



Reprinted
March 2, 2018

ENGROSSED HOUSE BILL No. 1352

DIGEST OF HB 1352 (Updated March 1, 2018 3:04 pm - DI 128)

Citations Affected: IC 9-13; IC 9-18.1; 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. Includes lienholders in the statutory definition of "owner". Makes the following changes to the statute concerning a public agency's or towing service's duty to notify the owner that an abandoned vehicle has been removed to a storage yard or towing service: (1) Provides that the required notice shall also be provided to the insurer of the vehicle, if: (A) the insurer is known; and (B) the vehicle is covered by an active insurance policy. (2) Specifies additional information that must be included in the notice. (3) Specifies a public agency's or towing service's duties with respect to vehicles
(Continued next page)

Effective: July 1, 2018.

Mahan, Lehman, Stemler, Morris

(SENATE SPONSOR — RAATZ)

January 16, 2018, read first time and referred to Committee on Roads and Transportation.
January 25, 2018, amended, reported — Do Pass.
January 29, 2018, read second time, ordered engrossed. Engrossed.
January 31, 2018, read third time, passed. Yeas 88, nays 3.

SENATE ACTION

February 1, 2018, read first time and referred to Committee on Civil Law.
February 26, 2018, amended, reported favorably — Do Pass.
March 1, 2018, read second time, amended, ordered engrossed.

EH 1352—LS 7135/DI 101



Digest Continued

owned by a corporation or another business entity. 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) Estimates and invoices for towing services. (4) Releasing towed motor vehicles. (4) Prohibited acts by towing companies and storage facilities. 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.

EH 1352—LS 7135/DI 101



Reprinted
March 2, 2018

Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1352

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 9-13-2-149.6 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2018]: **Sec. 149.6. "Record of sale" has the**
4 **meaning set forth in IC 9-22-1-4(a).**

5 SECTION 2. IC 9-18.1-3-4.5 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2018]: **Sec. 4.5. (a) The bureau may not**
8 **register a vehicle to a person who has not fully paid all costs and**
9 **fines imposed under IC 9-22-1-4 for a vehicle subject to a law**
10 **enforcement towing (as defined in IC 24-14-2-7).**

11 **(b) If the vehicle described in subsection (a) is sold, the net sale**
12 **proceeds must be deducted from the unpaid costs to the towing**
13 **company. If the sale of the vehicle nets more than the unpaid costs,**
14 **the bureau of motor vehicles shall proceed with the registration of**

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1 the vehicle as prescribed by this chapter.

2 (c) If a person described in subsection (a) fully pays all costs and
3 fines imposed under IC 9-22-1-4, the bureau shall proceed with the
4 registration of the vehicle as prescribed by this chapter.

5 (d) It is the responsibility of the person described in subsection
6 (a) to demonstrate compliance with subsection (c).

7 SECTION 3. IC 9-18.1-3-7.5 IS ADDED TO THE INDIANA
8 CODE AS A NEW SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2018]: Sec. 7.5. (a) The bureau may withhold
10 the annual registration of any vehicle registered to a person who
11 has not fully paid all costs and fines imposed under IC 9-22-1-4 for
12 a vehicle subject to a law enforcement towing (as defined in
13 IC 24-14-2-7).

14 (b) If the vehicle described in subsection (a) is sold, the net sales
15 proceeds must be deducted from the unpaid costs to the towing
16 company. If the sale of the vehicle nets more than the unpaid costs,
17 the bureau of motor vehicles shall proceed with the registration of
18 the vehicle as prescribed by this chapter.

19 (c) If a person described in subsection (a) fully pays all costs and
20 fines imposed under IC 9-22-1-4, the bureau shall proceed with the
21 registration of the vehicle as prescribed by this chapter.

22 (d) It is the responsibility of the person described in subsection
23 (a) to demonstrate compliance with subsection (c).

24 SECTION 4. IC 9-22-1-4, AS AMENDED BY P.L.157-2017,
25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2018]: Sec. 4. (a) As used in this section, "record of sale"
27 means either of the following:

28 (1) A legible photocopy of a reassigned vehicle title.

29 (2) A form document that includes the:

30 (A) name, address, and signature of the person to whom a
31 vehicle is sold or transferred; and

32 (B) date of sale or transfer of the vehicle.

33 (b) Except as provided in subsection ~~(c)~~, (d), the owner of an
34 abandoned vehicle or parts is:

35 (1) responsible for the abandonment; and

36 (2) liable for all of the costs incidental to the removal, storage,
37 and disposal;

38 of the vehicle or the parts under this chapter.

39 ~~(b)~~ (c) The costs for storage of an abandoned vehicle may not
40 exceed two thousand dollars (\$2,000).

41 (d) The owner of a motor vehicle who:

42 (1) delivers:



1 (A) possession of the vehicle; and
 2 (B) the applicable certificate of title;
 3 to a subsequent purchaser or transferee; and
 4 (2) possesses a record of sale for the vehicle that is delivered
 5 to the subsequent purchaser or transferee;
 6 **is not liable for any costs or fines that result from the ownership or**
 7 **use of the vehicle by the subsequent purchaser or transferee,**
 8 **including any costs or fines that result from the abandonment of**
 9 **the vehicle by the subsequent purchaser or transferee.**

10 (ⓔ) (e) If an abandoned vehicle is sold by a person who removed,
 11 towed, or stored the vehicle, the person who previously owned the
 12 vehicle is not responsible for storage fees.

13 (ⓕ) (f) If an abandoned vehicle is sold by a person who removed,
 14 towed, or stored the vehicle, and proceeds from the sale of the vehicle
 15 covered the removal, towing, sale disposal, and storage expenses, any
 16 remaining proceeds from the sale of the vehicle shall be returned as
 17 described in this chapter or IC 9-22-6, whichever is applicable.

18 SECTION 5. IC 9-22-1-8, AS AMENDED BY P.L.125-2012,
 19 SECTION 117, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2018] Sec. 8. (a) **Subject to subsection (b),** if
 21 the properly identified person who owns or holds a lien on a vehicle
 22 appears at the site of storage before disposal of the vehicle or parts and
 23 pays all costs incurred against the vehicle or parts at that time, the
 24 vehicle or parts shall be released.

25 **(b) An owner, a lienholder, or an insurance company**
 26 **representative has the right to inspect a vehicle during regular**
 27 **office hours. An inspection fee may not be charged if the inspection**
 28 **occurs during regular office hours.**

29 (c) **A towing service or storage yard must accept payment made**
 30 **by any of the following means from a person seeking to release a**
 31 **vehicle under this section:**

32 (1) **Cash.**

33 (2) **An insurance check.**

34 (3) **Certified check.**

35 (d) **Upon receiving payment of all costs relating to a tow, a**
 36 **towing service or storage yard shall provide to the person making**
 37 **payment an itemized receipt that includes the information set forth**
 38 **in IC 24-14-5-2, to the extent the information is known or available.**

39 (e) **A towing service or storage yard must be open for business**
 40 **and accessible by telephone during regular office hours. A towing**
 41 **service or storage yard must provide a telephone number that is**
 42 **available on a twenty-four (24) hour basis to receive calls and**



1 messages from callers, including calls made outside of regular
 2 office hours. All calls made to a towing service or storage yard
 3 must be returned within twenty-four (24) hours from the time
 4 received. However, if adverse weather, an act of God, or an
 5 emergency situation over which the towing service or storage yard
 6 has no control prevents the towing service or storage yard from
 7 returning calls within twenty-four (24) hours, the towing service or
 8 storage yard shall return all calls received as quickly as possible.

