



Reprinted
February 19, 2019

HOUSE BILL No. 1183

DIGEST OF HB 1183 (Updated February 18, 2019 2:17 pm - DI 132)

Citations Affected: IC 9-22; IC 9-33; IC 24-5; IC 24-14.

Synopsis: Towing services. Amends the statute concerning the release of an abandoned motor vehicle that has been towed to a storage yard or towing facility as follows: (1) Provides inspection rights for owners and lienholders. (2) Requires a towing service or storage yard to: (A) provide an itemized receipt upon payment; and (B) meet certain requirements as to: (i) hours of operation; and (ii) receiving and returning telephone calls. Provides that not later than three business days after towing a vehicle a towing company or storage facility must comply with certain statutes relating to abandoned vehicles for giving notice. Requires a towing company to charge reasonable fees. Requires a towing company to provide the owner or operator of a motor vehicle
(Continued next page)

Effective: July 1, 2019.

Lehman, Mahan, Austin, Frye R

January 8, 2019, read first time and referred to Committee on Roads and Transportation.
February 14, 2019, amended, reported — Do Pass.
February 18, 2019, read second time, amended, ordered engrossed.

HB 1183—LS 7040/DI 123



Digest Continued

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. Creates a new article in the Indiana Code to establish certain requirements for towing companies that engage in, or offer to engage in, the business of providing towing service in Indiana, including provisions concerning the following: (1) Emergency towing. (2) Private property towing. (3) Releasing towed motor vehicles. (4) Prohibited acts by towing companies and storage facilities. 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. Provides that a person who violates these new provisions commits a deceptive act that is: (1) actionable under; and (2) subject to the penalties and remedies set forth in; the statute governing deceptive consumer sales. Provides that the attorney general: (1) shall receive, and may investigate, complaints alleging violations of the new provisions; and (2) after finding that a violation has occurred, may take appropriate action under the statute governing deceptive consumer sales. Authorizes the attorney general to adopt rules to implement the new provisions.

HB 1183—LS 7040/DI 123



Reprinted
February 19, 2019

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1183

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-22-1-8, AS AMENDED BY P.L.125-2012,
2 SECTION 117, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: Sec. 8. **(a) Subject to subsection (b)**, if
4 the properly identified person who owns or holds a lien on a vehicle
5 appears at the site of storage before disposal of the vehicle or parts and
6 pays all costs ~~incurred against the vehicle or parts at that time~~, **relating**
7 **to a tow, the storage of the vehicle, and all allowable fees, as**
8 **applicable**, the vehicle or parts shall be released.
9 **(b) An owner, a lienholder, or an insurance company**
10 **representative has the right to inspect a vehicle during regular**
11 **office hours. An inspection fee may not be charged if the inspection**
12 **occurs during regular office hours.**
13 **(c) A towing service or storage yard must accept payment made**
14 **by any of the following means from a person seeking to release a**
15 **vehicle under this section:**

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- 1 **(1) Cash.**
 2 **(2) Certified check.**
 3 **(3) Insurance check.**
 4 **(4) Money order.**
 5 **A towing service or storage facility may elect to accept payment by**
 6 **means of a credit card or debit card.**
 7 **(d) Upon receiving payment of all costs relating to a tow, the**
 8 **storage of a vehicle, and all allowable fees, as applicable, a towing**
 9 **service or storage yard shall provide to the person making**
 10 **payment an itemized receipt that includes the information set forth**
 11 **in IC 24-14-5, to the extent the information is known or available.**
 12 **(e) A towing service or storage yard must be open for business**
 13 **and accessible by telephone during regular office hours. A towing**
 14 **service or storage yard must provide a telephone number that is**
 15 **available on a twenty-four (24) hour basis to receive calls and**
 16 **messages from callers, including calls made outside of regular**
 17 **office hours. All calls made to a towing service or storage yard**
 18 **must be returned within twenty-four (24) hours from the time**
 19 **received. However, if adverse weather, an act of God, or an**
 20 **emergency situation over which the towing service or storage yard**
 21 **has no control prevents the towing service or storage yard from**
 22 **returning calls within twenty-four (24) hours, the towing service or**
 23 **storage yard shall return all calls received as quickly as possible.**
 24 **(f) A towing service or storage yard shall, if required, notify the**
 25 **appropriate public agency of all releases under this section. The**
 26 **notification must include:**
 27 **(1) the name ~~signature~~, and address of:**
 28 **(A) the person that owns or holds a lien on the vehicle; and**
 29 **(B) the insurance company that insures the vehicle, if the**
 30 **vehicle was released to a representative of the insurance**
 31 **company;**
 32 **(2) the signature of the individual to whom the vehicle was**
 33 **released;**
 34 **(3) a description of the vehicle or parts;**
 35 **(4) costs paid; and**
 36 **(5) the date of release.**
 37 **SECTION 2. IC 9-22-1-19, AS AMENDED BY P.L.157-2017,**
 38 **SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
 39 **JULY 1, 2019]: Sec. 19. (a) Within ~~seventy-two (72) hours~~ **three (3)****
 40 ****business days** after removal of a vehicle to a storage yard or towing**
 41 **service under section 13, 14, 16, or 31 of this chapter or IC 9-22-6, the**
 42 **public agency or towing service shall conduct a search of ~~national data~~**



1 **the National Motor Vehicle Title Information System or an**
 2 **equivalent and commonly available data base, bases, including a**
 3 **data base of vehicle identification numbers,** to attempt to obtain the last
 4 state of record of the vehicle in order to attempt to ascertain the name
 5 and address of the person who owns or holds a lien on the vehicle.

