

Document: Readopted Rules

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TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-85

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

140 IAC 5-1-2

140 IAC 5-1-3

140 IAC 5-1-4

SECTION 1. UNDER IC 4-22-2.5-3, 140 IAC 5-1-2 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 5-1-2 Abandoned vehicles storage and towing charges

Authority: IC 9-14-2-2; IC 9-22-1-29

Affected: IC 9-22

Sec. 2. (a) The commissioner agrees to reimburse storage facility and towing service operators for services provided for abandoned vehicles reported to the bureau of motor vehicles and sold by the state in accordance with the provisions of the law. The commissioner in no event shall pay for towing and storage charges which exceed the limits as contained in this rule or the sale price of the vehicles, whichever is less.

(b) Charges for providing towing service for abandoned vehicles shall be the reasonable value of the service rendered according to the usual and customary charges in the community. The ~~maximum~~ amount the commissioner shall pay for normal towing service for any type vehicle **less than eight thousand six hundred (8,600) pounds gross vehicle weight shall be thirty-five not exceed fifty** dollars (~~\$35~~) (**\$50**).

(c) **The amount the commissioner shall pay for normal towing service for any type vehicle greater than eight thousand six hundred (8,600) pounds gross vehicle weight and less than fifteen thousand (15,000) pounds gross vehicle weight shall not exceed one hundred fifty dollars (\$150).**

(d) **The amount the commissioner shall pay for normal towing service for any type vehicle greater than fifteen thousand (15,000) pounds gross vehicle weight shall not exceed five hundred dollars (\$500).**

(e) The commissioner, at his discretion, may pay ~~claims~~ **a claim** for an amount in excess of ~~thirty-five dollars (\$35)~~ **the amounts enumerated under subsections (b) through (d)**, provided the claim is presented in writing outlining the unusual circumstances and services provided.

(~~e~~) **(f)** Storage charges paid by the commissioner for any type vehicle ~~may~~ **shall** not exceed the rate of ~~four ten dollars and twenty-six cents (\$4.26)~~ **(\$10)** per day, which may be accumulated over a period of ~~twenty-seven (27)~~ **thirty (30)** days ~~to for~~ a maximum storage charge of ~~one three hundred fifteen dollars (\$115)~~ **(\$300)**. The number of days shall be calculated from the day the vehicle was towed to the storage facility or released from a police hold.

(~~d~~) **(g)** Claims for towing service will have first priority for reimbursement out of the proceeds of the vehicle sale. (*Bureau of Motor Vehicles; Abandoned Vehicles Rule II; filed Jan 14, 1976, 8:43 a.m.: Rules and Regs. 1977, p. 254; filed Apr 28, 1981, 9:35 a.m.: 4 IR 899; filed Nov 21, 1989, 5:00 p.m.: 13 IR 498*)

SECTION 2. UNDER IC 4-22-2.5-3, 140 IAC 5-1-3 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 5-1-3 Terms of sale

Authority: IC 9-14-2-2; IC 9-22-1-29

Affected: IC 9-22

Sec. 3. (a) All sales of abandoned vehicles conducted by the commissioner or his duly authorized representative shall be ~~for cash,~~ **made payable by check**, certified check, or money order. ~~Businesses may present checks for payment of abandoned vehicles provided they have received written approval from the commissioner. Sales of abandoned vehicles sold under any contract shall be paid by the means specified by the commissioner.~~

(b) The bureau specifically reserves the right to withdraw from an abandoned vehicle sale any vehicle which the commissioner or his representative may reasonably believe is not bringing its fair market value. This withdrawal can be made any time prior to ~~the fall of the hammer~~ completing the sale.