9 (f) A towing service or storage yard shall notify the appropriate
 10 public agency of all releases under this section. The notification must
 11 include:

- 12 (1) the name ~~signature~~, and address of:
 13 (A) the person that owns or holds a lien on the vehicle; and
 14 (B) the insurance company that insures the vehicle, if the
 15 vehicle was released to a representative of the insurance
 16 company;
 17 (2) the signature of the individual to whom the vehicle was
 18 released;
 19 (3) a description of the vehicle or parts;
 20 (4) costs paid; and
 21 (5) the date of release.

22 SECTION 6. IC 9-22-1-19, AS AMENDED BY P.L.157-2017,
 23 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2018]: Sec. 19. (a) Within seventy-two (72) hours after
 25 removal of a vehicle to a storage yard or towing service under section
 26 13, 14, 16, or 31 of this chapter or IC 9-22-6, the public agency or
 27 towing service shall conduct a search of national data bases, including
 28 a data base of vehicle identification numbers, to attempt to obtain the
 29 last state of record of the vehicle in order to attempt to ascertain the
 30 name and address of the person who owns or holds a lien on the
 31 vehicle.

32 (b) A public agency or towing service that obtains the name and
 33 address of the owner of or lienholder on a vehicle shall, not later than
 34 seventy-two (72) hours after obtaining the name and address, ~~notify~~
 35 **provide, using any method described in subsection (c), a notice that**
 36 **complies with subsection (c) to the person who owns or holds a lien**
 37 **on the vehicle. of the following:**

38 (c) **The notice required under subsection (b) must include the**
 39 **following:**

- 40 (1) The name, address, and telephone number of the public
 41 agency or towing service.
 42 (2) **The date and time the vehicle was towed.**



- 1 **(3) The location from which the vehicle was towed.**
 2 **(4) A description of the towed vehicle, including the:**
 3 **(A) make;**
 4 **(B) model;**
 5 **(C) year;**
 6 **(D) vehicle identification number; and**
 7 **(E) color;**
 8 **of the motor vehicle.**
 9 **(5) The license plate number and state of registration for the**
 10 **towed vehicle.**
 11 **(6) The name, address, and telephone number of the storage**
 12 **yard or towing service where the vehicle is being stored.**
 13 **(7) The address and telephone number for the location where**
 14 **payments are accepted, if different from the storage yard or**
 15 **towing service identified under subdivision (6).**
 16 ~~(2)~~ **(8) That storage charges are being accrued and the vehicle is**
 17 **subject to sale if the vehicle is not claimed and the charges are not**
 18 **paid.**
 19 ~~(3)~~ **(9) The earliest possible date and location of the public sale or**
 20 **auction.**
 21 **(10) A disclosure containing substantially the following**
 22 **information: "If you do not pay for all of the charges**
 23 **associated with the towed vehicle, you will not be able to**
 24 **register a vehicle with the bureau of motor vehicles until those**
 25 **charges are paid."**
 26 The notice must be made by certified mail or a certificate of mailing or
 27 by means of an electronic service approved by the bureau.
 28 Notwithstanding section 4 of this chapter, a public agency or towing
 29 service that fails to notify the owner of or lienholder on the vehicle as
 30 set forth in this subsection may not collect additional storage costs
 31 incurred after the date of receipt of the name and address obtained.
 32 SECTION 7. IC 9-33-1-1, AS AMENDED BY P.L.198-2016,
 33 SECTION 630, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2018]: Sec. 1. This article applies to the
 35 following:
 36 (1) Actions taken under a court order.
 37 (2) Actions required under IC 9-24-2-1, IC 9-24-2-2, or
 38 IC 9-24-2-4.
 39 (3) Actions required under IC 9-24-6 (before its repeal on July 1,
 40 2016).
 41 (4) Actions required under IC 9-24-6.5-6(c) (before its repeal on
 42 July 1, 2016).



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

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

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

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

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

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

8 SECTION 8. IC 24-5-0.5-3, AS AMENDED BY P.L.170-2017,
9 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2018]: Sec. 3. (a) A supplier may not commit an unfair,
11 abusive, or deceptive act, omission, or practice in connection with a
12 consumer transaction. Such an act, omission, or practice by a supplier
13 is a violation of this chapter whether it occurs before, during, or after
14 the transaction. An act, omission, or practice prohibited by this section
15 includes both implicit and explicit misrepresentations.

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

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

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

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

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

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

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

39 (7) That the supplier has a sponsorship, approval, or affiliation in
40 such consumer transaction the supplier does not have, and which
41 the supplier knows or should reasonably know that the supplier
42 does not have.



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



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



- 1 Practices Act (15 U.S.C. 1692 et seq.).
- 2 (21) A violation of IC 24-5-7 (concerning health spa services), as
- 3 set forth in IC 24-5-7-17.
- 4 (22) A violation of IC 24-5-8 (concerning business opportunity
- 5 transactions), as set forth in IC 24-5-8-20.
- 6 (23) A violation of IC 24-5-10 (concerning home consumer
- 7 transactions), as set forth in IC 24-5-10-18.
- 8 (24) A violation of IC 24-5-11 (concerning real property
- 9 improvement contracts), as set forth in IC 24-5-11-14.
- 10 (25) A violation of IC 24-5-12 (concerning telephone
- 11 solicitations), as set forth in IC 24-5-12-23.
- 12 (26) A violation of IC 24-5-13.5 (concerning buyback motor
- 13 vehicles), as set forth in IC 24-5-13.5-14.
- 14 (27) A violation of IC 24-5-14 (concerning automatic
- 15 dialing-announcing devices), as set forth in IC 24-5-14-13.
- 16 (28) A violation of IC 24-5-15 (concerning credit services
- 17 organizations), as set forth in IC 24-5-15-11.
- 18 (29) A violation of IC 24-5-16 (concerning unlawful motor
- 19 vehicle subleasing), as set forth in IC 24-5-16-18.
- 20 (30) A violation of IC 24-5-17 (concerning environmental
- 21 marketing claims), as set forth in IC 24-5-17-14.
- 22 (31) A violation of IC 24-5-19 (concerning deceptive commercial
- 23 solicitation), as set forth in IC 24-5-19-11.
- 24 (32) A violation of IC 24-5-21 (concerning prescription drug
- 25 discount cards), as set forth in IC 24-5-21-7.
- 26 (33) A violation of IC 24-5-23.5-7 (concerning real estate
- 27 appraisals), as set forth in IC 24-5-23.5-9.
- 28 (34) A violation of IC 24-5-26 (concerning identity theft), as set
- 29 forth in IC 24-5-26-3.
- 30 (35) A violation of IC 24-5.5 (concerning mortgage rescue fraud),
- 31 as set forth in IC 24-5.5-6-1.
- 32 (36) A violation of IC 24-8 (concerning promotional gifts and
- 33 contests), as set forth in IC 24-8-6-3.
- 34 (37) A violation of IC 21-18.5-6 (concerning representations
- 35 made by a postsecondary credit bearing proprietary educational
- 36 institution), as set forth in IC 21-18.5-6-22.5.
- 37 **(38) A violation of IC 24-14 (concerning towing services), as**
- 38 **set forth in IC 24-14-8-1.**
- 39 (c) Any representations on or within a product or its packaging or
- 40 in advertising or promotional materials which would constitute a
- 41 deceptive act shall be the deceptive act both of the supplier who places
- 42 such representation thereon or therein, or who authored such materials,



1 and such other suppliers who shall state orally or in writing that such
 2 representation is true if such other supplier shall know or have reason
 3 to know that such representation was false.

