
SENATE BILL No. 145

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-29-11.5; IC 36-8-23.

Synopsis: Fire department and law enforcement service fees. Prohibits a township, a municipality, or the fire departments of these units (excluding a volunteer fire department) from imposing, collecting, or entering into a contract for the collection of an accident response service fee from: (1) the driver of a motor vehicle; or (2) any other person; involved in a motor vehicle accident. (Current law prohibits a political subdivision or local law enforcement agency from collecting an accident response fee.) Prohibits a township, a municipality, or the local law enforcement agency or fire department (excluding a volunteer fire department) of these units from imposing or collecting, or entering into a contract for the collection of, a response fee for: (1) responding to a fire or hazardous material emergency; or (2) containing, controlling, or cleaning up a fire or hazardous material emergency.

Effective: July 1, 2010.

Paul

January 11, 2010, read first time and referred to Committee on Local Government.

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Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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SENATE BILL No. 145



A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

1 SECTION 1. IC 9-29-11.5-1, AS ADDED BY P.L.83-2008,
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2010]: Sec. 1. As used in this chapter, "accident response
4 service fee" means a fee imposed for any of the following:

- 5 (1) The response by a local law enforcement agency **or fire**
6 **department** to a motor vehicle accident.
- 7 (2) The investigation by a local law enforcement agency **or fire**
8 **department** of a motor vehicle accident.

9 SECTION 2. IC 9-29-11.5-1.5 IS ADDED TO THE INDIANA
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2010]: **Sec. 1.5. As used in this chapter, "fire**
12 **department" means a fire department that is established under**
13 **IC 36-8-2-3 or IC 36-8-13-3(a)(1).**

14 SECTION 3. IC 9-29-11.5-3, AS ADDED BY P.L.83-2008,
15 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2010]: Sec. 3. A political subdivision, ~~or a~~ local law
17 enforcement agency of a political subdivision, **or fire department** may



1 not impose or collect, or enter into a contract for the collection of, an
2 accident response service fee on or from:

- 3 (1) the driver of a motor vehicle; or
 - 4 (2) any other person;
- 5 involved in a motor vehicle accident.

6 SECTION 4. IC 9-29-11.5-4 IS ADDED TO THE INDIANA CODE
7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2010]: **Sec. 4. This chapter does not prohibit a fire department
9 from collecting a fee if specifically permitted under:**

- 10 (1) IC 36-8-12-13;
- 11 (2) IC 36-8-12-16; or
- 12 (3) IC 36-8-12.2.

13 SECTION 5. IC 36-8-23 IS ADDED TO THE INDIANA CODE AS
14 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2010]:

16 **Chapter 23. Response Fees**

17 **Sec. 1. As used in this chapter, "fire department" means a fire
18 department that is established under IC 36-8-2-3 or
19 IC 36-8-13-3(a)(1).**

20 **Sec. 2. As used in this chapter, "hazardous materials
21 emergency" has the meaning set forth in IC 13-11-2-97.**

22 **Sec. 3. As used in this chapter, "local law enforcement agency"
23 means a political subdivision's department or agency whose
24 principal function is the apprehension of criminal offenders.**

25 **Sec. 4. As used in this chapter, "response service fee" means a
26 fee imposed for any of the following:**

- 27 (1) The response by a local law enforcement agency to a fire
28 or hazardous materials emergency.
- 29 (2) Containing, controlling, or cleaning up a fire or hazardous
30 materials emergency by a law enforcement agency or fire
31 department.

32 **Sec. 5. A political subdivision, local law enforcement agency of
33 a political subdivision, or fire department may not impose or
34 collect, or enter into a contract for the collection of, a response
35 service fee on or from the owner or operator of a property involved
36 in a fire or hazardous materials emergency.**

37 **Sec. 6. This chapter does not prohibit a fire department from
38 collecting a fee if specifically permitted under:**

- 39 (1) IC 36-8-12-13;
- 40 (2) IC 36-8-12-16; or
- 41 (3) IC 36-8-12.2.

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