

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 246

---

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 27-1-22-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 20. Agreements may be made among insurers with respect to the equitable apportionment among them of:

- (1) automobile;
- (2) bodily injury liability; and
- (3) property damage;

insurance which may be afforded applicants who are in good faith entitled to but who are unable to procure such insurance through ordinary methods. ~~and such~~ **The** insurers may agree among themselves on the use of reasonable rate modifications for ~~such the~~ **insurance, and such the** agreements and rate modifications ~~to be~~ **are** subject to the terms of this chapter.

SECTION 2. IC 31-26-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

### **Chapter 4.5. Insuring Foster Youth Trust Program**

**Sec. 1. (a) The insuring foster youth trust program is established under this chapter to recognize that:**

- (1) **foster youth have limited access to resources as they begin to age out of the system;**
- (2) **foster youth require additional resources as they begin to**

SEA 246 — Concur



age out of the system to ensure a successful transition to adulthood;

(3) ensuring that foster youth can afford automobile insurance is paramount to the successful transition of a foster youth to adulthood; and

(4) providing funding to help defray the cost of automobile insurance will drastically increase the chances of a successful transition of a foster youth to adulthood.

(b) Subject to available funding, the insuring foster youth trust program shall provide funding to help defray the cost of the following:

(1) Automobile insurance coverage for foster youth.

(2) Not more than forty-four (44) of the fifty (50) hours of supervised driving practice for foster youth pursuant to IC 9-24-3-2.5.

Sec. 2. As used in this chapter, "foster youth" refers to an individual:

(1) at least sixteen (16) years of age;

(2) not more than twenty-three (23) years of age; and

(3) who is:

(A) adjudicated a child in need of services under IC 31-34-1;

(B) an older youth in a collaborative care program under IC 31-28-5.8; or

(C) a participant in voluntary older youth services provided by a contractor of the department and referred to them by a department employee.

Sec. 3. As used in this chapter, "fund" refers to the insuring foster youth trust fund established by section 4 of this chapter.

Sec. 4. (a) The insuring foster youth trust fund is established to carry out the purposes of this chapter.

(b) The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Interest as provided in subsection (f).

(3) Fees collected from an insuring foster youth trust license plate, if one is issued under IC 9-18.5.

(4) Money received pursuant to subsection (c).

(5) Money donated to the fund, including donations from a nonprofit subsidiary corporation established under section 9 of this chapter.

(6) Money transferred to the fund from other funds.

(c) The department may apply for all federal funds that are



available for which the state is eligible to carry out the purposes of this chapter.

(d) The department shall administer the fund.

(e) The expenses of administering the fund and this chapter shall be paid from the fund.

(f) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(g) Money in the fund is continuously appropriated for the purposes of the fund.

Sec. 5. (a) Money in the fund may be used to provide payments to foster youth for the purposes set forth in section 1(b) of this chapter.

(b) Money in the fund may not be granted to a state or local unit of government.

Sec. 6. A foster youth is responsible for paying all costs of a policy of automobile insurance. A state or local government agency, foster parent, or entity providing services to a foster youth under a contract or at the direction of a state or local government agency shall not be required to pay any costs associated with a policy of automobile insurance or supervised driving hours and shall not be liable for any damages that result from the foster youth's operation of an automobile owned and insured by the foster youth.

Sec. 7. Before October 1 of each year, the department shall prepare a report to the general assembly in an electronic format under IC 5-14-6 regarding the funds received and payments made by the fund.

Sec. 8. The department may adopt rules under IC 4-22-2 to implement this chapter.

Sec. 9. The department may establish a nonprofit subsidiary corporation that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code to solicit and accept private funding, gifts, donations, bequests, devises, and contributions.

Sec. 10. The department or the department's designee may:

- (1) develop evaluation criteria, payment calculation standards, and other policies related to the implementation of this chapter; and
- (2) adopt and make available to foster youth a method for applying for funding under this chapter.



SECTION 3. IC 31-33-18-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 6. For the purposes of IC 31-26-4.5, the department may certify or acknowledge that an individual qualifies as a foster youth under IC 31-26-4.5-2.**

SECTION 4. IC 34-30-2-134.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 134.7. IC 31-26-4.5-6 (Concerning the department of child services, and liability of a state or local government agency, foster parent, or entity providing services to a foster youth for costs and damages associated with an automobile insurance policy issued to a foster youth.)**



---

President of the Senate

---

President Pro Tempore

---

Speaker of the House of Representatives

---

Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**SEA 246 — Concur**