4 (d) If a supplier shows by a preponderance of the evidence that an
 5 act resulted from a bona fide error notwithstanding the maintenance of
 6 procedures reasonably adopted to avoid the error, such act shall not be
 7 deceptive within the meaning of this chapter.

8 (e) It shall be a defense to any action brought under this chapter that
 9 the representation constituting an alleged deceptive act was one made
 10 in good faith by the supplier without knowledge of its falsity and in
 11 reliance upon the oral or written representations of the manufacturer,
 12 the person from whom the supplier acquired the product, any testing
 13 organization, or any other person provided that the source thereof is
 14 disclosed to the consumer.

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

20 (g) For purposes of subsection (b)(15) and (b)(16), a telephone
 21 company or other provider of a telephone directory or directory
 22 assistance service or its officer or agent is immune from liability for
 23 publishing the listing of an alternate business name or assumed
 24 business name of a supplier in its directory or directory assistance data
 25 base unless the telephone company or other provider of a telephone
 26 directory or directory assistance service is the same person as the
 27 supplier who has committed the deceptive act.

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

32 SECTION 9. IC 24-14 IS ADDED TO THE INDIANA CODE AS
 33 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 34 2018]:

35 **ARTICLE 14. TOWING SERVICES**

36 **Chapter 1. Application**

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

40 **(b) This article does not apply to the towing of motor vehicles:**

41 **(1) into Indiana; or**

42 **(2) through Indiana;**



1 if the towing originates in another state.
 2 **Sec. 2. This article does not apply to seizure towing.**
 3 **Sec. 3. This article does not supersede or nullify a towing**
 4 **company's or any other person's rights, duties, or obligations**
 5 **under the following:**
 6 (1) IC 24-4-6-2.
 7 (2) IC 9-22-1.
 8 (3) IC 9-22-6.
 9 **Chapter 2. Definitions**
 10 **Sec. 1. The definitions in this chapter apply throughout this**
 11 **article.**
 12 **Sec. 2. "Affiliate" has the meaning set forth in IC 23-1-43-1.**
 13 **Sec. 3. (a) "Automobile club" means a person that, for**
 14 **consideration, promises to assist its members or subscribers in**
 15 **matters relating to:**
 16 (1) motor travel; or
 17 (2) the operation, use, or maintenance of a motor vehicle;
 18 **by supplying services, which may include towing service,**
 19 **emergency road service, or indemnification service.**
 20 **(b) The term includes:**
 21 (1) a motor vehicle dealer; or
 22 (2) an insurance company;
 23 **operating as an automobile club to provide any of the services**
 24 **described in subsection (a).**
 25 **Sec. 4. "Recovery service" means a type of towing service that**
 26 **involves moving vehicles by the use of a wheel lift device, such as**
 27 **a lift, crane, hoist, winch, cradle, jack, automobile ambulance, tow**
 28 **dolly, or any other similar device.**
 29 **Sec. 5. "Emergency towing" means the towing of a motor**
 30 **vehicle, with or without the owner's consent, because of:**
 31 (1) a motor vehicle accident on a public street, road, or
 32 highway; or
 33 (2) an incident:
 34 (A) related to an emergency; and
 35 (B) necessitating the removal of the motor vehicle from a
 36 location for public safety reasons.
 37 **Sec. 6. "Flat bed service" means a type of towing service that**
 38 **involves moving vehicles by loading them onto a flat bed platform.**
 39 **Sec. 7. (a) "Law enforcement towing" means the towing of a**
 40 **motor vehicle for law enforcement purposes.**
 41 **(b) The term includes towing for law enforcement purposes that**
 42 **is performed by a towing company:**



- 1 (1) under a contract with the state, a local unit, or a law
- 2 enforcement agency of the state or local unit; or
- 3 (2) on behalf of the state, a local unit, or a law enforcement
- 4 agency of the state or local unit.
- 5 (c) The term does not include seizure towing.
- 6 Sec. 8. "Motor vehicle" means any vehicle that:
- 7 (1) is manufactured primarily for use on public streets, roads,
- 8 and highways (not including a vehicle operated exclusively on
- 9 a rail or rails); and
- 10 (2) has at least four (4) wheels.
- 11 Sec. 9. "Owner", with respect to a motor vehicle, means any of
- 12 the following, as determined by a search under IC 9-22-1-19:
- 13 (1) The person to whom a motor vehicle is registered.
- 14 (2) A person that holds a lien on the motor vehicle.
- 15 (3) The person to whom a motor vehicle is leased, if the terms
- 16 of the lease require the lessee to maintain and repair the
- 17 motor vehicle.
- 18 (4) In the case of a motor vehicle rented under a rental
- 19 agreement (as defined in IC 24-4-9-5), the rental company (as
- 20 defined in IC 24-4-9-7).
- 21 Sec. 10. "Private property towing" means the towing of a motor
- 22 vehicle, without the owner's consent:
- 23 (1) from private property on which the motor vehicle was
- 24 illegally parked; or
- 25 (2) from private property because of an exigent circumstance
- 26 necessitating its removal;
- 27 to another location.
- 28 Sec. 11. "Seizure towing" means the towing of a motor vehicle
- 29 for law enforcement purposes involving:
- 30 (1) the maintenance of the chain of custody of evidence; or
- 31 (2) the forfeiture of assets.
- 32 Sec. 12. (a) "Storage facility" means any:
- 33 (1) lot;
- 34 (2) facility; or
- 35 (3) other property;
- 36 used to store motor vehicles that have been removed from another
- 37 location by a tow truck.
- 38 (b) The term includes a storage yard (as defined in
- 39 IC 9-22-1-3.5).
- 40 Sec. 13. "Tow truck" means a motor vehicle equipped to
- 41 provide any form of towing service, including recovery service or
- 42 flat bed service.