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

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

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

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

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

24 SECTION 3. IC 9-33-1-1, AS AMENDED BY P.L.198-2016,
 25 SECTION 630, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2019]: Sec. 1. This article applies to the
 27 following:

28 (1) Actions taken under a court order.

29 (2) Actions required under IC 9-24-2-1, IC 9-24-2-2, or
 30 IC 9-24-2-4.

31 (3) Actions required under IC 9-24-6 (before its repeal on July 1,
 32 2016).

33 (4) Actions required under IC 9-24-6.5-6(c) (before its repeal on
 34 July 1, 2016).

35 (5) Actions taken under IC 9-24-6.1.

36 (6) Actions required under IC 9-25.

37 (7) Actions taken under IC 9-28.

38 (8) Actions required under IC 9-30.

39 (9) Refunds claimed after June 30, 2016, of fees imposed by the
 40 bureau.

41 **(10) Actions taken under IC 9-22-1-4.**

42 SECTION 4. IC 24-5-0.5-3, AS AMENDED BY P.L.170-2017,



1 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2019]: Sec. 3. (a) A supplier may not commit an unfair,
3 abusive, or deceptive act, omission, or practice in connection with a
4 consumer transaction. Such an act, omission, or practice by a supplier
5 is a violation of this chapter whether it occurs before, during, or after
6 the transaction. An act, omission, or practice prohibited by this section
7 includes both implicit and explicit misrepresentations.

8 (b) Without limiting the scope of subsection (a), the following acts,
9 and the following representations as to the subject matter of a consumer
10 transaction, made orally, in writing, or by electronic communication,
11 by a supplier, are deceptive acts:

12 (1) That such subject of a consumer transaction has sponsorship,
13 approval, performance, characteristics, accessories, uses, or
14 benefits it does not have which the supplier knows or should
15 reasonably know it does not have.

16 (2) That such subject of a consumer transaction is of a particular
17 standard, quality, grade, style, or model, if it is not and if the
18 supplier knows or should reasonably know that it is not.

19 (3) That such subject of a consumer transaction is new or unused,
20 if it is not and if the supplier knows or should reasonably know
21 that it is not.

22 (4) That such subject of a consumer transaction will be supplied
23 to the public in greater quantity than the supplier intends or
24 reasonably expects.

25 (5) That replacement or repair constituting the subject of a
26 consumer transaction is needed, if it is not and if the supplier
27 knows or should reasonably know that it is not.

28 (6) That a specific price advantage exists as to such subject of a
29 consumer transaction, if it does not and if the supplier knows or
30 should reasonably know that it does not.

31 (7) That the supplier has a sponsorship, approval, or affiliation in
32 such consumer transaction the supplier does not have, and which
33 the supplier knows or should reasonably know that the supplier
34 does not have.

35 (8) That such consumer transaction involves or does not involve
36 a warranty, a disclaimer of warranties, or other rights, remedies,
37 or obligations, if the representation is false and if the supplier
38 knows or should reasonably know that the representation is false.

39 (9) That the consumer will receive a rebate, discount, or other
40 benefit as an inducement for entering into a sale or lease in return
41 for giving the supplier the names of prospective consumers or
42 otherwise helping the supplier to enter into other consumer



- 1 transactions, if earning the benefit, rebate, or discount is
2 contingent upon the occurrence of an event subsequent to the time
3 the consumer agrees to the purchase or lease.
- 4 (10) That the supplier is able to deliver or complete the subject of
5 the consumer transaction within a stated period of time, when the
6 supplier knows or should reasonably know the supplier could not.
7 If no time period has been stated by the supplier, there is a
8 presumption that the supplier has represented that the supplier
9 will deliver or complete the subject of the consumer transaction
10 within a reasonable time, according to the course of dealing or the
11 usage of the trade.
- 12 (11) That the consumer will be able to purchase the subject of the
13 consumer transaction as advertised by the supplier, if the supplier
14 does not intend to sell it.
- 15 (12) That the replacement or repair constituting the subject of a
16 consumer transaction can be made by the supplier for the estimate
17 the supplier gives a customer for the replacement or repair, if the
18 specified work is completed and:
- 19 (A) the cost exceeds the estimate by an amount equal to or
20 greater than ten percent (10%) of the estimate;
- 21 (B) the supplier did not obtain written permission from the
22 customer to authorize the supplier to complete the work even
23 if the cost would exceed the amounts specified in clause (A);
- 24 (C) the total cost for services and parts for a single transaction
25 is more than seven hundred fifty dollars (\$750); and
- 26 (D) the supplier knew or reasonably should have known that
27 the cost would exceed the estimate in the amounts specified in
28 clause (A).
- 29 (13) That the replacement or repair constituting the subject of a
30 consumer transaction is needed, and that the supplier disposes of
31 the part repaired or replaced earlier than seventy-two (72) hours
32 after both:
- 33 (A) the customer has been notified that the work has been
34 completed; and
- 35 (B) the part repaired or replaced has been made available for
36 examination upon the request of the customer.
- 37 (14) Engaging in the replacement or repair of the subject of a
38 consumer transaction if the consumer has not authorized the
39 replacement or repair, and if the supplier knows or should
40 reasonably know that it is not authorized.
- 41 (15) The act of misrepresenting the geographic location of the
42 supplier by listing an alternate business name or an assumed



