

IC 32-33-10

Chapter 10. Motor Vehicles Lien for Repair, Storage, Service, and Supplies for Certain Motor Vehicles and Equipment

IC 32-33-10-1

"Construction machinery and equipment"

Sec. 1. As used in this chapter, "construction machinery and equipment" includes all classes and types of machinery and equipment used in road construction, road maintenance, earth moving, and building construction work.

As added by P.L.2-2002, SEC.18.

IC 32-33-10-2

"Farm machinery"

Sec. 2. As used in this chapter, "farm machinery" means all types of tractors, implements, and machinery used in the operation and maintenance of farms.

As added by P.L.2-2002, SEC.18.

IC 32-33-10-3

"Motor vehicle"

Sec. 3. (a) As used in this chapter, "motor vehicle" means every vehicle and device in, upon, or by which persons or property is, or may be, moved, transported, or drawn upon public highways.

(b) The term includes:

- (1) self-propelled vehicles; and
- (2) vehicles and devices drawn or propelled by other vehicles, devices, trucks, and tractors.

As added by P.L.2-2002, SEC.18.

IC 32-33-10-4

"Person"

Sec. 4. As used in this chapter, "person" includes a natural person, a firm, a copartnership, an association, a limited liability company, and a corporation.

As added by P.L.2-2002, SEC.18.

IC 32-33-10-5

Services and vehicles subject to lien

Sec. 5. (a) A person engaged in:

- (1) towing, repairing, storing, servicing, or furnishing supplies or accessories for motor vehicles, airplanes, construction machinery and equipment, and farm machinery; or
- (2) maintaining a motor vehicle garage, an airport or repair shop for airplanes, or a repair shop or servicing facilities for construction machinery and equipment and farm machinery;

has a lien on any motor vehicle or airplane or any unit of construction machinery and equipment or farm machinery towed, stored, repaired, serviced, or maintained for the person's reasonable charges for the towing, repair work, storage, or service, including

reasonable charges for labor, for the use of tools, machinery, and equipment, and for all accessories, materials, gasoline, oils, lubricants, and other supplies furnished in connection with the towing, repair, storage, servicing, or maintenance of the motor vehicle, airplane, unit of construction machinery and equipment, or farm machinery.

(b) The costs of storing a motor vehicle may not exceed one thousand five hundred dollars (\$1,500).

As added by P.L.2-2002, SEC.18. Amended by P.L.104-2005, SEC.10.

IC 32-33-10-6

Notice of intention to hold lien; requisites; filing

Sec. 6. (a) A person seeking to acquire a lien upon a motor vehicle, an airplane, a unit of construction machinery and equipment, or farm machinery, whether the claim to be secured by the lien is then due or not, must file in the recorder's office of the county where:

- (1) the towing, repair, service, or maintenance work was performed; or
- (2) the storage, supplies, or accessories were furnished;

a notice in writing of the intention to hold the lien upon the motor vehicle, airplane, unit of construction machinery and equipment, or farm machinery for the amount of the person's claim.

(b) A notice filed under subsection (a) must specifically state the amount claimed and give a substantial description of the motor vehicle, airplane, unit of construction machinery and equipment, or farm machinery upon which the lien is asserted.

(c) Any description in a notice of intention to hold a lien filed under subsection (a) is sufficient if by the description the motor vehicle, airplane, unit of construction machinery and equipment, or farm machinery can be identified.

(d) A notice under subsection (a) must be filed in the recorder's office not later than sixty (60) days after the:

- (1) performance of the towing or work; or
- (2) furnishing of the storage, supplies, accessories, or materials.

As added by P.L.2-2002, SEC.18. Amended by P.L.104-2005, SEC.11.

IC 32-33-10-7

Notice of intention to hold lien; recording; fee

Sec. 7. (a) The recorder of the county where a notice of intention to hold a lien is filed under section 6 of this chapter shall record the lien in the manner provided by law for the recording of mechanic's liens.

(b) The recorder shall receive a fee in accordance with IC 36-2-7-10 for the recording.

As added by P.L.2-2002, SEC.18.

IC 32-33-10-8

Foreclosure of lien

Sec. 8. (a) A lien provided for in this chapter may be foreclosed, as equitable liens are foreclosed, in the circuit or superior court of the county where the motor vehicle, airplane, unit of construction machinery and equipment, or farm machinery is located.

(b) The complaint for foreclosure of a lien under subsection (a) must be filed not later than one (1) year after the notice of intention to hold the lien is recorded.

As added by P.L.2-2002, SEC.18.

IC 32-33-10-9

Attorney's fees

Sec. 9. In a suit brought for the enforcement of a lien under section 8 of this chapter in which the plaintiff recovers judgment in any sum, the plaintiff may also recover reasonable attorney's fees as a part of the judgment in the action.

As added by P.L.2-2002, SEC.18.

IC 32-33-10-10

Construction of law

Sec. 10. This chapter may not be construed to repeal, modify, or amend IC 9-22-5-14 or IC 9-22-5-15.

As added by P.L.2-2002, SEC.18.