

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.

SENATE ENROLLED ACT No. 272

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 9-13-2-103.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 103.2. "Mobile home", for purposes of IC 9-22-1.5, has the meaning set forth in IC 6-6-5-1.**

SECTION 2. IC 9-22-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter does not apply to the following:

- (1) A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways.
- (2) A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.
- (3) A vehicle located on a vehicle sale lot. ~~or at a commercial vehicle servicing facility.~~
- (4) A vehicle located upon property licensed or zoned as an automobile scrapyard.
- (5) A vehicle registered and licensed under IC 9-18-12 as an antique vehicle.

SECTION 3. IC 9-22-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. **(a)** A person who finds a vehicle believed to be abandoned on ~~the person's rental private property that the person owns or controls, including rental property, may:~~

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(1) obtain the assistance of an officer under section 18 of this chapter to have the vehicle removed; or

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

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

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

(2) That the vehicle is considered abandoned.

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

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

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

SECTION 4. IC 9-22-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) If after seventy-two (72) hours the person who owns a vehicle believed to be abandoned on ~~rental private~~ property **that the person owns or controls, including rental property**, has not removed the vehicle from the ~~rental private~~ property, the person who owns or controls the ~~rental private~~ property may have the vehicle towed from the ~~rental private~~ property. The towing operator shall do the following:

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

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

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

SECTION 5. IC 9-22-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:



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Chapter 1.5. Abandoned Mobile Homes

Sec. 1. As used in this chapter, "mobile home" has the meaning set forth in IC 6-6-5-1.

Sec. 2. A private property owner who finds a mobile home that the person believes to be abandoned on property the person owns or controls, including rental property, may sell or salvage the mobile home if it has been left without permission on the owner's property for at least thirty (30) days.

Sec. 3. (a) The thirty (30) day period described in section 2 of this chapter begins the day written notice is sent by the property owner to the last known address of the owner of the mobile home as shown by the records in the bureau of motor vehicles or personally delivered to the owner of the mobile home. If the property owner is unable to determine the address of the mobile home owner, the property owner may serve the mobile home owner by posting the notice on the mobile home. If the notice is mailed, the property owner shall send notice by certified mail, return receipt requested. Notice, by mail or personally delivered, must include a description of the mobile home and a conspicuous statement that the mobile home is on the owner's property without the owner's permission. If the owner of a mobile home changes the owner's address from that maintained in the records of the bureau, the owner shall immediately notify the property owner of the new address.

(b) If, before the thirty (30) day period described in section 2 of this chapter expires, the mobile home owner requests by certified mail, return receipt requested, additional time to remove the mobile home, the period described in section 2 of this chapter shall be extended by an additional thirty (30) days. The mobile home owner may only request one (1) thirty (30) day extension of time.

Sec. 4. The property owner shall:

- (1)** request that a search be performed in the records of the bureau for the name and address of the owner of the mobile home and the name and address of any person holding a lien or security interest on the mobile home;
- (2)** after receiving the results of the search required by subdivision (1), give notice by certified mail, return receipt requested, or in person, to the last known address of the owner of the mobile home, to any lien holder with a perfected security interest in the mobile home and to all other persons known to claim an interest in the mobile home. The notice must include a description of the mobile home, a demand that

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the mobile home be removed within a specified time not less than ten (10) days after receipt of the notice, and a conspicuous statement that unless the mobile home is removed within that time, the mobile home will be advertised for sale and offered for sale by auction at a specified time and place; (3) advertise that the mobile home will be offered for sale at public auction in conformity with IC 26-1-7-210 and IC 26-1-2-328. The advertisement of sale must be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the county where the mobile home has been left without permission. The advertisement must include a description of the mobile home, the name of the owner of the mobile home, if ascertainable, and the time and place of the sale. The sale must take place at least fifteen (15) days after the first publication. If there is no newspaper of general circulation where the sale is to be held, the advertisement must be posted at least ten (10) days before the sale in not less than six (6) conspicuous places in the neighborhood of the proposed sale;

(4) conduct an auction, not less than thirty (30) days after the return receipt is received by the property owner, on the property where the mobile home was left without permission;

(5) provide a reasonable time before the sale for prospective purchasers to examine the mobile home;

(6) sell the mobile home to the highest bidder, if any; and

(7) immediately after the auction, execute an affidavit of sale or disposal in triplicate on a form prescribed by the bureau stating:

(A) that the requirements of this section have been met;

(B) the length of time that the mobile home was left on the property without permission;

(C) any expenses incurred by the property owner, including the expenses of the sale;

(D) the name and address of the purchaser of the mobile home at the auction, if any; and

(E) the amount of the winning bid, if any.

If the auction produces no purchaser, the property owner shall note that fact on the affidavit. The property owner shall list the property owner, or any donee, as the purchaser on the affidavit of sale or disposal.

Sec. 5. (a) Upon payment of the bid price by the purchaser, the property owner shall provide the purchaser with the affidavit of

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sale or disposal described in this chapter.

(b) If the auction produces no purchaser, the mobile home becomes the property of the property owner, and the property owner shall note that fact on the affidavit of sale or disposal.

(c) If the property owner wishes to donate the mobile home to any willing donee, a property owner who has obtained ownership of a mobile home under this section may transfer ownership to a willing donee by listing the donee as the purchaser on the affidavit of sale or disposal.

(d) If the auction produces no purchaser and the property owner does not intend to sell or transfer the mobile home to another person, the property owner may, without further administrative application, dismantle the unit for salvage or disposal.

(e) A property owner or willing donee who obtains ownership of a mobile home under this section has the same right of ownership as a purchaser who was the highest bidder at auction.

Sec. 6. The affidavit of sale or disposal under this chapter constitutes proof of ownership and right to have the mobile home titled in the purchaser's, property owner's, or donee's name under IC 9-17-6-12.

Sec. 7. After the purchaser, property owner, or donee:

- (1) presents the bureau with the affidavit of sale;
- (2) completes an application for title; and
- (3) pays any applicable fee;

the bureau shall issue to the purchaser or property owner a certificate of title to the mobile home.

SECTION 6. [EFFECTIVE UPON PASSAGE] (a) The definitions applicable to IC 9-22-1 apply to this SECTION.

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

- (1) was towed by a towing service from private property before the effective date of this SECTION;
- (2) is in possession of a towing service company on the effective date of this SECTION;
- (3) could have been removed from private property under IC 9-22-1-15 and IC 9-22-1-16, both as amended by this act, if this act were in effect at the time that the towing service removed the abandoned vehicle from the private property; and
- (4) the towing service has not received payment for the towing charges accruing from removal of the vehicle from private property.

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(c) The towing service may post the notice tag required by IC 9-22-1-15, as amended by this act, on a picture of the abandoned vehicle and place the notice tag and picture in a prominent place on the private property from which the abandoned vehicle was towed for the time required by IC 9-22-1-15, as amended by this act. The name and address on the notice tag may be the name and address of the owner of the private property or the name and address of the towing service. The notice tag must state the address where the vehicle is located. Compliance with this subsection shall be treated as compliance with IC 9-22-1-15, as amended by this act.

(d) A towing service may recover costs incidental to the removal and storage of an abandoned vehicle that accrued before the effective date of this SECTION to the same extent as if the costs were accrued after the effective date of this SECTION.

SECTION 7. An emergency is declared for this act.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Approved: _____

Governor of the State of Indiana

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