(c) Vehicles sold at state auction must be removed from the premises of the auction within twenty-four (24) hours unless prior arrangements with the lot owner have been made. Vehicles not removed within the allotted time ~~will~~ **may** be subject to resale as abandoned vehicles. (*Bureau of Motor Vehicles; Abandoned Vehicles Rule III; filed Jan 14, 1976, 8:43 a.m.: Rules and Regs. 1977, p. 255; filed Nov 21, 1989, 5:00 p.m.: 13 IR 498*)

SECTION 3. UNDER IC 4-22-2.5-3, 140 IAC 5-1-4 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 5-1-4 Report; determination of market value

Authority: IC 9-14-2-2; IC 9-22-1-29

Affected: IC 9-22

Sec. 4. (a) The commissioner shall require the completion of a prescribed abandoned vehicle report (**state form 322**) from a law enforcement officer ~~which that~~ describes the general condition and estimated value of the vehicle in accordance with guidelines determined by the commissioner. Each abandoned vehicle report submitted by law enforcement officers shall also be verified and signed by the towing service or storage facility operator as to the general condition and estimated value of the vehicle.

(b) Any storage facility or towing service operator ~~which that~~ has reason to believe that the **law** enforcement officer responsible for authorizing the vehicle to be placed in a storage facility has not completed and transmitted the abandoned vehicle report to the bureau within fifteen (15) days of receipt of the vehicle ~~shall be required to notify the bureau indicating the year and make of the vehicle, vehicle identification number, and other identifying information as the commissioner may prescribe.~~ **may contact the law enforcement agency and request that the abandoned vehicle report be submitted expeditiously.**

(c) Abandoned vehicle reports for vehicles ~~which that~~ are estimated to be valued at one hundred dollars (\$100) or less shall be accompanied by a photograph furnished either by the law enforcement officer or towing service or storage facility operator.

(d) The following descriptive characteristics will presumptively qualify vehicles to be worth one hundred dollars (\$100) or less and subject to disposition in accordance with the provisions of law:

- (1) Vehicles ten (10) model years or older that have extensive deterioration to the interior or exterior of the ~~such~~ vehicle or are inoperable or are otherwise inoperable because of faulty or missing major parts.
- (2) Vehicles five (5) model years or older ~~which that~~ have been extensively destroyed by fire, explosion, vandalism, or other causes, excluding traffic accidents, and are inoperable.

(e) An abandoned vehicle subject to fair market value ~~would be:~~ **is:**

- (1) a vehicle ~~which that~~ is in running condition and ~~would have~~ **has** a value of five hundred dollars (\$500) or more on a normal retail or wholesale lot; or
- (2) a vehicle ~~which, that,~~ because of uniqueness or parts, ~~would have~~ **has** a value of five hundred dollars (\$500) or more as salvage.

(f) When active bidding is ~~occurring;~~ **occurs**, the fair market value ~~will be~~ **is** determined by the highest bid price. An exception to this ~~would be~~ **is** if, in the opinion of the auctioneer, bidders ~~were~~ **are** acting in concert to depress the price, or the high bid is grossly inadequate.

(g) When there are no bidders present, the dollar value ~~will be~~ **is** depreciated by the normal towing and storage charges of the storage lot that ~~would accrue~~ **accrues** to the date of sale up to the maximum charges allowed by regulation.

(h) All vehicles that do not bring fair market value will be pulled from the sale and auctioned at run again in the next sale at that storage facility ~~which that~~ occurs at least two (2) weeks from the original sale date. (*Bureau of Motor Vehicles; Abandoned Vehicles Rule IV; filed Jan 14, 1976, 8:43 a.m.: Rules and Regs. 1977, p. 255; filed Nov 21, 1989, 5:00 p.m.: 13 IR 499*)

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on July 3, 2001 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Auditorium, Indianapolis, Indiana the Bureau of Motor Vehicles will hold a public hearing to readopt rules.

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:

*Tamara Brown, Legal Department
Indiana Bureau of Motor Vehicles
Indiana Government Center-North
100 North Senate Avenue, Room 440
Indianapolis, Indiana 46204*

Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room 440 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gary A. Gibson
Commissioner
Bureau of Motor Vehicles