

# TITLE 75 SECRETARY OF STATE

## Final Rule LSA Document #16-433

### DIGEST

Amends 75 IAC 3-1-1, 75 IAC 3-1-3, 75 IAC 3-1-5, 75 IAC 3-1-6, 75 IAC 3-1-7, 75 IAC 3-1-8, 75 IAC 3-1-9, 75 IAC 3-1-10, 75 IAC 3-1-14, and 75 IAC 3-1-16 and adds 75 IAC 3-1-2.1, 75 IAC 3-1-10.1, 75 IAC 3-1-10.2 and 75 IAC 3-1-10.3, concerning salvage motor vehicles and automotive salvage recyclers, to amend references to the bureau of motor vehicles to now refer to the secretary of state, correct outdated statutory references, and amend definitions to refer to statutory definitions of the same terms; amend record keeping requirements for automotive salvage recyclers that purchase or sell salvage vehicles or major component parts; clarify requirements for license application and add requirements regarding an automotive salvage recycler's established place of business; and clarify requirements for license renewal. Repeals 75 IAC 3-1-2, 75 IAC 3-1-4, 75 IAC 3-1-11, 75 IAC 3-1-12, 75 IAC 3-1-13, and 75 IAC 3-1-15. Effective 30 days after filing with the Publisher.

#### IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

**75 IAC 3-1-1; 75 IAC 3-1-2; 75 IAC 3-1-2.1; 75 IAC 3-1-3; 75 IAC 3-1-4; 75 IAC 3-1-5; 75 IAC 3-1-6; 75 IAC 3-1-7; 75 IAC 3-1-8; 75 IAC 3-1-9; 75 IAC 3-1-10; 75 IAC 3-1-10.1; 75 IAC 3-1-10.2; 75 IAC 3-1-10.3; 75 IAC 3-1-11; 75 IAC 3-1-12; 75 IAC 3-1-13; 75 IAC 3-1-14; 75 IAC 3-1-15; 75 IAC 3-1-16**

SECTION 1. 75 IAC 3-1-1 IS AMENDED TO READ AS FOLLOWS:

#### ARTICLE 3. SALVAGE VEHICLE REGULATIONS

##### Rule 1. Salvage Vehicle Regulations

###### 75 IAC 3-1-1 Purpose

**Authority: IC 9-32-3-1**

**Affected: IC 9-13-2; IC 9-22; IC 9-32**

Sec. 1. The purpose of these regulations is to provide procedures and directives to facilitate the administration by the ~~Bureau of Motor Vehicles~~ **secretary of state** of issuing licenses to ~~disposal facilities and automotive salvage rebuilders~~ **recyclers** for certain ~~business~~ activities involving, or related to, the acquisition, **sale**, rebuilding, recycling, **destruction**, or disposal of salvage ~~or distressed motor~~ vehicles and major component parts of ~~such~~ vehicles. These rules and regulations are promulgated pursuant to the authority granted to the ~~Commissioner of Motor Vehicles~~ **secretary of state** under ~~IC 9-14-2-2~~ **IC 9-32-3-1**. (*Secretary of State; 75 IAC 3-1-1; filed Apr 28, 1981, 9:35 a.m.: 4 IR 903; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; readopted filed Nov 13, 2013, 3:25 p.m.: 20131211-IR-075130451RFA*) **NOTE: Transferred from the Bureau of Motor Vehicles (140 IAC 3-3-1) to the Secretary of State (75 IAC 3-1-1) by P.L.106-2008, SECTION 54, effective July 1, 2008.**

SECTION 2. 75 IAC 3-1-2.1 IS ADDED TO READ AS FOLLOWS:

###### 75 IAC 3-1-2.1 Definitions

**Authority: IC 9-32-3-1**

Affected: IC 9-13-2; IC 9-22; IC 9-32

Sec. 2.1. The following definitions apply throughout this article:

