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**PRELIMINARY DRAFT**  
**No. 3030**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2013 GENERAL ASSEMBLY**

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DIGEST

**Citations Affected:** Numerous citations throughout the Indiana Code.

**Synopsis:** Technical corrections. Resolves: (1) technical conflicts between differing 2012 amendments to Indiana Code sections; and (2) other technical problems in the Indiana Code, including incorrect statutory references, nonstandard tabulation, grammatical problems, and misspellings. Strikes subsections that have expired by their own terms. Updates statutory population parameters that were not updated by P.L.119-2012.

**Effective:** Upon passage; April 1, 2012 (retroactive); July 1, 2013.



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A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

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

1 SECTION 1. IC 1-1-3.5-8, AS ADDED BY P.L.119-2012,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 APRIL 1, 2012 (RETROACTIVE)]: Sec. 8. (a) A reference in this  
4 section to amendments made to a statute is a reference to amendments  
5 made during the 2012 regular session of the general assembly.

6 (b) Notwithstanding any other bill enacted during the 2012 regular  
7 session of the Indiana general assembly, this subsection applies to each  
8 SECTION of each bill enacted during the 2012 regular session of the  
9 Indiana general assembly that satisfies all the following:

- 10 (1) The SECTION amends a noncode statute or a provision of the  
11 Indiana Code.  
12 (2) The SECTION takes effect before April 1, 2012.  
13 (3) The SECTION contains an amendment to a population  
14 parameter.

15 The amendment to a population parameter in a SECTION described in  
16 this subsection takes effect April 1, 2012, and the amendment to other  
17 provisions in a SECTION described in this subsection take effect as  
18 otherwise provided in the bill described in this subsection.

19 (c) Notwithstanding any other bill enacted during the 2012 regular  
20 session of the Indiana general assembly, this subsection applies to each  
21 SECTION of each bill enacted during the 2012 regular session of the  
22 Indiana general assembly that satisfies all the following:

- 23 (1) The SECTION enacts a noncode statute or a new provision of  
24 the Indiana Code.  
25 (2) The SECTION takes effect before April 1, 2012.  
26 (3) The SECTION contains a population parameter.

27 Notwithstanding section 3 of this chapter, a population parameter in a  
28 SECTION described in this subsection refers to the population of the  
29 described political subdivisions as tabulated following the 2010  
30 Decennial Census and delivered to the state by the United States  
31 Secretary of Commerce under 13 U.S.C. 141 and received by the



1 governor during 2011.

2 (d) The amendments to change the population parameters in  
3 IC 5-13-9-5.6 take effect April 1, 2012. Any other amendments to  
4 IC 5-13-9-5.6 take effect July 1, 2012.

5 (e) ~~The following apply to the indicated sections of the Indiana  
6 Code repealed during the 2012 session of the general assembly:~~

7 ~~(1) The population parameters in IC 9-23-2-2 refer to the City of  
8 Gary from April 1, 2012, to July 1, 2012.~~

9 ~~(2) The population parameters in IC 9-23-2-4 refer to the City of  
10 Gary from April 1, 2012, to July 1, 2012.~~

11 ~~(3) (e) The population parameters in IC 11-10-5-4 (repealed,  
12 effective July 1, 2012) refer to the following from April 1, 2012, to  
13 July 1, 2012:~~

14 ~~(A) (1) Parke County in IC 11-10-5-4(f)(1).~~

15 ~~(B) (2) Hendricks County in IC 11-10-5-4(f)(2).~~

16 (f) The amendments to change the population parameters in  
17 IC 7.1-3-20-16 are effective April 1, 2012.

18 (g) The amendments to change the population parameters in  
19 IC 36-2-13-15.3 are effective April 1, 2012.

20 (h) The amendments to change the population parameters in  
21 IC 36-8-8-7 are effective April 1, 2012.

22 **(i) The amendments to change the population parameters in  
23 IC 36-2-13-15.3 are effective April 1, 2012.**

24 **(j) Notwithstanding any other bill enacted during the 2012  
25 regular session of the Indiana general assembly, this subsection  
26 applies to each SECTION of each bill enacted during the 2012  
27 regular session of the Indiana general assembly that satisfies all of  
28 the following:**

29 **(1) The SECTION amends a noncode statute or a provision of  
30 the Indiana Code.**

31 **(2) The SECTION, according to its effective date provision,  
32 takes effect after April 1, 2012.**

33 **(3) The SECTION contains an amendment to a population  
34 parameter.**

35 **In a SECTION described in this subsection, the amendment to the  
36 population parameter takes effect April 1, 2012, and any  
37 amendment to a provision other than a population parameter takes  
38 effect as otherwise provided in the bill containing the SECTION.**

39 SECTION 2. IC 2-5.5 IS REPEALED [EFFECTIVE UPON  
40 PASSAGE]. (TEMPORARY LEGISLATIVE STUDY  
41 COMMITTEES).

42 SECTION 3. IC 3-11-4-17, AS AMENDED BY P.L.96-2012,  
43 SECTION 3, AND AS AMENDED BY P.L.121-2012, SECTION 3, IS  
44 CORRECTED AND AMENDED TO READ AS FOLLOWS  
45 [EFFECTIVE UPON PASSAGE]: Sec. 17. Upon receipt of an  
46 application for an absentee ballot, a circuit court clerk shall file the



1 application in the clerk's office and record all of the following in the  
2 statewide voter registration list maintained under IC 3-7-26.3:

3 (1) The voter's name.

4 (2) The date the application is received.

5 (3) *The information provided by the voter under section 5.1(d) of*  
6 *this chapter.*

7 ~~(3)~~ (4) The date the ballot is sent to the voter.

8 ~~(4)~~ (5) If mailed, the address to which the ballot is sent.

9 ~~(5)~~ (6) If transmitted by fax, the fax number to which the ballot is  
10 faxed.

11 ~~(6)~~ (7) The date the ballot is marked before the clerk or otherwise  
12 received from the voter.

13 ~~(7)~~ (8) The combined total number of absentee ballots sent by the  
14 county to absent uniformed services voters and overseas voters.

