PROPOSED AMENDMENT
HB 1183 # 5

DIGEST

Towing services. Removes provisions requiring storage facilities and towing services to accept payment via credit cards and debit cards. Allows towing services and storage facilities to accept payment via credit cards and debit cards. Includes towing contracts in certain provisions pertaining to the towing of motor vehicles for: (1) automobile clubs; (2) car dealerships; and (3) insurance companies. Requires payment for a towing service to be agreed upon and provided prior to a tow truck leaving the scene of a requested tow. Removes provisions requiring towing services to document or photograph a motor vehicle prior to a tow. Prohibits a towing company or storage facility from charging fees that differ from those specified on a rate sheet. Provides certain exceptions. Makes conforming amendments.

Page 2, delete lines 2 through 3.
Page 2, line 4, delete "(5)" and insert "(3)".
Page 2, line 5, delete "(6) Money order." and insert "(4) Money order.".
Page 2, between lines 5 and 6, begin a new line blocked left and insert:
"A towing service or storage facility may elect to accept payment by means of a credit card or debit card."
Page 8, delete lines 6 through 13, begin a new paragraph and insert:
"Sec. 2. This article does not apply to the following:
(1) Government agency towing.
(2) Seizure towing.
(3) Towing performed by, on behalf of, or under contract with:
(A) an automobile club;
(B) a car dealership; or
(C) an insurance company."
Page 9, line 23, delete "any of" and insert "the registered owner,"
Page 9, line 24, delete "the following."
Page 9, line 24, delete "IC 9-22-1-19:" and insert "IC 9-22-1-19."
Page 9, delete lines 25 through 31.
Page 9, delete lines 39 through 40.
Page 9, line 41, delete "13." and insert "12."
Page 10, line 3, delete "14." and insert "13."
Page 10, line 11, delete "15." and insert "14."
Page 10, line 14, delete "16." and insert "15."
Page 10, line 16, delete "17." and insert "16."
Page 10, delete lines 21 through 22, begin a new paragraph and insert:

"(b) The term includes a tow truck operator acting:
(1) on behalf of a towing company when appropriate in the context; or
(2) under contract with:
   (A) an automobile club;
   (B) a car dealership; or
   (C) an insurance company.".

Page 11, line 30, delete "at the time the towing company is summoned." and insert "prior to the tow truck leaving the scene."

Page 13, delete lines 24 through 38, begin a new paragraph and insert:

"Sec. 6. A towing company that performs emergency towing under this chapter shall do the following:
(1) Properly secure all towed motor vehicles.
(2) Take all reasonable efforts to prevent:
   (A) further damage (including weather damage) to; or
   (B) the theft of;
   all towed motor vehicles, including a towed motor vehicle's cargo and contents."

Page 15, delete lines 12 through 26, begin a new paragraph and insert:

"Sec. 7. A towing company that performs private property towing under this chapter shall do the following:
(1) Properly secure all towed motor vehicles.
(2) Take all reasonable efforts to prevent:
   (A) further damage (including weather damage) to; or
   (B) the theft of;
   all towed motor vehicles, including a towed motor vehicle's cargo and contents."

Page 16, line 29, delete ";" and insert "; and"
Page 16, line 30, delete "and".
Page 16, delete line 31.
Page 17, delete lines 22 through 42, begin a new paragraph and
insert:

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

(1) search:
   (A) the National Motor Vehicle Title Information System data base (as described under 49 U.S.C. 30502); or
   (B) an equivalent and commonly available data base; and

(2) comply with:
   (A) IC 9-22-1-19; or
   (B) IC 9-22-1-21;

as applicable."

Delete page 18.
Page 19, delete lines 1 through 16.
Page 19, delete lines 24 through 35, begin a new paragraph and insert:

"Sec. 2. (a) Upon payment of all costs relating to a tow, the storage of a motor vehicle, and all allowable fees, as applicable, the towing company or storage facility shall release the motor vehicle to a properly identified person who owns or holds a lien on the motor vehicle.".

Page 20, delete lines 1 through 8, begin a new paragraph and insert:

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

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

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

Page 20, delete lines 13 through 28, begin a new paragraph and insert:

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

Page 21, delete lines 7 through 42, begin a new paragraph and insert:

"Sec. 2. A person wishing to operate a towing company in Indiana shall register with the secretary of state in the manner and form prescribed by the secretary of state prior to commencing business operations.".
Page 22, delete lines 1 through 29.

Page 23, line 19, after "tow," insert "motor vehicle storage, and all allowable fees, as applicable,".

Renumber all SECTIONS consecutively.

(Reference is to HB 1183 as introduced.)