

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE ENROLLED ACT No. 1183

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 9-22-1-8, AS AMENDED BY P.L.125-2012, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. **(a) Subject to subsection (b)**, if the properly identified person who owns or holds a lien on a vehicle appears at the site of storage before disposal of the vehicle or parts and pays all costs ~~incurred against the vehicle or parts at that time~~, **relating to a tow, the storage of the vehicle, and all allowable fees, as applicable**, the vehicle or parts shall be released.

(b) A towing service or storage yard may charge an inspection fee to an owner, a lienholder, or an insurance company representative to inspect a vehicle or retrieve items from the vehicle. A fee under this subsection must be refunded if the costs relating to a tow, the storage of the vehicle, and all allowable fees, as applicable, are paid under subsection (a).

(c) A towing service or storage yard must accept payment made by any of the following means from a person seeking to release a vehicle under this section:

- (1) Cash.**
- (2) Certified check.**
- (3) Insurance check.**
- (4) Money order.**

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A towing service or storage facility may elect to accept payment by means of a credit card or debit card.

(d) Upon receiving payment of all costs relating to a tow, the storage of a vehicle, and all allowable fees, as applicable, a towing service or storage yard shall provide to the person making payment an itemized receipt that includes the information set forth in IC 24-14-5, to the extent the information is known or available.

(e) A towing service or storage yard must be open for business and accessible by telephone during regular office hours. A towing service or storage yard must provide a telephone number that is available on a twenty-four (24) hour basis to receive calls and messages from callers, including calls made outside of regular office hours. All calls made to a towing service or storage yard must be returned within twenty-four (24) hours from the time received. However, if adverse weather, an act of God, or an emergency situation over which the towing service or storage yard has no control prevents the towing service or storage yard from returning calls within twenty-four (24) hours, the towing service or storage yard shall return all calls received as quickly as possible.

(f) A towing service or storage yard shall, if required, notify the appropriate public agency of all releases under this section. The notification must include:

- (1) the name ~~signature~~, and address of:
 - (A) the person that owns or holds a lien on the vehicle; and
 - (B) the insurance company that insures the vehicle, if the vehicle was released to a representative of the insurance company;
- (2) the signature of the individual to whom the vehicle was released;
- (3) a description of the vehicle or parts;
- (4) costs paid; and
- (5) the date of release.

SECTION 2. IC 9-22-1-19, AS AMENDED BY P.L.157-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19. (a) Within ~~seventy-two (72) hours~~ **three (3) business days** after removal of a vehicle to a storage yard or towing service under section 13, 14, 16, or 31 of this chapter or IC 9-22-6, the public agency or towing service shall conduct a search of ~~national data~~ **the National Motor Vehicle Title Information System or an equivalent and commonly available data base, bases, including a data base of vehicle identification numbers**, to attempt to obtain the last state of record of the vehicle in order to attempt to ascertain the name



and address of the person who owns or holds a lien on the vehicle.

(b) A public agency or towing service that obtains the name and address of the owner of or lienholder on a vehicle shall, not later than ~~seventy-two (72) hours~~ **three (3) business days** after obtaining the name and address, notify the person who owns or holds a lien on the vehicle of the following:

- (1) The name, address, and telephone number of the public agency or towing service.
- (2) That storage charges are being accrued and the vehicle is subject to sale if the vehicle is not claimed and the charges are not paid.
- (3) The earliest possible date and location of the public sale or auction.

The notice must be made by certified mail or a certificate of mailing or by means of an electronic service approved by the bureau. Notwithstanding section 4 of this chapter, a public agency or towing service that fails to notify the owner of or lienholder on the vehicle as set forth in this subsection may not collect additional storage costs incurred after the date of receipt of the name and address obtained.