1 **Sec. 14. "Tow truck operator" means an individual who**
 2 **operates a tow truck as an employee or agent of a towing company.**

3 **Sec. 15. (a) "Towing company" means a service or business**
 4 **that:**

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

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

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

10 **Chapter 3. Emergency Towing**

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

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

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

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

18 **(A) soliciting an engagement for emergency towing**
 19 **services;**

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

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

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

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

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

34 **(3) the owner of a disabled motor vehicle has previously**
 35 **provided consent to the towing company to stop or perform**
 36 **a towing service.**

37 **Sec. 3. (a) Except as provided in subsections (b) and (c), the**
 38 **owner or operator of a disabled motor vehicle may, in consultation**
 39 **with law enforcement or with authorized state, county, or**
 40 **municipal personnel (if appropriate):**

41 **(1) summon to the disabled motor vehicle's location the**
 42 **towing company of the owner's or operator's choice, either**



1 directly or through an insurance company's or an automobile
2 club's emergency service arrangement; and

3 (2) designate the location to which the disabled motor vehicle
4 is to be towed. However, if the location designated by the
5 owner or operator is not a storage facility owned or operated
6 by the towing company, the owner or operator must make
7 arrangements for payment to the towing company at the time
8 the towing company is summoned. The fee charged by the
9 towing company may not be more than normally charged by
10 the towing company for the service provided.

11 (b) Subsection (a) does not apply:

12 (1) in any case in which the owner or operator of a disabled
13 motor vehicle:

14 (A) is incapacitated or otherwise unable to summon a
15 towing company; or

16 (B) defers to law enforcement or to authorized state,
17 county, or municipal personnel as to:

18 (i) the towing company to be summoned; or

19 (ii) the location to which the disabled motor vehicle is to
20 be towed; or

21 (2) in the event of a declared emergency.

22 (c) The authority of an owner or operator of a disabled vehicle
23 to summon the towing company of the owner's or operator's choice
24 under subsection (a) shall be superseded by a law enforcement
25 officer or by authorized state, county, or municipal personnel if the
26 towing company of choice of the owner or operator:

27 (1) is unable to respond to the location of the disabled motor
28 vehicle in a timely fashion; and

29 (2) the disabled motor vehicle:

30 (A) is a hazard;

31 (B) impedes the flow of traffic; or

32 (C) may not legally remain in its location;

33 in the opinion of the law enforcement officer or authorized
34 state, county, or municipal personnel.

35 Sec. 4. If a disabled motor vehicle:

36 (1) is causing; or

37 (2) poses;

38 a safety hazard to any of the parties at the scene of the disabled
39 motor vehicle, the disabled motor vehicle may be moved by a
40 towing company to a safe location after being released by a law
41 enforcement officer or by authorized state, county, or municipal
42 personnel for that purpose.



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

5 **(1) The:**

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

7 **(B) telephone number;**

8 **of the person who summoned the towing company to the**
 9 **scene.**

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

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

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

17 **(A) the law enforcement agency; or**

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

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

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

23 **(1) shall:**

24 **(A) maintain a record created under subsection (a) or (b);**
 25 **and**

26 **(B) provide a record created under subsection (a) or (b) to**
 27 **a law enforcement agency upon request;**
 28 **from the time the towing company appears at the scene of the**
 29 **disabled motor vehicle until the time the motor vehicle is**
 30 **towed and released to an authorized party; and**

31 **(2) shall:**

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

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

39 **(i) a law enforcement agency;**

40 **(ii) the attorney general;**

41 **(iii) the disabled motor vehicle's owner; or**

42 **(iv) an authorized agent of the disabled motor vehicle's**



1 owner.

2 **Sec. 6. A towing company that performs emergency towing**
3 **under this chapter shall:**

4 (1) properly secure all towed motor vehicles; and

5 (2) take all reasonable efforts to prevent:

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

7 (B) the theft of;

8 all towed motor vehicles, including a motor vehicle's cargo
9 and contents.

10 **Chapter 4. Private Property Towing**

11 **Sec. 1. (a) This chapter applies to a towing company that**
12 **engage in, or offers to engage in, private property towing.**

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

15 **Sec. 2. The owner of private property may establish a tow-away**
16 **zone on the owner's property.**

17 **Sec. 3. A commercial property owner that establishes a**
18 **tow-away zone under this chapter shall post at the location of the**
19 **tow-away zone a sign that:**

20 (1) is clearly visible to the public; and

21 (2) includes:

22 (A) a statement that the area is a tow-away zone; and

23 (B) a description of any persons authorized to park in the
24 area.

25 **Sec. 4. A towing company that tows a motor vehicle under this**
26 **chapter shall ensure that the motor vehicle is towed to:**

27 (1) a storage facility that is located within twenty-five (25)
28 miles of the location of the tow-away zone from which the
29 motor vehicle was removed; or

30 (2) if there is no storage facility located within twenty-five (25)
31 miles of the location of the tow-away zone, to the storage
32 facility nearest to the tow-away zone that has been approved
33 by the private property owner from where the motor vehicle
34 was towed.

35 **Sec. 5. If the owner or operator of a motor vehicle that is parked**
36 **in violation of a tow-away zone arrives at the location of the**
37 **tow-away zone while the motor vehicle is in the process of being**
38 **towed, the towing company shall give the owner or operator either**
39 **oral or written notification that the owner or operator may pay a**
40 **fee in an amount that is not greater than half of the amount of the**
41 **fee the towing company normally charges for the release of a**
42 **motor vehicle. Upon the owner's or operator's payment of the**



1 amount specified, the towing company shall:

- 2 (1) release the motor vehicle to the owner or operator; and
 3 (2) give the owner or operator a receipt showing:
 4 (A) the full amount of the fee the towing company
 5 normally charges for the release of a motor vehicle; and
 6 (B) the amount of the fee paid by the owner or operator.

7 Sec. 6. Not later than two (2) hours after completing a tow of a
 8 motor vehicle from private property, a towing company shall
 9 provide notice of the towing to the law enforcement agency having
 10 jurisdiction in the location of the private property.

11 Sec. 7. A towing company that performs private property
 12 towing under this chapter shall:

- 13 (1) properly secure all towed motor vehicles; and
 14 (2) take all reasonable efforts to prevent:
 15 (A) further damage (including weather damage) to; or
 16 (B) the theft of;
 17 all towed motor vehicles, including a motor vehicle's cargo
 18 and contents.

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

22 Chapter 5. Invoices for Towing Services

23 Sec. 1. (a) An itemized invoice of actual towing charges assessed
 24 by a towing company for a completed tow shall be made available
 25 to the owner of the motor vehicle or the owner's authorized agent
 26 not later than one (1) business day after:

- 27 (1) the tow is completed; or
 28 (2) the towing company has obtained all necessary
 29 information to be included on the invoice, including any
 30 charges submitted by subcontractors used by the towing
 31 company to complete the tow;

32 whichever occurs later.

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

- 35 (1) The location from which the motor vehicle was towed.
 36 (2) The location to which the motor vehicle was towed.
 37 (3) The name, address, and telephone number of the towing
 38 company.
 39 (4) A description of the towed motor vehicle, including the:
 40 (A) make;
 41 (B) model;
 42 (C) year;



- 1 (D) vehicle identification number; and
- 2 (E) color;
- 3 of the motor vehicle.
- 4 (5) The license plate number and state of registration for the
- 5 towed motor vehicle.
- 6 (6) The cost of the original towing service.
- 7 (7) The cost of any vehicle storage fees, expressed as a daily
- 8 rate.
- 9 (8) Other fees, including documentation fees and motor
- 10 vehicle search fees.
- 11 (9) The costs for services that were performed under a
- 12 warranty or that were otherwise performed at no cost to the
- 13 owner of the motor vehicle.

