



Reprinted
February 23, 2005

HOUSE BILL No. 1478

DIGEST OF HB 1478 (Updated February 22, 2005 5:17 pm - DI 96)

Citations Affected: IC 9-13; IC 9-22.

Synopsis: Disposal of abandoned vehicles. Raises the market value limit below which a public officer is authorized to dispose of an abandoned vehicle or parts at a towing service. Requires a towing service to wait 30 days before disposing of an abandoned vehicle located on its premises, and specifies a procedure for notice to the registered owner of the abandoned vehicle. Makes conforming amendments.

Effective: Upon passage.

Adams T, Davis

January 18, 2005, read first time and referred to Committee on Roads and Transportation.
February 17, 2005, reported — Do Pass.
February 22, 2005, read second time, amended, ordered engrossed.

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HB 1478—LS 6539/DI 96+



First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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HOUSE BILL No. 1478

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 9-13-2-174.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 174.5. "Storage yard" for**
4 **purposes of IC 9-22-1, has the meaning set forth in IC 9-22-1-3.5.**
5 SECTION 2. IC 9-22-1-3.5 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]: **Sec. 3.5. As used in this chapter, "storage yard"**
8 **means a storage facility or a towing service used for the removal**
9 **and storage of abandoned vehicles or parts.**
10 SECTION 3. IC 9-22-1-13 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) If in the
12 opinion of the officer the market value of an abandoned vehicle or parts
13 determined ~~under~~ **in accordance with** section 12 of this chapter is less
14 than:
15 (1) ~~one five~~ **five** hundred dollars (~~\$100~~); (**\$500**); or
16 (2) in a municipality that has adopted an ordinance under
17 subsection (b), the amount established by the ordinance;

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1 the officer shall immediately dispose of the vehicle to ~~an automobile a~~
2 **towing service scrapyard**. A copy of the abandoned vehicle report and
3 photographs relating to the abandoned vehicle shall be forwarded to the
4 bureau. **The towing service may dispose of the abandoned vehicle**
5 **not less than thirty (30) days after the date on which the towing**
6 **service removed the abandoned vehicle.** The public agency disposing
7 of the vehicle shall retain the original records and photographs for at
8 least two (2) years.

9 (b) The legislative body of a municipality (as defined in
10 IC 36-1-2-11) may adopt an ordinance that establishes the market value
11 below which an officer may dispose of a vehicle or parts under
12 subsection (a). However, the market value established by the ordinance
13 may not be more than ~~five seven~~ hundred ~~fifty~~ dollars ~~(\$500)~~; **(\$750)**.

14 SECTION 4. IC 9-22-1-14 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) If in the
16 opinion of the officer the market value of the abandoned vehicle or
17 parts determined ~~under in accordance with~~ section 12 of this chapter
18 is at least:

- 19 (1) ~~one five~~ hundred dollars ~~(\$100)~~; **(\$500)**; or
- 20 (2) in a municipality that has adopted an ordinance under section
21 13(b) of this chapter, the amount established by the ordinance;
22 the officer, before placing a notice tag on the vehicle or parts, shall
23 make a reasonable effort to ascertain the person who owns the vehicle
24 or parts or who may be in control of the vehicle or parts.

25 (b) After seventy-two (72) hours, the officer shall require the
26 vehicle or parts to be towed to a storage ~~area~~: **yard or towing service**.

27 SECTION 5. IC 9-22-1-16 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) If after
29 seventy-two (72) hours the person who owns a vehicle believed to be
30 abandoned on private property that the person owns or controls,
31 including rental property, has not removed the vehicle from the private
32 property, the person who owns or controls the private property may
33 have the vehicle towed from the private property. The towing operator
34 shall do the following:

- 35 (1) Contact the bureau to obtain the name and address of the
36 person who owns the vehicle.
- 37 (2) ~~Deliver~~; **Send**, by certified mail, a copy of the information
38 contained in the notice required under section 15 of this chapter
39 to the person who owns the vehicle. The notice required by this
40 subdivision must be ~~given~~ **mailed to the person who owns the**
41 **vehicle according to the records of the bureau** not later than
42 five (5) business days after ~~the vehicle is removed~~: **receipt of the**

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information in subdivision (1) from the bureau.

(b) Notwithstanding subsection (a), in an emergency situation a vehicle may be removed immediately. As used in this subsection, "emergency situation" means that the presence of the abandoned vehicle interferes physically with the conduct of normal business operations of the person who owns or controls the private property or poses a threat to the safety or security of persons or property, or both.

SECTION 6. IC 9-22-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) Within seventy-two (72) hours after removal of an abandoned vehicle to a storage ~~area~~ **yard or towing service** under section 13, 14, or 16 of this chapter, the public agency or towing operator shall prepare and forward to the bureau an abandoned vehicle report containing a description of the vehicle, including the following information concerning the vehicle:

- (1) The make.
- (2) The model.
- (3) The identification number.
- (4) The number of the license plate.