SECTION 3. IC 9-33-1-1, AS AMENDED BY P.L.198-2016, SECTION 630, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. This article applies to the following:

- (1) Actions taken under a court order.
- (2) Actions required under IC 9-24-2-1, IC 9-24-2-2, or IC 9-24-2-4.
- (3) Actions required under IC 9-24-6 (before its repeal on July 1, 2016).
- (4) Actions required under IC 9-24-6.5-6(c) (before its repeal on July 1, 2016).
- (5) Actions taken under IC 9-24-6.1.
- (6) Actions required under IC 9-25.
- (7) Actions taken under IC 9-28.
- (8) Actions required under IC 9-30.
- (9) Refunds claimed after June 30, 2016, of fees imposed by the bureau.
- (10) Actions taken under IC 9-22-1-4.**

SECTION 4. IC 24-5-0.5-3, AS AMENDED BY P.L.170-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) A supplier may not commit an unfair, abusive, or deceptive act, omission, or practice in connection with a consumer transaction. Such an act, omission, or practice by a supplier



is a violation of this chapter whether it occurs before, during, or after the transaction. An act, omission, or practice prohibited by this section includes both implicit and explicit misrepresentations.

(b) Without limiting the scope of subsection (a), the following acts, and the following representations as to the subject matter of a consumer transaction, made orally, in writing, or by electronic communication, by a supplier, are deceptive acts:

- (1) That such subject of a consumer transaction has sponsorship, approval, performance, characteristics, accessories, uses, or benefits it does not have which the supplier knows or should reasonably know it does not have.
- (2) That such subject of a consumer transaction is of a particular standard, quality, grade, style, or model, if it is not and if the supplier knows or should reasonably know that it is not.
- (3) That such subject of a consumer transaction is new or unused, if it is not and if the supplier knows or should reasonably know that it is not.
- (4) That such subject of a consumer transaction will be supplied to the public in greater quantity than the supplier intends or reasonably expects.
- (5) That replacement or repair constituting the subject of a consumer transaction is needed, if it is not and if the supplier knows or should reasonably know that it is not.
- (6) That a specific price advantage exists as to such subject of a consumer transaction, if it does not and if the supplier knows or should reasonably know that it does not.
- (7) That the supplier has a sponsorship, approval, or affiliation in such consumer transaction the supplier does not have, and which the supplier knows or should reasonably know that the supplier does not have.
- (8) That such consumer transaction involves or does not involve a warranty, a disclaimer of warranties, or other rights, remedies, or obligations, if the representation is false and if the supplier knows or should reasonably know that the representation is false.
- (9) That the consumer will receive a rebate, discount, or other benefit as an inducement for entering into a sale or lease in return for giving the supplier the names of prospective consumers or otherwise helping the supplier to enter into other consumer transactions, if earning the benefit, rebate, or discount is contingent upon the occurrence of an event subsequent to the time the consumer agrees to the purchase or lease.
- (10) That the supplier is able to deliver or complete the subject of



the consumer transaction within a stated period of time, when the supplier knows or should reasonably know the supplier could not. If no time period has been stated by the supplier, there is a presumption that the supplier has represented that the supplier will deliver or complete the subject of the consumer transaction within a reasonable time, according to the course of dealing or the usage of the trade.

(11) That the consumer will be able to purchase the subject of the consumer transaction as advertised by the supplier, if the supplier does not intend to sell it.

(12) That the replacement or repair constituting the subject of a consumer transaction can be made by the supplier for the estimate the supplier gives a customer for the replacement or repair, if the specified work is completed and:

(A) the cost exceeds the estimate by an amount equal to or greater than ten percent (10%) of the estimate;

(B) the supplier did not obtain written permission from the customer to authorize the supplier to complete the work even if the cost would exceed the amounts specified in clause (A);

(C) the total cost for services and parts for a single transaction is more than seven hundred fifty dollars (\$750); and

(D) the supplier knew or reasonably should have known that the cost would exceed the estimate in the amounts specified in clause (A).

(13) That the replacement or repair constituting the subject of a consumer transaction is needed, and that the supplier disposes of the part repaired or replaced earlier than seventy-two (72) hours after both:

(A) the customer has been notified that the work has been completed; and

(B) the part repaired or replaced has been made available for examination upon the request of the customer.

(14) Engaging in the replacement or repair of the subject of a consumer transaction if the consumer has not authorized the replacement or repair, and if the supplier knows or should reasonably know that it is not authorized.

