



January 26, 2018

HOUSE BILL No. 1352

DIGEST OF HB 1352 (Updated January 24, 2018 12:41 pm - DI 123)

Citations Affected: IC 9-13; IC 9-18.1; IC 9-22; IC 9-33; IC 24-5; IC 24-14.

Synopsis: Towing services. Amends the statute concerning the release of an abandoned motor vehicle that has been towed to a storage yard or towing facility as follows: (1) Provides that upon payment of all costs incurred against a vehicle, the vehicle must be released to a representative of the insurance company that insures the vehicle if certain conditions are met. (2) Provides inspection rights for owners, lienholders, and insurance company representatives. (3) Requires a towing service or storage yard to: (A) provide an itemized receipt upon payment; and (B) meet certain requirements as to: (i) hours of operation; and (ii) receiving and returning telephone calls. Includes lienholders in the statutory definition of "owner". Makes the following changes to the statute concerning a public agency's or towing service's duty to notify the owner that an abandoned vehicle has been removed to a storage yard or towing service: (1) Provides that the required notice shall also be provided to the insurer of the vehicle, if: (A) the insurer is known; and (B) the vehicle is covered by an active insurance policy. (2) Specifies additional information that must be included in the notice. (3) Specifies a public agency's or towing service's duties with respect to vehicles owned by a corporation or another business entity. Creates a new article in the Indiana Code to establish certain requirements for towing companies that engage in, or offer to engage in, the business of providing towing service in Indiana, including provisions concerning the following: (1) Emergency towing. (2) Private property towing. (3)
(Continued next page)

Effective: July 1, 2018.

Mahan, Lehman

January 16, 2018, read first time and referred to Committee on Roads and Transportation.
January 25, 2018, amended, reported — Do Pass.

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Digest Continued

Estimates and invoices for towing services. (4) Releasing towed motor vehicles. (4) Prohibited acts by towing companies and storage facilities. Provides that a person who violates these new provisions commits a deceptive act that is: (1) actionable under; and (2) subject to the penalties and remedies set forth in; the statute governing deceptive consumer sales. Provides that the attorney general: (1) shall receive, and may investigate, complaints alleging violations of the new provisions; and (2) after finding that a violation has occurred, may take appropriate action under the statute governing deceptive consumer sales. Authorizes the attorney general to adopt rules to implement the new provisions.



January 26, 2018

Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1352

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

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

- 1 SECTION 1. IC 9-13-2-149.6 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2018]: **Sec. 149.6. "Record of sale" has the**
4 **meaning set forth in IC 9-22-1-4(a).**
5 SECTION 2. IC 9-18.1-3-4.5 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2018]: **Sec. 4.5. (a) The bureau may not**
8 **register a vehicle to a person who has not fully paid all costs and**
9 **finer imposed under IC 9-22-1-4.**
10 **(b) If a person described in subsection (a) fully pays all costs and**
11 **finer imposed under IC 9-22-1-4, the bureau shall proceed with the**
12 **registration of the vehicle as prescribed by this chapter.**
13 **(c) It is the responsibility of the person described in subsection**
14 **(a) to demonstrate compliance with subsection (b).**
15 SECTION 3. IC 9-18.1-3-7.5 IS ADDED TO THE INDIANA

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1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2018]: **Sec. 7.5. (a) The bureau may withhold**
 3 **the annual registration of any vehicle registered to a person who**
 4 **has not fully paid all costs and fines imposed under IC 9-22-1-4.**

5 **(b) If a person described in subsection (a) fully pays all costs and**
 6 **fines imposed under IC 9-22-1-4, the bureau shall proceed with the**
 7 **registration of the vehicle as prescribed by this chapter.**

8 **(c) It is the responsibility of the person described in subsection**
 9 **(a) to demonstrate compliance with subsection (b).**

10 SECTION 4. IC 9-22-1-4, AS AMENDED BY P.L.157-2017,
 11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2018]: Sec. 4. (a) **As used in this section, "record of sale"**
 13 **means either of the following:**

14 **(1) A legible photocopy of a reassigned vehicle title.**

15 **(2) A form document that includes the:**

16 **(A) name, address, and signature of the person to whom a**
 17 **vehicle is sold or transferred; and**

18 **(B) date of sale or transfer of the vehicle.**

19 **(b) Except as provided in subsection ~~(c)~~, (d), the owner of an**
 20 **abandoned vehicle or parts is:**

21 **(1) responsible for the abandonment; and**

22 **(2) liable for all of the costs incidental to the removal, storage,**
 23 **and disposal;**

24 **of the vehicle or the parts under this chapter.**

25 ~~(b)~~ **(c) The costs for storage of an abandoned vehicle may not**
 26 **exceed two thousand dollars (\$2,000).**

27 **(d) The owner of a motor vehicle who:**

28 **(1) delivers:**

29 **(A) possession of the vehicle; and**

30 **(B) the applicable certificate of title;**

31 **to a subsequent purchaser or transferee; and**

32 **(2) possesses a record of sale for the vehicle that is delivered**
 33 **to the subsequent purchaser or transferee;**

34 **is not liable for any costs or fines that result from the ownership or**
 35 **use of the vehicle by the subsequent purchaser or transferee,**
 36 **including any costs or fines that result from the abandonment of**
 37 **the vehicle by the subsequent purchaser or transferee.**

38 ~~(c)~~ **(e) If an abandoned vehicle is sold by a person who removed,**
 39 **towed, or stored the vehicle, the person who previously owned the**
 40 **vehicle is not responsible for storage fees.**

41 ~~(d)~~ **(f) If an abandoned vehicle is sold by a person who removed,**
 42 **towed, or stored the vehicle, and proceeds from the sale of the vehicle**



1 covered the removal, towing, sale disposal, and storage expenses, any
 2 remaining proceeds from the sale of the vehicle shall be returned as
 3 described in this chapter or IC 9-22-6, whichever is applicable.

