COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred House Bill No. 1425, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 6. IC 9-22-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. As used in this chapter, "public agency" means ~~the bureau or~~ **a** local agency given the responsibility by statute or ordinance for the removal, storage, and disposal of abandoned vehicles.

SECTION 6. IC 9-22-1-4, AS AMENDED BY P.L.104-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) Except as provided in subsection (c), the person who owns 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) The costs for storage of an abandoned vehicle may not exceed one thousand five hundred dollars ($1,500).

(c) 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) 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, and** storage expenses, any remaining proceeds from the sale of the vehicle shall be returned to the previous owner of the vehicle if the previous owner is known.

SECTION 8. IC 9-22-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. The bureau shall be notified within seventy-two (72) hours of the location and description of a vehicle described in section 5 of this chapter. ~~Upon receipt of notification, the bureau shall cause a search to be made to determine and notify the person who owns the vehicle under section 20 of this chapter.~~

SECTION 9. IC 9-22-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. If:

(1) the person who owns or holds a lien under section 8 of this chapter does not appear and pay all costs; or

(2) the person who owns a vehicle cannot be determined by a search **conducted** under section ~~20~~ **19** of this chapter;

the ~~bureau shall declare the~~ vehicle **is considered** abandoned and ~~provide for disposal~~ **must be disposed of** under this chapter.".

Page 3, line 29, strike "bureau" and insert "**appropriate public agency**".

Page 3, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 9. IC 9-22-1-13, AS AMENDED BY P.L.104-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) If in the opinion of the officer the market value of an abandoned vehicle or parts determined in accordance with section 12 of this chapter is less than:

(1) five hundred dollars ($500); or

(2) in a municipality that has adopted an ordinance under subsection (b), the amount established by the ordinance;

the officer shall immediately dispose of the vehicle to a ~~towing service.~~ **storage yard.** A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the bureau. ~~The~~ **A** towing service may dispose of ~~the~~ **an** abandoned vehicle not less than thirty (30) days after the date on which the towing service removed the abandoned vehicle. **A municipal corporation (as defined in IC 36-1-2-10) that operates a storage yard under IC 36-9-30-3 may dispose of an abandoned vehicle to an automobile scrapyard**

or an automotive salvage recycler upon removal of the abandoned vehicle. The public agency disposing of the vehicle shall retain the original records and photographs for at least two (2) years.

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

Page 4, line 13, after "section" insert "**5 or**".

Page 4, line 14, strike "and bureau".

Page 4, line 18, delete "JULY 1, 2007]:" and insert "JANUARY 1, 2008]:".

Page 4, line 19, strike "an abandoned" and insert "**a**".

Page 4, line 20, after "section" insert "**5,**".

Page 4, line 22, strike "an abandoned vehicle" and insert "**a**".

Page 4, line 29, delete "Contact the bureau or conduct" and insert "**Conduct**".

Page 4, line 33, strike "(b) The public agency or towing".

Page 4, line 33, delete "service".

Page 4, line 33, strike "shall request that".

Page 4, line 34, strike "the bureau advise the public agency or towing".

Page 4, line 34, delete "service".

Page 4, line 34, strike "of the".

Page 4, strike lines 35 through 36.

Page 4, line 37, strike "(c)" and insert "**(b)**".

Page 5, line 3, delete "(d)," and insert "**(c),**".

Page 5, line 6, delete "(d)" and insert "**(c)**".

Page 5, line 7, delete "the abandoned" and insert "**a**".

Page 5, line 16, delete "(c)(2)," and insert "**(b)(2),**".

Page 5, line 21, delete "(e)" and insert "**(d)**".

Page 5, line 22, delete "(c) and (d)" and insert "**(b) and (c)**".

Page 5, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 10. IC 9-22-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 23. (a) This section applies to a ~~consolidated city, second class~~ city, **town,** or county.

(b) Except as provided in subsection (c), if the person who owns or holds a lien upon a vehicle does not appear within twenty (20) days

after the mailing of a notice under section ~~20~~ **19** of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The twenty (20) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

(c) This subsection applies to a consolidated city or county containing a consolidated city. If the person who owns or holds a lien upon a vehicle does not appear within fifteen (15) days after the mailing of a notice under section 20 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The fifteen (15) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

SECTION 11. IC 9-22-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. A person who purchases a vehicle under section ~~22~~ ~~or~~ 23 of this chapter shall be furnished a bill of sale for each abandoned vehicle sold by the ~~bureau or~~ public agency upon paying the fee for a bill of sale under IC 9-29-7. A person who purchases a vehicle under section ~~22~~ ~~or~~ 23 of this chapter must:

(1) present evidence from a law enforcement agency that the vehicle purchased is roadworthy, if applicable; and

(2) pay the appropriate title fee under IC 9-29-4;

to obtain a certificate of title under IC 9-17 for the vehicle.

SECTION 12. IC 9-22-1-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. The proceeds of sale of an abandoned vehicle or parts under section ~~22~~ ~~or~~ 23 of this chapter shall be credited against the costs of the removal, storage, and disposal of the vehicle.

SECTION 13. IC 9-22-1-27 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27. (a) This section applies to sales of abandoned vehicles or parts by ~~local units.~~ **a city, county, or town.**

(b) The proceeds from the sale of abandoned vehicles or parts, including:

(1) charges for bills of sale; and

(2) money received from persons who own or hold liens on vehicles for the cost of removal or storage of vehicles;

shall be deposited ~~with the county treasurer or city controller and placed by the treasurer or controller~~ in the unit's abandoned vehicle fund **by the unit's fiscal officer.**

(c) The costs incurred by a public agency in administering this chapter shall be paid from the abandoned vehicle fund.