- 1 business name (as described in IC 23-0.5-3-4) in a local telephone
 2 directory if:
- 3 (A) the name misrepresents the supplier's geographic location;
 - 4 (B) the listing fails to identify the locality and state of the
 5 supplier's business;
 - 6 (C) calls to the local telephone number are routinely forwarded
 7 or otherwise transferred to a supplier's business location that
 8 is outside the calling area covered by the local telephone
 9 directory; and
 - 10 (D) the supplier's business location is located in a county that
 11 is not contiguous to a county in the calling area covered by the
 12 local telephone directory.
- 13 (16) The act of listing an alternate business name or assumed
 14 business name (as described in IC 23-0.5-3-4) in a directory
 15 assistance data base if:
- 16 (A) the name misrepresents the supplier's geographic location;
 - 17 (B) calls to the local telephone number are routinely forwarded
 18 or otherwise transferred to a supplier's business location that
 19 is outside the local calling area; and
 - 20 (C) the supplier's business location is located in a county that
 21 is not contiguous to a county in the local calling area.
- 22 (17) The violation by a supplier of IC 24-3-4 concerning
 23 cigarettes for import or export.
- 24 (18) The act of a supplier in knowingly selling or reselling a
 25 product to a consumer if the product has been recalled, whether
 26 by the order of a court or a regulatory body, or voluntarily by the
 27 manufacturer, distributor, or retailer, unless the product has been
 28 repaired or modified to correct the defect that was the subject of
 29 the recall.
- 30 (19) The violation by a supplier of 47 U.S.C. 227, including any
 31 rules or regulations issued under 47 U.S.C. 227.
- 32 (20) The violation by a supplier of the federal Fair Debt
 33 Collection Practices Act (15 U.S.C. 1692 et seq.), including any
 34 rules or regulations issued under the federal Fair Debt Collection
 35 Practices Act (15 U.S.C. 1692 et seq.).
- 36 (21) A violation of IC 24-5-7 (concerning health spa services), as
 37 set forth in IC 24-5-7-17.
- 38 (22) A violation of IC 24-5-8 (concerning business opportunity
 39 transactions), as set forth in IC 24-5-8-20.
- 40 (23) A violation of IC 24-5-10 (concerning home consumer
 41 transactions), as set forth in IC 24-5-10-18.
- 42 (24) A violation of IC 24-5-11 (concerning real property



- 1 improvement contracts), as set forth in IC 24-5-11-14.
- 2 (25) A violation of IC 24-5-12 (concerning telephone
- 3 solicitations), as set forth in IC 24-5-12-23.
- 4 (26) A violation of IC 24-5-13.5 (concerning buyback motor
- 5 vehicles), as set forth in IC 24-5-13.5-14.
- 6 (27) A violation of IC 24-5-14 (concerning automatic
- 7 dialing-announcing devices), as set forth in IC 24-5-14-13.
- 8 (28) A violation of IC 24-5-15 (concerning credit services
- 9 organizations), as set forth in IC 24-5-15-11.
- 10 (29) A violation of IC 24-5-16 (concerning unlawful motor
- 11 vehicle subleasing), as set forth in IC 24-5-16-18.
- 12 (30) A violation of IC 24-5-17 (concerning environmental
- 13 marketing claims), as set forth in IC 24-5-17-14.
- 14 (31) A violation of IC 24-5-19 (concerning deceptive commercial
- 15 solicitation), as set forth in IC 24-5-19-11.
- 16 (32) A violation of IC 24-5-21 (concerning prescription drug
- 17 discount cards), as set forth in IC 24-5-21-7.
- 18 (33) A violation of IC 24-5-23.5-7 (concerning real estate
- 19 appraisals), as set forth in IC 24-5-23.5-9.
- 20 (34) A violation of IC 24-5-26 (concerning identity theft), as set
- 21 forth in IC 24-5-26-3.
- 22 (35) A violation of IC 24-5.5 (concerning mortgage rescue fraud),
- 23 as set forth in IC 24-5.5-6-1.
- 24 (36) A violation of IC 24-8 (concerning promotional gifts and
- 25 contests), as set forth in IC 24-8-6-3.
- 26 (37) A violation of IC 21-18.5-6 (concerning representations
- 27 made by a postsecondary credit bearing proprietary educational
- 28 institution), as set forth in IC 21-18.5-6-22.5.
- 29 **(38) A violation of IC 24-14 (concerning towing services), as**
- 30 **set forth in IC 24-14-11-1.**
- 31 (c) Any representations on or within a product or its packaging or
- 32 in advertising or promotional materials which would constitute a
- 33 deceptive act shall be the deceptive act both of the supplier who places
- 34 such representation thereon or therein, or who authored such materials,
- 35 and such other suppliers who shall state orally or in writing that such
- 36 representation is true if such other supplier shall know or have reason
- 37 to know that such representation was false.
- 38 (d) If a supplier shows by a preponderance of the evidence that an
- 39 act resulted from a bona fide error notwithstanding the maintenance of
- 40 procedures reasonably adopted to avoid the error, such act shall not be
- 41 deceptive within the meaning of this chapter.
- 42 (e) It shall be a defense to any action brought under this chapter that



1 the representation constituting an alleged deceptive act was one made
 2 in good faith by the supplier without knowledge of its falsity and in
 3 reliance upon the oral or written representations of the manufacturer,
 4 the person from whom the supplier acquired the product, any testing
 5 organization, or any other person provided that the source thereof is
 6 disclosed to the consumer.

7 (f) For purposes of subsection (b)(12), a supplier that provides
 8 estimates before performing repair or replacement work for a customer
 9 shall give the customer a written estimate itemizing as closely as
 10 possible the price for labor and parts necessary for the specific job
 11 before commencing the work.

12 (g) For purposes of subsection (b)(15) and (b)(16), a telephone
 13 company or other provider of a telephone directory or directory
 14 assistance service or its officer or agent is immune from liability for
 15 publishing the listing of an alternate business name or assumed
 16 business name of a supplier in its directory or directory assistance data
 17 base unless the telephone company or other provider of a telephone
 18 directory or directory assistance service is the same person as the
 19 supplier who has committed the deceptive act.