4 SECTION 5. IC 9-22-1-8, AS AMENDED BY P.L.125-2012,
 5 SECTION 117, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2018]: Sec. 8. **(a) Subject to subsection (c), if:**

7 **(1) the properly identified person who owns or holds a lien on a**
 8 **vehicle; or**

9 **(2) subject to subsection (b), a representative of the insurance**
 10 **company that insures the vehicle;**

11 appears at the site of storage before disposal of the vehicle or parts and
 12 pays all costs incurred against the vehicle or parts at that time, the
 13 vehicle or parts shall be released.

14 **(b) Upon payment of all costs incurred against a vehicle or**
 15 **parts, as described in subsection (a), a towing service or storage**
 16 **yard shall release the vehicle to a representative of the insurance**
 17 **company that insures the vehicle if:**

18 **(1) the insurance company representative presents proof that**
 19 **the vehicle is insured with the insurance company; or**

20 **(2) the owner of the vehicle approves release of the vehicle to**
 21 **the insurance company representative.**

22 **(c) An owner, a lienholder, or an insurance company**
 23 **representative has the right to inspect a vehicle before accepting**
 24 **return of the vehicle under this section.**

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

28 **(1) Cash.**

29 **(2) An insurance check.**

30 **(3) Certified check.**

31 **(e) Upon receiving payment of all costs incurred against a**
 32 **vehicle or parts, a towing service or storage yard shall provide to**
 33 **the person making payment an itemized receipt that includes the**
 34 **information set forth in IC 24-14-5-2(a), to the extent the**
 35 **information is known or available.**

36 **(f) A towing service or storage yard must be open for business**
 37 **and accessible by telephone during normal business hours. A**
 38 **towing service or storage yard must provide a telephone number**
 39 **that is available on a twenty-four (24) hour basis to receive calls**
 40 **and messages from callers, including calls made outside of normal**
 41 **business hours. All calls made to a towing service or storage yard**
 42 **must be returned within twenty-four (24) hours from the time**



1 received. However, if adverse weather, an act of God, an
 2 emergency situation, or another act over which the towing service
 3 or storage yard has no control prevents the towing service or
 4 storage yard from returning calls within twenty-four (24) hours,
 5 the towing service or storage yard shall return all calls received as
 6 quickly as possible.

7 (g) A towing service or storage yard shall notify the appropriate
 8 public agency of all releases under this section. The notification must
 9 include:

10 (1) the name, ~~signature~~, and address of:

11 (A) the person that owns or holds a lien on the vehicle; and

12 (B) the insurance company that insures the vehicle, if the
 13 vehicle was released to a representative of the insurance
 14 company in accordance with subsection (b);

15 (2) the signature of the individual to whom the vehicle was
 16 released;

17 (3) a description of the vehicle or parts;

18 (4) costs paid; and

19 (5) the date of release.

20 SECTION 6. IC 9-22-1-19, AS AMENDED BY P.L.157-2017,
 21 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2018]: Sec. 19. (a) Within seventy-two (72) hours after
 23 removal of a vehicle to a storage yard or towing service under section
 24 13, 14, 16, or 31 of this chapter or IC 9-22-6, the public agency or
 25 towing service shall conduct a search of national data bases, including
 26 a data base of vehicle identification numbers, to attempt to obtain the
 27 last state of record of the vehicle in order to attempt to ascertain the
 28 name and address of the person who owns or holds a lien on the
 29 vehicle.

30 (b) **Subject to subsection (d)**, a public agency or towing service
 31 that obtains the name and address of the owner of or lienholder on a
 32 vehicle shall, not later than seventy-two (72) hours after obtaining the
 33 name and address, ~~notify provide, using any method described in~~
 34 **subsection (c), a notice that complies with subsection (c) to:**

35 (1) the person who owns or holds a lien on the vehicle; ~~of the~~
 36 ~~following; and~~

37 (2) if known to the public agency or towing service, the
 38 insurer of the vehicle, if the vehicle is covered by an active
 39 policy of insurance.

40 (c) **The notice required under subsection (b) must include the**
 41 **following:**

42 (1) The name, address, and telephone number of the public



- 1 agency or towing service.
- 2 **(2) The date and time the vehicle was towed.**
- 3 **(3) The location from which the vehicle was towed.**
- 4 **(4) A description of the towed vehicle, including the:**
- 5 **(A) make;**
- 6 **(B) model;**
- 7 **(C) year;**
- 8 **(D) vehicle identification number; and**
- 9 **(E) color;**
- 10 **of the motor vehicle.**
- 11 **(5) The license plate number and state of registration for the**
- 12 **towed vehicle.**
- 13 **(6) The name, address, and telephone number of the storage**
- 14 **yard or towing service where the vehicle is being stored.**
- 15 **(7) The address and telephone number for the location where**
- 16 **payments are accepted, if different from the storage yard or**
- 17 **towing service identified under subdivision (6).**
- 18 ~~(8)~~ **(8) That storage charges are being accrued and the vehicle is**
- 19 **subject to sale if the vehicle is not claimed and the charges are not**
- 20 **paid.**
- 21 ~~(9)~~ **(9) The earliest possible date and location of the public sale or**
- 22 **auction.**
- 23 The notice must be made by certified mail or a certificate of mailing or
- 24 by means of an electronic service approved by the bureau.
- 25 Notwithstanding section 4 of this chapter, a public agency or towing
- 26 service that fails to notify the owner of or lienholder on the vehicle as
- 27 set forth in this subsection may not collect additional storage costs
- 28 incurred after the date of receipt of the name and address obtained.
- 29 SECTION 7. IC 9-33-1-1, AS AMENDED BY P.L.198-2016,
- 30 SECTION 630, IS AMENDED TO READ AS FOLLOWS
- 31 [EFFECTIVE JULY 1, 2018]: Sec. 1. This article applies to the
- 32 following:
- 33 (1) Actions taken under a court order.
- 34 (2) Actions required under IC 9-24-2-1, IC 9-24-2-2, or
- 35 IC 9-24-2-4.
- 36 (3) Actions required under IC 9-24-6 (before its repeal on July 1,
- 37 2016).
- 38 (4) Actions required under IC 9-24-6.5-6(c) (before its repeal on
- 39 July 1, 2016).
- 40 (5) Actions taken under IC 9-24-6.1.
- 41 (6) Actions required under IC 9-25.
- 42 (7) Actions taken under IC 9-28.



