

Adopted	Rejected
---------	----------

COMMITTEE REPORT

YES:	11
NO:	0

MR. SPEAKER:

*Your Committee on Judiciary, to which was referred Senate Bill 77, 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:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 9-13-2-174.5 IS ADDED TO THE INDIANA
- 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE UPON PASSAGE]: **Sec. 174.5. "Storage yard" for**
- 6 **purposes of IC 9-22-1, has the meaning set forth in IC 9-22-1-3.5.**
- 7 SECTION 2. IC 9-22-1-3.5 IS ADDED TO THE INDIANA CODE
- 8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 9 UPON PASSAGE]: **Sec. 3.5. As used in this chapter, "storage yard"**
- 10 **means a storage facility or a towing service used for the removal**
- 11 **and storage of abandoned vehicles or parts.**
- 12 SECTION 3. IC 9-22-1-13 IS AMENDED TO READ AS
- 13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) If in the
- 14 opinion of the officer the market value of an abandoned vehicle or parts
- 15 determined ~~under~~ **in accordance with** section 12 of this chapter is less
- 16 than:

1 (1) ~~one~~ **five** hundred dollars (~~\$100~~); (**\$500**); or
 2 (2) in a municipality that has adopted an ordinance under
 3 subsection (b), the amount established by the ordinance;
 4 the officer shall immediately dispose of the vehicle to ~~an automobile~~
 5 ~~scrapyard~~; **a towing service**. A copy of the abandoned vehicle report
 6 and photographs relating to the abandoned vehicle shall be forwarded
 7 to the bureau. **The towing service may dispose of the abandoned**
 8 **vehicle not less than thirty (30) days after the date on which the**
 9 **towing service removed the abandoned vehicle**. The public agency
 10 disposing of the vehicle shall retain the original records and
 11 photographs for at least two (2) years.

12 (b) The legislative body of a municipality (as defined in
 13 IC 36-1-2-11) may adopt an ordinance that establishes the market value
 14 below which an officer may dispose of a vehicle or parts under
 15 subsection (a). However, the market value established by the ordinance
 16 may not be more than ~~five~~ **seven** hundred ~~fifty~~ dollars (~~\$500~~); (**\$750**).

17 SECTION 4. IC 9-22-1-14 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) If in the
 19 opinion of the officer the market value of the abandoned vehicle or
 20 parts determined ~~under in accordance with~~ section 12 of this chapter
 21 is at least:

22 (1) ~~one~~ **five** hundred dollars (~~\$100~~); (**\$500**); or
 23 (2) in a municipality that has adopted an ordinance under section
 24 13(b) of this chapter, the amount established by the ordinance;
 25 the officer, before placing a notice tag on the vehicle or parts, shall
 26 make a reasonable effort to ascertain the person who owns the vehicle
 27 or parts or who may be in control of the vehicle or parts.

28 **(b) After seventy-two (72) hours, the officer shall require the vehicle**
 29 **or parts to be towed to a storage area: yard or towing service.**

30 SECTION 5. IC 9-22-1-16 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) If after
 32 seventy-two (72) hours the person who owns a vehicle believed to be
 33 abandoned on private property that the person owns or controls,
 34 including rental property, has not removed the vehicle from the private
 35 property, the person who owns or controls the private property may
 36 have the vehicle towed from the private property. The towing operator
 37 shall do the following:

38 (1) Contact the bureau to obtain the name and address of the

1 person who owns the vehicle.
 2 (2) ~~Deliver~~, **Send**, by certified mail, a copy of the information
 3 contained in the notice required under section 15 of this chapter
 4 to the person who owns the vehicle. The notice required by this
 5 subdivision must be ~~given~~ **mailed to the person who owns the**
 6 **vehicle according to the records of the bureau** not later than
 7 five (5) business days after ~~the vehicle is removed~~. **receipt of the**
 8 **information in subdivision (1) from the bureau.**

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

15 SECTION 6. IC 9-22-1-19 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) Within
 17 seventy-two (72) hours after removal of an abandoned vehicle to a
 18 storage ~~area~~ **yard or towing service** under section 13, 14, or 16 of this
 19 chapter, the public agency or towing operator shall prepare and forward
 20 to the bureau an abandoned vehicle report containing a description of
 21 the vehicle, including the following information concerning the vehicle:

- 22 (1) The make.
- 23 (2) The model.
- 24 (3) The identification number.
- 25 (4) The number of the license plate.

26 (b) The public agency or towing operator shall request that the
 27 bureau advise the public agency or towing operator of the name and
 28 most recent address of the person who owns or holds a lien on the
 29 vehicle.

30 (c) Notwithstanding section 4 of this chapter, if the public agency or
 31 towing operator fails to notify the bureau of the removal of an
 32 abandoned vehicle within seventy-two (72) hours after the vehicle is
 33 removed as required by subsection (a), the public agency or towing
 34 operator:

- 35 (1) may not initially collect more in reimbursement for the costs
 36 of storing the vehicle than the cost incurred for storage for
 37 seventy-two (72) hours; and
- 38 (2) may collect further reimbursement under this chapter only for

1 additional storage costs incurred after notifying the bureau of the
2 removal of the abandoned vehicle.

3 SECTION 7. IC 9-22-1-32 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. The following
5 are not liable for loss or damage to a vehicle or parts occurring during
6 the removal, storage, or disposition of a vehicle or parts under this
7 chapter:

8 (1) A person who owns, leases, or occupies property from which
9 an abandoned vehicle or parts are removed.

10 (2) A public agency.

11 (3) A towing service.

12 (4) An automobile scrapyard.

13 **(5) A storage yard."**

14 Page 4, after line 28, begin a new paragraph and insert:

15 "SECTION 11. **An emergency is declared for this act.**".

16 Renumber all SECTIONS consecutively.

(Reference is to SB 77 as printed January 21, 2005.)

and when so amended that said bill do pass.

Representative Foley