



January 29, 2010

## SENATE BILL No. 145

DIGEST OF SB 145 (Updated January 27, 2010 7:11 pm - DI 87)

**Citations Affected:** IC 9-29; IC 36-8.

**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.  
January 28, 2010, reported favorably — Do Pass.

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SB 145—LS 6631/DI 87+



January 29, 2010

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

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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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COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 145, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 145 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 8, Nays 3.

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