
SENATE BILL No. 272

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-22-5.

Synopsis: Repair and storage mechanic's liens. Adds farm wagons and farm tractors to the vehicles that are subject to a mechanic's lien for outstanding labor, materials, storage, or repairs. Provides that the individual, firm, limited liability company, or corporation engaged in the business of storing, furnishing supplies for, or repairing vehicles, farm tractors, or farm wagons shall obtain and keep a record of the name and address of the person who owns or ordered the vehicle, farm tractor, or farm wagon to be left. Repeals the provision that the charges for the labor, materials, storage, or repairs must have resulted from the request of the person who owns the vehicle, farm tractor, or farm wagon.

Effective: July 1, 2001.

Young R Michael

January 11, 2001, read first time and referred to Committee on Judiciary.

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First Regular Session 112th General Assembly (2001)

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 2000 General Assembly.

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SENATE BILL No. 272



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 9-22-5-14 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) An individual,
3 a firm, a limited liability company, or a corporation engaged in the
4 business of storing, furnishing supplies for, or repairing ~~motor~~ vehicles,
5 ~~trailers, semitrailers, or recreational vehicles~~ **farm tractors, or farm**
6 **wagons** shall obtain the name and address of the person who owns a
7 ~~motor vehicle, trailer, semitrailer, or recreational vehicle~~ **farm tractor,**
8 **or farm wagon** that is left in the custody of the individual, firm,
9 limited liability company, or corporation for storage, furnishing of
10 supplies, or repairs at the time the motor vehicle is left.

11 (b) The individual, firm, limited liability company, or corporation
12 shall record in a book the following information concerning the motor
13 vehicle:

14 (1) The name and address of the person who owns **or ordered** the
15 ~~motor vehicle,~~ **farm tractor, or farm wagon to be left.**

16 (2) The license number of the ~~motor~~ vehicle, **farm tractor, or**
17 **farm wagon.**



1 (3) The date on which the ~~motor~~ vehicle, **farm tractor, or farm**
2 **wagon** was left.

3 (c) The book shall be provided and kept by the individual, firm,
4 limited liability company, or corporation and shall be open for
5 inspection by an authorized police officer of the state or of a city or
6 town or by the county sheriff.

7 (d) If a motor vehicle, trailer, semitrailer, or recreational vehicle is
8 stored by the week or by the month, only one (1) entry on the book is
9 required for the period of time during which the ~~motor~~ vehicle, **farm**
10 **tractor, or farm wagon** is stored.

11 SECTION 2. IC 9-22-5-15 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. (a) An individual,
13 a firm, a limited liability company, or a corporation that performs labor,
14 furnishes materials, ~~or provides~~ storage, or does repair work on a
15 ~~motor~~ vehicle, ~~trailer, semitrailer, or recreational vehicle, farm~~
16 **tractor, or farm wagon** at the request of the person who owns the
17 ~~motor vehicle~~ has a lien on the vehicle, **farm tractor, or farm wagon**
18 to the reasonable value of the charges for the labor, materials, storage,
19 or repairs.

20 (b) If:

- 21 (1) the charges made under subsection (a) are not paid; and
22 (2) the ~~motor~~ vehicle, ~~trailer, semitrailer, or recreational vehicle,~~
23 **farm tractor, or farm wagon** is not claimed;

24 within thirty (30) days from the date on which the ~~motor~~ vehicle, **farm**
25 **tractor, or farm wagon** was left in the possession of the individual,
26 firm, limited liability company, or corporation for repairs, storage, or
27 the furnishing of materials, the individual, firm, limited liability
28 company, or corporation may advertise the vehicle, **farm tractor, or**
29 **farm wagon** for sale. The vehicle, **farm tractor, or farm wagon** may
30 not be sold before fifteen (15) days after the date the advertisement
31 required by subsection (c) has been placed or after notice required by
32 subsection (d) has been sent, whichever is later.

33 (c) Before a vehicle, **farm tractor, or farm wagon** may be sold
34 under subsection (b), an advertisement must be placed in a newspaper
35 of general circulation printed in the English language in the city or
36 town in which the lienholder's place of business is located. The
37 advertisement must contain at least the following information:

- 38 (1) A description of the vehicle, **farm tractor, or farm wagon**
39 including make, type, and manufacturer's identification number.
40 (2) The amount of the unpaid charges.
41 (3) The time, place, and date of the sale.

42 (d) In addition to the advertisement required under subsection (c),

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1 the person who holds the mechanic's lien must notify the person who
 2 owns the ~~motor~~ vehicle, **farm tractor, or farm wagon** and any other
 3 person who holds a lien of record at the person's last known address **if**
 4 **that address is known or easily can be ascertained**, by certified mail,
 5 return receipt requested, that the vehicle will be sold at public auction
 6 on a specified date to satisfy the lien imposed by this section.

7 (e) A person who holds a lien of record on a vehicle, **farm tractor,**
 8 **or farm wagon** subject to sale under this section may pay the storage,
 9 repair, or service charges due. If the person who holds the lien of
 10 record elects to pay the charges due, the person is entitled to possession
 11 of the vehicle, **farm tractor, or farm wagon** and becomes the holder
 12 of the mechanic's lien imposed by this section.

13 (f) If the person who owns a vehicle, **farm tractor, or farm wagon**
 14 subject to sale under this section does not claim the vehicle, **farm**
 15 **tractor, or farm wagon** and satisfy the lien on the vehicle, the vehicle,
 16 **farm tractor, or farm wagon** may be sold at public auction to the
 17 highest and best bidder for cash. A person who holds a mechanic's lien
 18 under this section may purchase a ~~motor~~ vehicle, **farm tractor, or**
 19 **farm wagon** subject to sale under this section.

20 (g) A person who holds a mechanic's lien under this section may
 21 deduct and retain the amount of the lien and the cost of the
 22 advertisement required under subsection (c) from the purchase price
 23 received for a ~~motor~~ vehicle, **farm tractor, or farm wagon** sold under
 24 this section. After deducting from the purchase price the amount of the
 25 lien and the cost of the advertisement, the person shall pay the surplus
 26 of the purchase price to the person who owns the ~~motor~~ vehicle, **farm**
 27 **tractor, or farm wagon** if the person's address or whereabouts is
 28 known. If the address or whereabouts of the person who owns the
 29 vehicle, **farm tractor, or farm wagon** is not known, the surplus of the
 30 purchase price shall be paid over to the clerk of the circuit court of the
 31 county in which the person who holds the mechanic's lien has a place
 32 of business for the use and benefit of the person who owns the vehicle,
 33 **farm tractor, or farm wagon.**

34 (h) A person who holds a mechanic's lien under this section shall
 35 execute and deliver to ~~the purchaser of a vehicle under this section~~ a
 36 sales certificate in the form designated by the bureau, setting forth: ~~the~~
 37 ~~following information:~~

- 38 (1) the facts of the sale;
- 39 (2) the vehicle identification number;
- 40 (3) the certificate of title if available; **and**
- 41 (4) a certificate from the newspaper showing that the
- 42 advertisement was made as required under subsection (c);



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1 **to the purchaser of a vehicle under this section that is required to**
2 **bear a certificate of title under IC 9-17.** Whenever the bureau
3 receives from the purchaser an application for certificate of title
4 accompanied by these items, the bureau shall issue a certificate of title
5 for the vehicle under IC 9-17.

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