- (1) "Automotive salvage recycler" has the meaning set forth in IC 9-13-2-10.
- (2) "Center section" means a body section or clip of a motor vehicle that includes the cowl.
- (3) "Front end assembly" means the front body section of a motor vehicle consisting of hood, fenders, radiator support, and bumper assembly, as a unit.
- (4) "Major component parts" has the meaning set forth in IC 9-13-2-95. Those major component parts that have been rebuilt, reconditioned, or restored by a production rebuilder acquiring such parts for refurbishing purposes shall not be subject to the provisions of this rule.
- (5) "Model year" means the year designated by the manufacturer for production and product identification purposes that is used for titling, registration, and recordkeeping purposes.
- (6) "Rear section" –means a body section or clip of a motor vehicle, without the cowl, consisting of quarter sections, deck lid, and bumper assembly, as a unit.
- (7) "Salvage vehicle" has the meaning set forth in IC 9-13-2-160.
- (8) "Scrap metal processor" has the meaning set forth in IC 9-13-2-162.
- (9) "Secretary" refers to the secretary of state holding office as set forth in IC 4-5-1-1.
- (10) "Source vehicle" means a specific vehicle from which a major component part is removed.
- (11) "Stock number" means the number assigned by the automotive salvage recycler for the purpose of identifying a salvage vehicle or major component part at the respective business.
- (12) "V.I.N." means the vehicle identification number as placed on the vehicle by the manufacturer or supplied by the Bureau of Motor Vehicles.

*(Secretary of State; 75 IAC 3-1-2.1)*

SECTION 3. 75 IAC 3-1-3 IS AMENDED TO READ AS FOLLOWS:

**75 IAC 3-1-3 Major component parts subject to record keeping**

**Authority: IC 9-32-3-1**

**Affected: IC 9-22; IC 9-32**

Sec. 3. ~~MAJOR COMPONENT PARTS SUBJECT TO RECORDKEEPING.~~ Major component parts subject to record keeping requirements ~~as authorized under IC 9-22 are:~~ **IC 9-22-3-19 include the following:**

- (1) ~~Frame~~ **Axle assembly.**
- (2) ~~Engine~~ **Body (includes box or bed, as appropriate).**
- (3) ~~Transmission~~ **Cab.**
- (4) ~~Trans-axle~~ **Center section.**
- (5) ~~Transfer Case~~ **Deck lid.**
- (6) **Differential assembly.**
- (7) ~~Axle Assembly~~ **Doors (includes side and rear doors, hatches and gates).**
- (8) ~~Cab~~ **Engine.**
- (9) ~~Hood~~ **Fenders.**
- (10) ~~Fenders~~ **Frame.**
- (11) ~~Deck Lid~~ **Front end assembly.**
- (12) ~~Doors (includes side and rear doors, hatches and gates)~~ **Hood.**
- (13) ~~Body (includes box or bed, as appropriate)~~ **Rear section.**

(14) ~~Front End Assembly (means the front body section consisting of hood, fenders, radiator support and bumper assembly, as a unit)~~ **Trans-axle.**

(15) ~~Center (cowl) Section (means a body section or clip which includes the cowl)~~ **Transfer case.**

(16) ~~Rear Section (means a body section or clip, without the cowl, consisting of quarter sections, deck lid, and bumper assembly, as a unit.)~~ **Transmission.**

Major component parts as they apply to a motorcycle shall include only the engine and frame. (*Secretary of State; 75 IAC 3-1-3; filed Apr 28, 1981, 9:35 a.m.: 4 IR 904; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; readopted filed Nov 13, 2013, 3:25 p.m.: 20131211-IR-075130451RFA*)  
*NOTE: Transferred from the Bureau of Motor Vehicles (140 IAC 3-3-3) to the Secretary of State (75 IAC 3-1-3) by P.L.106-2008, SECTION 54, effective July 1, 2008.*

SECTION 4. 75 IAC 3-1-5 IS AMENDED TO READ AS FOLLOWS:

**75 IAC 3-1-5 Sale of salvage vehicles or major component parts**

**Authority: IC 9-32-3-1**

**Affected: IC 9-22; IC 9-32**

~~Sec. 5. SALE OF SALVAGE MOTOR VEHICLES OR MAJOR COMPONENT PARTS.~~

~~All bills (a) A bill of sale, where present, and invoices for a salvage motor vehicles vehicle must contain the V.I.N. of the vehicle, and all bills of sale, where present, and invoices for major component parts must contain the assigned stock number~~ **the person is purchasing.**

~~(b) A purchaser may request that a bill of sale, where present, and invoices for a major component parts part must contain the V.I.N. and assigned stock number of the major component part~~ **the person is purchasing.**

~~(c) An automotive salvage recycler shall comply with a request made under subsection (b).~~

~~(Secretary of State; 75 IAC 3-1-5; filed Apr 28, 1981, 9:35 a.m.: 4 IR 904; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; readopted filed Nov 13, 2013, 3:25 p.m.: 20131211-IR-075130451RFA) NOTE: Transferred from the Bureau of Motor Vehicles (140 IAC 3-3-5) to the Secretary of State (75 IAC 3-1-5) by P.L.106-2008, SECTION 54, effective July 1, 2008.~~