15 ~~(8)~~ (9) The total number of absentee ballots returned by voters  
16 described in subdivision ~~(7)~~ (8) in time to be counted.

17 ~~(9)~~ (10) The total number of absentee ballots described in  
18 subdivision ~~(7)~~ (8) that were counted in whole or in part.

19 ~~(10)~~ (11) Any other information that is necessary or advisable.

20 SECTION 4. IC 4-3-3-1.1 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.1. (a) An  
22 individual who holds the office of governor for any length of time  
23 during one (1) term of that office is entitled to receive an annual  
24 retirement benefit under subsection (e). ~~Provided~~; However, an  
25 individual who succeeds to the office of governor without being elected  
26 is not entitled to an annual retirement benefit under this section unless  
27 such person serves for more than one (1) year of the term of the office.

28 (b) An individual who holds the office of governor for any length of  
29 time during each of two (2) separate terms of that office is entitled to  
30 receive an annual retirement benefit under subsection (f).

31 (c) If an individual who holds the office of governor resigns or is  
32 removed from office, during a term of that office, for any reason except  
33 a mental or physical disability that renders ~~him~~ **the individual** unable  
34 to discharge the powers and duties of the office, then the term during  
35 which ~~he~~ **the individual** resigned or was removed may not be  
36 considered for determining ~~his~~ **the individual's** annual retirement  
37 benefit under this section.

38 (d) The retirement benefit shall be paid in equal monthly  
39 installments by the treasurer of state on warrant of the auditor of state  
40 after a claim has been made for the retirement benefit to the auditor by  
41 the governor or a person acting on ~~his~~ **the governor's** behalf. A  
42 governor shall choose the date on which ~~he~~ **the governor** will begin  
43 receiving ~~his~~ **the governor's** retirement benefit; however, the date  
44 must be the first state employee payday of a month. A governor may  
45 not receive the retirement benefit as long as ~~he~~ **the governor** holds an  
46 elective position with any federal, state, or local governmental unit, and



1 **he the governor** may not receive the retirement benefit until **he the**  
 2 **governor** has reached at least age sixty-two (62) years. The governor's  
 3 choice of initial benefit payment date and the governor's choice of  
 4 benefit payment amount under subsections (e) and (f) are revocable  
 5 until the governor receives the first monthly installment of **his the**  
 6 **governor's** retirement benefit; after that installment is received, the  
 7 choice of date and the choice of amount are irrevocable.

8 (e) With respect to a governor who is entitled to a retirement benefit  
 9 under subsection (a):

10 (1) if **he the governor** chooses to begin receiving **his the**  
 11 **governor's** retirement benefit on or after the date **he the**  
 12 **governor** reaches age sixty-two (62) years but before **he the**  
 13 **governor** reaches age sixty-five (65) years, **he the governor** may  
 14 choose to receive:

15 (A) the retirement benefits **he the governor** is entitled to, if  
 16 any, from the public employees' retirement fund; or

17 (B) thirty percent (30%) of the governor's annual salary set in  
 18 IC 4-2-1-1 for the remainder of **his the governor's** life; or

19 (2) if **he the governor** chooses to begin receiving **his the**  
 20 **governor's** retirement benefit on or after the date **he the**  
 21 **governor** reaches age sixty-five (65) years, **he the governor** may  
 22 choose to receive:

23 (A) the retirement benefits **he the governor** is entitled to, if  
 24 any, from the public employees' retirement fund; or

25 (B) forty percent (40%) of the governor's annual salary set in  
 26 IC 4-2-1-1 for the remainder of **his the governor's** life.

27 (f) With respect to a governor who is entitled to a retirement benefit  
 28 under subsection (b):

29 (1) if **he the governor** chooses to begin receiving **his the**  
 30 **governor's** retirement benefit on or after the date **he the**  
 31 **governor** reaches age sixty-two (62) years but before **he the**  
 32 **governor** reaches age sixty-five (65) years, **he the governor** may  
 33 choose to receive:

34 (A) the retirement benefits **he the governor** is entitled to, if  
 35 any, from the public employees' retirement fund; or

36 (B) forty percent (40%) of the governor's annual salary set in  
 37 IC 4-2-1-1 for the remainder of **his the governor's** life; or

38 (2) if **he the governor** chooses to begin receiving **his the**  
 39 **governor's** retirement benefit on or after the date **he the**  
 40 **governor** reaches age sixty-five (65) years, **he the governor** may  
 41 choose to receive:

42 (A) the retirement benefits **he the governor** is entitled to, if  
 43 any, from the public employees' retirement fund; or

44 (B) fifty percent (50%) of the governor's annual salary set in  
 45 IC 4-2-1-1 for the remainder of **his the governor's** life.



1 SECTION 5. IC 4-13-1-25, AS ADDED BY P.L.14-2012,  
 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 UPON PASSAGE]: Sec. 25. (a) As used in this section, "emergency  
 4 services equipment" refers to the following:

- 5 (1) Fire trucks.
- 6 (2) Emergency service vehicles.
- 7 (3) Firefighting tools.
- 8 (4) Protective wear.
- 9 (5) Breathing apparatuses.
- 10 (6) Communication devices, including hand held devices and
- 11 vehicle radios.
- 12 (7) Similar products used by public safety service providers.

13 (b) As used in this section, "public safety service provider" has the  
 14 meaning set forth in IC 10-19-9-2.

15 (c) As used in this section, "purchaser" includes the following:

- 16 (1) A political subdivision.
- 17 (2) A fire department established under IC 36-8-2-3.
- 18 (3) A volunteer fire department (as defined in IC 36-8-12-2).
- 19 (4) The board of fire trustees of a fire protection district
- 20 established under IC 36-8-11.
- 21 (5) The provider unit of a fire protection territory established
- 22 under IC 36-8-19.
- 23 (6) A law enforcement agency of a political subdivision.
- 24 (7) An emergency medical services agency of a political
- 25 subdivision.

26 (d) The department shall award quantity purchase agreements under  
 27 IC 5-22 to vendors for the purchase of emergency services equipment.