(15) The act of misrepresenting the geographic location of the supplier by listing an alternate business name or an assumed business name (as described in IC 23-0.5-3-4) in a local telephone directory if:

(A) the name misrepresents the supplier's geographic location;

(B) the listing fails to identify the locality and state of the



supplier's business;

(C) calls to the local telephone number are routinely forwarded or otherwise transferred to a supplier's business location that is outside the calling area covered by the local telephone directory; and

(D) the supplier's business location is located in a county that is not contiguous to a county in the calling area covered by the local telephone directory.

(16) The act of listing an alternate business name or assumed business name (as described in IC 23-0.5-3-4) in a directory assistance data base if:

(A) the name misrepresents the supplier's geographic location;

(B) calls to the local telephone number are routinely forwarded or otherwise transferred to a supplier's business location that is outside the local calling area; and

(C) the supplier's business location is located in a county that is not contiguous to a county in the local calling area.

(17) The violation by a supplier of IC 24-3-4 concerning cigarettes for import or export.

(18) The act of a supplier in knowingly selling or reselling a product to a consumer if the product has been recalled, whether by the order of a court or a regulatory body, or voluntarily by the manufacturer, distributor, or retailer, unless the product has been repaired or modified to correct the defect that was the subject of the recall.

(19) The violation by a supplier of 47 U.S.C. 227, including any rules or regulations issued under 47 U.S.C. 227.

(20) The violation by a supplier of the federal Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.), including any rules or regulations issued under the federal Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.).

(21) A violation of IC 24-5-7 (concerning health spa services), as set forth in IC 24-5-7-17.

(22) A violation of IC 24-5-8 (concerning business opportunity transactions), as set forth in IC 24-5-8-20.

(23) A violation of IC 24-5-10 (concerning home consumer transactions), as set forth in IC 24-5-10-18.

(24) A violation of IC 24-5-11 (concerning real property improvement contracts), as set forth in IC 24-5-11-14.

(25) A violation of IC 24-5-12 (concerning telephone solicitations), as set forth in IC 24-5-12-23.

(26) A violation of IC 24-5-13.5 (concerning buyback motor



vehicles), as set forth in IC 24-5-13.5-14.

(27) A violation of IC 24-5-14 (concerning automatic dialing-announcing devices), as set forth in IC 24-5-14-13.

(28) A violation of IC 24-5-15 (concerning credit services organizations), as set forth in IC 24-5-15-11.

(29) A violation of IC 24-5-16 (concerning unlawful motor vehicle subleasing), as set forth in IC 24-5-16-18.

(30) A violation of IC 24-5-17 (concerning environmental marketing claims), as set forth in IC 24-5-17-14.

(31) A violation of IC 24-5-19 (concerning deceptive commercial solicitation), as set forth in IC 24-5-19-11.

(32) A violation of IC 24-5-21 (concerning prescription drug discount cards), as set forth in IC 24-5-21-7.

(33) A violation of IC 24-5-23.5-7 (concerning real estate appraisals), as set forth in IC 24-5-23.5-9.

(34) A violation of IC 24-5-26 (concerning identity theft), as set forth in IC 24-5-26-3.

(35) A violation of IC 24-5.5 (concerning mortgage rescue fraud), as set forth in IC 24-5.5-6-1.

(36) A violation of IC 24-8 (concerning promotional gifts and contests), as set forth in IC 24-8-6-3.

(37) A violation of IC 21-18.5-6 (concerning representations made by a postsecondary credit bearing proprietary educational institution), as set forth in IC 21-18.5-6-22.5.

(38) A violation of IC 24-14 (concerning towing services), as set forth in IC 24-14-10-1.

(c) Any representations on or within a product or its packaging or in advertising or promotional materials which would constitute a deceptive act shall be the deceptive act both of the supplier who places such representation thereon or therein, or who authored such materials, and such other suppliers who shall state orally or in writing that such representation is true if such other supplier shall know or have reason to know that such representation was false.

(d) If a supplier shows by a preponderance of the evidence that an act resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid the error, such act shall not be deceptive within the meaning of this chapter.

(e) It shall be a defense to any action brought under this chapter that the representation constituting an alleged deceptive act was one made in good faith by the supplier without knowledge of its falsity and in reliance upon the oral or written representations of the manufacturer, the person from whom the supplier acquired the product, any testing



organization, or any other person provided that the source thereof is disclosed to the consumer.