(b) The public agency or towing operator shall request that the bureau advise the public agency or towing operator of the name and most recent address of the person who owns or holds a lien on the vehicle.

(c) Notwithstanding section 4 of this chapter, if the public agency or towing operator fails to notify the bureau of the removal of an abandoned vehicle within seventy-two (72) hours after the vehicle is removed as required by subsection (a), the public agency or towing operator:

- (1) may not initially collect more in reimbursement for the costs of storing the vehicle than the cost incurred for storage for seventy-two (72) hours; and
- (2) may collect further reimbursement under this chapter only for additional storage costs incurred after notifying the bureau of the removal of the abandoned vehicle.

SECTION 7. IC 9-22-1-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. The following are not liable for loss or damage to a vehicle or parts occurring during the removal, storage, or disposition of a vehicle or parts under this chapter:

- (1) A person who owns, leases, or occupies property from which an abandoned vehicle or parts are removed.
- (2) A public agency.

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- 1 (3) A towing service.
- 2 (4) An automobile scrapyard.
- 3 **(5) A storage yard.**
- 4 **SECTION 8. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1478, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

DUNCAN, Chair

Committee Vote: yeas 9, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1478 be amended to read as follows:

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

"SECTION 1. IC 9-13-2-174.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 174.5. "Storage yard" for purposes of IC 9-22-1, has the meaning set forth in IC 9-22-1-3.5.**

SECTION 2. IC 9-22-1-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. As used in this chapter, "storage yard" means a storage facility or a towing service used for the removal and storage of abandoned vehicles or parts."**

Page 1, line 9, strike "an automobile" and insert "**a towing service.**".

Page 1, line 10, strike "scrapyard."

Page 1, line 11, after "bureau." insert "**The towing service may dispose of the abandoned vehicle not less than thirty (30) days after the date on which the towing service removed the abandoned vehicle.**".

Page 2, line 14, strike "area." and insert "**yard or towing service.**".

Page 2, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 5. IC 9-22-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) If after seventy-two (72) hours the person who owns a vehicle believed to be abandoned on private property that the person owns or controls, including rental property, has not removed the vehicle from the private property, the person who owns or controls the private property may have the vehicle towed from the private property. The towing operator shall do the following:

(1) Contact the bureau to obtain the name and address of the person who owns the vehicle.

(2) ~~Deliver;~~ **Send**, by certified mail, a copy of the information contained in the notice required under section 15 of this chapter to the person who owns the vehicle. The notice required by this subdivision must be ~~given~~ **mailed to the person who owns the vehicle according to the records of the bureau** not later than five (5) business days after ~~the vehicle is removed;~~ **receipt of the information in subdivision (1) from the bureau.**

(b) Notwithstanding subsection (a), in an emergency situation a vehicle may be removed immediately. As used in this subsection,

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"emergency situation" means that the presence of the abandoned vehicle interferes physically with the conduct of normal business operations of the person who owns or controls the private property or poses a threat to the safety or security of persons or property, or both.

SECTION 6. IC 9-22-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) Within seventy-two (72) hours after removal of an abandoned vehicle to a storage ~~area~~ **yard or towing service** under section 13, 14, or 16 of this chapter, the public agency or towing operator shall prepare and forward to the bureau an abandoned vehicle report containing a description of the vehicle, including the following information concerning the vehicle:

- (1) The make.
- (2) The model.
- (3) The identification number.
- (4) The number of the license plate.

(b) The public agency or towing operator shall request that the bureau advise the public agency or towing operator of the name and most recent address of the person who owns or holds a lien on the vehicle.

(c) Notwithstanding section 4 of this chapter, if the public agency or towing operator fails to notify the bureau of the removal of an abandoned vehicle within seventy-two (72) hours after the vehicle is removed as required by subsection (a), the public agency or towing operator:

- (1) may not initially collect more in reimbursement for the costs of storing the vehicle than the cost incurred for storage for seventy-two (72) hours; and
- (2) may collect further reimbursement under this chapter only for additional storage costs incurred after notifying the bureau of the removal of the abandoned vehicle.

SECTION 7. IC 9-22-1-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. The following are not liable for loss or damage to a vehicle or parts occurring during the removal, storage, or disposition of a vehicle or parts under this chapter:

- (1) A person who owns, leases, or occupies property from which an abandoned vehicle or parts are removed.
- (2) A public agency.
- (3) A towing service.
- (4) An automobile scrapyard.
- (5) A storage yard."**

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Renumber all SECTIONS consecutively.

(Reference is to HB 1478 as printed February 18, 2005.)

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