PROPOSED AMENDMENT
HB 1183 # 7

DIGEST

Towing practices and tow away zones. Removes a provision permitting the owner of a private property from creating a tow away zone on private property owned by the owner. Requires a towing company to provide the owner or operator of a motor vehicle that is about to be towed a written and itemized estimate of all charges and services to be performed by the towing company. Requires a towing company to document and itemize certain fees related to a tow and certain towing services. Specifies certain record keeping requirements for itemized estimates issued by a towing company. Removes all provisions involving towing company rate sheets. Removes all provisions concerning the submission of a registration packet to the secretary of state by a towing company wishing to operate in Indiana. Requires a person or entity wishing to operate a towing company to register with the secretary of state in the form and manner prescribed by the secretary of state. Removes a provision prohibiting a towing company from charging excessive or discriminatory fees. Requires a towing company to charge reasonable fees. Makes conforming amendments.

Page 1, line 6, strike "incurred against the vehicle or parts at that time," and insert "relating to a tow, the storage of the vehicle, and all allowable fees, as applicable, ".

Page 2, line 6, after "tow," insert "the storage of a vehicle, and all allowable fees, as applicable, ".

Page 2, line 9, delete "IC 24-14-5-1(d)" and insert "IC 24-14-5".

Page 2, line 23, after "shall" insert "if required, ".

Page 2, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 1. IC 9-22-1-19, AS AMENDED BY P.L.157-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19. (a) Within seventy-two (72) hours three (3) business days after removal of a vehicle to a storage yard or towing service under section 13, 14, 16, or 31 of this chapter or IC 9-22-6, the public agency or towing service shall conduct a search of national data bases, including a data base of vehicle identification numbers, to attempt to obtain the last state of record of the vehicle in order to attempt to ascertain the name and address of the person who owns or holds a lien on the vehicle.

(b) A public agency or towing service that obtains the name and
address of the owner of or lienholder on a vehicle shall, not later than seventy-two (72) hours three (3) business days after obtaining the name and address, notify the person who owns or holds a lien on the vehicle of the following:

(1) The name, address, and telephone number of the public agency or towing service.

(2) That storage charges are being accrued and the vehicle is subject to sale if the vehicle is not claimed and the charges are not paid.

(3) The earliest possible date and location of the public sale or auction.

The notice must be made by certified mail or a certificate of mailing or by means of an electronic service approved by the bureau. Notwithstanding section 4 of this chapter, a public agency or towing service that fails to notify the owner of or lienholder on the vehicle as set forth in this subsection may not collect additional storage costs incurred after the date of receipt of the name and address obtained.".

Page 14, delete lines 16 through 24.
Page 14, line 25, delete "4." and insert "3.".
Page 14, line 35, delete "5." and insert "4.".
Page 15, line 7, delete "6." and insert "5.".
Page 15, line 12, delete "7." and insert "6.".
Page 15, line 27, delete "8." and insert "7.".
Page 15, delete lines 31 through 42, begin a new paragraph and insert:

"Sec. 1. (a) Except as otherwise provided in subsection (b), before attaching a motor vehicle to a tow truck, a towing company shall provide to the owner or operator of the motor vehicle, if the owner or operator of the motor vehicle is present at the time and location of the tow, a written, itemized estimate of all charges and services to be performed. The estimate required under this subsection must include the following:

(1) The name, address, telephone number, and motor carrier permit number of the towing company.

(2) The license plate number of the tow truck performing the tow.

(3) An itemized description of, and cost for, all services performed or to be performed in connection with the tow, including charges for:

(A) labor;
(B) mileage; and
(C) storage fees, expressed as a twenty-four (24) hour rate.

(b) A towing company may furnish the itemized estimate required under subsection (a) after the motor vehicle is attached to the tow truck and removed to the nearest safe shoulder or street if:

(1) the removal is performed at the request of:
   (A) a law enforcement officer; or
   (B) authorized county or municipal personnel; and

(2) the itemized estimate is provided to the owner or operator of the motor vehicle before the motor vehicle is removed from the nearest safe shoulder or street.

(c) The tow truck operator shall obtain the owner's or operator's signature, which may be written or electronic, on the itemized estimate required under subsection (a) and shall furnish a copy of the estimate to the individual who signed the estimate.

(d) A towing company shall not make any charge in excess of the estimated charge for a particular service, as set forth under subsection (a)(3), without the prior consent of the motor vehicle's owner or operator.

(e) A towing company shall:

(1) retain an estimate required by this section for a period of two (2) years from the date the estimate was signed; and

(2) throughout the two (2) year period described in subdivision (1), make the estimate 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.

Sec. 2. (a) An itemized invoice of actual towing charges assessed by a towing company shall be made available to the owner of the motor vehicle or the owner's agent not later than twenty-four (24) hours after a completed tow. 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; and
   (D) vehicle identification number;
   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 twenty-four (24) hour 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.

(b) Any service or fee in addition to the services or fees described in subsection (a)(6), (a)(7), or (a)(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.

(c) A copy of each invoice and receipt submitted by a tow truck operator in accordance with this section 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."

Delete page 16.

Page 17, delete lines 1 through 20.
Page 20, line 12, delete "IC 24-14-5-1(d)" and insert "IC 24-14-5".

Page 20, line 30, delete "may not" and insert "shall".

Page 20, line 32, delete "excessive or discriminatory" and insert "reasonable".

Page 20, delete lines 33 through 41, begin a new paragraph and insert:

"Sec. 2. All services provided by a towing company or storage facility, including any warranty service or zero cost service, shall be recorded on an invoice. The towing company or storage facility shall:

(1) maintain the invoice described in this section for a period of not less than two (2) years from the date of issuance; and

(2) throughout the two (2) year period described in subdivision (1), make the invoice 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.".

Page 21, line 1, delete "rate sheet described in IC 24-14-5-1" and insert "invoice described in IC 24-14-5".

Page 21, delete lines 4 through 42, begin a new paragraph and insert:

"Sec. 1. A person or entity 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.

Renumber all SECTIONS consecutively.

(Reference is to HB 1183 as introduced.)