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

19 Sec. 2. A copy of each invoice and receipt submitted by a towing
 20 company in accordance with section 1 of this chapter shall:

- 21 (1) be retained by the towing company for a period of two (2)
- 22 years from the date of issuance; and
- 23 (2) throughout the two (2) year period described in
- 24 subdivision (1), be made available for inspection and copying
- 25 not later than two (2) business days after receiving a written
- 26 request for inspection from:
 - 27 (A) a law enforcement agency;
 - 28 (B) the attorney general;
 - 29 (C) the prosecuting attorney or city attorney having
 - 30 jurisdiction in the location of any of the towing company's
 - 31 Indiana business locations;
 - 32 (D) the disabled motor vehicle's owner; or
 - 33 (E) the agent of the disabled motor vehicle's owner.

34 **Chapter 6. Releasing Towed Motor Vehicles**

35 Sec. 1. This chapter applies to the following:

- 36 (1) A towing company that tows and stores a motor vehicle
- 37 under this article.
- 38 (2) A storage facility that stores a motor vehicle that is towed
- 39 by a towing company under this article, regardless of whether
- 40 the towing company and the storage facility are affiliates.

41 Sec. 2. Upon payment of all costs relating to a tow, the towing
 42 company or storage facility shall release the motor vehicle to a



1 properly identified person who owns or holds a lien on the motor
 2 vehicle in accordance with the procedures, and subject to the same
 3 requirements, set forth in IC 9-22-1-8 with respect to abandoned
 4 motor vehicles.

5 **Chapter 7. Prohibited Acts**

6 **Sec. 1. A towing company shall not do any of the following:**

7 (1) Falsely represent, either expressly or by implication, that
 8 the towing company represents or is approved by any
 9 organization that provides emergency road service for
 10 disabled motor vehicles.

11 (2) Require the owner or operator of a disabled motor vehicle
 12 to preauthorize:

13 (A) repair work; or

14 (B) more than twenty-four (24) hours of storage;

15 as a condition for providing towing service for the disabled
 16 motor vehicle.

17 (3) Charge more than one (1) towing fee when the owner or
 18 operator of a disabled motor vehicle requests that the disabled
 19 motor vehicle be towed to a repair facility owned or operated
 20 by the towing company.

21 (4) Tow a motor vehicle to a repair facility unless:

22 (A) either:

23 (i) the owner of the motor vehicle; or

24 (ii) the owner's designated representative;

25 gives consent for the motor vehicle to be towed to the
 26 repair facility; and

27 (B) the consent described in clause (A) is given before the
 28 motor vehicle is removed from the location from which it
 29 is to be towed.

30 However, the prohibition set forth in this subdivision does not
 31 apply in any case in which a towing company tows a motor
 32 vehicle to a storage facility that includes a repair facility on
 33 the same site.

34 **Sec. 2. A towing company or a storage facility shall not do any**
 35 **of the following:**

36 (1) Upon payment of all costs relating to a tow, refuse to
 37 release the motor vehicle during regular office hours to a
 38 properly identified person who owns or holds a lien on the
 39 motor vehicle in accordance with the procedures, and subject
 40 to the same requirements, set forth in IC 9-22-1-8 with respect
 41 to abandoned motor vehicles. However, a towing company or
 42 storage facility shall not release a motor vehicle in any case in



1 which a law enforcement agency has ordered the motor
 2 vehicle not to be released, or in any case in which the motor
 3 vehicle cannot be released because of pending litigation.

4 **(2) Refuse to permit:**

5 (A) a properly identified person who owns or holds a lien
 6 on a motor vehicle; or

7 (B) a representative of the insurance company that insures
 8 the motor vehicle, if the vehicle is covered by an active
 9 policy of insurance;

10 to inspect the motor vehicle during regular office hours before
 11 all costs incurred against the motor vehicle are paid or the
 12 motor vehicle is released. An inspection fee may not be
 13 charged for an inspection that occurs during regular office
 14 hours.

15 **(3) Charge any storage fee for a stored motor vehicle with**
 16 **respect to any day on which:**

17 (A) release of the motor vehicle; or

18 (B) inspection of the motor vehicle by the owner,
 19 lienholder, or insurance company;

20 is not permitted during regular office hours by the towing
 21 company or storage facility.

22 **Chapter 8. Violations**

23 **Sec. 1. A person who violates this article commits a deceptive act**
 24 **that is:**

25 (1) actionable under IC 24-5-0.5; and

26 (2) subject to the remedies and penalties set forth in
 27 IC 24-5-0.5.

28 **Sec. 2. (a) The attorney general:**

29 (1) shall receive; and

30 (2) may investigate;

31 **complaints alleging one (1) or more violations of this article.**

32 (b) **After finding, either upon a complaint made or upon the**
 33 **attorney general's own investigation, that a violation of this article**
 34 **has occurred, the attorney general may take appropriate action**
 35 **under IC 24-5-0.5-4(c).**

36 **Sec. 3. The attorney general may adopt rules under IC 4-22-2 to**
 37 **implement this article, including emergency rules in the manner**
 38 **provided by IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an**
 39 **emergency rule adopted by the attorney general under this section**
 40 **and in the manner provided by IC 4-22-2-37.1 expires on the date**
 41 **on which a rule that supersedes the emergency rule is adopted by**
 42 **the attorney general under IC 4-22-2-24 through IC 4-22-2-36.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1352, 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:

Delete the title and insert the following:

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

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-149.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 149.6. "Record of sale" has the meaning set forth in IC 9-22-1-4(a).**

SECTION 2. IC 9-18.1-3-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4.5. (a) The bureau may not register a vehicle to a person who has not fully paid all costs and fines imposed under IC 9-22-1-4.**

(b) If a person described in subsection (a) fully pays all costs and fines imposed under IC 9-22-1-4, the bureau shall proceed with the registration of the vehicle as prescribed by this chapter.

(c) It is the responsibility of the person described in subsection (a) to demonstrate compliance with subsection (b).

SECTION 3. IC 9-18.1-3-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7.5. (a) The bureau may withhold the annual registration of any vehicle registered to a person who has not fully paid all costs and fines imposed under IC 9-22-1-4.**

(b) If a person described in subsection (a) fully pays all costs and fines imposed under IC 9-22-1-4, the bureau shall proceed with the registration of the vehicle as prescribed by this chapter.

(c) It is the responsibility of the person described in subsection (a) to demonstrate compliance with subsection (b).

SECTION 4. IC 9-22-1-4, AS AMENDED BY P.L.157-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) **As used in this section, "record of sale" means either of the following:**

(1) A legible photocopy of a reassigned vehicle title.

(2) A form document that includes the:

(A) name, address, and signature of the person to whom a vehicle is sold or transferred; and

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(B) date of sale or transfer of the vehicle.

(b) Except as provided in subsection ~~(c)~~; **(d)**, the owner of an abandoned vehicle or parts is:

- (1) responsible for the abandonment; and
- (2) liable for all of the costs incidental to the removal, storage, and disposal;

of the vehicle or the parts under this chapter.

~~(b)~~ **(c)** The costs for storage of an abandoned vehicle may not exceed two thousand dollars (\$2,000).