20 (h) For purposes of subsection (b)(18), it is an affirmative defense
 21 to any action brought under this chapter that the product has been
 22 altered by a person other than the defendant to render the product
 23 completely incapable of serving its original purpose.

24 SECTION 5. IC 24-14 IS ADDED TO THE INDIANA CODE AS
 25 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 26 2019]:

27 **ARTICLE 14. TOWING SERVICES**

28 **Chapter 1. Application**

29 **Sec. 1. (a) This article applies to any person engaging in, or**
 30 **offering to engage in, the business of providing towing service in**
 31 **Indiana.**

32 **(b) This article does not apply to the towing of motor vehicles:**
 33 **(1) into Indiana; or**
 34 **(2) through Indiana;**
 35 **if the towing originates in another state.**

36 **Sec. 2. This article does not apply to the following:**

- 37 **(1) Government agency towing.**
 38 **(2) Seizure towing.**
 39 **(3) Towing performed by, on behalf of, or under contract**
 40 **with:**
 41 **(A) an automobile club;**
 42 **(B) a car dealership;**



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- (C) an insurance company; or
- (D) a customer under a consensual towing agreement.

Sec. 3. This article does not supersede or nullify a towing company's or any other person's rights, duties, or obligations under the following:

- (1) IC 24-4-6-2.
- (2) IC 9-22-1.
- (3) IC 9-22-6.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Affiliate" has the meaning set forth in IC 23-1-43-1.

Sec. 3. (a) "Automobile club" means a person that, for consideration, promises to assist its members or subscribers in matters relating to:

- (1) motor travel; or
- (2) the operation, use, or maintenance of a motor vehicle; by supplying services, which may include towing service, emergency road service, or indemnification service.

(b) The term includes:

- (1) a motor vehicle dealer; or
- (2) an insurance company;

operating as an automobile club to provide any of the services described in subsection (a).

Sec. 4. "Consensual towing agreement" means an agreement between a towing company and a person or business to perform towing services at the request of the owner, operator, or person having legal custody of the vehicle that is agreed upon prior to the vehicle being towed.

Sec. 5. "Emergency towing" means the towing of a motor vehicle, with or without the owner's consent, because of:

- (1) a motor vehicle accident on a public street, road, or highway; or
- (2) an incident:
 - (A) related to an emergency; and
 - (B) necessitating the removal of the motor vehicle from a location for public safety reasons.

Sec. 6. "Flat bed service" means a type of towing service that involves moving vehicles by loading them onto a flat bed platform.

Sec. 7. "Government agency towing" means the towing of a government owned or government controlled vehicle by the government agency that owns or controls the towed vehicle.



1 **Sec. 8. "Local law enforcement agency" has the meaning set**
 2 **forth in IC 9-26-9-2.**

3 **Sec. 9. (a) "Law enforcement towing" means the towing of a**
 4 **motor vehicle for law enforcement purposes.**

5 **(b) The term includes towing for law enforcement purposes that**
 6 **is performed by a towing company:**

7 **(1) under a contract with the state, a local unit, or a local law**
 8 **enforcement agency of the state or local unit; or**

9 **(2) on behalf of the state, a local unit, or a local law**
 10 **enforcement agency of the state or local unit.**

11 **(c) The term does not include seizure towing.**

12 **Sec. 10. "Motor vehicle" means any vehicle that:**

13 **(1) is manufactured primarily for use on public streets, roads,**
 14 **and highways (not including a vehicle operated exclusively on**
 15 **a rail or rails); and**

16 **(2) has at least four (4) wheels.**

17 **Sec. 11. "Owner", with respect to a motor vehicle, means the**
 18 **registered owner, as determined by a search under IC 9-22-1-19.**

19 **Sec. 12. "Private property towing" means the towing of a motor**
 20 **vehicle, without the owner's consent:**

21 **(1) from private property on which the motor vehicle was**
 22 **illegally parked; or**

23 **(2) from private property because of an exigent circumstance**
 24 **necessitating its removal;**

25 **to another location.**

26 **Sec. 13. "Seizure towing" means the towing of a motor vehicle**
 27 **for law enforcement purposes involving:**

28 **(1) the maintenance of the chain of custody of evidence; or**

29 **(2) the forfeiture of assets.**

30 **Sec. 14. (a) "Storage facility" means any:**

31 **(1) lot;**

32 **(2) facility; or**

33 **(3) other property;**

34 **used to store motor vehicles that have been removed from another**
 35 **location by a tow truck.**

36 **(b) The term includes a storage yard (as defined in**
 37 **IC 9-22-1-3.5).**

38 **Sec. 15. "Tow truck" means a motor vehicle equipped to**
 39 **provide any form of towing service, including recovery service or**
 40 **flat bed service.**

41 **Sec. 16. "Tow truck operator" means an individual who**
 42 **operates a tow truck as an employee or agent of a towing company.**



1 **Sec. 17. (a) "Towing company" means a service or business**
 2 **that:**

3 **(1) tows or otherwise moves motor vehicles by means of a tow**
 4 **truck; or**

5 **(2) owns or operates a storage lot.**

6 **(b) The term includes a tow truck operator acting on behalf of**
 7 **a towing company when appropriate in the context.**

8 **Chapter 3. Emergency Towing**

9 **Sec. 1. This chapter applies to a towing company that engages**
 10 **in, or offers to engage in, emergency towing.**

11 **Sec. 2. (a) Except as provided in subsection (b), a towing**
 12 **company shall not stop, or cause a person to stop, at the scene of an**
 13 **accident or near a disabled motor vehicle:**