1 (8) Actions required under IC 9-30.

2 (9) Refunds claimed after June 30, 2016, of fees imposed by the
3 bureau.

4 **(10) Actions taken under IC 9-22-1-4.**

5 SECTION 8. IC 24-5-0.5-3, AS AMENDED BY P.L.170-2017,
6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2018]: Sec. 3. (a) A supplier may not commit an unfair,
8 abusive, or deceptive act, omission, or practice in connection with a
9 consumer transaction. Such an act, omission, or practice by a supplier
10 is a violation of this chapter whether it occurs before, during, or after
11 the transaction. An act, omission, or practice prohibited by this section
12 includes both implicit and explicit misrepresentations.

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

17 (1) That such subject of a consumer transaction has sponsorship,
18 approval, performance, characteristics, accessories, uses, or
19 benefits it does not have which the supplier knows or should
20 reasonably know it does not have.

21 (2) That such subject of a consumer transaction is of a particular
22 standard, quality, grade, style, or model, if it is not and if the
23 supplier knows or should reasonably know that it is not.

24 (3) That such subject of a consumer transaction is new or unused,
25 if it is not and if the supplier knows or should reasonably know
26 that it is not.

27 (4) That such subject of a consumer transaction will be supplied
28 to the public in greater quantity than the supplier intends or
29 reasonably expects.

30 (5) That replacement or repair constituting the subject of a
31 consumer transaction is needed, if it is not and if the supplier
32 knows or should reasonably know that it is not.

33 (6) That a specific price advantage exists as to such subject of a
34 consumer transaction, if it does not and if the supplier knows or
35 should reasonably know that it does not.

36 (7) That the supplier has a sponsorship, approval, or affiliation in
37 such consumer transaction the supplier does not have, and which
38 the supplier knows or should reasonably know that the supplier
39 does not have.

40 (8) That such consumer transaction involves or does not involve
41 a warranty, a disclaimer of warranties, or other rights, remedies,
42 or obligations, if the representation is false and if the supplier



- 1 knows or should reasonably know that the representation is false.
 2 (9) That the consumer will receive a rebate, discount, or other
 3 benefit as an inducement for entering into a sale or lease in return
 4 for giving the supplier the names of prospective consumers or
 5 otherwise helping the supplier to enter into other consumer
 6 transactions, if earning the benefit, rebate, or discount is
 7 contingent upon the occurrence of an event subsequent to the time
 8 the consumer agrees to the purchase or lease.
 9 (10) That the supplier is able to deliver or complete the subject of
 10 the consumer transaction within a stated period of time, when the
 11 supplier knows or should reasonably know the supplier could not.
 12 If no time period has been stated by the supplier, there is a
 13 presumption that the supplier has represented that the supplier
 14 will deliver or complete the subject of the consumer transaction
 15 within a reasonable time, according to the course of dealing or the
 16 usage of the trade.
 17 (11) That the consumer will be able to purchase the subject of the
 18 consumer transaction as advertised by the supplier, if the supplier
 19 does not intend to sell it.
 20 (12) That the replacement or repair constituting the subject of a
 21 consumer transaction can be made by the supplier for the estimate
 22 the supplier gives a customer for the replacement or repair, if the
 23 specified work is completed and:
 24 (A) the cost exceeds the estimate by an amount equal to or
 25 greater than ten percent (10%) of the estimate;
 26 (B) the supplier did not obtain written permission from the
 27 customer to authorize the supplier to complete the work even
 28 if the cost would exceed the amounts specified in clause (A);
 29 (C) the total cost for services and parts for a single transaction
 30 is more than seven hundred fifty dollars (\$750); and
 31 (D) the supplier knew or reasonably should have known that
 32 the cost would exceed the estimate in the amounts specified in
 33 clause (A).
 34 (13) That the replacement or repair constituting the subject of a
 35 consumer transaction is needed, and that the supplier disposes of
 36 the part repaired or replaced earlier than seventy-two (72) hours
 37 after both:
 38 (A) the customer has been notified that the work has been
 39 completed; and
 40 (B) the part repaired or replaced has been made available for
 41 examination upon the request of the customer.
 42 (14) Engaging in the replacement or repair of the subject of a



- 1 consumer transaction if the consumer has not authorized the
 2 replacement or repair, and if the supplier knows or should
 3 reasonably know that it is not authorized.
- 4 (15) The act of misrepresenting the geographic location of the
 5 supplier by listing an alternate business name or an assumed
 6 business name (as described in IC 23-0.5-3-4) in a local telephone
 7 directory if:
- 8 (A) the name misrepresents the supplier's geographic location;
 - 9 (B) the listing fails to identify the locality and state of the
 10 supplier's business;
 - 11 (C) calls to the local telephone number are routinely forwarded
 12 or otherwise transferred to a supplier's business location that
 13 is outside the calling area covered by the local telephone
 14 directory; and
 - 15 (D) the supplier's business location is located in a county that
 16 is not contiguous to a county in the calling area covered by the
 17 local telephone directory.
- 18 (16) The act of listing an alternate business name or assumed
 19 business name (as described in IC 23-0.5-3-4) in a directory
 20 assistance data base if:
- 21 (A) the name misrepresents the supplier's geographic location;
 - 22 (B) calls to the local telephone number are routinely forwarded
 23 or otherwise transferred to a supplier's business location that
 24 is outside the local calling area; and
 - 25 (C) the supplier's business location is located in a county that
 26 is not contiguous to a county in the local calling area.
- 27 (17) The violation by a supplier of IC 24-3-4 concerning
 28 cigarettes for import or export.
- 29 (18) The act of a supplier in knowingly selling or reselling a
 30 product to a consumer if the product has been recalled, whether
 31 by the order of a court or a regulatory body, or voluntarily by the
 32 manufacturer, distributor, or retailer, unless the product has been
 33 repaired or modified to correct the defect that was the subject of
 34 the recall.
- 35 (19) The violation by a supplier of 47 U.S.C. 227, including any
 36 rules or regulations issued under 47 U.S.C. 227.
- 37 (20) The violation by a supplier of the federal Fair Debt
 38 Collection Practices Act (15 U.S.C. 1692 et seq.), including any
 39 rules or regulations issued under the federal Fair Debt Collection
 40 Practices Act (15 U.S.C. 1692 et seq.).
- 41 (21) A violation of IC 24-5-7 (concerning health spa services), as
 42 set forth in IC 24-5-7-17.