(d) The owner of a motor vehicle who:**(1) delivers:**

(A) possession of the vehicle; and

(B) the applicable certificate of title;

to a subsequent purchaser or transferee; and

(2) possesses a record of sale for the vehicle that is delivered to the subsequent purchaser or transferee;

is not liable for any costs or fines that result from the ownership or use of the vehicle by the subsequent purchaser or transferee, including any costs or fines that result from the abandonment of the vehicle by the subsequent purchaser or transferee.

~~(c)~~ **(e)** If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, the person who previously owned the vehicle is not responsible for storage fees.

~~(d)~~ **(f)** If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, and proceeds from the sale of the vehicle covered the removal, towing, sale disposal, and storage expenses, any remaining proceeds from the sale of the vehicle shall be returned as described in this chapter or IC 9-22-6, whichever is applicable."

Page 2, delete lines 12 through 13.

Page 2, line 14, delete "(5)" and insert "(3)".

Page 2, delete line 15.

Page 2, line 27, delete "eighteen (18)" and insert "**twenty-four (24)**".

Page 2, line 28, after "received." insert "**However, if adverse weather, an act of God, an emergency situation, or another act over which the towing service or storage yard has no control prevents the towing service or storage yard from returning calls within twenty-four (24) hours, the towing service or storage yard shall return all calls received as quickly as possible.**".

Page 3, line 18, delete "vehicle." and insert "**vehicle, if the vehicle is covered by an active policy of insurance.**".

Page 3, delete line 25.



Page 3, line 26, delete "(5)" and insert "(4)".

Page 3, line 33, delete "(6)" and insert "(5)".

Page 3, line 35, delete "(7)" and insert "(6)".

Page 3, line 37, delete "(8)" and insert "(7)".

Page 3, line 39, delete "(7)." and insert "(6).".

Page 3, line 40, delete "(9)" and insert "(8)".

Page 4, line 1, delete "(10)" and insert "(9)".

Page 4, delete lines 9 through 23.

Page 4, between lines 23 and 24, begin a new paragraph and insert:
"SECTION 7. IC 9-33-1-1, AS AMENDED BY P.L.198-2016,
SECTION 630, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2018]: Sec. 1. This article applies to the
following:

(1) Actions taken under a court order.

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

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

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

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

(6) Actions required under IC 9-25.

(7) Actions taken under IC 9-28.

(8) Actions required under IC 9-30.

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

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

Page 9, delete lines 6 through 42, begin a new paragraph and insert:
"SECTION 4. IC 24-14 IS ADDED TO THE INDIANA CODE AS
A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
2018]:

ARTICLE 14. TOWING SERVICES

Chapter 1. Application

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

(b) This article does not apply to the towing of motor vehicles:

(1) into Indiana; or

(2) through Indiana;

if the towing originates in another state.

Sec. 2. This article does not apply to seizure towing.

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. "Crane service" means a type of towing service that involves moving vehicles by the use of a wheel lift device, such as a lift, crane, hoist, winch, cradle, jack, automobile ambulance, tow dolly, or any other similar device.

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. (a) "Law enforcement towing" means the towing of a motor vehicle for law enforcement purposes.

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

- (1) under a contract with the state, a local unit, or a law enforcement agency of the state or local unit; or
- (2) on behalf of the state, a local unit, or a law enforcement



agency of the state or local unit.

(c) The term does not include seizure towing.

Sec. 8. "Motor vehicle" means any vehicle that:

- (1) is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails); and
- (2) has at least four (4) wheels.

Sec. 9. "Owner", with respect to a motor vehicle, means any of the following:

- (1) The person to whom a motor vehicle is registered.
- (2) A person that holds a lien on the motor vehicle.
- (3) The person to whom a motor vehicle is leased, if the terms of the lease require the lessee to maintain and repair the motor vehicle.
- (4) In the case of a motor vehicle rented under a rental agreement (as defined in IC 24-4-9-5), the rental company (as defined in IC 24-4-9-7).

Sec. 10. "Private property towing" means the towing of a motor vehicle, without the owner's consent:

- (1) from private property on which the motor vehicle was illegally parked; or
- (2) from private property because of an exigent circumstance necessitating its removal;

to another location.

Sec. 11. "Seizure towing" means the towing of a motor vehicle for law enforcement purposes involving:

- (1) the maintenance of the chain of custody of evidence; or
- (2) the forfeiture of assets.

Sec. 12. (a) "Storage facility" means any:

- (1) lot;
- (2) facility; or
- (3) other property;

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

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

Sec. 13. "Tow truck" means a motor vehicle equipped to provide any form of towing service, including crane service or flat bed service.

Sec. 14. "Tow truck operator" means an individual who operates a tow truck as an employee or agent of a towing company.

Sec. 15. (a) "Towing company" means a service or business



that:

- (1) tows or otherwise moves motor vehicles by means of a tow truck; or
- (2) owns or operates a storage lot.

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

Chapter 3. Emergency Towing

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

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

- (1) if there is an injury as the result of an accident; or
- (2) for the purpose of:
 - (A) soliciting an engagement for emergency towing services;
 - (B) moving a motor vehicle from a public street, road, or highway; or
 - (C) accruing charges in connection with an activity described in clause (A) or (B).

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

- (1) the towing company is requested to stop or to perform a towing service by a law enforcement officer or by authorized state, county, or municipal personnel;
- (2) the towing company is summoned to the scene or requested to stop by the owner or operator of a disabled vehicle; or
- (3) the owner of a disabled motor vehicle has previously provided consent to the towing company to stop or perform a towing service.

Sec. 3. (a) Except as provided in subsections (b) and (c), the owner or operator of a disabled motor vehicle may, in consultation with law enforcement or with authorized state, county, or municipal personnel (if appropriate):

- (1) summon to the disabled motor vehicle's location the towing company of the owner's or operator's choice, either directly or through an insurance company's or an automobile club's emergency service arrangement; and
- (2) designate the location to which the disabled motor vehicle



is to be towed. However, if the location designated by the owner or operator is not a storage facility owned or operated by the towing company, the owner or operator must make arrangements for payment to the towing company at the time the towing company is summoned.

(b) Subsection (a) does not apply:

(1) in any case in which the owner or operator of a disabled motor vehicle:

(A) is incapacitated or otherwise unable to summon a towing company; or

(B) defers to law enforcement or to authorized state, county, or municipal personnel as to:

(i) the towing company to be summoned; or

(ii) the location to which the disabled motor vehicle is to be towed; or

(2) in the event of a declared emergency.

(c) The authority of an owner or operator of a disabled vehicle to summon the towing company of the owner's or operator's choice under subsection (a) shall be superseded by a law enforcement officer or by authorized state, county, or municipal personnel if the towing company of choice of the owner or operator:

(1) is unable to respond to the location of the disabled motor vehicle in a timely fashion; and

(2) the disabled motor vehicle:

(A) is a hazard;

(B) impedes the flow of traffic; or

(C) may not legally remain in its location;

in the opinion of the law enforcement officer or authorized state, county, or municipal personnel.

Sec. 4. If a disabled motor vehicle:

(1) is causing; or

(2) poses;

a safety hazard to any of the parties at the scene of the disabled motor vehicle, the disabled motor vehicle may be moved by a towing company to a safe location after being released by a law enforcement officer or by authorized state, county, or municipal personnel for that purpose.