14 **(1) if there is an injury as the result of an accident; or**

15 **(2) for the purpose of:**

16 **(A) soliciting an engagement for emergency towing**
 17 **services;**

18 **(B) moving a motor vehicle from a public street, road, or**
 19 **highway; or**

20 **(C) accruing charges in connection with an activity**
 21 **described in clause (A) or (B).**

22 **(b) A towing company may stop, or cause a person to stop, at the**
 23 **scene of an accident or near a disabled motor vehicle under the**
 24 **circumstances or for any of the purposes described in subsection**
 25 **(a) if:**

26 **(1) the towing company is requested to stop or to perform a**
 27 **towing service by a law enforcement officer or by authorized**
 28 **state, county, or municipal personnel;**

29 **(2) the towing company is summoned to the scene or**
 30 **requested to stop by the owner or operator of a disabled**
 31 **vehicle;**

32 **(3) the owner of a disabled motor vehicle has previously**
 33 **provided consent to the towing company to stop or perform a**
 34 **towing service; or**

35 **(4) the towing company has a reasonable belief that a motorist**
 36 **is in need of immediate aid.**

37 **However, a towing company may not offer towing services under**
 38 **subdivision (4) unless one of the conditions described in**
 39 **subdivisions (1) through (3) are also met.**

40 **Sec. 3. (a) Except as provided in subsections (b) and (c), the**
 41 **owner or operator of a disabled motor vehicle may, in consultation**
 42 **with law enforcement or with authorized state, county, or**



- 1 **municipal personnel (if appropriate):**
2 **(1) summon to the disabled motor vehicle's location the**
3 **towing company of the owner's or operator's choice, either**
4 **directly or through an insurance company's or an automobile**
5 **club's emergency service arrangement; and**
6 **(2) designate the location to which the disabled motor vehicle**
7 **is to be towed.**
- 8 **However, if the location designated by the owner or operator is not**
9 **a storage facility owned or operated by the towing company, the**
10 **owner or operator must make arrangements for payment to the**
11 **towing company prior to the tow truck leaving the scene. The fee**
12 **charged by the towing company may not be more than normally**
13 **charged by the towing company for the service provided.**
- 14 **(b) Subsection (a) does not apply:**
15 **(1) in any case in which the owner or operator of a disabled**
16 **motor vehicle:**
17 **(A) is incapacitated or otherwise unable to summon a**
18 **towing company; or**
19 **(B) defers to law enforcement or to authorized state,**
20 **county, or municipal personnel as to:**
21 **(i) the towing company to be summoned; or**
22 **(ii) the location to which the disabled motor vehicle is to**
23 **be towed; or**
- 24 **(2) in the event of a declared emergency.**
- 25 **(c) The authority of an owner or operator of a disabled vehicle**
26 **to summon the towing company of the owner's or operator's choice**
27 **under subsection (a) shall be superseded by a law enforcement**
28 **officer or by authorized state, county, or municipal personnel if the**
29 **towing company of choice of the owner or operator:**
30 **(1) is unable to respond to the location of the disabled motor**
31 **vehicle in a timely fashion; and**
32 **(2) the disabled motor vehicle:**
33 **(A) is a hazard;**
34 **(B) impedes the flow of traffic; or**
35 **(C) may not legally remain in its location;**
36 **in the opinion of the law enforcement officer or authorized**
37 **state, county, or municipal personnel.**
- 38 **Sec. 4. If a disabled motor vehicle:**
39 **(1) is causing; or**
40 **(2) poses;**
41 **a safety hazard to any of the parties at the scene of the disabled**
42 **motor vehicle, the disabled motor vehicle may be moved by a**



1 towing company to a safe location after being released by a law
 2 enforcement officer or by authorized state, county, or municipal
 3 personnel for that purpose.

4 **Sec. 5. (a) If a towing company is summoned for emergency**
 5 **towing by the owner or operator of a disabled motor vehicle, the**
 6 **towing company shall make a record of the following, to the extent**
 7 **available:**

8 (1) **The:**

9 (A) **first and last name; and**

10 (B) **telephone number;**

11 **of the person who summoned the towing company to the**
 12 **scene.**

13 (2) **The make, model, year, vehicle identification number, and**
 14 **license plate number of the disabled motor vehicle.**

15 (b) **If a towing company is summoned for emergency towing by**
 16 **a law enforcement officer or by authorized state, county, or**
 17 **municipal personnel, the towing company shall make a record of**
 18 **the following, to the extent available:**

19 (1) **The identity of:**

20 (A) **the local law enforcement agency; or**

21 (B) **the authorized state, county, or municipal agency;**
 22 **requesting the emergency towing.**

23 (2) **The make, model, year, vehicle identification number, and**
 24 **license plate number of the disabled motor vehicle.**

25 (c) **A towing company:**

26 (1) **shall:**

27 (A) **maintain a record created under subsection (a) or (b);**
 28 **and**

29 (B) **provide a record created under subsection (a) or (b) to**
 30 **a local law enforcement agency upon request;**

31 **from the time the towing company appears at the scene of the**
 32 **disabled motor vehicle until the time the motor vehicle is**
 33 **towed and released to an authorized party; and**

34 (2) **shall:**

35 (A) **retain a record created under subsection (a) or (b) for**
 36 **a period of two (2) years from the date the disabled vehicle**
 37 **was towed from the scene; and**

38 (B) **throughout the two (2) year period described in clause**
 39 (A), **make the record available for inspection and copying,**
 40 **not later than two (2) business days after receiving a**
 41 **written request for inspection from:**

42 (i) **a local law enforcement agency;**



- 1 (ii) the attorney general;
- 2 (iii) the disabled motor vehicle's owner; or
- 3 (iv) an authorized agent of the disabled motor vehicle's
- 4 owner.