28 (e) A quantity purchase agreement awarded under this section must  
 29 require the vendor to offer to purchasers emergency services equipment  
 30 under the quantity purchase agreement.

31 (f) Purchasers may participate in the solicitation of **purchase**  
 32 **purchases** of emergency services equipment. To participate in the  
 33 solicitation of **purchases of** emergency services equipment, a  
 34 purchaser must do the following:

- 35 (1) Submit estimated quantities to the department.
- 36 (2) Commit to purchasing the minimum fill percentage submitted
- 37 for solicitation.

38 (g) The department may adopt rules under IC 4-22-2 for  
 39 management and control of the process by which purchasers may  
 40 purchase emergency services equipment under this section.

41 SECTION 6. IC 4-13-19-10, AS ADDED BY P.L.182-2009(ss),  
 42 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 43 UPON PASSAGE]: Sec. 10. (a) The office of the department of child  
 44 services ombudsman shall prepare a report each year on the operations  
 45 of the office.

46 (b) The office of the department of child services ombudsman shall



1 include the following information in the annual report required under  
2 subsection (a):

3 (1) The office of the department of child services ombudsman's  
4 activities.

5 (2) The general status of children in Indiana, including:

6 (A) the health and education of children; and

7 (B) the administration or implementation of programs for  
8 children.

9 (3) Any other issues, concerns, or information concerning  
10 children.

11 (c) A copy of the report shall be provided to the following:

12 (1) The governor.

13 (2) The legislative council.

14 (3) The Indiana department of administration.

15 (4) The department of child services.

16 A report provided under this subsection to the legislative council must  
17 be in an electronic format under IC 5-14-6.

18 (d) A copy of the report shall be posted on the department of child  
19 services' Internet web site and on any Internet web site maintained by  
20 the office of the department of child services ombudsman.

21 ~~(e) An initial report summarizing the activities of the department of~~  
22 ~~child services ombudsman shall be completed by no later than~~  
23 ~~December 1, 2009; and a copy of the report shall be posted on the~~  
24 ~~department of child services' Internet web site and on any Internet web~~  
25 ~~site maintained by the office of the department of child services~~  
26 ~~ombudsman; and shall be provided to the following:~~

27 ~~(1) The governor.~~

28 ~~(2) The legislative council.~~

29 ~~(3) The Indiana department of administration.~~

30 ~~(4) The department of child services.~~

31 ~~A report provided under this subsection to the legislative council must~~  
32 ~~be in an electronic format under IC 5-14-6. This subsection expires~~  
33 ~~December 31, 2009.~~

34 SECTION 7. IC 4-23-7.1-37, AS AMENDED BY P.L.100-2012,  
35 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 UPON PASSAGE]: Sec. 37. (a) The board shall appoint a director to  
37 be the chief administrative officer of the state library.

38 (b) To qualify for the position of director, a person must:

39 (1) be a graduate of a college or university of recognized  
40 standing;

41 (2) have had special training in the technique and organization of  
42 library service; **and**

43 (3) possess such other qualifications as the board, in its discretion,  
44 may deem necessary.

45 SECTION 8. IC 4-23-7.1-39.1, AS ADDED BY P.L.84-2012,  
46 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 39.1. (a) The state library advisory council is  
 2 established for the purpose of advising the board and the state librarian  
 3 concerning:

- 4 (1) general policies of the state library;
- 5 (2) plans or programs for library development and interlibrary  
 6 cooperation;
- 7 (3) library research;
- 8 (4) professional development for librarians;
- 9 (5) standards and rules for library services;
- 10 (6) administration and distribution of state and federal funds; and
- 11 (7) other matters as requested by the board and the state librarian.

12 (b) The advisory council consists of not more than fifteen (15)  
 13 members.

14 (c) The board shall appoint the members of the **advisory** council,  
 15 with nominations for appointment from library organizations and the  
 16 state librarian.

17 (d) Members of the advisory council shall serve two (2) year terms.  
 18 However, the board shall stagger the terms of the initial appointees.

19 (e) Notwithstanding subsection (d), if a member misses a majority  
 20 of the advisory council's meetings in a calendar year, the board may  
 21 remove the member and ~~reappoint~~ **appoint a new** member to serve the  
 22 remainder of the term **of the member removed under this subsection.**

23 (f) A member of the advisory council is not entitled to  
 24 compensation, per diem, or reimbursement for expenses.

25 (g) A quorum of the members must be present for the advisory  
 26 council to take any official action. A quorum of the advisory council  
 27 consists of a majority of the members appointed to the advisory  
 28 council. An affirmative vote by a majority of the members present is  
 29 needed for the advisory council to make a recommendation or take any  
 30 official action.

31 SECTION 9. IC 5-13-9-5.7, AS ADDED BY P.L.43-2012,  
 32 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 UPON PASSAGE]: Sec. 5.7. (a) The fiscal body of a political  
 34 subdivision may adopt an investment policy authorizing the investment  
 35 of public funds of the political subdivision for more than two (2) years  
 36 and not more than five (5) years. The policy must:

- 37 (1) be in writing;
- 38 (2) be adopted at a public meeting;
- 39 (3) provide for the investment of public funds with the approval  
 40 of the investing officer;
- 41 (4) provide that the investments must be made in accordance with  
 42 this article;
- 43 (5) limit the total investments outstanding under this section to  
 44 not more than twenty-five percent (25%) of the total portfolio of  
 45 public funds invested by the political subdivision, including  
 46 balances in transaction accounts; and



1 (6) state a date on which the policy expires, which may not ~~exceed~~  
 2 **be more than** four (4) years **after the date on which the policy**  
 3 **takes effect.**

4 (b) A policy adopted by a fiscal body under subsection (a) remains  
 5 in effect only through the date of expiration established in the policy,  
 6 which may not ~~exceed~~ **be more than** four (4) years **after the date on**  
 7 **which the policy takes effect.**

8 (c) A fiscal body that has adopted a written investment policy under  
 9 subsection (a) may adopt an ordinance authorizing its investing officer  
 10 to make investments having a stated final maturity that is:

11 (1) more than two (2) years; but

12 (2) not more than five (5) years;

13 after the date of purchase or entry into a repurchase agreement.