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

(1) The:



- (A) first and last name; and
 - (B) telephone number;of the person who summoned the towing company to the scene.
 - (2) The make, model, year, vehicle identification number, and license plate number of the disabled motor vehicle.
 - (b) If a towing company is summoned for emergency towing by a law enforcement officer or by authorized state, county, or municipal personnel, the towing company shall make a record of the following, to the extent available:
 - (1) The identity of:
 - (A) the law enforcement agency; or
 - (B) authorized state, county, or municipal agency; requesting the emergency towing.
 - (2) The make, model, year, vehicle identification number, and license plate number of the disabled motor vehicle.
 - (c) A towing company:
 - (1) shall:
 - (A) maintain a record created under subsection (a) or (b); and
 - (B) provide a record created under subsection (a) or (b) to a law enforcement agency upon request;from the time the towing company appears at the scene of the disabled motor vehicle until the time the motor vehicle is towed and released to an authorized third party; and
 - (2) shall:
 - (A) retain a record created under subsection (a) or (b) for a period of two (2) years from the date the disabled vehicle was towed from the scene; and
 - (B) throughout the two (2) year period described in clause (A), make the record available for inspection and copying, not later than forty-eight (48) hours after receiving a written request for inspection from:
 - (i) a law enforcement agency;
 - (ii) the attorney general;
 - (iii) the disabled motor vehicle's owner; or
 - (iv) an authorized agent of the disabled motor vehicle's owner.
- Sec. 6. A towing company that performs emergency towing under this chapter shall:**
- (1) properly secure all towed motor vehicles; and
 - (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 motor vehicle's cargo and contents.

Chapter 4. Private Property Towing

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

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

Sec. 2. The owner of private property may establish a tow-away zone on the owner's property.

Sec. 3. A property owner that establishes a tow-away zone under this chapter shall post at the location of the tow-away zone a sign that:

- (1) is clearly visible to the public; and
- (2) includes:
 - (A) a statement that the area is a tow-away zone; and
 - (B) a description of any persons authorized to park in the area.

Sec. 4. A towing company that tows a motor vehicle under this chapter shall ensure that the motor vehicle is towed to:

- (1) a storage facility that is located within twenty-five (25) miles of the location of the tow-away zone from which the motor vehicle was removed; or
- (2) if there is no storage facility located within twenty-five (25) miles of the location of the tow-away zone, to the storage facility nearest to the tow-away zone.

Sec. 5. If the owner or operator of a motor vehicle that is parked in violation of a tow-away zone arrives at the location of the tow-away zone while the motor vehicle is in the process of being towed, the towing company shall give the owner or operator either oral or written notification that the owner or operator may pay a fee in an amount that is not greater than half of the amount of the fee the towing company normally charges for the release of a motor vehicle. Upon the owner's or operator's payment of the amount specified, the towing company shall:

- (1) release the motor vehicle to the owner or operator; and
- (2) give the owner or operator a receipt showing:
 - (A) the full amount of the fee the towing company normally charges for the release of a motor vehicle; and
 - (B) the amount of the fee paid by the owner or operator.

Sec. 6. Not later than two (2) hours after completing a tow of a



motor vehicle from private property, a towing company shall provide notice of the towing to the law enforcement agency having jurisdiction in the location of the private property.

Sec. 7. A towing company that performs private property towing under this chapter shall:

- (1) properly secure all towed motor vehicles; and**
 - (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 motor vehicle's cargo and contents.**

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

Chapter 5. Invoices for Towing Services

Sec. 1. (a) An itemized invoice of actual towing charges assessed by a towing company for a completed tow shall be made available to the owner of the motor vehicle or the owner's authorized agent not later than 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;**

whichever occurs later.

(b) 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;**
 - (D) vehicle identification number; and**
 - (E) color;**

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 daily**



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.

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

Sec. 2. A copy of each invoice and receipt submitted by a tow truck operator in accordance with section 1 of this chapter 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.

Chapter 6. Releasing Towed Motor Vehicles

Sec. 1. This chapter applies to the following:

(1) A towing company that tows and stores a motor vehicle under this article.

(2) A storage facility that stores a motor vehicle that is towed by a towing company under this article, regardless of whether the towing company and the storage facility are affiliates.

Sec. 2. Upon payment of all costs incurred against a motor vehicle that is towed and stored under this article, the towing company or storage facility shall release the motor vehicle to:

(1) a properly identified person who owns or holds a lien on the motor vehicle; or

(2) a representative of the insurance company that insures the motor vehicle, if the vehicle is covered by an active policy of insurance;

in accordance with the procedures, and subject to the same



requirements, set forth in IC 9-22-1-8 with respect to abandoned motor vehicles.

Chapter 7. Prohibited Acts

Sec. 1. A towing company shall not do any of the following:

(1) Falsely represent, either expressly or by implication, that the towing company represents or is approved by any organization that provides emergency road service for disabled motor vehicles.

(2) Require the owner or operator of a disabled motor vehicle to preauthorize:

(A) repair work; or

(B) more than twenty-four (24) hours of storage; as a condition for providing towing service for the disabled motor vehicle.

(3) Charge more than one (1) towing fee when the owner or operator of a disabled motor vehicle requests that the disabled motor vehicle be towed to a repair facility owned or operated by the towing company.

(4) Tow a motor vehicle to a repair facility unless:

(A) either:

(i) the owner of the motor vehicle; or

(ii) the owner's designated representative;

gives consent for the motor vehicle to be towed to the repair facility; and

(B) the consent described in clause (A) is given before the motor vehicle is removed from the location from which it is to be towed.

However, the prohibition set forth in this subdivision does not apply in any case in which a towing company tows a motor vehicle to a storage facility that includes a repair facility on the same site.

Sec. 2. A towing company or a storage facility shall not do any of the following:

(1) Upon payment of all costs incurred against a motor vehicle that is towed and stored under this article, refuse to release the motor vehicle to:

(A) a properly identified person who owns or holds a lien on the motor vehicle; or

(B) a representative of the insurance company that insures the motor vehicle, if the vehicle is covered by an active policy of insurance;

in accordance with the procedures, and subject to the same



requirements, set forth in IC 9-22-1-8 with respect to abandoned motor vehicles. However, a towing company or storage facility shall not release a motor vehicle in any case in which a law enforcement agency has ordered the motor vehicle not to be released, or in any case in which the motor vehicle cannot be released because of pending litigation.

(2) Refuse to permit:

(A) a properly identified person who owns or holds a lien on a motor vehicle; or

(B) a representative of the insurance company that insures the motor vehicle, if the vehicle is covered by an active policy of insurance;

to inspect the motor vehicle before all costs incurred against the motor vehicle are paid or the motor vehicle is released.

(3) Charge any storage fee for a stored motor vehicle with respect to any day on which:

(A) release of the motor vehicle; or

(B) inspection of the motor vehicle by the owner, lienholder, or insurance company;

is not permitted during normal business hours by the towing company or storage facility.