(f) For purposes of subsection (b)(12), a supplier that provides estimates before performing repair or replacement work for a customer shall give the customer a written estimate itemizing as closely as possible the price for labor and parts necessary for the specific job before commencing the work.

(g) For purposes of subsection (b)(15) and (b)(16), a telephone company or other provider of a telephone directory or directory assistance service or its officer or agent is immune from liability for publishing the listing of an alternate business name or assumed business name of a supplier in its directory or directory assistance data base unless the telephone company or other provider of a telephone directory or directory assistance service is the same person as the supplier who has committed the deceptive act.

(h) For purposes of subsection (b)(18), it is an affirmative defense to any action brought under this chapter that the product has been altered by a person other than the defendant to render the product completely incapable of serving its original purpose.

SECTION 5. IC 24-14 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

ARTICLE 14. TOWING SERVICES

Chapter 1. Application

Sec. 1. (a) This article applies to any person engaging in, or offering to engage in, the business of providing towing service in Indiana.

(b) This article does not apply to the towing of motor vehicles:

- (1) into Indiana; or**
- (2) through Indiana;**

if the towing originates in another state.

Sec. 2. This article does not apply to the following:

- (1) Government agency towing.**
- (2) Seizure towing.**
- (3) Towing performed by, on behalf of, or under contract with:**

- (A) an automobile club;**
- (B) a car dealership;**
- (C) an insurance company; or**
- (D) a customer under a consensual towing agreement.**

Sec. 3. This article does not supersede or nullify a towing company's or any other person's rights, duties, or obligations



under the following:

- (1) IC 24-4-6-2.
- (2) IC 9-22-1.
- (3) IC 9-22-6.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Affiliate" has the meaning set forth in IC 23-1-43-1.

Sec. 3. (a) "Automobile club" means a person that, for consideration, promises to assist its members or subscribers in matters relating to:

- (1) motor travel; or
- (2) the operation, use, or maintenance of a motor vehicle;

by supplying services, which may include towing service, emergency road service, or indemnification service.

(b) The term includes:

- (1) a motor vehicle dealer; or
- (2) an insurance company;

operating as an automobile club to provide any of the services described in subsection (a).

Sec. 4. "Consensual towing agreement" means an agreement between a towing company and a person or business to perform towing services at the request of the owner, operator, or person having legal custody of the vehicle that is agreed upon prior to the vehicle being towed.

Sec. 5. "Emergency towing" means the towing of a motor vehicle, with or without the owner's consent, because of:

- (1) a motor vehicle accident on a public street, road, or highway; or
- (2) an incident:
 - (A) related to an emergency; and
 - (B) necessitating the removal of the motor vehicle from a location for public safety reasons.

Sec. 6. "Flat bed service" means a type of towing service that involves moving vehicles by loading them onto a flat bed platform.

Sec. 7. "Government agency towing" means the towing of a government owned or government controlled vehicle by the government agency that owns or controls the towed vehicle.

Sec. 8. "Local law enforcement agency" has the meaning set forth in IC 9-26-9-2.

Sec. 9. (a) "Law enforcement towing" means the towing of a motor vehicle for law enforcement purposes.



(b) The term includes towing for law enforcement purposes that is performed by a towing company:

- (1) under a contract with the state, a local unit, or a local law enforcement agency of the state or local unit; or
- (2) on behalf of the state, a local unit, or a local law enforcement agency of the state or local unit.

(c) The term does not include seizure towing.

Sec. 10. "Motor vehicle" means any vehicle that:

- (1) is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails); and
- (2) has at least four (4) wheels.

Sec. 11. "Owner", with respect to a motor vehicle, means the registered owner, as determined by a search under IC 9-22-1-19.

Sec. 12. "Private property towing" means the towing of a motor vehicle, without the owner's consent:

- (1) from private property on which the motor vehicle was illegally parked; or
- (2) from private property because of an exigent circumstance necessitating its removal;

to another location.

Sec. 13. "Seizure towing" means the towing of a motor vehicle for law enforcement purposes involving:

- (1) the maintenance of the chain of custody of evidence; or
- (2) the forfeiture of assets.