14 (d) An ordinance adopted by a fiscal body under subsection (c) and  
 15 the power to make an investment described in subsection (c) expire on  
 16 the date on which the policy expires, which may not ~~exceed~~ **be more**  
 17 **than** four (4) years **after the date on which the policy takes effect.**

18 (e) After an investment of public funds of a political subdivision is  
 19 made by the investing officer under this section, the total investments  
 20 of the political subdivision outstanding under this section may not  
 21 exceed twenty-five percent (25%) of the total portfolio of public funds  
 22 invested by the political subdivision, including balances in transaction  
 23 accounts. However, an investment that complies with this section when  
 24 the investment is made remains legal even if:

25 (1) the investment policy has expired; or

26 (2) a subsequent decrease in the total portfolio of public funds  
 27 invested by the political subdivision, including balances in  
 28 transaction accounts, causes the percentage of investments  
 29 outstanding under this section to exceed twenty-five percent  
 30 (25%) of the total portfolio of public funds invested by the  
 31 political subdivision.

32 (f) An investing officer may contract with a federally regulated  
 33 investment advisor or other institutional money manager to make  
 34 investments under this section.

35 SECTION 10. IC 5-22-1-0.1, AS ADDED BY P.L.220-2011,  
 36 SECTION 100, IS AMENDED TO READ AS FOLLOWS  
 37 [EFFECTIVE UPON PASSAGE]: Sec. 0.1. The amendments made to  
 38 section 3 of this chapter by ~~P.L.222-2005~~ **in the 2005 regular session**  
 39 **of the general assembly** apply only to a contract entered into or  
 40 renewed after ~~May 11, 2005~~. **May 6, 2005.**

41 SECTION 11. IC 5-22-2-0.1, AS ADDED BY P.L.220-2011,  
 42 SECTION 101, IS AMENDED TO READ AS FOLLOWS  
 43 [EFFECTIVE UPON PASSAGE]: Sec. 0.1. The amendments made to  
 44 section 1 of this chapter by ~~P.L.222-2005~~ **in the 2005 regular session**  
 45 **of the general assembly** apply only to a contract entered into or  
 46 renewed after ~~May 11, 2005~~. **May 6, 2005.**



1 SECTION 12. IC 5-22-3-0.1, AS ADDED BY P.L.220-2011,  
 2 SECTION 102, IS AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE UPON PASSAGE]: Sec. 0.1. The addition of section 7  
 4 of this chapter by ~~P.L.222-2005~~ **in the 2005 regular session of the**  
 5 **general assembly** applies only to a contract entered into or renewed  
 6 after ~~May 11, 2005~~: **May 6, 2005.**

7 SECTION 13. IC 5-28-33-3, AS ADDED BY P.L.152-2009,  
 8 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 UPON PASSAGE]: Sec. 3. (a) The corporation shall develop a high  
 10 speed Internet service deployment and adoption initiative that includes  
 11 the creation of a statewide geographic information system (GIS) of  
 12 available telecommunications and information technology services,  
 13 including high speed Internet service.

14 (b) The corporation shall map the availability of broadband service  
 15 by census blocks established by the Bureau of the Census and depicted  
 16 in the GIS. A map created under this subsection may:

17 (1) include the percentage of households that have access to  
 18 broadband service; and

19 (2) use the Federal Communications Commission benchmark  
 20 rates for broadband service to identify different speed tiers.

21 ~~(c) After creating the map under subsection (b), the corporation~~  
 22 ~~shall update the GIS at least every six (6) months. This subsection~~  
 23 ~~expires December 31, 2010.~~

24 ~~(d)~~ (c) The corporation shall share the map created under subsection  
 25 (b) and the GIS, including updates, with the Indiana Geographic  
 26 Information Council (as referred to in IC 4-23-7.3-6) as a data layer to  
 27 the statewide base map (as defined in IC 4-23-7.3-11).

28 SECTION 14. IC 6-1.1-18-12, AS AMENDED BY P.L.112-2012,  
 29 SECTION 34, AND AS AMENDED BY P.L.137-2012, SECTION 30,  
 30 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 31 [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) For purposes of this  
 32 section, "maximum rate" refers to the maximum:

33 (1) property tax rate or rates; or

34 (2) special benefits tax rate or rates;

35 referred to in the statutes listed in subsection (d).

36 (b) The maximum rate for taxes first due and payable after 2003 is  
 37 the maximum rate that would have been determined under subsection  
 38 (e) for taxes first due and payable in 2003 if subsection (e) had applied  
 39 for taxes first due and payable in 2003.

40 (c) The maximum rate must be adjusted each year to account for the  
 41 change in assessed value of real property that results from:

42 (1) an annual adjustment of the assessed value of real property  
 43 under IC 6-1.1-4-4.5; ~~or~~

44 (2) a general reassessment of real property under IC 6-1.1-4-4; *or*

45 (3) *a reassessment under a county's reassessment plan prepared*  
 46 *under IC 6-1.1-4-4.2.*