Chapter 8. Violations

Sec. 1. A person who violates this article commits a deceptive act that is:

(1) actionable under IC 24-5-0.5; and

(2) subject to the remedies and penalties set forth in IC 24-5-0.5.

Sec. 2. (a) The attorney general:

(1) shall receive; and

(2) may investigate;

complaints alleging one (1) or more violations of this article.

(b) After finding, either upon a complaint made or upon the attorney general's own investigation, that a violation of this article has occurred, the attorney general may take appropriate action under IC 24-5-0.5-4(c).

Sec. 3. The attorney general may adopt rules under IC 4-22-2 to implement this article, including emergency rules in the manner provided by IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the attorney general under this section and in the manner provided by IC 4-22-2-37.1 expires on the date



on which a rule that supersedes the emergency rule is adopted by the attorney general under IC 4-22-2-24 through IC 4-22-2-36."

Delete pages 10 through 20.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1352 as introduced.)

SOLIDAY

Committee Vote: yeas 12, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred House Bill No. 1352, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 6, delete "subsection (c)," and insert "**subsection (b)**,".

Page 3, line 6, delete ":".

Page 3, line 7, delete "(1)".

Page 3, line 8, delete ";".

Page 3, line 8, delete "or".

Page 3, delete lines 9 through 10.

Page 3, run in lines 6 through 11.

Page 3, delete lines 14 through 21.

Page 3, line 22, delete "(c)" and insert "**(b)**".

Page 3, line 23, delete "before accepting" and insert "**during regular office hours**".

Page 3, line 24, delete "return of the vehicle under this section." and insert "**An inspection fee may not be charged if the inspection occurs during regular office hours**".

Page 3, line 25, delete "(d)" and insert "**(c)**".

Page 3, line 31, delete "(e)" and insert "**(d)**".

Page 3, line 31, delete "incurred against a" and insert "**relating to a tow**".

Page 3, line 32, delete "vehicle or parts,".

Page 3, line 34, delete "IC 24-14-5-2(a)," and insert "**IC 24-14-5-2**".

Page 3, line 36, delete "(f)" and insert "**(e)**".

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Page 3, line 37, delete "normal business" and insert "**regular office**".

Page 3, line 40, delete "normal" and insert "**regular office**".

Page 3, line 41, delete "business".

Page 4, line 1, after "God," insert "**or**".

Page 4, line 2, delete "situation, or another act" and insert "**situation**".

Page 4, line 7, delete "(g)" and insert "**(f)**".

Page 4, line 10, delete "name," and insert "name".

Page 4, line 14, delete "in accordance with subsection (b);" and insert ";".

Page 4, line 30, delete "Subject to subsection (d), a" and insert "A".

Page 4, line 34, delete "to:" and insert "**to**".

Page 4, line 35, delete "(1)".

Page 4, line 35, delete "vehicle;" and insert "vehicle."

Page 4, line 36, delete "and".

Page 4, run in lines 34 through 36.

Page 4, delete lines 37 through 39.

Page 5, between lines 22 and 23, begin a new line block indented and insert:

"(10) A disclosure containing substantially the following information: "If you do not pay for all of the charges associated with the towed vehicle, you will not be able to register a vehicle with the bureau of motor vehicles until those charges are paid."."

Page 11, line 22, delete "'Crane" and insert "'**Recovery**".

Page 12, line 9, delete "following:" and insert "**following, as determined by a search under IC 9-22-1-19:**".

Page 12, line 38, delete "crane" and insert "**recovery**".

Page 14, line 5, after "summoned." insert "**The fee charged by the towing company may not be more than normally charged by the towing company for the service provided.**".

Page 15, line 13, after "(B)" insert "**the**".

Page 15, line 25, delete "third".

Page 15, line 32, delete "forty-eight (48) hours" and insert "**two (2) business days**".

Page 16, line 12, after "Sec. 3. A" insert "**commercial**".

Page 16, line 27, delete "zone." and insert "**zone that has been approved by the private property owner from where the motor vehicle was towed.**".

Page 18, line 12, delete "tow" and insert "**towing company**".

Page 18, line 13, delete "truck operator".



Page 18, line 18, delete "forty-eight (48) hours" and insert "**two (2) business days**".

Page 18, line 34, delete "incurred against a motor" and insert "**relating to a tow**".

Page 18, line 35, delete "vehicle that is towed and stored under this article,".

Page 18, line 41, delete "insurance;" and insert "**insurance, and with permission of the owner;**".

Page 19, line 34, delete "incurred against a motor vehicle" and insert "**relating to a tow**".

Page 19, line 35, delete "that is towed and stored under this article,".

Page 19, line 36, after "vehicle" insert "**during regular office hours**".

Page 19, line 41, delete "insurance;" and insert "**insurance, with the permission of the owner;**".

Page 20, line 13, after "vehicle" insert "**during regular office hours**".

Page 20, line 14, after "released." insert "**An inspection fee may not be charged for an inspection that occurs during regular office hours.**".

Page 20, line 20, delete "normal business" and insert "**regular office**".

and when so amended that said bill do pass.

(Reference is to HB 1352 as printed January 26, 2018.)

HEAD, Chairperson

Committee Vote: Yeas 4, Nays 1.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1352 be amended to read as follows:

Page 1, line 9, delete "IC 9-22-1-4." and insert "**IC 9-22-1-4 for a vehicle subject to a law enforcement towing (as defined in IC 24-14-2-7).**".

Page 1, between lines 9 and 10, begin a new paragraph and insert:

"(b) If the vehicle described in subsection (a) is sold, the net sale proceeds must be deducted from the unpaid costs to the towing

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company. If the sale of the vehicle nets more than the unpaid costs, the bureau of motor vehicles shall proceed with the registration of the vehicle as prescribed by this chapter."

Page 1, line 10, delete "(b)" and insert "(c)".

Page 1, line 13, delete "(c)" and insert "(d)".

Page 1, line 14, delete "subsection (b)." and insert "**subsection (c).**".

Page 2, line 4, delete "IC 9-22-1-4." and insert "**IC 9-22-1-4 for a vehicle subject to a law enforcement towing (as defined in IC 24-14-2-7).**".

Page 2, between lines 4 and 5, begin a new paragraph and insert:

"(b) If the vehicle described in subsection (a) is sold, the net sales proceeds must be deducted from the unpaid costs to the towing company. If the sale of the vehicle nets more than the unpaid costs, the bureau of motor vehicles shall proceed with the registration of the vehicle as prescribed by this chapter."

Page 2, line 5, delete "(b)" and insert "(c)".

Page 2, line 8, delete "(c)" and insert "(d)".

Page 2, line 9, delete "subsection (b)." and insert "**subsection (c).**".

Page 18, line 28, delete ":".

Page 18, line 29, delete "(1)".

Page 18, line 30, delete "vehicle; or" and insert "**vehicle**".

Page 18, delete lines 31 through 33.

Page 18, run in lines 28 through 36.

Page 19, line 27, delete ":".

Page 19, line 28, delete "(A)".

Page 19, line 29, delete "vehicle; or" and insert "**vehicle**".

Page 19, delete lines 30 through 32.

Page 19, run in lines 27 through 39.

(Reference is to EHB 1352 as printed February 27, 2018.)

RAATZ