Sec. 14. (a) "Storage facility" means any:

- (1) lot;
- (2) facility; or
- (3) other property;

used to store motor vehicles that have been removed from another location by a tow truck.

(b) The term includes a storage yard (as defined in IC 9-22-1-3.5).

Sec. 15. "Tow truck" means a motor vehicle equipped to provide any form of towing service, including recovery service or flat bed service.

Sec. 16. "Tow truck operator" means an individual who operates a tow truck as an employee or agent of a towing company.

Sec. 17. (a) "Towing company" means a service or business that:

- (1) tows or otherwise moves motor vehicles by means of a tow truck; or



(2) owns or operates a storage lot.

(b) The term includes a tow truck operator acting on behalf of a towing company when appropriate in the context.

Chapter 3. Emergency Towing

Sec. 1. This chapter applies to a towing company that engages in, or offers to engage in, emergency towing.

Sec. 2. (a) Except as provided in subsection (b), a towing company shall not stop, or cause a person to stop, at the scene of an accident or near a disabled motor vehicle:

(1) if there is an injury as the result of an accident; or

(2) for the purpose of:

(A) soliciting an engagement for emergency towing services;

(B) moving a motor vehicle from a public street, road, or highway; or

(C) accruing charges in connection with an activity described in clause (A) or (B).

(b) A towing company may stop, or cause a person to stop, at the scene of an accident or near a disabled motor vehicle under the circumstances or for any of the purposes described in subsection (a) if:

(1) the towing company is requested to stop or to perform a towing service by a law enforcement officer or by authorized state, county, or municipal personnel;

(2) the towing company is summoned to the scene or requested to stop by the owner or operator of a disabled vehicle;

(3) the owner of a disabled motor vehicle has previously provided consent to the towing company to stop or perform a towing service; or

(4) the towing company has a reasonable belief that a motorist is in need of immediate aid.

However, a towing company may not offer towing services under subdivision (4) unless one of the conditions described in subdivisions (1) through (3) are also met.

Sec. 3. (a) Except as provided in subsections (b) and (c), the owner or operator of a disabled motor vehicle may, in consultation with law enforcement or with authorized state, county, or municipal personnel (if appropriate):

(1) summon to the disabled motor vehicle's location the towing company of the owner's or operator's choice, either directly or through an insurance company's or an automobile



- club's emergency service arrangement; and
- (2) designate the location to which the disabled motor vehicle is to be towed.

However, if the location designated by the owner or operator is not a storage facility owned or operated by the towing company, the owner or operator must make arrangements for payment to the towing company prior to the tow truck leaving the scene. The fee charged by the towing company may not be more than normally charged by the towing company for the service provided.

(b) Subsection (a) does not apply:

(1) in any case in which the owner or operator of a disabled motor vehicle:

- (A) is incapacitated or otherwise unable to summon a towing company; or
- (B) defers to law enforcement or to authorized state, county, or municipal personnel as to:
 - (i) the towing company to be summoned; or
 - (ii) the location to which the disabled motor vehicle is to be towed; or

(2) in the event of a declared emergency.

(c) The authority of an owner or operator of a disabled vehicle to summon the towing company of the owner's or operator's choice under subsection (a) shall be superseded by a law enforcement officer or by authorized state, county, or municipal personnel if the towing company of choice of the owner or operator:

- (1) is unable to respond to the location of the disabled motor vehicle in a timely fashion; and
- (2) the disabled motor vehicle:
 - (A) is a hazard;
 - (B) impedes the flow of traffic; or
 - (C) may not legally remain in its location;

in the opinion of the law enforcement officer or authorized state, county, or municipal personnel.

Sec. 4. If a disabled motor vehicle:

- (1) is causing; or
- (2) poses;

a safety hazard to any of the parties at the scene of the disabled motor vehicle, the disabled motor vehicle may be moved by a towing company to a safe location after being released by a law enforcement officer or by authorized state, county, or municipal personnel for that purpose.

Sec. 5. (a) If a towing company is summoned for emergency



towing by the owner or operator of a disabled motor vehicle, the towing company shall make a record of the following, to the extent available:

(1) The:

- (A) first and last name; and**
- (B) telephone number;**

of the person who summoned the towing company to the scene.