SECTION 5. 75 IAC 3-1-6 IS AMENDED TO READ AS FOLLOWS:

**75 IAC 3-1-6 Record keeping requirements for salvaging businesses**

**Authority: IC 9-32-3-1**

**Affected: IC 9-22; IC 9-32**

~~Sec. 6. (a) The commissioner shall prescribe the format and the forms that must be used by each business licensed an automotive salvage recycler to carry on the business activities as outlined in IC 9-22-4. Each business IC 9-22-3-19, IC 9-22-3-20, IC 9-22-5-18.2, and IC 9-32-9. As detailed in subsection (b), each automotive salvage recycler shall record the purchase and sale of salvage motor vehicles and the purchase and sale of major component parts purchased or sold in the normal course of business operations. that are in either their current model year or in the immediately preceding six~~ **(6) model years when purchased by an automotive salvage recycler.**

~~Two (2) main registers (b) In addition to the record keeping requirements in IC 9-22, records must be maintained by the disposal facilities and automotive salvage rebuilders-recycler as follows:~~

~~(1) A vehicle register shall be maintained and~~ The following information **shall be recorded on a form prescribed by the secretary for all salvage motor vehicles purchased and or sold:**

~~(A) The date of purchase and sale of each salvage motor vehicle.~~

~~(B) The vehicle description and identification: model year, model type, make, and V.I.N.~~

- ~~(C)~~ (A) The stock number **and serial number**.
- ~~(D)~~ (B) The title number or other ownership document and the issuing authority.
- ~~(E)~~ (C) The name and address of the business or person from whom the salvage motor vehicle was acquired, and the name and address of the person or business to whom the salvage motor vehicle was sold or otherwise disposed of.
- ~~(F)~~ (D) The invoice number, if applicable, evidencing the purchase or acquisition of the salvage motor vehicle.
- ~~(G)~~ (E) The invoice number, if applicable, evidencing the sale or ~~disposed~~ **disposal** of the salvage motor vehicle.
- ~~(H)~~ (F) Such other information as the ~~commissioner~~ **secretary** may require.

(2) ~~A major component parts register shall be maintained and~~ The following information **shall be recorded on a form prescribed by the secretary for** all major component parts purchased ~~and~~ **or** sold:

- (A) The following for major component parts removed from acquired vehicles:
  - (i) The vehicle description and identification, including the V.I.N., serial number, stock number, or other reference number, **if that information was requested to be included on the bill of sale or invoice by the purchaser as provided in section 5(b) of this rule.**
  - (ii) The description and identification of the source vehicle of the major component part as contained in the ~~vehicle register~~ **records created pursuant to subdivision (1), if that information was requested to be included on the bill of sale or invoice by the purchaser as provided in section 5(b) of this rule.**
  - (iii) The name and address of the person ~~or business~~ to whom the major component part was sold.
  - (iv) The date and invoice number, if applicable, evidencing the sale of the major component part.
  - (v) Such other information as the ~~commissioner~~ **secretary** may require.

(B) For major component parts acquired from other than a salvage ~~motor~~ vehicle owned by the ~~disposal facility or automotive salvage rebuilder~~ **the major component parts register shall contain, in addition to those listed above in clause (A), recycler,** the following information **must also be recorded and maintained:**

- (i) The name and address of the person or business from whom the major component part was acquired.
- (ii) The date and invoice number, if applicable, evidencing the purchase or acquisition of the major component part.

*(Secretary of State; 75 IAC 3-1-6; filed Apr 28, 1981, 9:35 a.m.: 4 IR 905; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Oct 17, 2001, 4:20 p.m.: 25 IR 911; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; readopted filed Nov 13, 2013, 3:25 p.m.: 20131211-IR-075130451RFA) NOTE: Transferred from the Bureau of Motor Vehicles (140 IAC 3-3-6) to the Secretary of State (75 IAC 3-1-6) by P.L.106-2008, SECTION 54, effective July 1, 2008.*

SECTION 6. 75 IAC 3-1-7 IS AMENDED TO READ AS FOLLOWS:

### **75 IAC 3-1-7 Alternative to prescribed forms**

**Authority: IC 9-22-1; IC 9-32-3-1**

**Affected: IC 9-22**

Sec. 7. ~~ALTERNATIVE TO PRESCRIBED FORMS.~~ Any disposal facility or automotive salvage rebuilder which wishes to generate information to be contained in the vehicle register and the major component parts register by a data processing report or other comparable report **recycler subject to record keeping requirements prescribed by the secretary of state** may, submit such report format to the ~~Commissioner~~ **secretary** for approval in lieu of utilizing the prescribed forms required by the ~~Commissioner~~