- 1 (22) A violation of IC 24-5-8 (concerning business opportunity
2 transactions), as set forth in IC 24-5-8-20.
- 3 (23) A violation of IC 24-5-10 (concerning home consumer
4 transactions), as set forth in IC 24-5-10-18.
- 5 (24) A violation of IC 24-5-11 (concerning real property
6 improvement contracts), as set forth in IC 24-5-11-14.
- 7 (25) A violation of IC 24-5-12 (concerning telephone
8 solicitations), as set forth in IC 24-5-12-23.
- 9 (26) A violation of IC 24-5-13.5 (concerning buyback motor
10 vehicles), as set forth in IC 24-5-13.5-14.
- 11 (27) A violation of IC 24-5-14 (concerning automatic
12 dialing-announcing devices), as set forth in IC 24-5-14-13.
- 13 (28) A violation of IC 24-5-15 (concerning credit services
14 organizations), as set forth in IC 24-5-15-11.
- 15 (29) A violation of IC 24-5-16 (concerning unlawful motor
16 vehicle subleasing), as set forth in IC 24-5-16-18.
- 17 (30) A violation of IC 24-5-17 (concerning environmental
18 marketing claims), as set forth in IC 24-5-17-14.
- 19 (31) A violation of IC 24-5-19 (concerning deceptive commercial
20 solicitation), as set forth in IC 24-5-19-11.
- 21 (32) A violation of IC 24-5-21 (concerning prescription drug
22 discount cards), as set forth in IC 24-5-21-7.
- 23 (33) A violation of IC 24-5-23.5-7 (concerning real estate
24 appraisals), as set forth in IC 24-5-23.5-9.
- 25 (34) A violation of IC 24-5-26 (concerning identity theft), as set
26 forth in IC 24-5-26-3.
- 27 (35) A violation of IC 24-5.5 (concerning mortgage rescue fraud),
28 as set forth in IC 24-5.5-6-1.
- 29 (36) A violation of IC 24-8 (concerning promotional gifts and
30 contests), as set forth in IC 24-8-6-3.
- 31 (37) A violation of IC 21-18.5-6 (concerning representations
32 made by a postsecondary credit bearing proprietary educational
33 institution), as set forth in IC 21-18.5-6-22.5.
- 34 **(38) A violation of IC 24-14 (concerning towing services), as**
35 **set forth in IC 24-14-8-1.**
- 36 (c) Any representations on or within a product or its packaging or
37 in advertising or promotional materials which would constitute a
38 deceptive act shall be the deceptive act both of the supplier who places
39 such representation thereon or therein, or who authored such materials,
40 and such other suppliers who shall state orally or in writing that such
41 representation is true if such other supplier shall know or have reason
42 to know that such representation was false.



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

5 (e) It shall be a defense to any action brought under this chapter that
 6 the representation constituting an alleged deceptive act was one made
 7 in good faith by the supplier without knowledge of its falsity and in
 8 reliance upon the oral or written representations of the manufacturer,
 9 the person from whom the supplier acquired the product, any testing
 10 organization, or any other person provided that the source thereof is
 11 disclosed to the consumer.

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

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

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

29 SECTION 9. IC 24-14 IS ADDED TO THE INDIANA CODE AS
 30 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 31 2018]:

32 **ARTICLE 14. TOWING SERVICES**

33 **Chapter 1. Application**

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

37 **(b) This article does not apply to the towing of motor vehicles:**
 38 **(1) into Indiana; or**
 39 **(2) through Indiana;**
 40 **if the towing originates in another state.**

41 **Sec. 2. This article does not apply to seizure towing.**

42 **Sec. 3. This article does not supersede or nullify a towing**



1 company's or any other person's rights, duties, or obligations
2 under the following:

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

4 (2) IC 9-22-1.

5 (3) IC 9-22-6.

6 **Chapter 2. Definitions**

7 **Sec. 1. The definitions in this chapter apply throughout this**
8 **article.**

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

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

13 (1) motor travel; or

14 (2) the operation, use, or maintenance of a motor vehicle;
15 by supplying services, which may include towing service,
16 emergency road service, or indemnification service.

17 (b) The term includes:

18 (1) a motor vehicle dealer; or

19 (2) an insurance company;

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

22 **Sec. 4. "Crane service" means a type of towing service that**
23 **involves moving vehicles by the use of a wheel lift device, such as**
24 **a lift, crane, hoist, winch, cradle, jack, automobile ambulance, tow**
25 **dolly, or any other similar device.**

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

28 (1) a motor vehicle accident on a public street, road, or
29 highway; or

30 (2) an incident:

31 (A) related to an emergency; and

32 (B) necessitating the removal of the motor vehicle from a
33 location for public safety reasons.