- (2) The make, model, year, vehicle identification number, and license plate number of the disabled motor vehicle.**

(b) If a towing company is summoned for emergency towing by a law enforcement officer or by authorized state, county, or municipal personnel, the towing company shall make a record of the following, to the extent available:

(1) The identity of:

- (A) the local law enforcement agency; or**
- (B) the authorized state, county, or municipal agency; requesting the emergency towing.**

- (2) The make, model, year, vehicle identification number, and license plate number of the disabled motor vehicle.**

(c) A towing company:

(1) shall:

- (A) maintain a record created under subsection (a) or (b); and**

- (B) provide a record created under subsection (a) or (b) to a local law enforcement agency upon request;**

from the time the towing company appears at the scene of the disabled motor vehicle until the time the motor vehicle is towed and released to an authorized party; and

(2) shall:

- (A) retain a record created under subsection (a) or (b) for a period of two (2) years from the date the disabled vehicle was towed from the scene; and**

- (B) throughout the two (2) year period described in clause (A), make the record available for inspection and copying, not later than two (2) business days after receiving a written request for inspection from:**

- (i) a local law enforcement agency;**
- (ii) the attorney general;**
- (iii) the disabled motor vehicle's owner; or**
- (iv) an authorized agent of the disabled motor vehicle's owner.**



Sec. 6. A towing company that performs emergency towing under this chapter shall do the following:

- (1) Properly secure all towed motor vehicles.**
 - (2) Take all reasonable efforts to prevent:**
 - (A) further damage (including weather damage) to;** or
 - (B) the theft of;**
- all towed motor vehicles, including a towed motor vehicle's cargo and contents.**

Chapter 4. Commercial Private Property Towing

Sec. 1. (a) This chapter applies to a towing company that engages in, or offers to engage in, private commercial property towing.

(b) This chapter does not apply to the towing of a motor vehicle from a tow-away zone that is not located on commercial private property.

Sec. 2. (a) Except as provided in subsections (b) and (c), the owner of a commercial private property may establish a tow-away zone on the owner's property. A commercial private property owner that establishes a tow-away zone under this section must post a tow-away zone sign at the location of the tow-away zone that is conspicuous and clearly visible to the public. A tow-away zone sign described under this section shall provide the following information:

- (1) A statement that the area in the immediate vicinity of the sign is a tow-away zone.**
- (2) Pertinent contact information.**
- (3) A description of any person permitted to park in the affected area, if applicable.**

(b) A commercial private property owner may have a motor vehicle towed from the owner's commercial private property without first displaying signage concerning the tow-away zone if the motor vehicle is removed under IC 9-22-1-16.

(c) A unit (as defined in IC 36-1-2-23) may adopt an ordinance that provides for different requirements than those provided in this section.

Sec. 3. A towing company that tows a motor vehicle under this chapter shall ensure that the motor vehicle is towed to:

- (1) a storage facility within forty (40) miles of the location of the tow-away zone from which the motor vehicle was removed; or**
- (2) if there is no storage facility within forty (40) miles of the location of the tow-away zone, to the storage facility nearest**



to the tow-away zone that has been approved by the commercial private property owner from where the motor vehicle was towed.

Sec. 4. If the owner or operator of a motor vehicle that is parked in violation of a tow-away zone arrives at the location of the tow-away zone while the motor vehicle is in the process of being towed, the towing company shall give the owner or operator either oral or written notification that the owner or operator may pay a fee in an amount that is not greater than half of the amount of the fee the towing company normally charges for the release of a motor vehicle. Upon the owner's or operator's payment of the amount specified, the towing company shall:

- (1) release the motor vehicle to the owner or operator; and
- (2) give the owner or operator a receipt showing:
 - (A) the full amount of the fee the towing company normally charges for the release of a motor vehicle; and
 - (B) the amount of the fee paid by the owner or operator.

Sec. 5. If required by the local law enforcement agency, not later than two (2) hours after completing a tow of a motor vehicle from a commercial private property described under this chapter, a towing company shall provide notice of the towing to the local law enforcement agency having jurisdiction in the location of the private property.