**secretary of state** for such record keeping purposes, **use alternative record keeping methods as approved by the secretary.** (*Secretary of State; 75 IAC 3-1-7; filed Apr 28, 1981, 9:35 a.m.: Indiana 4 IR 905; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; readopted filed Nov 13, 2013, 3:25 p.m.: 20131211-IR-075130451RFA*)  
*NOTE: Transferred from the Bureau of Motor Vehicles (140 IAC 3-3-7) to the Secretary of State (75 IAC 3-1-7) by P.L.106-2008, SECTION 54, effective July 1, 2008.*

SECTION 7. 75 IAC 3-1-8 IS AMENDED TO READ AS FOLLOWS:

**75 IAC 3-1-8 Model years for record keeping purposes**

**Authority: IC 9-32-3-1**

**Affected: IC 9-22**

Sec. 8. ~~MODEL YEARS FOR RECORDKEEPING PURPOSES.~~ All disposal facilities or automotive salvage rebuilders shall keep and maintain records on the current model year and immediate ~~four~~ **six (6)** preceding model years for all salvage ~~motor~~ vehicles as indicated in section 6 of this rule.

~~Example: During calendar year 1981, coverage shall apply to vehicles and major component parts designated as 1977 and newer model years, including 1982 models, when introduced. As of January 1, 1982, the 1977 model year is dropped, and 1978 becomes the oldest model year subject to coverage.~~

Any salvage ~~motor~~ vehicle or major component part ~~which that~~ is subject to record keeping procedures by law and per these rules and regulations ~~which that~~ has been acquired and entered into the ~~vehicle register or major component parts register~~ **automotive salvage recycler's records** shall be subject to record keeping for disposal purposes even though the sale of such vehicle or part is beyond the ~~five-year~~ **seven-year** provisions of these rules and regulations. (*Secretary of State; 75 IAC 3-1-8; filed Apr 28, 1981, 9:35 a.m.: 4 IR 905; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; readopted filed Nov 13, 2013, 3:25 p.m.: 20131211-IR-075130451RFA*) *NOTE: Transferred from the Bureau of Motor Vehicles (140 IAC 3-3-8) to the Secretary of State (75 IAC 3-1-8) by P.L.106-2008, SECTION 54, effective July 1, 2008.*

SECTION 8. 75 IAC 3-1-9 IS AMENDED TO READ AS FOLLOWS:

**75 IAC 3-1-9 Verification of seller's identity**

**Authority: IC 9-32-3-1**

**Affected: IC 9-22; IC 9-32**

Sec. 9. ~~VERIFICATION OF IDENTIFICATION OF PERSON OR BUSINESS.~~ (a) All disposal facilities ~~or automotive salvage rebuilders~~ **recyclers** must take reasonable steps to verify the ~~identify~~ **identity** of the person from whom a salvage ~~motor~~ vehicle or major component part is purchased.

**(b) Reasonable steps include, but are not limited to, asking the individual selling the salvage vehicle or major component part to present at the time of sale a valid and unexpired government issued identification document bearing an image of the seller or seller's agent.**

(*Secretary of State; 75 IAC 3-1-9; filed Apr 28, 1981, 9:35 a.m.: 4 IR 906; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; readopted filed Nov 13, 2013, 3:25 p.m.: 20131211-IR-075130451RFA*) *NOTE: Transferred from the Bureau of Motor Vehicles (140 IAC 3-3-9) to the Secretary of State (75 IAC 3-1-9) by P.L.106-2008, SECTION 54, effective July 1, 2008.*

SECTION 9. 75 IAC 3-1-10 IS AMENDED TO READ AS FOLLOWS:

**75 IAC 3-1-10 Return of titles to bureau of motor vehicles**

**Authority: IC 9-32-3-1**

**Affected: IC 9-22; IC 9-32**

Sec. 10. ~~RETURN OF TITLES TO BUREAU OF MOTOR VEHICLES.~~ In accordance with the provisions of IC 9-22-3 ~~all disposal facilities or~~ **and IC 9-22-5 an automotive salvage recycler** ~~rebuilders which shred, crush, bale~~ **recycler that shreds, crushes, bales,** or otherwise ~~alter the~~ **alters a salvage** vehicle frame and body so that they cannot be used on or as a motor vehicle, shall be responsible for returning to the bureau of Motor Vehicles, ~~on a monthly basis, the certificates~~ **certificate of title or certificate of authority for such vehicles** ~~Disposal facilities and scrap metal processors~~ **the salvage vehicle, except as permitted by IC 9-22-5-18.2. Automotive salvage recyclers** ~~which that~~ **that** acquire motor vehicles in a crushed, baled, or shredded condition are not required to obtain a certificate of title for such vehicles. (Secretary of State; 75 IAC 3-1-10; filed Apr 28, 1981, 9:35 a.m.: 4 IR 906; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; readopted filed Nov 13, 2013, 3:25 p.m.: 20131211-IR-075130451RFA) NOTE: Transferred from the Bureau of Motor Vehicles (140 IAC 3-3-10) to the Secretary of State (75 IAC 3-1-10) by P.L.106-2008, SECTION 54, effective July 1, 2008.

SECTION 10. 75 IAC 3-1-10.1 IS ADDED TO READ AS FOLLOWS:

**75 IAC 3-1-10.1 Automotive salvage recycler initial license application**

**Authority: IC 9-32-3-1**

**Affected: IC 9-13-2; IC 9-32**

Sec. 10.1. (a) In addition to the requirements in IC 9-32, a person applying to be licensed as an automotive salvage recycler must submit with the application:

- (1) a copy of a valid photographic identification card issued by a government agency to each individual listed on the application as an owner, partner, or officer, including the person signing the application if different; and
- (2) photographs of the dealer's established place of business including, at a minimum, the dealer's office, the advertising sign required by this rule, and the interior and exterior of the dealer's established place of business.

Printed photographs must not be less than three (3) inches by five (5) inches in size. The photographs must be updated if the automotive salvage recycler moves locations or if its physical facilities are substantially altered or modified. Digital photographs must be unaltered and verifiable.

(b) The name of the business and the address of the automotive salvage recycler as stated on all documents submitted with the application must match the name and address of the automotive salvage recycler as stated on the application. An exemption for this requirement may be given at the secretary of state's discretion so long as there are no concerns regarding the qualifications and eligibility of the applicant to receive the license or the ability of the applicant to conduct properly the business for which the application is submitted.

(Secretary of State; 75 IAC 3-1-10.1)

SECTION 11. 75 IAC 3-1-10.2 IS ADDED TO READ AS FOLLOWS:

**75 IAC 3-1-10.2 Established place of business**

**Authority: IC 9-13-2-42; IC 9-32-3-1**

**Affected: IC 9-13; IC 9-32**

**Sec. 10.2. (a) This section applies to all automotive salvage recyclers making initial application for a license.**

**(b) Beginning January 1, 2019, the secretary may not renew an automotive salvage recycler license if the automotive salvage recycler is not in compliance with this section.**

**(c) In addition to the requirements in IC 9-32 and IC 9-13, the established place of business at which an automotive salvage recycler is licensed or applying to be licensed must meet the following requirements:**

**(1) Is located in Indiana and has an Indiana address that is not:**

**(A) an Indiana post office box address; or**

**(B) a location that functions like a mailbox box facility.**

**(2) Has a conspicuous permanent sign identifying the automotive salvage recycler by the name in which the automotive salvage recycler is licensed or applying to be licensed.**

**(3) Has sufficient space to accommodate the storage of the kind and type of vehicles in which the automotive salvage recycler is licensed to deal.**

**(d) In addition to the requirements in subsection (c), IC 9-32, and IC 9-13, the established place of business at which an automotive salvage recycler is licensed or applying to be licensed must meet the following requirements if the automotive salvage recycler engages or intends to engage in retail sales of salvage or rebuilt vehicles or major component parts sourced from salvage vehicles to the general public:**

**(1) Has customer parking.**

**(2) Is accessible by the public.**

**(3) Has space to accommodate the display of the kind and type of vehicles in which the automotive salvage recycler is licensed to deal.**

**(4) Contains an office that meets the following requirements:**

**(A) At least one hundred (100) square feet in size.**

**(B) Equipped with office furniture such as a desk, chairs, and filing cabinets.**

**(C) Served with utilities including:**

**(i) electricity;**

**(ii) lighting;**

**(iii) heat;**

**(iv) operational plumbing; and**

**(v) a business telephone.**

**(D) Reflective of functional use and operation of the license.**

**An exemption for the requirements in clauses (A) through (C) may be given at the secretary's discretion so long as there are no concerns regarding the qualifications and eligibility of the applicant to receive the license or the ability of the applicant to conduct properly the business for which the application is submitted.**

