MR. SPEAKER:

Your Committee on **Roads and Transportation**, to which was referred **House Bill 1183**, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

1. 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."
2. Page 2, delete lines 2 through 3.
3. Page 2, line 4, delete "(5)" and insert "(3)".
4. Page 2, line 5, delete "(6) Money order." and insert "(4) Money
order.".
5. Page 2, between lines 5 and 6, begin a new line blocked left and
insert:
6. "A towing service or storage facility may elect to accept payment
by means of a credit card or debit card."
7. Page 2, line 6, after "tow," insert "the storage of a vehicle, and all
allowable fees, as applicable."
8. 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 2. 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 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 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, delete lines 12 through 26, begin a new paragraph and insert:
"Sec. 6. 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 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.

"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, line 12, delete "IC 24-14-5-1(d)" and insert "IC 24-14-5".

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 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 24-14-5-2".

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.

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.)

and when so amended that said bill do pass.

Representative Sullivan