Sec. 6. A towing company that performs commercial private property towing under this chapter shall do the following:

- (1) Properly secure all towed motor vehicles.
- (2) Take all reasonable efforts to prevent:
 - (A) further damage (including weather damage) to; or
 - (B) the theft of;
 all towed motor vehicles, including a towed motor vehicle's cargo and contents.

Sec. 7. This chapter does not affect a private property owner's rights under IC 9-22-1 with respect to abandoned vehicles on the property owner's property.

Chapter 5. Invoices for Towing Services

Sec. 1. (a) An itemized invoice of actual towing charges assessed by a towing company shall be made available to the owner of the motor vehicle or the owner's agent not later than one (1) business day after:

- (1) the tow is completed; or
- (2) the towing company has obtained all necessary information to be included on the invoice, including any



charges submitted by subcontractors used by the towing company to complete the tow and recovery.

(b) The itemized invoice required by this section must contain the following information:

- (1) The location from which the motor vehicle was towed.
- (2) The location to which the motor vehicle was towed.
- (3) The name, address, and telephone number of the towing company.
- (4) A description of the towed motor vehicle, including the:
 - (A) make;
 - (B) model;
 - (C) year; and
 - (D) vehicle identification number;
 of the motor vehicle.
- (5) The license plate number and state of registration for the towed motor vehicle.
- (6) The cost of the original towing service.
- (7) The cost of any vehicle storage fees, expressed as a daily rate.
- (8) Other fees, including documentation fees and motor vehicle search fees.
- (9) The costs for services that were performed under a warranty or that were otherwise performed at no cost to the owner of the motor vehicle.

(c) Any service or fee in addition to the services or fees described in subsection (b)(6), (b)(7), or (b)(8) must be set forth individually as a single line item on the invoice required by this section, with an explanation and the exact charge for the service or the exact amount of the fee.

(d) A copy of each invoice and receipt submitted by a tow truck operator in accordance with this section shall:

- (1) be retained by the towing company for a period of two (2) years from the date of issuance; and
- (2) throughout the two (2) year period described in subdivision (1), be made available for inspection and copying not later than forty-eight (48) hours after receiving a written request for inspection from:
 - (A) a law enforcement agency;
 - (B) the attorney general;
 - (C) the prosecuting attorney or city attorney having jurisdiction in the location of any of the towing company's Indiana business locations;



(D) the disabled motor vehicle's owner; or

(E) the agent of the disabled motor vehicle's owner.

Chapter 6. Notice Requirements

Sec. 1. Not later than three (3) business days after a completed tow, the towing company or storage facility responsible for a towed vehicle must:

(1) search:

(A) the National Motor Vehicle Title Information System data base (as described under 49 U.S.C. 30502); or

(B) an equivalent and commonly available data base; and

(2) comply with:

(A) IC 9-22-1-19; or

(B) IC 9-22-1-21;

as applicable.

Chapter 7. Releasing Towed Motor Vehicles

Sec. 1. This chapter applies to the following:

(1) A towing company that tows and stores a motor vehicle under this article.

(2) A storage facility that stores a motor vehicle that is towed by a towing company under this article, regardless of whether the towing company and the storage facility are affiliates.

Sec. 2. (a) Upon payment of all costs relating to a tow, the storage of a motor vehicle, and all allowable fees, as applicable, the towing company or storage facility shall release the motor vehicle to a properly identified person who owns or holds a lien on the motor vehicle. Each release performed under this subsection shall comply with the procedures and be subject to the same requirements set forth in IC 9-22-1-8 with respect to abandoned motor vehicles.

(b) The owner, lienholder, or insurance company representative responsible for releasing a motor vehicle under this section shall have the right to inspect the motor vehicle during normal business hours before accepting the release of the motor vehicle.

(c) A towing company or storage facility shall accept the following forms of payment:

(1) Cash.

(2) Certified check.

(3) Insurance check.

(4) Money order.

A towing service or storage facility may elect to accept payment by means of a credit card or debit card.

(d) A towing company or storage facility, upon receiving



payment for all costs and fees assessed against a motor vehicle, shall provide an itemized receipt that includes the information described under IC 24-14-5 if the information is available.

(e) A towing company or storage facility shall comply with IC 9-22-1-8.

