

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Judiciary, to which was referred Senate Bill No. 272, 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:

- 1 Delete everything after the enacting clause and insert the following:
2 SECTION 1. IC 9-22-1-1 IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter does not apply
4 to the following:
- 5 (1) A vehicle in operable condition specifically adapted or
 - 6 constructed for operation on privately owned raceways.
 - 7 (2) A vehicle stored as the property of a member of the armed
 - 8 forces of the United States who is on active duty assignment.
 - 9 (3) A vehicle located on a vehicle sale lot. ~~or at a commercial~~
 - 10 ~~vehicle servicing facility.~~
 - 11 (4) A vehicle located upon property licensed or zoned as an
 - 12 automobile scrapyard.
 - 13 (5) A vehicle registered and licensed under IC 9-18-12 as an
 - 14 antique vehicle.
- 15 SECTION 2. IC 9-22-1-15 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. **(a)** A person
17 who finds a vehicle believed to be abandoned on ~~the person's rental~~
18 **private property that the person owns or controls, including rental**
19 **property, may:**
- 20 **(1) obtain the assistance of an officer under section 18 of this**
 - 21 **chapter to have the vehicle removed; or**

1 **(2) personally arrange for the removal of the vehicle by**
 2 **complying with subsection (b) and section 16 of this chapter.**

3 **(b) If the person wishes to personally arrange for the removal**
 4 **of the vehicle, the person** shall attach in a prominent place a notice tag
 5 containing the following information:

6 (1) The date, time, name, and address of the person who owns **or**
 7 **controls** the ~~rental~~ **private** property and a telephone number to
 8 contact for information.

9 (2) That the vehicle is considered abandoned.

10 (3) That the vehicle will be removed after seventy-two (72) hours.

11 (4) That the person who owns the vehicle will be held responsible
 12 for all costs incidental to the removal, storage, and disposal of the
 13 vehicle.

14 (5) That the person who owns the vehicle may avoid costs by
 15 removal of the vehicle or parts within seventy-two (72) hours.

16 SECTION 3. IC 9-22-1-16 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) If after
 18 seventy-two (72) hours the person who owns a vehicle believed to be
 19 abandoned on ~~rental~~ **private** property **that the person owns or**
 20 **controls, including rental property**, has not removed the vehicle from
 21 the ~~rental~~ **private** property, the person who owns **or controls** the ~~rental~~
 22 **private** property may have the vehicle towed from the ~~rental~~ **private**
 23 property. The towing operator shall do the following:

24 (1) Contact the bureau to obtain the name and address of the
 25 person who owns the vehicle.

26 (2) Deliver, by certified mail, a copy of the information contained
 27 in the notice required under section 15 of this chapter to the
 28 person who owns the vehicle. The notice required by this
 29 subdivision must be given not later than five (5) business days
 30 after the vehicle is removed.

31 (b) Notwithstanding subsection (a), in an emergency situation a
 32 vehicle may be removed immediately. As used in this subsection,
 33 "emergency situation" means that the presence of the abandoned
 34 vehicle interferes physically with the conduct of normal business
 35 operations of the ~~owner of~~ **person who owns or controls** the ~~rental~~
 36 **private** property or poses a threat to the safety or security of persons or
 37 property, or both.

38 SECTION 4. [EFFECTIVE UPON PASSAGE] **(a) The definitions**
 39 **applicable to IC 9-22-1 apply to this SECTION.**

40 **(b) This SECTION applies to an abandoned vehicle that:**

41 **(1) was towed by a towing service from private property**
 42 **before the effective date of this SECTION;**

- 1 **(2) is in possession of a towing service company on the**
 2 **effective date of this SECTION;**
- 3 **(3) could have been removed from private property under**
 4 **IC 9-22-1-15 and IC 9-22-1-16, both as amended by this act,**
 5 **if this act were in effect at the time that the towing service**
 6 **removed the abandoned vehicle from the private property;**
 7 **and**
- 8 **(4) the towing service has not received payment for the towing**
 9 **charges accruing from removal of the vehicle from private**
 10 **property.**
- 11 **(c) The towing service may post the notice tag required by**
 12 **IC 9-22-1-15, as amended by this act, on a picture of the abandoned**
 13 **vehicle and place the notice tag and picture in a prominent place**
 14 **on the private property from which the abandoned vehicle was**
 15 **towed for the time required by IC 9-22-1-15, as amended by this**
 16 **act. The name and address on the notice tag may be the name and**
 17 **address of the owner of the private property or the name and**
 18 **address of the towing service. The notice tag must state the address**
 19 **where the vehicle is located. Compliance with this subsection shall**
 20 **be treated as compliance with IC 9-22-1-15, as amended by this act.**
- 21 **(d) A towing service may recover costs incidental to the removal**
 22 **and storage of an abandoned vehicle that accrued before the**
 23 **effective date of this SECTION to the same extent as if the costs**
 24 **were accrued after the effective date of this SECTION.**
- 25 **SECTION 5. An emergency is declared for this act.**
 (Reference is to SB 272 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 8, Nays 0.

Senator Bray, Chairperson