5 **Sec. 6. A towing company that performs emergency towing**
 6 **under this chapter shall do the following:**

- 7 (1) Properly secure all towed motor vehicles.
- 8 (2) Take all reasonable efforts to prevent:
 - 9 (A) further damage (including weather damage) to; or
 - 10 (B) the theft of;
- 11 all towed motor vehicles, including a towed motor vehicle's
- 12 cargo and contents.

13 **Chapter 4. Commercial Private Property Towing**

14 **Sec. 1. (a) This chapter applies to a towing company that**
 15 **engages in, or offers to engage in, private commercial property**
 16 **towing.**

17 **(b) This chapter does not apply to the towing of a motor vehicle**
 18 **from a tow-away zone that is not located on commercial private**
 19 **property.**

20 **Sec. 2. (a) Except as provided in subsection (b) and (c), the**
 21 **owner of a commercial private property may establish a tow-away**
 22 **zone on the owner's property. A commercial private property**
 23 **owner that establishes a tow-away zone under this section must**
 24 **post a tow-away zone sign at the location of the tow-away zone that**
 25 **is conspicuous and clearly visible to the public. A tow-away zone**
 26 **sign described under this section shall provide the following**
 27 **information:**

- 28 (1) A statement that the area in the immediate vicinity of the
- 29 sign is a tow-away zone.
- 30 (2) Pertinent contact information.
- 31 (3) A description of any person permitted to park in the
- 32 affected area, if applicable.

33 **(b) A commercial private property owner may have a motor**
 34 **vehicle towed from the owner's commercial private property**
 35 **without first displaying signage concerning the tow-away zone if**
 36 **the motor vehicle has been parked in or on the owner's commercial**
 37 **private property for at least twenty-four (24) hours.**

38 **(c) A unit (as defined in IC 36-1-2-23) may adopt an ordinance**
 39 **that provides for different requirements than those provided in this**
 40 **section.**

41 **Sec. 3. A towing company that tows a motor vehicle under this**
 42 **chapter shall ensure that the motor vehicle is towed to:**



1 (1) a storage facility within forty (40) miles of the location of
 2 the tow-away zone from which the motor vehicle was
 3 removed; or

4 (2) if there is no storage facility within forty (40) miles of the
 5 location of the tow-away zone, to the storage facility nearest
 6 to the tow-away zone that has been approved by the
 7 commercial private property owner from where the motor
 8 vehicle was towed.

9 **Sec. 4.** If the owner or operator of a motor vehicle that is parked
 10 in violation of a tow-away zone arrives at the location of the
 11 tow-away zone while the motor vehicle is in the process of being
 12 towed, the towing company shall give the owner or operator either
 13 oral or written notification that the owner or operator may pay a
 14 fee in an amount that is not greater than half of the amount of the
 15 fee the towing company normally charges for the release of a
 16 motor vehicle. Upon the owner's or operator's payment of the
 17 amount specified, the towing company shall:

18 (1) release the motor vehicle to the owner or operator; and

19 (2) give the owner or operator a receipt showing:

20 (A) the full amount of the fee the towing company
 21 normally charges for the release of a motor vehicle; and

22 (B) the amount of the fee paid by the owner or operator.

23 **Sec. 5.** Not later than two (2) hours after completing a tow of a
 24 motor vehicle from a commercial private property described under
 25 this chapter, a towing company shall provide notice of the towing
 26 to the local law enforcement agency having jurisdiction in the
 27 location of the private property.

28 **Sec. 6.** Signage is not required for tows performed under
 29 emergency situations under IC 9-22-1-16(b).

30 **Sec. 7.** A towing company that performs private property
 31 towing under this chapter shall do the following:

32 (1) Properly secure all towed motor vehicles.

33 (2) Take all reasonable efforts to prevent:

34 (A) further damage (including weather damage) to; or

35 (B) the theft of;

36 all towed motor vehicles, including a towed motor vehicle's
 37 cargo and contents.

38 **Sec. 8.** This chapter does not affect a private property owner's
 39 rights under IC 9-22-1 with respect to abandoned vehicles on the
 40 property owner's property.

41 **Sec. 9.** (a) An itemized invoice of actual towing charges assessed
 42 by a towing company shall be made available to the owner of the



1 motor vehicle or the owner's agent not later than one (1) business
2 day after:

- 3 (1) the tow is completed; or
4 (2) the towing company has obtained all necessary
5 information to be included on the invoice, including any
6 charges submitted by subcontractors used by the towing
7 company to complete the tow and recovery.

8 (b) The itemized invoice required by this section must contain
9 the following information:

- 10 (1) The location from which the motor vehicle was towed.
11 (2) The location to which the motor vehicle was towed.
12 (3) The name, address, and telephone number of the towing
13 company.
14 (4) A description of the towed motor vehicle, including the:
15 (A) make;
16 (B) model;
17 (C) year; and
18 (D) vehicle identification number;
19 of the motor vehicle.
20 (5) The license plate number and state of registration for the
21 towed motor vehicle.
22 (6) The cost of the original towing service.
23 (7) The cost of any vehicle storage fees, expressed as a
24 twenty-four (24) hour rate.
25 (8) Other fees, including documentation fees and motor
26 vehicle search fees.
27 (9) The costs for services that were performed under a
28 warranty or that were otherwise performed at no cost to the
29 owner of the motor vehicle.

30 (c) Any service or fee in addition to the services or fees
31 described in subsection (b)(6), (b)(7), or (b)(8) must be set forth
32 individually as a single line item on the invoice required by this
33 section, with an explanation and the exact charge for the service or
34 the exact amount of the fee.