Chapter 8. Fees and Records

Sec. 1. A towing company or storage facility shall charge a fee for towing, clean-up services, or storage of a motor vehicle that is reasonable.

Sec. 2. All services provided by a towing company or storage facility, including any warranty service or zero cost service, shall be recorded on an invoice. The towing company or storage facility shall:

- (1) maintain the invoice described in this section for a period of not less than two (2) years from the date of issuance; and
- (2) throughout the two (2) year period described in subdivision (1), make the invoice available for inspection and copying not later than forty-eight (48) hours after receiving a written request for inspection from:
 - (A) a law enforcement agency;
 - (B) the attorney general;
 - (C) the prosecuting attorney or city attorney having jurisdiction in the location of any of the towing company's Indiana business locations;
 - (D) the disabled motor vehicle's owner; or
 - (E) the agent of the disabled motor vehicle's owner.

Sec. 3. A towing company or storage facility shall furnish a copy of the invoice described in IC 24-14-5 to a local law enforcement agency or the office of the attorney general.

Chapter 9. Prohibited Acts

Sec. 1. A towing company shall not do any of the following:

- (1) Falsely represent, either expressly or by implication, that the towing company represents or is approved by any organization that provides emergency road service for disabled motor vehicles.
- (2) Require the owner or operator of a disabled motor vehicle to preauthorize:
 - (A) repair work; or
 - (B) more than twenty-four (24) hours of storage; as a condition for providing towing service for the disabled motor vehicle.
- (3) Charge more than one (1) towing fee when the owner or



operator of a disabled motor vehicle requests that the disabled motor vehicle be towed to a repair facility owned or operated by the towing company.

(4) Tow a motor vehicle to a repair facility unless:

(A) either:

(i) the owner of the motor vehicle; or

(ii) the owner's designated representative;

gives consent for the motor vehicle to be towed to the repair facility; and

(B) the consent described in clause (A) is given before the motor vehicle is removed from the location from which it is to be towed.

The prohibition set forth in this subdivision does not apply in any case in which a towing company tows a motor vehicle to a storage facility that includes a repair facility on the same site.

Sec. 2. A towing company or a storage facility shall not do any of the following:

(1) Upon payment of all costs relating to a tow, motor vehicle storage, and all allowable fees, as applicable, refuse to release the motor vehicle during regular office hours to a properly identified person who owns or holds a lien on the motor vehicle in accordance with the procedures and subject to the same requirements set forth in IC 9-22-1-8 with respect to abandoned motor vehicles. However, a towing company or storage facility shall not release a motor vehicle in any case in which a local law enforcement agency has ordered the motor vehicle not to be released, or in any case in which the motor vehicle cannot be released because of pending litigation.

(2) Refuse to permit:

(A) a properly identified person who owns or holds a lien on a motor vehicle; or

(B) a representative of the insurance company that insures the motor vehicle, if the vehicle is covered by an active policy of insurance;

to inspect the motor vehicle during regular office hours before all costs incurred against the motor vehicle are paid or the motor vehicle is released. An inspection fee may not be charged for an inspection that occurs during regular office hours.

(3) Charge any storage fee for a stored motor vehicle with respect to any day on which:



- (A) release of the motor vehicle; or
 - (B) inspection of the motor vehicle by the owner, lienholder, or insurance company;
- is not permitted during regular office hours by the towing company or storage facility.

Chapter 10. Violations

Sec. 1. A person who violates this article commits a deceptive act that is:

- (1) actionable under IC 24-5-0.5; and
- (2) subject to the remedies and penalties set forth in IC 24-5-0.5.

Sec. 2. (a) The attorney general:

- (1) shall receive; and
- (2) may investigate;

complaints alleging violations of this article.

(b) After finding, either upon a complaint made or upon the attorney general's own investigation, that a violation of this article has occurred, the attorney general may take appropriate action under IC 24-5-0.5-4(c).

Sec. 3. The attorney general may adopt rules under IC 4-22-2 to implement this article, including emergency rules in the manner provided by IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the attorney general under this section and in the manner provided by IC 4-22-2-37.1 expires on the date on which a rule that supersedes the emergency rule is adopted by the attorney general under IC 4-22-2-24 through IC 4-22-2-36.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1183 — Concur