**(5) The sign required by subsection (c)(2) also identifies the automotive salvage recycler's hours of operation.**

*(Secretary of State; 75 IAC 3-1-10.2)*

**SECTION 12. 75 IAC 3-1-10.3 IS ADDED TO READ AS FOLLOWS:**

**75 IAC 3-1-10.3 Automotive salvage recycler license renewal**

**Authority: IC 9-32-3-1; IC 9-32-11-8**

**Affected: IC 9-32-9; IC 9-32-11**

**Sec. 10.3. (a) Application for renewal of an automotive salvage recycler license must be on a form prescribed by the secretary and be accompanied by the following:**

**(1) The applicable fee.**

**(2) Proof of current bond as required by IC 9-32-11-2(e).**

**(3) Proof of current liability insurance or current membership in a risk retention group as required by IC 9-32-11-14.**

**(b) If requested by the secretary, application for renewal of an automotive salvage recycler license must include proof that the automotive salvage recycler is in good standing with the:**

- (1) bureau of motor vehicles;**
- (2) department of state revenue;**
- (3) state police department; or**
- (4) department of environmental management.**

*(Secretary of State; 75 IAC 3-1-10.3)*

SECTION 13. 75 IAC 3-1-14 IS AMENDED TO READ AS FOLLOWS:

**75 IAC 3-1-14 Cease and desist order**

**Authority: IC 9-32-3-1**

**Affected: IC 9-22; IC 9-32**

~~Sec. 14. ISSUANCE OF CEASE AND DESIST ORDER BY COMMISSIONER.~~ All ~~businesses~~ **persons** engaged in the ~~business~~ activities as identified in ~~IC 9-22-4~~ **IC 9-32-9-1** must be properly licensed to carry out such ~~business~~ activities and functions. Failure to obtain a license **under IC 9-32-9** or ~~having engaging in activities that require~~ a license **while a license issued under IC 9-32-9 is** suspended or revoked by the ~~Commissioner~~ **secretary** shall be cause for an order to cease and desist all such ~~business~~ activities to be issued by the ~~Commissioner~~ **secretary**. The ~~Commissioner~~ **secretary** shall notify the superintendent of the Indiana state police of all such orders issued to cease and desist. ~~business.~~  
*(Secretary of State; 75 IAC 3-1-14; filed Apr 28, 1981, 9:35 a.m.: 4 IR 907; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; readopted filed Nov 13, 2013, 3:25 p.m.: 20131211-IR-075130451RFA) NOTE: Transferred from the Bureau of Motor Vehicles (140 IAC 3-3-14) to the Secretary of State (75 IAC 3-1-14) by P.L.106-2008, SECTION 54, effective July 1, 2008.*

SECTION 14. 75 IAC 3-1-16 IS AMENDED TO READ AS FOLLOWS:

**75 IAC 3-1-16 General applicability**

**Authority: IC 9-32-3-1**

**Affected: IC 9-13-2; IC 9-22; IC 9-32**

~~Sec. 16. GENERAL APPLICABILITY OF THESE RULES AND REGULATIONS.~~ Any person ~~or~~ ~~business not normally~~ carrying on the ~~business~~ functions of a ~~disposal facility or automotive salvage~~ ~~rebuilder but who conducts business activities of a disposal facility or an automotive salvage~~ ~~rebuilder as defined in IC 9-13-2-9, may, upon investigation by the Commissioner, be~~ **recycler is** classified as a ~~disposal facility or an automotive salvage~~ ~~rebuilder~~ **recycler** and ~~be~~ **is** subject to the licensing provisions and recordkeeping requirements of IC 9-22, **IC 9-32**, and these rules and regulations. *(Secretary of State; 75 IAC 3-1-16; filed Apr 28, 1981, 9:35 a.m.: 4 IR 907; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; readopted filed Nov 13, 2013, 3:25 p.m.: 20131211-IR-075130451RFA) NOTE: Transferred from the Bureau of Motor Vehicles (140 IAC 3-3-16) to the Secretary of State (75 IAC 3-1-16) by P.L.106-2008, SECTION 54, effective July 1, 2008.*

SECTION 15. THE FOLLOWING ARE REPEALED: 75 IAC 3-1-2; 75 IAC 3-1-4; 75 IAC 3-1-11; 75 IAC 3-1-12; 75 IAC 3-1-13; 75 IAC 3-1-15