(d) The fiscal body shall annually appropriate sufficient money to the fund to carry out this chapter. Money remaining in the fund at the end of a year remains in the fund and does not revert to the general fund.

(e) Notwithstanding subsection (d), the fiscal body of a consolidated city may transfer money from the fund.

SECTION 14. IC 9-22-5-15, AS AMENDED BY P.L.104-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. (a) An individual, a firm, a limited liability company, or a corporation that performs labor, furnishes materials or storage, or does repair work on a motor vehicle, trailer, semitrailer, or recreational vehicle at the request of the person who owns the vehicle has a lien on the vehicle to the reasonable value of the charges for the labor, materials, storage, or repairs.

(b) An individual, a firm, a partnership, a limited liability company, or a corporation that provides towing services for a motor vehicle, trailer, semitrailer, or recreational vehicle: ~~at the request of:~~

(1) **at the request of** the person who owns the motor vehicle, trailer, semitrailer, or recreational vehicle; ~~or~~

(2) **at the request of** an individual, a firm, a partnership, a limited liability company, or a corporation on whose property an abandoned motor vehicle, trailer, semitrailer, or recreational vehicle is located; **or**

(3) in accordance with IC 9-22-1;

has a lien on the vehicle for the reasonable value of the charges for the

towing services and other related costs. An individual, a firm, a partnership, a limited liability company, or a corporation that obtains a lien for an abandoned vehicle under subdivision (2) must comply with IC 9-22-1-4, IC 9-22-1-16, IC 9-22-1-17, and IC 9-22-1-19.

(c) If:

(1) the charges made under subsection (a) or (b) are not paid; and

(2) the motor vehicle, trailer, semitrailer, or recreational vehicle is not claimed;

within thirty (30) days from the date on which the vehicle was left in or came into the possession of the individual, firm, limited liability company, or corporation for repairs, storage, towing, or the furnishing of materials, the individual, firm, limited liability company, or corporation may advertise the vehicle for sale. The vehicle may not be sold before fifteen (15) days after the date the advertisement required by subsection (d) has been placed or after notice required by subsection (e) has been sent, whichever is later.

(d) Before a vehicle may be sold under subsection (c), an advertisement must be placed in a newspaper of general circulation printed in the English language in the city or town in which the lienholder's place of business is located. The advertisement must contain at least the following information:

(1) A description of the vehicle, including make, type, and manufacturer's identification number.

(2) The amount of the unpaid charges.

(3) The time, place, and date of the sale.

(e) In addition to the advertisement required under subsection (d), the person who holds the mechanic's lien must:

(1) notify the person who owns the vehicle and any other person who holds a lien of record at the person's last known address by certified mail, return receipt requested; or

(2) if the vehicle is an abandoned motor vehicle, provide notice as required under subdivision (1) if the location of the owner of the motor vehicle or a lienholder of record is determined by the bureau in a search under IC 9-22-1-20;

that the vehicle will be sold at public auction on a specified date to satisfy the lien imposed by this section.

(f) A person who holds a lien of record on a vehicle subject to sale under this section may pay the storage, repair, towing, or service

charges due. If the person who holds the lien of record elects to pay the charges due, the person is entitled to possession of the vehicle and becomes the holder of the mechanic's lien imposed by this section.

(g) If the person who owns a vehicle subject to sale under this section does not claim the vehicle and satisfy the lien on the vehicle, the vehicle may be sold at public auction to the highest and best bidder for cash. A person who holds a mechanic's lien under this section may purchase a vehicle subject to sale under this section.

(h) A person who holds a mechanic's lien under this section may deduct and retain the amount of the lien and the cost of the advertisement required under subsection (d) from the purchase price received for a vehicle sold under this section. After deducting from the purchase price the amount of the lien and the cost of the advertisement, the person shall pay the surplus of the purchase price to the person who owns the vehicle if the person's address or whereabouts is known. If the address or whereabouts of the person who owns the vehicle is not known, the surplus of the purchase price shall be paid over to the clerk of the circuit court of the county in which the person who holds the mechanic's lien has a place of business for the use and benefit of the person who owns the vehicle.

(i) A person who holds a mechanic's lien under this section shall execute and deliver to the purchaser of a vehicle under this section a sales certificate in the form designated by the bureau, setting forth the following information:

(1) The facts of the sale.

(2) The vehicle identification number.

(3) The certificate of title if available.

(4) A certificate from the newspaper showing that the advertisement was made as required under subsection (d).

Whenever the bureau receives from the purchaser an application for certificate of title accompanied by these items, the bureau shall issue a certificate of title for the vehicle under IC 9-17.".

Page 6, between lines 28 and 29, begin a new paragraph and insert:

1 "SECTION 16. THE FOLLOWING ARE REPEALED
2 [EFFECTIVE JULY 1, 2007]: IC 9-22-1-10; IC 9-22-1-20;
3 IC 9-22-1-22; IC 9-22-1-28; IC 9-22-1-29.".
4 Renumber all SECTIONS consecutively.
(Reference is to HB 1425 as printed January 26, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

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Wyss **Chairperson**