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

36 **Sec. 7. (a) "Law enforcement towing" means the towing of a**
37 **motor vehicle for law enforcement purposes.**

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

40 (1) under a contract with the state, a local unit, or a law
41 enforcement agency of the state or local unit; or

42 (2) on behalf of the state, a local unit, or a law enforcement



- 1 agency of the state or local unit.
- 2 (c) The term does not include seizure towing.
- 3 **Sec. 8. "Motor vehicle" means any vehicle that:**
- 4 (1) is manufactured primarily for use on public streets, roads,
- 5 and highways (not including a vehicle operated exclusively on
- 6 a rail or rails); and
- 7 (2) has at least four (4) wheels.
- 8 **Sec. 9. "Owner", with respect to a motor vehicle, means any of**
- 9 **the following:**
- 10 (1) The person to whom a motor vehicle is registered.
- 11 (2) A person that holds a lien on the motor vehicle.
- 12 (3) The person to whom a motor vehicle is leased, if the terms
- 13 of the lease require the lessee to maintain and repair the
- 14 motor vehicle.
- 15 (4) In the case of a motor vehicle rented under a rental
- 16 agreement (as defined in IC 24-4-9-5), the rental company (as
- 17 defined in IC 24-4-9-7).
- 18 **Sec. 10. "Private property towing" means the towing of a motor**
- 19 **vehicle, without the owner's consent:**
- 20 (1) from private property on which the motor vehicle was
- 21 illegally parked; or
- 22 (2) from private property because of an exigent circumstance
- 23 necessitating its removal;
- 24 **to another location.**
- 25 **Sec. 11. "Seizure towing" means the towing of a motor vehicle**
- 26 **for law enforcement purposes involving:**
- 27 (1) the maintenance of the chain of custody of evidence; or
- 28 (2) the forfeiture of assets.
- 29 **Sec. 12. (a) "Storage facility" means any:**
- 30 (1) lot;
- 31 (2) facility; or
- 32 (3) other property;
- 33 **used to store motor vehicles that have been removed from another**
- 34 **location by a tow truck.**
- 35 (b) The term includes a storage yard (as defined in
- 36 **IC 9-22-1-3.5).**
- 37 **Sec. 13. "Tow truck" means a motor vehicle equipped to**
- 38 **provide any form of towing service, including crane service or flat**
- 39 **bed service.**
- 40 **Sec. 14. "Tow truck operator" means an individual who**
- 41 **operates a tow truck as an employee or agent of a towing company.**
- 42 **Sec. 15. (a) "Towing company" means a service or business**



- 1 that:
- 2 (1) tows or otherwise moves motor vehicles by means of a tow
- 3 truck; or
- 4 (2) owns or operates a storage lot.
- 5 (b) The term includes a tow truck operator acting on behalf of
- 6 a towing company when appropriate in the context.
- 7 Chapter 3. Emergency Towing
- 8 Sec. 1. This chapter applies to a towing company that engages
- 9 in, or offers to engage in, emergency towing.
- 10 Sec. 2. (a) Except as provided in subsection (b), a towing
- 11 company shall not stop, or cause a person to stop, at the scene of an
- 12 accident or near a disabled motor vehicle:
- 13 (1) if there is an injury as the result of an accident; or
- 14 (2) for the purpose of:
- 15 (A) soliciting an engagement for emergency towing
- 16 services;
- 17 (B) moving a motor vehicle from a public street, road, or
- 18 highway; or
- 19 (C) accruing charges in connection with an activity
- 20 described in clause (A) or (B).
- 21 (b) A towing company may stop, or cause a person to stop, at the
- 22 scene of an accident or near a disabled motor vehicle under the
- 23 circumstances, or for any of the purposes, described in subsection
- 24 (a) if:
- 25 (1) the towing company is requested to stop or to perform a
- 26 towing service by a law enforcement officer or by authorized
- 27 state, county, or municipal personnel;
- 28 (2) the towing company is summoned to the scene or
- 29 requested to stop by the owner or operator of a disabled
- 30 vehicle; or
- 31 (3) the owner of a disabled motor vehicle has previously
- 32 provided consent to the towing company to stop or perform
- 33 a towing service.
- 34 Sec. 3. (a) Except as provided in subsections (b) and (c), the
- 35 owner or operator of a disabled motor vehicle may, in consultation
- 36 with law enforcement or with authorized state, county, or
- 37 municipal personnel (if appropriate):
- 38 (1) summon to the disabled motor vehicle's location the
- 39 towing company of the owner's or operator's choice, either
- 40 directly or through an insurance company's or an automobile
- 41 club's emergency service arrangement; and
- 42 (2) designate the location to which the disabled motor vehicle



1 is to be towed. However, if the location designated by the
 2 owner or operator is not a storage facility owned or operated
 3 by the towing company, the owner or operator must make
 4 arrangements for payment to the towing company at the time
 5 the towing company is summoned.
 6 (b) Subsection (a) does not apply:
 7 (1) in any case in which the owner or operator of a disabled
 8 motor vehicle:
 9 (A) is incapacitated or otherwise unable to summon a
 10 towing company; or
 11 (B) defers to law enforcement or to authorized state,
 12 county, or municipal personnel as to:
 13 (i) the towing company to be summoned; or
 14 (ii) the location to which the disabled motor vehicle is to
 15 be towed; or
 16 (2) in the event of a declared emergency.
 17 (c) The authority of an owner or operator of a disabled vehicle
 18 to summon the towing company of the owner's or operator's choice
 19 under subsection (a) shall be superseded by a law enforcement
 20 officer or by authorized state, county, or municipal personnel if the
 21 towing company of choice of the owner or operator:
 22 (1) is unable to respond to the location of the disabled motor
 23 vehicle in a timely fashion; and
 24 (2) the disabled motor vehicle:
 25 (A) is a hazard;
 26 (B) impedes the flow of traffic; or
 27 (C) may not legally remain in its location;
 28 in the opinion of the law enforcement officer or authorized
 29 state, county, or municipal personnel.
 30 Sec. 4. If a disabled motor vehicle:
 31 (1) is causing; or
 32 (2) poses;
 33 a safety hazard to any of the parties at the scene of the disabled
 34 motor vehicle, the disabled motor vehicle may be moved by a
 35 towing company to a safe location after being released by a law
 36 enforcement officer or by authorized state, county, or municipal
 37 personnel for that purpose.
 38 Sec. 5. (a) If a towing company is summoned for emergency
 39 towing by the owner or operator of a disabled motor vehicle, the
 40 towing company shall make a record of the following, to the extent
 41 available:
 42 (1) The:



- 1 (A) first and last name; and
- 2 (B) telephone number;
- 3 of the person who summoned the towing company to the
- 4 scene.
- 5 (2) The make, model, year, vehicle identification number, and
- 6 license plate number of the disabled motor vehicle.
- 7 (b) If a towing company is summoned for emergency towing by
- 8 a law enforcement officer or by authorized state, county, or
- 9 municipal personnel, the towing company shall make a record of
- 10 the following, to the extent available:
- 11 (1) The identity of:
- 12 (A) the law enforcement agency; or
- 13 (B) authorized state, county, or municipal agency;
- 14 requesting the emergency towing.
- 15 (2) The make, model, year, vehicle identification number, and
- 16 license plate number of the disabled motor vehicle.
- 17 (c) A towing company:
- 18 (1) shall:
- 19 (A) maintain a record created under subsection (a) or (b);
- 20 and
- 21 (B) provide a record created under subsection (a) or (b) to
- 22 a law enforcement agency upon request;
- 23 from the time the towing company appears at the scene of the
- 24 disabled motor vehicle until the time the motor vehicle is
- 25 towed and released to an authorized third party; and
- 26 (2) shall:
- 27 (A) retain a record created under subsection (a) or (b) for
- 28 a period of two (2) years from the date the disabled vehicle
- 29 was towed from the scene; and
- 30 (B) throughout the two (2) year period described in clause
- 31 (A), make the record available for inspection and copying,
- 32 not later than forty-eight (48) hours after receiving a
- 33 written request for inspection from:
- 34 (i) a law enforcement agency;
- 35 (ii) the attorney general;
- 36 (iii) the disabled motor vehicle's owner; or
- 37 (iv) an authorized agent of the disabled motor vehicle's
- 38 owner.
- 39 **Sec. 6. A towing company that performs emergency towing**
- 40 **under this chapter shall:**
- 41 (1) properly secure all towed motor vehicles; and
- 42 (2) take all reasonable efforts to prevent:



1 (A) further damage (including weather damage) to; or
2 (B) the theft of;
3 all towed motor vehicles, including a motor vehicle's cargo
4 and contents.
5 **Chapter 4. Private Property Towing**
6 **Sec. 1. (a) This chapter applies to a towing company that**
7 **engages in, or offers to engage in, private property towing.**
8 **(b) This chapter does not apply to the towing of a motor vehicle**
9 **from a tow-away zone that is not located on private property.**
10 **Sec. 2. The owner of private property may establish a tow-away**
11 **zone on the owner's property.**
12 **Sec. 3. A property owner that establishes a tow-away zone under**
13 **this chapter shall post at the location of the tow-away zone a sign**
14 **that:**
15 (1) is clearly visible to the public; and
16 (2) includes:
17 (A) a statement that the area is a tow-away zone; and
18 (B) a description of any persons authorized to park in the
19 area.
20 **Sec. 4. A towing company that tows a motor vehicle under this**
21 **chapter shall ensure that the motor vehicle is towed to:**
22 (1) a storage facility that is located within twenty-five (25)
23 miles of the location of the tow-away zone from which the
24 motor vehicle was removed; or
25 (2) if there is no storage facility located within twenty-five (25)
26 miles of the location of the tow-away zone, to the storage
27 facility nearest to the tow-away zone.
28 **Sec. 5. If the owner or operator of a motor vehicle that is parked**
29 **in violation of a tow-away zone arrives at the location of the**
30 **tow-away zone while the motor vehicle is in the process of being**
31 **towed, the towing company shall give the owner or operator either**
32 **oral or written notification that the owner or operator may pay a**
33 **fee in an amount that is not greater than half of the amount of the**
34 **fee the towing company normally charges for the release of a**
35 **motor vehicle. Upon the owner's or operator's payment of the**
36 **amount specified, the towing company shall:**
37 (1) release the motor vehicle to the owner or operator; and
38 (2) give the owner or operator a receipt showing:
39 (A) the full amount of the fee the towing company
40 normally charges for the release of a motor vehicle; and
41 (B) the amount of the fee paid by the owner or operator.
42 **Sec. 6. Not later than two (2) hours after completing a tow of a**



1 motor vehicle from private property, a towing company shall
 2 provide notice of the towing to the law enforcement agency having
 3 jurisdiction in the location of the private property.

4 Sec. 7. A towing company that performs private property
 5 towing under this chapter shall:

6 (1) properly secure all towed motor vehicles; and

7 (2) take all reasonable efforts to prevent:

8 (A) further damage (including weather damage) to; or

9 (B) the theft of;

10 all towed motor vehicles, including a motor vehicle's cargo
 11 and contents.

12 Sec. 8. This chapter does not affect a private property owner's
 13 rights under IC 9-22-1 with respect to abandoned vehicles on the
 14 property owner's property.

15 Chapter 5. Invoices for Towing Services

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

20 (1) the tow is completed; or

21 (2) the towing company has obtained all necessary
 22 information to be included on the invoice, including any
 23 charges submitted by subcontractors used by the towing
 24 company to complete the tow;

25 whichever occurs later.

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

28 (1) The location from which the motor vehicle was towed.

29 (2) The location to which the motor vehicle was towed.

30 (3) The name, address, and telephone number of the towing
 31 company.

32 (4) A description of the towed motor vehicle, including the:

33 (A) make;

34 (B) model;

35 (C) year;

36 (D) vehicle identification number; and

37 (E) color;

38 of the motor vehicle.

