, upon investigation, has determined that the special group has advocated or committed a violation of federal or state law.

SECTION 16. IC 9-18-25-2.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.8. The total number of special group recognition license plate designs in circulation each year may not exceed one hundred fifty (150).**

SECTION 17. IC 9-18-25-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15. (a) This section expires January 1, 2014.**

(b) The bureau shall terminate an organization's qualification for the special group license plate program and no further special group recognition license plates shall be issued for an organization if less than two thousand (2,000) of the organization's special group license plates are sold or renewed in the first four (4) years of the five (5) year period beginning the earlier of January 1, 2002, or January 1 of the year in which the organization's special group license plate is first issued. The bureau shall reevaluate the organization's qualification for the special group license plate program every five (5) years thereafter. The bureau shall terminate the organization's qualification for the special group license plate program and no further special group recognition license plates shall be issued for an organization if less than two thousand (2,000) of the organization's special group license plates are sold or renewed in the first four (4) years of a subsequent five (5) year period.

SECTION 18. IC 9-18-25-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15.5. (a) This section applies after January 1, 2014.**

(b) In order to continue participation in the special group recognition license plate program, a special group must:

- (1) sell at least five hundred (500) special group recognition license plates of the special group in the first two (2) years in which the license plate is offered for sale; and**
- (2) maintain the sale or renewal of at least five hundred (500) special group recognition license plates during each subsequent year after the initial two (2) year period of sale.**

(c) If the special group fails to sell or renew special group recognition license plates in the manner provided in subsection (b),

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the bureau shall place the issuance of the special group recognition license plates for the special group on probation for the subsequent year. If, in that subsequent year on probation, the special group fails to sell or renew at least five hundred (500) special group recognition license plates, the bureau shall terminate the participation of the special group in the special group recognition license plate program. If the special group sells or renews at least five hundred (500) special group recognition license plates in the year on probation, the participation of the special group in the special group recognition license plate program is continued. A special group shall be afforded only one (1) probationary period under this subsection.

(d) A special group that desires to participate in the special group recognition license plate program after termination by the bureau as set forth in subsection (c) must follow the procedure set forth in section 2.3 of this chapter.

SECTION 19. IC 9-18-25-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 16.5. (a) This section expires December 31, 2014.**

(b) A license plate issued as a special group recognition license plate under IC 9-18-25 is no longer eligible for issuance by the bureau as a special group recognition license plate effective January 1, 2014, if fewer than twenty-six (26) of the special group recognition license plates were sold in 2012.

SECTION 20. IC 9-18-25-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) This section applies to a special group if at least ten thousand (10,000) of the special group's license plates are issued under this chapter in the first four (4) years of a five (5) year plate cycle beginning after December 31, 2001.

(b) Notwithstanding section 3 of this chapter, the representatives of the special group may petition the bureau to design a distinctive license plate that identifies a vehicle as being registered to a person who is a member of the special group.

(c) The design of the special group license plate must include a basic design for the special group recognition license plate with consecutive numerals or letters, or both, to properly identify the vehicle.

(d) A special group license plate must be treated with special reflective material designed to increase the visibility and legibility of the special group license plate.

(e) **This section expires January 1, 2014.**



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SECTION 21. An emergency is declared for this act.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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