

Senate Amendment to
House File 2617

H-8460

1 Amend House File 2617, as amended, passed, and reprinted by
2 the House, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

5 <Section 1. Section 321.89, Code 2026, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 2A. *Cease and release.* When a private
8 entity ceases a tow after attaching towing equipment to an
9 abandoned vehicle and releases the vehicle to the registered
10 owner or operator prior to removing the vehicle from the
11 location where the vehicle was abandoned, the private entity
12 shall accept payment by credit card, in addition to other forms
13 of payment, for any fee charged to release the vehicle.

14 Sec. 2. Section 321.89, subsection 3, paragraphs a, e, and
15 f, Code 2026, are amended to read as follows:

16 a. A police authority or private entity that takes into
17 custody an abandoned vehicle shall send notice by certified
18 mail that the vehicle has been taken into custody no more than
19 ~~twenty~~ ten days after taking custody of the vehicle. Notice
20 shall be sent to the last known address of record of the last
21 known registered owner of the vehicle, all lienholders of
22 record, and any other known claimant to the vehicle.

23 e. If the persons receiving notice do not ask for a hearing
24 or exercise their right to reclaim the vehicle or personal
25 property within the ~~ten-day~~ twenty-day reclaiming period, the
26 owner, lienholders, or claimants shall no longer have any
27 right, title, claim, or interest in or to the vehicle or the
28 personal property.

29 f. A court in any case in law or equity shall not recognize
30 any right, title, claim, or interest of the owner, lienholders,
31 or claimants after the expiration of the ~~ten-day~~ twenty-day
32 reclaiming period.

33 Sec. 3. Section 321.89, subsection 3, paragraph b,
34 subparagraph (3), Code 2026, is amended to read as follows:

35 (3) Information for the persons receiving the notice of

1 their right to reclaim the vehicle and personal property
2 contained therein within ~~ten~~ twenty days after the effective
3 date of the notice. Persons may reclaim the vehicle ~~or~~
4 ~~personal property~~ upon payment of all towing, preservation, and
5 storage charges resulting from placing the vehicle in custody
6 and upon payment of the costs of notice required pursuant to
7 this subsection.

8 Sec. 4. Section 321.89, Code 2026, is amended by adding the
9 following new subsections:

10 NEW SUBSECTION. 3A. *Abandoned vehicles in custody.*

11 a. A lienholder of record who received notice under
12 subsection 3 may request information regarding the condition
13 of the abandoned vehicle. A private entity with custody of
14 an abandoned vehicle may charge the lienholder of record an
15 inspection fee not to exceed one hundred dollars. If such
16 request is made and when the fee is paid, the private entity
17 with custody of the abandoned vehicle shall satisfy the
18 request by either allowing a representative of the lienholder
19 of record onto the premises to inspect the vehicle, subject
20 to policies established by the private entity to promote
21 safety and security of the premises, or by sending photos
22 that sufficiently depict the condition of the vehicle to the
23 lienholder of record so that the lienholder can reasonably
24 ascertain the condition of the vehicle.

25 b. (1) While a private entity has custody of an abandoned
26 vehicle, a registered owner may reclaim personal property that
27 is not attached to the vehicle on one occasion during the
28 twenty-day vehicle reclamation period. The registered owner
29 shall provide the private entity a written list identifying
30 the personal property to be reclaimed from inside the vehicle,
31 which shall be reclaimed during the normal business hours of
32 the private entity. Reclaiming personal property from within
33 the vehicle does not constitute reclaiming the vehicle. A
34 private entity may determine the manner in which personal
35 property is retrieved from a vehicle subject to safety and

1 security procedures established by the private entity for
2 the area where the vehicle is stored. Retrieval of personal
3 property does not constitute a waiver of the private entity's
4 lien upon the vehicle or any remaining contents in the private
5 entity's custody, if applicable.

6 (2) For purposes of this paragraph, "*personal property*" is
7 limited to items that are readily accessible from the vehicle
8 and that do not require dismantling of any part of the vehicle,
9 including all of the following:

10 (a) Prescription medication for the vehicle owner or for a
11 legal dependent of the vehicle owner.

12 (b) Prosthetic devices, durable medical equipment, and
13 mobility enhancing equipment as defined under 701 IAC 220.7.

14 (c) Child care items.

15 (d) Uniforms or clothing required for the vehicle owner's
16 employment.

17 (e) Personal identification.

18 (f) Credit cards or debit cards.

19 (g) A cellular telephone.

20 (h) A portable or mobile computer including but not limited
21 to a tablet.

22 (i) Tools of trade which are essential equipment,
23 instruments, or machinery required to perform a specific job,
24 profession, or craft in which the vehicle owner is currently
25 employed.

26 (j) A purse or wallet.

27 (k) Essential documents or records relating to legal,
28 financial, tax, or employment matters.

29 (l) Prescription eyeglasses.

30 (m) Hearing aids.

31 (n) Dentures.

32 (o) Keys not associated with the vehicle in the custody of
33 the private entity.

34 NEW SUBSECTION. 3B. *Display of charges.* A private entity
35 that takes custody of an abandoned vehicle shall display at the

1 entity's place of business in a manner that is readily visible
2 to visitors and on the entity's internet site, if applicable,
3 the daily storage and impound fees the entity will charge.

4 NEW SUBSECTION. 6. *Preemption.* This section shall be
5 implemented uniformly throughout the state. This section
6 preempts any county or municipal ordinance regarding the towing
7 of an abandoned vehicle.

8 Sec. 5. Section 321.89, subsection 4, Code 2026, is amended
9 to read as follows:

10 4. *Reclamation of abandoned vehicles.* A private entity
11 with custody of an abandoned vehicle shall provide an itemized
12 account of all fees assessed to the registered owner when
13 the registered owner reclaims the vehicle. Prior to driving
14 an abandoned vehicle away from the premises, ~~a person who~~
15 ~~received or who is reclaiming the vehicle on behalf of a person~~
16 ~~who received notice under [subsection 3](#)~~ the registered owner
17 shall present to the police authority or private entity, as
18 applicable, the person's valid driver's license and proof of
19 financial liability coverage as provided in [section 321.20B](#).

20 Sec. 6. Section 321.90, subsection 2, paragraph f, Code
21 2026, is amended to read as follows:

22 f. The If notice was provided in accordance with section
23 321.89, subsection 3, and an abandoned motor vehicle was not
24 reclaimed, the owner of an abandoned motor vehicle and all
25 lienholders shall no longer have any right, title, claim, or
26 interest in or to the motor vehicle; and no court in any case
27 in law or equity shall recognize any right, title, claim, or
28 interest of any owner or lienholders after the disposal of the
29 motor vehicle to a demolisher.>