- 1 (d) The statutes to which subsection (a) refers are:  
2 (1) IC 8-10-5-17;  
3 (2) IC 8-22-3-11;  
4 (3) IC 8-22-3-25;  
5 (4) IC 12-29-1-1;  
6 (5) IC 12-29-1-2;  
7 (6) IC 12-29-1-3;  
8 (7) IC 12-29-3-6;  
9 (8) IC 13-21-3-12;  
10 (9) IC 13-21-3-15;  
11 (10) IC 14-27-6-30;  
12 (11) IC 14-33-7-3;  
13 (12) IC 14-33-21-5;  
14 (13) IC 15-14-7-4;  
15 (14) IC 15-14-9-1;  
16 (15) IC 15-14-9-2;  
17 (16) IC 16-20-2-18;  
18 (17) IC 16-20-4-27;  
19 (18) IC 16-20-7-2;  
20 (19) IC 16-22-14;  
21 (20) IC 16-23-1-29;  
22 (21) IC 16-23-3-6;  
23 (22) IC 16-23-4-2;  
24 (23) IC 16-23-5-6;  
25 (24) IC 16-23-7-2;  
26 (25) IC 16-23-8-2;  
27 (26) IC 16-23-9-2;  
28 (27) IC 16-41-15-5;  
29 (28) IC 16-41-33-4;  
30 (29) IC 20-46-2-3 (before its repeal on January 1, 2009);  
31 (30) IC 20-46-6-5;  
32 (31) IC 20-49-2-10;  
33 (32) IC 36-1-19-1;  
34 (33) IC 23-14-66-2;  
35 (34) IC 23-14-67-3;  
36 (35) IC 36-7-13-4;  
37 (36) IC 36-7-14-28;  
38 (37) IC 36-7-15.1-16;  
39 (38) IC 36-8-19-8.5;  
40 (39) IC 36-9-6.1-2;  
41 (40) IC 36-9-17.5-4;  
42 (41) IC 36-9-27-73;  
43 (42) IC 36-9-29-31;  
44 (43) IC 36-9-29.1-15;  
45 (44) IC 36-10-6-2;  
46 (45) IC 36-10-7-7;



- 1 (46) IC 36-10-7-8;  
 2 (47) IC 36-10-7.5-19;  
 3 (48) IC 36-10-13-5;  
 4 (49) IC 36-10-13-7;  
 5 (50) IC 36-10-14-4;  
 6 (51) IC 36-12-7-7;  
 7 (52) IC 36-12-7-8;  
 8 (53) IC 36-12-12-10;  
 9 (54) a statute listed in IC 6-1.1-18.5-9.8; and  
 10 ~~(54)~~ (55) any statute enacted after December 31, 2003, that:  
 11 (A) establishes a maximum rate for any part of the:  
 12 (i) property taxes; or  
 13 (ii) special benefits taxes;  
 14 imposed by a political subdivision; and  
 15 (B) does not exempt the maximum rate from the adjustment  
 16 under this section.  
 17 (e) *For property tax rates imposed for property taxes first due and*  
 18 *payable after December 31, 2012, the new maximum rate under a*  
 19 *statute listed in subsection (d) is the tax rate determined under STEP*  
 20 *~~SEVEN~~ EIGHT of the following STEPS:*  
 21 *STEP ONE: Except as provided in subsection (g), determine the*  
 22 *maximum rate for the political subdivision levying a property tax*  
 23 *or special benefits tax under the statute for the year preceding the*  
 24 *year in which the annual adjustment or ~~general~~ the reassessment*  
 25 *under IC 6-1.1-4-4 or IC 6-1.1-4-4.2 takes effect.*  
 26 *STEP TWO: Except as provided in subsection (g), Determine the*  
 27 *actual percentage change (rounded to the nearest one-hundredth*  
 28 *percent (0.01%)) in the assessed value (before the adjustment, if*  
 29 *any, under IC 6-1.1-4-4.5) of the taxable property from the year*  
 30 *preceding the year the annual adjustment or ~~general~~ the*  
 31 *reassessment under IC 6-1.1-4-4 or IC 6-1.1-4-4.2 takes effect to*  
 32 *the year that the annual adjustment or ~~general~~ the reassessment*  
 33 *under IC 6-1.1-4-4 or IC 6-1.1-4-4.2 takes effect.*  
 34 *STEP THREE: Determine the three (3) calendar years that*  
 35 *immediately precede the ensuing calendar year and in which a*  
 36 *statewide general reassessment of real property under*  
 37 *IC 6-1.1-4-4 does not first take effect.*  
 38 *STEP FOUR: Except as provided in subsection (g), Compute*  
 39 *separately, for each of the calendar years determined in STEP*  
 40 *THREE, the actual percentage change (rounded to the nearest*  
 41 *one-hundredth percent (0.01%)) in the assessed value (before the*  
 42 *adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property*  
 43 *from the preceding year.*  
 44 *STEP FIVE: Divide the sum of the three (3) quotients computed*  
 45 *in STEP FOUR by three (3).*  
 46 *STEP SIX: Determine the greater of the following:*



- 1                   (A) Zero (0).  
 2                   (B) The STEP FIVE result.  
 3           STEP ~~SIX~~: SEVEN: Determine the greater of the following:  
 4                   (A) Zero (0).  
 5                   (B) The result of the STEP TWO percentage minus the STEP  
 6                   ~~FIVE SIX~~ percentage.  
 7           STEP ~~SEVEN~~: EIGHT: Determine the quotient of the STEP ONE  
 8           tax rate divided by the sum of one (1) plus the STEP ~~SIX SEVEN~~  
 9           percentage. ~~increase~~.  
 10           (f) The department of local government finance shall compute the  
 11           maximum rate allowed under subsection (e) and provide the rate to  
 12           each political subdivision with authority to levy a tax under a statute  
 13           listed in subsection (d).  
 14           (g) ~~This subsection applies to STEP TWO and STEP FOUR of~~  
 15           ~~subsection (e) for taxes first due and payable after 2011. If the~~  
 16           ~~assessed value change used in the STEPS was not an increase, the~~  
 17           ~~STEPS are applied using instead:~~  
 18                   (1) ~~the actual percentage decrease (rounded to the nearest~~  
 19                   ~~one-hundredth percent (0.01%)) in the assessed value (before the~~  
 20                   ~~adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property;~~  
 21                   ~~or~~  
 22                   (2) ~~zero (0) if the assessed value did not increase or decrease.~~  
 23           (g) ~~This subsection applies only when calculating the maximum rate~~  
 24           ~~for taxes due and payable in calendar year 2013. The STEP ONE~~  
 25           ~~result is the greater of the following:~~  
 26                   (1) ~~The actual maximum rate established for property taxes first~~  
 27                   ~~due and payable in calendar year 2012.~~  
 28                   (2) ~~The maximum rate that would have been established for~~  
 29                   ~~property taxes first due and payable in calendar year 2012 if the~~  
 30                   ~~maximum rate had been established under the formula under this~~  
 31                   ~~section, as amended in the 2012 session of the general assembly.~~  
 32           SECTION 15. IC 6-1.1-18.5-9.8, AS AMENDED BY P.L.137-2012,  
 33           SECTION 33, AND AS AMENDED BY P.L.112-2012, SECTION 36,  
 34           IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 35           [EFFECTIVE UPON PASSAGE]: Sec. 9.8. ~~(a)~~ For purposes of  
 36           determining the property tax levy limit imposed on a city, town, or  
 37           county under section 3 of this chapter, the city, town, or county's ad  
 38           valorem property tax levy for a particular calendar year does not  
 39           include an amount equal to the lesser of:  
 40                   (1) the amount of ad valorem property taxes that would be first  
 41                   due and payable to the city, town, or county during the ensuing  
 42                   calendar year if the taxing unit imposed the maximum permissible  
 43                   property tax rate per one hundred dollars (\$100) of assessed  
 44                   valuation that the civil taxing unit may impose for the particular  
 45                   calendar year under the authority of IC 36-9-14.5 (in the case of  
 46                   a county) or IC 36-9-15.5 (in the case of a city or town); or