39 (5) The license plate number and state of registration for the
 40 towed motor vehicle.

41 (6) The cost of the original towing service.

42 (7) The cost of any vehicle storage fees, expressed as a daily



1 rate.

2 (8) Other fees, including documentation fees and motor

3 vehicle search fees.

4 (9) The costs for services that were performed under a

5 warranty or that were otherwise performed at no cost to the

6 owner of the motor vehicle.

7 (c) Any service or fee in addition to the services or fees

8 described in subsection (b)(6), (b)(7), or (b)(8) must be set forth

9 individually as a single line item on the invoice required by this

10 section, with an explanation and the exact charge for the service or

11 the exact amount of the fee.

12 Sec. 2. A copy of each invoice and receipt submitted by a tow

13 truck operator in accordance with section 1 of this chapter shall:

14 (1) be retained by the towing company for a period of two (2)

15 years from the date of issuance; and

16 (2) throughout the two (2) year period described in

17 subdivision (1), be made available for inspection and copying

18 not later than forty-eight (48) hours after receiving a written

19 request for inspection from:

20 (A) a law enforcement agency;

21 (B) the attorney general;

22 (C) the prosecuting attorney or city attorney having

23 jurisdiction in the location of any of the towing company's

24 Indiana business locations;

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

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

27 Chapter 6. Releasing Towed Motor Vehicles

28 Sec. 1. This chapter applies to the following:

29 (1) A towing company that tows and stores a motor vehicle

30 under this article.

31 (2) A storage facility that stores a motor vehicle that is towed

32 by a towing company under this article, regardless of whether

33 the towing company and the storage facility are affiliates.

34 Sec. 2. Upon payment of all costs incurred against a motor

35 vehicle that is towed and stored under this article, the towing

36 company or storage facility shall release the motor vehicle to:

37 (1) a properly identified person who owns or holds a lien on

38 the motor vehicle; or

39 (2) a representative of the insurance company that insures the

40 motor vehicle, if the vehicle is covered by an active policy of

41 insurance;

42 in accordance with the procedures, and subject to the same



1 requirements, set forth in IC 9-22-1-8 with respect to abandoned
2 motor vehicles.

3 **Chapter 7. Prohibited Acts**

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

5 (1) Falsely represent, either expressly or by implication, that
6 the towing company represents or is approved by any
7 organization that provides emergency road service for
8 disabled motor vehicles.

9 (2) Require the owner or operator of a disabled motor vehicle
10 to preauthorize:

11 (A) repair work; or

12 (B) more than twenty-four (24) hours of storage;

13 as a condition for providing towing service for the disabled
14 motor vehicle.

15 (3) Charge more than one (1) towing fee when the owner or
16 operator of a disabled motor vehicle requests that the disabled
17 motor vehicle be towed to a repair facility owned or operated
18 by the towing company.

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

20 (A) either:

21 (i) the owner of the motor vehicle; or

22 (ii) the owner's designated representative;

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

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

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

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

34 (1) Upon payment of all costs incurred against a motor vehicle
35 that is towed and stored under this article, refuse to release
36 the motor vehicle to:

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

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

42 in accordance with the procedures, and subject to the same



1 requirements, set forth in IC 9-22-1-8 with respect to
 2 abandoned motor vehicles. However, a towing company or
 3 storage facility shall not release a motor vehicle in any case in
 4 which a law enforcement agency has ordered the motor
 5 vehicle not to be released, or in any case in which the motor
 6 vehicle cannot be released because of pending litigation.

7 **(2) Refuse to permit:**

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

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

13 to inspect the motor vehicle before all costs incurred against
 14 the motor vehicle are paid or the motor vehicle is released.

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

17 (A) release of the motor vehicle; or

18 (B) inspection of the motor vehicle by the owner,
 19 lienholder, or insurance company;

20 is not permitted during normal business hours by the towing
 21 company or storage facility.

22 **Chapter 8. Violations**

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

25 (1) actionable under IC 24-5-0.5; and

26 (2) subject to the remedies and penalties set forth in
 27 IC 24-5-0.5.

28 **Sec. 2. (a) The attorney general:**

29 (1) shall receive; and

30 (2) may investigate;

31 complaints alleging one (1) or more violations of this article.

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

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



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1352, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-149.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 149.6. "Record of sale" has the meaning set forth in IC 9-22-1-4(a).**

SECTION 2. IC 9-18.1-3-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4.5. (a) The bureau may not register a vehicle to a person who has not fully paid all costs and fines imposed under IC 9-22-1-4.**

(b) If a person described in subsection (a) fully pays all costs and fines imposed under IC 9-22-1-4, the bureau shall proceed with the registration of the vehicle as prescribed by this chapter.

(c) It is the responsibility of the person described in subsection (a) to demonstrate compliance with subsection (b).

SECTION 3. IC 9-18.1-3-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7.5. (a) The bureau may withhold the annual registration of any vehicle registered to a person who has not fully paid all costs and fines imposed under IC 9-22-1-4.**

(b) If a person described in subsection (a) fully pays all costs and fines imposed under IC 9-22-1-4, the bureau shall proceed with the registration of the vehicle as prescribed by this chapter.

(c) It is the responsibility of the person described in subsection (a) to demonstrate compliance with subsection (b).

SECTION 4. IC 9-22-1-4, AS AMENDED BY P.L.157-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) **As used in this section, "record of sale" means either of the following:**

- (1) A legible photocopy of a reassigned vehicle title.**
- (2) A form document that includes the:**
 - (A) name, address, and signature of the person to whom a vehicle is sold or transferred; and**

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(B) date of sale or transfer of the vehicle.

(b) Except as provided in subsection ~~(c)~~; **(d)**, the owner of an abandoned vehicle or parts is:

- (1) responsible for the abandonment; and
- (2) liable for all of the costs incidental to the removal, storage, and disposal;

of the vehicle or the parts under this chapter.