35 (d) A copy of each invoice and receipt submitted by a tow truck
36 operator in accordance with this section shall:

- 37 (1) be retained by the towing company for a period of two (2)
38 years from the date of issuance; and
39 (2) throughout the two (2) year period described in
40 subdivision (1), be made available for inspection and copying
41 not later than forty-eight (48) hours after receiving a written
42 request for inspection from:



- 1 (A) a law enforcement agency;
- 2 (B) the attorney general;
- 3 (C) the prosecuting attorney or city attorney having
- 4 jurisdiction in the location of any of the towing company's
- 5 Indiana business locations;
- 6 (D) the disabled motor vehicle's owner; or
- 7 (E) the agent of the disabled motor vehicle's owner.

8 **Chapter 6. Notice Requirements**

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

- 12 (1) search:
- 13 (A) the National Motor Vehicle Title Information System
- 14 data base (as described under 49 U.S.C. 30502); or
- 15 (B) an equivalent and commonly available data base; and
- 16 (2) comply with:
- 17 (A) IC 9-22-1-19; or
- 18 (B) IC 9-22-1-21;
- 19 as applicable.

20 **Chapter 7. Releasing Towed Motor Vehicles**

21 **Sec. 1. This chapter applies to the following:**

- 22 (1) A towing company that tows and stores a motor vehicle
- 23 under this article.
- 24 (2) A storage facility that stores a motor vehicle that is towed
- 25 by a towing company under this article, regardless of whether
- 26 the towing company and the storage facility are affiliates.

27 **Sec. 2. (a) Upon payment of all costs relating to a tow, the**
28 **storage of a motor vehicle, and all allowable fees, as applicable, the**
29 **towing company or storage facility shall release the motor vehicle**
30 **to a properly identified person who owns or holds a lien on the**
31 **motor vehicle. Each release performed under this subsection shall**
32 **comply with the procedures and be subject to the same**
33 **requirements set forth in IC 9-22-1-8 with respect to abandoned**
34 **motor vehicles.**

35 (b) The owner, lienholder, or insurance company representative
36 responsible for releasing a motor vehicle under this section shall
37 have the right to inspect the motor vehicle during normal business
38 hours before accepting the release of the motor vehicle.

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

- 41 (1) Cash.
- 42 (2) Certified check.



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- (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.
- (d) A towing company or storage facility, upon receiving payment for all costs and fees assessed against a motor vehicle, shall provide an itemized receipt that includes the information described under IC 24-14-5 if the information is available.
 - (e) A towing company or storage facility shall comply with IC 9-22-1-8.

Chapter 8. Fees and Records

Sec. 1. A towing company or storage facility shall charge a fee for towing, clean-up services, or storage of a motor vehicle that is reasonable.

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.

Sec. 3. A towing company or storage facility shall furnish a copy of the invoice described in IC 24-14-5 to a local law enforcement agency or the office of the attorney general.

Chapter 9. Towing Company Registration

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.

Chapter 10. Prohibited Acts

- Sec. 1.** A towing company shall not do any of the following:
- (1) Falsely represent, either expressly or by implication, that



- 1 the towing company represents or is approved by any
- 2 organization that provides emergency road service for
- 3 disabled motor vehicles.
- 4 (2) Require the owner or operator of a disabled motor vehicle
- 5 to preauthorize:
- 6 (A) repair work; or
- 7 (B) more than twenty-four (24) hours of storage;
- 8 as a condition for providing towing service for the disabled
- 9 motor vehicle.
- 10 (3) Charge more than one (1) towing fee when the owner or
- 11 operator of a disabled motor vehicle requests that the disabled
- 12 motor vehicle be towed to a repair facility owned or operated
- 13 by the towing company.
- 14 (4) Tow a motor vehicle to a repair facility unless:
- 15 (A) either:
- 16 (i) the owner of the motor vehicle; or
- 17 (ii) the owner's designated representative;
- 18 gives consent for the motor vehicle to be towed to the
- 19 repair facility; and
- 20 (B) the consent described in clause (A) is given before the
- 21 motor vehicle is removed from the location from which it
- 22 is to be towed.
- 23 The prohibition set forth in this subdivision does not apply in
- 24 any case in which a towing company tows a motor vehicle to
- 25 a storage facility that includes a repair facility on the same
- 26 site.
- 27 **Sec. 2. A towing company or a storage facility shall not do any**
- 28 **of the following:**
- 29 (1) Upon payment of all costs relating to a tow, motor vehicle
- 30 storage, and all allowable fees, as applicable, refuse to release
- 31 the motor vehicle during regular office hours to a properly
- 32 identified person who owns or holds a lien on the motor
- 33 vehicle in accordance with the procedures and subject to the
- 34 same requirements set forth in IC 9-22-1-8 with respect to
- 35 abandoned motor vehicles. However, a towing company or
- 36 storage facility shall not release a motor vehicle in any case in
- 37 which a local law enforcement agency has ordered the motor
- 38 vehicle not to be released, or in any case in which the motor
- 39 vehicle cannot be released because of pending litigation.
- 40 (2) Refuse to permit:
- 41 (A) a properly identified person who owns or holds a lien
- 42 on a motor vehicle; or



- 1 **(B) a representative of the insurance company that insures**
- 2 **the motor vehicle, if the vehicle is covered by an active**
- 3 **policy of insurance;**
- 4 **to inspect the motor vehicle during regular office hours before**
- 5 **all costs incurred against the motor vehicle are paid or the**
- 6 **motor vehicle is released. An inspection fee may not be**
- 7 **charged for an inspection that occurs during regular office**
- 8 **hours.**
- 9 **(3) Charge any storage fee for a stored motor vehicle with**
- 10 **respect to any day on which:**
- 11 **(A) release of the motor vehicle; or**
- 12 **(B) inspection of the motor vehicle by the owner,**
- 13 **lienholder, or insurance company;**
- 14 **is not permitted during regular office hours by the towing**
- 15 **company or storage facility.**