- 1 (2) the excess, if any, of:  
 2 (A) the property taxes imposed by the city, town, or county  
 3 under the authority of:  
 4 IC 3-11-6-9;  
 5 IC 8-16-3;  
 6 IC 8-16-3.1;  
 7 IC 8-22-3-25;  
 8 IC 14-27-6-48;  
 9 IC 14-33-9-3;  
 10 IC 16-22-8-41;  
 11 IC 16-22-5-2 through IC 16-22-5-15;  
 12 IC 16-23-1-40;  
 13 IC 36-8-14;  
 14 IC 36-9-4-48;  
 15 IC 36-9-14;  
 16 IC 36-9-14.5;  
 17 IC 36-9-15;  
 18 IC 36-9-15.5;  
 19 IC 36-9-16;  
 20 IC 36-9-16.5;  
 21 IC 36-9-17;  
 22 IC 36-9-26;  
 23 IC 36-9-27-100;  
 24 IC 36-10-3-21; or  
 25 IC 36-10-4-36;  
 26 that are first due and payable during the ensuing calendar year;  
 27 over  
 28 (B) the property taxes imposed by the city, town, or county  
 29 under the authority of the citations listed in clause (A) that  
 30 were first due and payable during calendar year 1984.  
 31 *(b) The maximum property tax rate levied under the statutes listed*  
 32 *in subsection (a) must be adjusted each year to account for the change*  
 33 *in assessed value of real property that results from:*  
 34 *(1) an annual adjustment of the assessed value of real property*  
 35 *under IC 6-1.1-4-4.5;*  
 36 *(2) a general reassessment of real property under IC 6-1.1-4-4;*  
 37 *or*  
 38 *(3) a reassessment under a county's reassessment plan prepared*  
 39 *under IC 6-1.1-4-4.2.*  
 40 *(c) The new maximum rate under a statute listed in subsection (a)*  
 41 *is the tax rate determined under STEP SEVEN of the following*  
 42 *formula:*  
 43 *STEP ONE: Determine the maximum rate for the political*  
 44 *subdivision levying a property tax under the statute for the year*  
 45 *preceding the year in which the annual adjustment or the*  
 46 *reassessment under IC 6-1.1-4-4 or IC 6-1.1-4-4.2 takes effect.*



1           *STEP TWO: Subject to subsection (e), determine the actual*  
 2           *percentage change (rounded to the nearest one-hundredth*  
 3           *percent (0.01%)) in the assessed value (before the adjustment, if*  
 4           *any, under IC 6-1.1-4-4.5) of the taxable property from the year*  
 5           *preceding the year the annual adjustment or the reassessment*  
 6           *under IC 6-1.1-4-4 or IC 6-1.1-4-4.2 takes effect to the year that*  
 7           *the annual adjustment or the reassessment is effective.*

8           *STEP THREE: Determine the three (3) calendar years that*  
 9           *immediately precede the ensuing calendar year and in which a*  
 10           *statewide general reassessment of real property under*  
 11           *IC 6-1.1-4-4 does not first become effective.*

12           *STEP FOUR: Subject to subsection (e), compute separately, for*  
 13           *each of the calendar years determined in STEP THREE, the*  
 14           *actual percentage change (rounded to the nearest one-hundredth*  
 15           *percent (0.01%)) in the assessed value (before the adjustment, if*  
 16           *any, under IC 6-1.1-4-4.5) of the taxable property from the*  
 17           *preceding year.*

18           *STEP FIVE: Divide the sum of the three (3) quotients computed*  
 19           *in STEP FOUR by three (3).*

20           *STEP SIX: Determine the greater of the following:*

21            (A) Zero (0).

22            (B) The result of the STEP TWO percentage minus the STEP  
 23            FIVE percentage.

24           *STEP SEVEN: Determine the quotient of the STEP ONE tax rate*  
 25           *divided by the sum of one (1) plus the STEP SIX percentage*  
 26           *increase.*

27            (d) The department of local government finance shall compute the  
 28            maximum rate allowed under subsection (c) and provide the rate to  
 29            each political subdivision with authority to levy a tax under a statute  
 30            listed in subsection (a).

31            (e) This subsection applies to STEP TWO and STEP FOUR of  
 32            subsection (c) for taxes first due and payable after 2011. If the  
 33            assessed value change used in the STEPS was not an increase, the  
 34            STEPS are applied using instead:

35            (1) the actual percentage decrease (rounded to the nearest  
 36            one-hundredth percent (0.01%)) in the assessed value (before the  
 37            adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property;  
 38            or

39            (2) zero (0) if the assessed value did not increase or decrease.

