



January 27, 2000

HOUSE BILL No. 1112

DIGEST OF HB 1112 (Updated January 25, 2000 10:16 AM - DI 94)

Citations Affected: IC 8-23; IC 9-21.

Synopsis: Local government notice of sign removal. Provides that the Indiana department of transportation must provide notice to the local governmental unit of the removal of a sign erected by a local governmental unit if the department determines the sign is an encroachment on a state highway.

Effective: July 1, 2000.

Saunders, Stevenson

January 10, 2000, read first time and referred to Committee on Local Government.
January 26, 2000, reported — Do Pass.

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HB 1112—LS 6600/DI 94+



January 27, 2000

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

HOUSE BILL No. 1112

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

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

- 1 SECTION 1. IC 8-23-5-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) The department may remove,
3 prevent, or terminate an encroachment onto a state highway,
4 right-of-way, or other department property, including drainage onto the
5 highway, right-of-way, or other property.
6 (b) **Except as provided in subsection (f)**, if the department
7 determines that an encroachment exists, the department shall give
8 notice by certified mail to the owner and the occupant of the property
9 from which the encroachment has occurred and by posting a copy of
10 the notice in a conspicuous place on the property. The notice must
11 specify the encroachment and the period of time within which the
12 encroachment must be removed, terminated, or prevented. The period
13 of time specified in the notice may not be less than thirty (30) days.
14 (c) If the encroachment has not been removed, terminated, or
15 prevented within the period of time specified in the notice under
16 subsection (b), the department may enter the property from which the
17 encroachment has occurred and take whatever action the department

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1 considers necessary to remove, terminate, or prevent the encroachment.

2 (d) The cost of the department's removal, termination, or prevention
3 of an encroachment under subsection (c) shall be paid by the owner of
4 the property from which the encroachment has occurred. The
5 department shall bill the owner for the cost. If the bill remains unpaid
6 for a period of thirty (30) days, the department shall file the bill with
7 the clerk of the circuit court of the county in which the property is
8 located. The clerk shall immediately enter the bill on the judgment
9 docket against the owner of the property, and the bill is a lien against
10 the property. The lien may be foreclosed in the same manner as other
11 judgment liens, without relief from valuation or appraisal laws or
12 right of redemption.

13 (e) Where an awning, canopy, marquee, advertising sign, or similar
14 encroachment extending over a highway right-of-way was in place on
15 August 12, 1963, and is supported entirely from outside the highway
16 right-of-way, the encroachment may remain if the department
17 determines that the encroachment will not impair the highway or
18 interfere with the free and safe flow of traffic on the highway.

19 **(f) If the department determines that an encroachment exists,**
20 **and the encroachment is a sign that has been erected by a unit (as**
21 **defined in IC 36-1-2-23), the department shall give notice by:**

22 **(1) certified mail to the:**

23 **(A) unit that erected the sign;**

24 **(B) owner of the property from which the encroachment**
25 **has occurred; and**

26 **(C) occupant of the property from which the encroachment**
27 **has occurred; and**

28 **(2) posting a copy of the notice in a conspicuous place on the**
29 **property.**

30 **The notice must specify the encroachment and the period within**
31 **which the encroachment must be removed, terminated, or**
32 **prevented. The time specified in the notice may not be less than**
33 **thirty (30) days.**

34 SECTION 2. IC 9-21-1-4 IS AMENDED TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) Notwithstanding IC 8-23-20,
36 IC 9-21-5, and section 5 of this chapter, a city or town may, by
37 ordinance, authorize and pay for signs to be erected along the routes of
38 state highways if the following conditions are met:

39 (1) The sign is an information sign stating only that a famous
40 person is or was a resident of that city or town.

41 (2) The sign conforms to the manual on traffic control devices
42 standards for historical signs.



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1 (3) A copy of the sign ordinance is sent to the bureau of the
2 Indiana department of transportation.
3 (b) The commissioner of the Indiana department of transportation
4 may, within sixty (60) days after the effective date of an ordinance
5 adopted under subsection (a), prohibit the erection of or cause removal
6 of the sign if the bureau finds that the sign:
7 (1) creates a traffic hazard; or
8 (2) expresses a commercial or partisan political message.
9 **Before removing a sign under this subsection, the commissioner of**
10 **the Indiana department of transportation shall give thirty (30)**
11 **days notice by certified mail to the city or town that erected the**
12 **sign.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1112, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STEVENSON, Chair

Committee Vote: yeas 11, nays 0.

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