~~(b)~~ **(c)** The costs for storage of an abandoned vehicle may not exceed two thousand dollars (\$2,000).

(d) The owner of a motor vehicle who:**(1) delivers:**

(A) possession of the vehicle; and

(B) the applicable certificate of title;

to a subsequent purchaser or transferee; and

(2) possesses a record of sale for the vehicle that is delivered to the subsequent purchaser or transferee;

is not liable for any costs or fines that result from the ownership or use of the vehicle by the subsequent purchaser or transferee, including any costs or fines that result from the abandonment of the vehicle by the subsequent purchaser or transferee.

~~(c)~~ **(e)** If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, the person who previously owned the vehicle is not responsible for storage fees.

~~(d)~~ **(f)** If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, and proceeds from the sale of the vehicle covered the removal, towing, sale disposal, and storage expenses, any remaining proceeds from the sale of the vehicle shall be returned as described in this chapter or IC 9-22-6, whichever is applicable."

Page 2, delete lines 12 through 13.

Page 2, line 14, delete "(5)" and insert "(3)".

Page 2, delete line 15.

Page 2, line 27, delete "eighteen (18)" and insert "**twenty-four (24)**".

Page 2, line 28, after "received." insert "**However, if adverse weather, an act of God, an emergency situation, or another act 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.**".

Page 3, line 18, delete "vehicle." and insert "**vehicle, if the vehicle is covered by an active policy of insurance.**".

Page 3, delete line 25.



Page 3, line 26, delete "(5)" and insert "(4)".

Page 3, line 33, delete "(6)" and insert "(5)".

Page 3, line 35, delete "(7)" and insert "(6)".

Page 3, line 37, delete "(8)" and insert "(7)".

Page 3, line 39, delete "(7)." and insert "(6).".

Page 3, line 40, delete "(9)" and insert "(8)".

Page 4, line 1, delete "(10)" and insert "(9)".

Page 4, delete lines 9 through 23.

Page 4, between lines 23 and 24, begin a new paragraph and insert:
"SECTION 7. IC 9-33-1-1, AS AMENDED BY P.L.198-2016,
SECTION 630, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2018]: 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."

Page 9, delete lines 6 through 42, begin a new paragraph and insert:
"SECTION 4. IC 24-14 IS ADDED TO THE INDIANA CODE AS
A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
2018]:

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 seizure towing.

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. "Crane service" means a type of towing service that involves moving vehicles by the use of a wheel lift device, such as a lift, crane, hoist, winch, cradle, jack, automobile ambulance, tow dolly, or any other similar device.

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



agency of the state or local unit.

(c) The term does not include seizure towing.

Sec. 8. "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. 9. "Owner", with respect to a motor vehicle, means any of the following:

- (1) The person to whom a motor vehicle is registered.
- (2) A person that holds a lien on the motor vehicle.
- (3) The person to whom a motor vehicle is leased, if the terms of the lease require the lessee to maintain and repair the motor vehicle.
- (4) In the case of a motor vehicle rented under a rental agreement (as defined in IC 24-4-9-5), the rental company (as defined in IC 24-4-9-7).

Sec. 10. "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. 11. "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. 12. (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. 13. "Tow truck" means a motor vehicle equipped to provide any form of towing service, including crane service or flat bed service.

Sec. 14. "Tow truck operator" means an individual who operates a tow truck as an employee or agent of a towing company.

Sec. 15. (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; or
- (3) the owner of a disabled motor vehicle has previously provided consent to the towing company to stop or perform a towing service.

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 at the time the towing company is summoned.

(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 law enforcement agency; or
 - (B) 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 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 third 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 forty-eight (48) hours after receiving a written request for inspection from:
 - (i) a 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:
- (1) properly secure all towed motor vehicles; and
 - (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 motor vehicle's cargo and contents.

Chapter 4. Private Property Towing

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

Sec. 2. The owner of private property may establish a tow-away zone on the owner's property.

Sec. 3. A property owner that establishes a tow-away zone under this chapter shall post at the location of the tow-away zone a sign that:

- (1) is clearly visible to the public; and
- (2) includes:
 - (A) a statement that the area is a tow-away zone; and
 - (B) a description of any persons authorized to park in the area.

Sec. 4. A towing company that tows a motor vehicle under this chapter shall ensure that the motor vehicle is towed to:

- (1) a storage facility that is located within twenty-five (25) miles of the location of the tow-away zone from which the motor vehicle was removed; or
- (2) if there is no storage facility located within twenty-five (25) miles of the location of the tow-away zone, to the storage facility nearest to the tow-away zone.

Sec. 5. 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. 6. Not later than two (2) hours after completing a tow of a



motor vehicle from private property, a towing company shall provide notice of the towing to the law enforcement agency having jurisdiction in the location of the private property.

Sec. 7. A towing company that performs private property towing under this chapter shall:

- (1) properly secure all towed motor vehicles; and**
 - (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 motor vehicle's cargo and contents.**

Sec. 8. 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 for a completed tow shall be made available to the owner of the motor vehicle or the owner's authorized 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;**

whichever occurs later.

(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;**
 - (D) vehicle identification number; and**
 - (E) color;**

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.

Sec. 2. A copy of each invoice and receipt submitted by a tow truck operator in accordance with section 1 of this chapter 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. 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. Upon payment of all costs incurred against a motor vehicle that is towed and stored under this article, the towing company or storage facility shall release the motor vehicle to:

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

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

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.

Chapter 7. 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.

However, 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 incurred against a motor vehicle that is towed and stored under this article, refuse to release the motor vehicle to:

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

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 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 before all costs incurred against the motor vehicle are paid or the motor vehicle is released.

(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 normal business hours by the towing company or storage facility.

Chapter 8. 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 one (1) or more 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."

Delete pages 10 through 20.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1352 as introduced.)

SOLIDAY

Committee Vote: yeas 12, nays 0.