40            SECTION 16. IC 6-1.1-22.5-12, AS AMENDED BY P.L.172-2011,  
 41            SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42            UPON PASSAGE]: Sec. 12. (a) Except as provided by subsection (c),  
 43            each reconciling statement must be on a form prescribed by the  
 44            department of local government finance and must indicate:

45            (1) the actual property tax liability under this article for the  
 46            calendar year for which the reconciling statement is issued;



- 1 (2) the total amount paid under the provisional statement for the  
 2 property for which the reconciling statement is issued;  
 3 (3) if the amount under subdivision (1) exceeds the amount under  
 4 subdivision (2), that the excess is payable by the taxpayer:  
 5 (A) as a final reconciliation of the tax liability; and  
 6 (B) not later than:  
 7 (i) thirty (30) days after the date of the reconciling  
 8 statement;  
 9 (ii) if the county treasurer requests in writing that the  
 10 commissioner designate a later date, the date designated by  
 11 the commissioner; or  
 12 (iii) the date specified in an ordinance adopted under section  
 13 18.5 of this chapter; and  
 14 (4) if the amount under subdivision (2) exceeds the amount under  
 15 subdivision (1), that the taxpayer may claim a refund of the excess  
 16 under IC 6-1.1-26.
- 17 (b) If, upon receipt of the abstract required by IC 6-1.1-22-5 or upon  
 18 determination of the tax rate of the cross-county entity referred to in  
 19 section 6.5 of this chapter, the county treasurer determines that it is  
 20 possible to complete the:  
 21 (1) preparation; and  
 22 (2) mailing or transmittal;  
 23 of the reconciling statement at least thirty (30) days before the due date  
 24 of the second installment specified in the provisional statement, the  
 25 county treasurer may request in writing that the department of local  
 26 government finance permit the county treasurer to issue a reconciling  
 27 statement that adjusts the amount of the second installment that was  
 28 specified in the provisional statement. If the department approves the  
 29 county treasurer's request, the county treasurer shall prepare and mail  
 30 or transmit the reconciling statement at least thirty (30) days before the  
 31 due date of the second installment specified in the provisional  
 32 statement.
- 33 (c) A reconciling statement prepared under subsection (b) must  
 34 indicate:  
 35 (1) the actual property tax liability under this article for the  
 36 calendar year for the property for which the reconciling statement  
 37 is issued;  
 38 (2) the total amount of the first installment paid under the  
 39 provisional statement for the property for which the reconciling  
 40 statement is issued;  
 41 (3) if the amount under subdivision (1) exceeds the amount under  
 42 subdivision (2), the adjusted amount of the second installment  
 43 that is payable by the taxpayer:  
 44 (A) as a final reconciliation of the tax liability; and  
 45 (B) not later than:  
 46 (i) November 10; or



1 (ii) if the county treasurer requests in writing that the  
 2 commissioner designate a later date, the date designated by  
 3 the commissioner; and

4 (4) if the amount under subdivision (2) exceeds the amount under  
 5 subdivision (1), that the taxpayer may claim a refund of the excess  
 6 under IC 6-1.1-26.

7 ~~(d) At the election of a county auditor, a checklist required by~~  
 8 ~~IC 6-1.1-22-8.1(b)(8) and a notice required by IC 6-1.1-22-8.1(b)(9)~~  
 9 ~~may be sent to a taxpayer with a reconciling statement under this~~  
 10 ~~section. This subsection expires January 1, 2013.~~

11 ~~(e) (d)~~ In a county in which an authorizing ordinance is adopted  
 12 under IC 6-1.1-22-8.1(h), a person may direct the county treasurer to  
 13 transmit a reconciling statement by electronic mail under  
 14 IC 6-1.1-22-8.1(h).

15 ~~(f) (e)~~ A reconciling statement may include any adjustment  
 16 authorized by the department of local government finance under  
 17 section 8(e) of this chapter and approved by the county treasurer.

18 SECTION 17. IC 6-1.1-35.5-4.5, AS AMENDED BY P.L.146-2012,  
 19 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 UPON PASSAGE]: Sec. 4.5. (a) The department shall:

21 (1) administer a program for level three assessor-appraiser  
 22 certifications;

23 (2) design a curriculum for level three assessor-appraiser  
 24 certification candidates that:

25 (A) specifies educational criteria for acceptable tested courses  
 26 offered by:

27 (i) nationally recognized assessing organizations;

28 (ii) postsecondary educational institutions; or

29 (iii) other education delivery organizations;

30 in each subject matter area of the curriculum; and

31 (B) requires superior knowledge of assessment administration  
 32 and property valuation concepts; and

33 (3) carry out a program to approve courses that meet the  
 34 requirements of the curriculum described in subdivision (2) and  
 35 approve course sponsors that provide these courses.

36 Only an approved sponsor may offer a course that meets the curriculum  
 37 requirements for level three assessor-appraiser certification candidates.

38 The department shall establish procedures and requirements for  
 39 courses and course sponsors that permit the department to verify that  
 40 sponsors and courses meet the standards established by the department  
 41 and that candidates comply with these standards. The department shall  
 42 maintain a list of approved sponsors and approved courses that meet  
 43 the criteria for the level three assessor-appraiser certification  
 44 curriculum designed under subsection (a)(2).

45 (b) The department of local government finance may adopt rules  
 46 under IC 4-22-2 to implement this section. The department of local



1 ~~government~~ may adopt temporary rules in the manner provided for the  
 2 adoption of emergency rules in IC 4-22-2-37.1 to carry out a program  
 3 to approve courses that meet the requirements of the curriculum  
 4 described in subdivision (2) and approve course sponsors that provide  
 5 these courses. A temporary rule adopted under this subsection expires  
 6 on the earliest of the following:

- 7 (1) The date specified in the temporary rule.
- 8 (2) The date that another temporary rule or rule adopted under  
 9 IC 4-22-2 supersedes or repeals the temporary rule.
- 10 (3) January 1, 2014.