Chapter 11. Violations

- 16 **Sec. 1. A person who violates this article commits a deceptive act**
- 17 **that is:**
- 18 **(1) actionable under IC 24-5-0.5; and**
- 19 **(2) subject to the remedies and penalties set forth in**
- 20 **IC 24-5-0.5.**

Sec. 2. (a) The attorney general:

- 21 **(1) shall receive; and**
- 22 **(2) may investigate;**
- 23 **complaints alleging violations of this article.**
- 24 **(b) After finding, either upon a complaint made or upon the**
- 25 **attorney general's own investigation, that a violation of this article**
- 26 **has occurred, the attorney general may take appropriate action**
- 27 **under IC 24-5-0.5-4(c).**

28 **Sec. 3. The attorney general may adopt rules under IC 4-22-2 to**
 29 **implement this article, including emergency rules in the manner**
 30 **provided by IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an**
 31 **emergency rule adopted by the attorney general under this section**
 32 **and in the manner provided by IC 4-22-2-37.1 expires on the date**
 33 **on which a rule that supersedes the emergency rule is adopted by**
 34 **the attorney general under IC 4-22-2-24 through IC 4-22-2-36.**
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COMMITTEE REPORT

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:

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, 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 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 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."

Delete page 16.

Page 17, delete lines 1 through 20.

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, 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".

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.

and when so amended that said bill do pass.

(Reference is to HB 1183 as introduced.)

SULLIVAN

Committee Vote: yeas 10, nays 1.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1183 be amended to read as follows:

Page 14, line 22, delete "The" and insert "**(a) Except as provided in subsection (b) and (c), the**".

Page 14, between lines 33 and 34, begin a new paragraph and insert:

"(b) A commercial private property owner may have a motor vehicle towed from the owner's commercial private property without first displaying signage concerning the tow-away zone if the motor vehicle has been parked in or on the owner's commercial private property for at least twenty-four (24) hours.

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(c) A unit (as defined in IC 36-1-2-23) may adopt an ordinance that provides for different requirements than those provided in this section."

(Reference is to HB 1183 as printed February 15, 2019.)

LINDAUER

HOUSE MOTION

Mr. Speaker: I move that House Bill 1183 be amended to read as follows:

Page 2, line 42, strike "national data".

Page 2, line 42, after "data" insert "**the National Motor Vehicle Title Information System or an equivalent and commonly available data base,**

Page 3, line 1, strike "bases, including a data base of vehicle identification numbers,".

Page 8, line 41, delete "or".

Page 8, line 42, delete "company." and insert "**company; or**

(D) a customer under a consensual towing agreement."

Page 9, between lines 22 and 23, begin a new paragraph and insert:

"Sec. 4. "Consensual towing agreement" means an agreement between a towing company and a person or business to perform towing services at the request of the owner, operator, or person having legal custody of the vehicle that is agreed upon prior to the vehicle being towed."

Page 9, line 23, delete "4." and insert "5."

Page 9, line 31, delete "5." and insert "6."

Page 9, line 33, delete "6." and insert "7."

Page 9, line 36, delete "7." and insert "8."

Page 9, line 38, delete "8." and insert "9."

Page 10, line 5, delete "9." and insert "10."

Page 10, line 10, delete "10." and insert "11."

Page 10, line 12, delete "11." and insert "12."

Page 10, line 19, delete "12." and insert "13."

Page 10, line 23, delete "13." and insert "14."

Page 10, line 31, delete "14." and insert "15."

Page 10, line 34, delete "15." and insert "16."

Page 10, line 36, delete "16." and insert "17."

Page 10, line 41, delete "acting:" and insert "**acting on behalf of a**



towing company when appropriate in the context."

Page 10, delete line 42.

Page 11, delete line 1.

Page 11, delete lines 2 through 9.

Page 14, line 15, after "4." insert "**Commercial**".

Page 14, line 42, delete "or the private property".

Page 15, line 1, delete "owner".

Page 15, line 17, delete "or a private".

Page 15, line 18, delete "property".

Page 15, between lines 20 and 21, begin a new paragraph and insert:

"Sec. 6. Signage is not required for tows performed under emergency situations under IC 9-22-1-16(b)."

Page 15, line 21, delete "6." and insert "7.".

Page 15, line 29, delete "7." and insert "8.".

Page 15, delete lines 32 through 42.

Page 16, delete lines 1 through 38.

Page 16, line 39, delete "2." and insert "9.".

Page 16, line 41, delete "twenty-four (24)". and insert "**one (1)**

business day after:

(1) the tow is completed; or

(2) the towing company has obtained all necessary information to be included on the invoice, including any charges submitted by subcontractors used by the towing company to complete the tow and recovery."

Page 16, delete line 42.

Page 17, delete line 1.

Page 17, between lines 1 and 2, begin a new paragraph and insert:

(b) The itemized invoice required by this section must contain the following information:"

Page 17, line 22, delete "(b)" and insert "(c)".

Page 17, line 23, delete "(a)(6), (a)(7), or (a)(8)". and insert "**(b)(6), (b)(7), or (b)(8)**".

Page 17, line 27, delete "(c)" and insert "(d)".

Page 19, line 27, delete "Certificates" and insert "**Registration**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1183 as printed February 15, 2019.)

AUSTIN