11 SECTION 18. IC 6-1.1-37-11, AS AMENDED BY P.L.137-2012,  
 12 SECTION 40, AND AS AMENDED BY P.L.146-2012, SECTION 7,  
 13 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 14 [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) If a taxpayer is entitled  
 15 to a property tax refund or credit because an assessment is decreased,  
 16 the taxpayer shall also be paid, or credited with, interest on the excess  
 17 taxes that the taxpayer paid at the rate of four percent (4%) per annum.  
 18 *However, in the case of an assessment that is decreased by the Indiana*  
 19 *board or the Indiana tax court, the taxpayer is not entitled to the*  
 20 *greater of five hundred dollars (\$500) or twenty percent (20%) of the*  
 21 *interest to which the taxpayer would otherwise be entitled on the*  
 22 *excess taxes unless the taxpayer affirms, under penalty of perjury, that*  
 23 *substantive evidence supporting the taxpayer's position had been:*

- 24 (1) *presented by the taxpayer to the assessor before; or*
- 25 (2) *introduced by the taxpayer at;*

26 *the hearing held by the county property tax assessment board of*  
 27 *appeals. An appraisal may not be required by the county property tax*  
 28 *assessment board of appeals or the assessor in a proceeding before the*  
 29 *county property tax assessment board of appeals or in a preliminary*  
 30 *informal meeting under IC 6-1.1-15-1(h)(2).*

31 (b) For purposes of this section and except as provided in subsection  
 32 (c), the interest shall be computed from the date on which the taxes  
 33 were paid or due, whichever is later, to the date of the refund or credit.  
 34 *If a taxpayer is sent a provisional tax statement and is later sent a final*  
 35 *or reconciling tax statement, interest shall be computed after the date*  
 36 *on which the taxes were paid or first due under the provisional tax*  
 37 *statement, whichever is later, through the date of the refund or credit.*

38 (c) This subsection applies if a taxpayer who is entitled to a refund  
 39 or credit does not make a written request for the refund or credit to the  
 40 county auditor within forty-five (45) days after the final determination  
 41 of the county property tax assessment board of appeals, the state board  
 42 of tax commissioners, the department of local government finance, the  
 43 Indiana board, or the tax court that entitles the taxpayer to the refund  
 44 or credit. In the case of a taxpayer described in this subsection, the  
 45 interest shall be computed from the date on which the taxes were paid  
 46 or due to the date that is forty-five (45) days after the final



1 determination of the county property tax assessment board of appeals,  
 2 the state board of tax commissioners, the department of local  
 3 government finance, the Indiana board of tax review, or the Indiana tax  
 4 court. In any event, a property tax refund or credit must be issued not  
 5 later than ninety (90) days after the request is received.

6 SECTION 19. IC 6-2.5-3-2, AS AMENDED BY P.L.153-2012,  
 7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 UPON PASSAGE]: Sec. 2. (a) An excise tax, known as the use tax, is  
 9 imposed on the storage, use, or consumption of tangible personal  
 10 property in Indiana if the property was acquired in a retail transaction,  
 11 regardless of the location of that transaction or of the retail merchant  
 12 making that transaction.

13 (b) The use tax is also imposed on the storage, use, or consumption  
 14 of a vehicle, an aircraft, or a watercraft, if the vehicle, aircraft, or  
 15 watercraft:

16 (1) is acquired in a transaction that is an isolated or occasional  
 17 sale; and

18 (2) is required to be titled, licensed, or registered by this state for  
 19 use in Indiana.

20 (c) The use tax is imposed on the addition of tangible personal  
 21 property to a structure or facility, if, after its addition, the property  
 22 becomes part of the real estate on which the structure or facility is  
 23 located. However, the use tax does not apply to additions of tangible  
 24 personal property described in this subsection, if:

25 (1) the state gross retail or use tax has been previously imposed  
 26 on the sale or use of that property; or

27 (2) the ultimate purchaser or recipient of that property would have  
 28 been exempt from the state gross retail and use taxes if that  
 29 purchaser or recipient had directly purchased the property from  
 30 the supplier for addition to the structure or facility.

31 (d) The use tax is imposed on a person who:

32 (1) manufactures, fabricates, or assembles tangible personal  
 33 property from materials either within or outside Indiana; and

34 (2) uses, stores, distributes, or consumes tangible personal  
 35 property in Indiana.

36 (e) Notwithstanding any other provision of this section, the use tax  
 37 is not imposed on the keeping, retaining, or exercising of any right or  
 38 power over tangible personal property, if:

39 (1) the property is delivered into Indiana by or for the purchaser  
 40 of the property;

41 (2) the property is delivered in Indiana for the sole purpose of  
 42 being processed, printed, fabricated, or manufactured into,  
 43 attached to, or incorporated into other tangible personal property;  
 44 and

45 (3) the property is subsequently transported out of state for use  
 46 solely outside Indiana.



1 (f) As used in subsection (g) and IC 6-2.5-5-42:

2 (1) "completion work" means the addition of tangible personal  
3 property to or reconfiguration of the interior of an aircraft, if the  
4 work requires the issuance of an airworthiness certificate from  
5 the:

6 (A) Federal Aviation Administration; or

7 (B) equivalent foreign regulatory authority;

8 due to the change in the type certification basis of the aircraft  
9 resulting from the addition to or reconfiguration of the interior of  
10 the aircraft;

11 (2) "delivery" means the physical delivery of the aircraft  
12 regardless of who holds title; and

13 (3) "prepurchase evaluation" means an examination of an aircraft  
14 by a potential purchaser for the purpose of obtaining information  
15 relevant to the potential purchase of the aircraft.

16 (g) Notwithstanding any other provision of this section, the use tax  
17 is not imposed on the keeping, retaining, or exercising of any right or  
18 power over an aircraft, if:

19 (1) the aircraft is or will be titled, registered, or based (as defined  
20 in IC 6-6-6.5-1(m)) in another state or country;

21 (2) the aircraft is delivered to Indiana by or for a nonresident  
22 owner or purchaser of the aircraft;

23 (3) the aircraft is delivered to Indiana for the sole purpose of  
24 being repaired, refurbished, remanufactured, or subjected to  
25 completion work or a prepurchase evaluation; and

26 (4) after completion of the repair, refurbishment, remanufacture,  
27 completion work, or prepurchase evaluation, the aircraft is  
28 transported to a destination outside Indiana.

29 (h) The amendments made to this section by ~~the act enacted in 2012~~  
30 **P.L.153-2012** shall be interpreted to specify and not to change the  
31 general assembly's intent with respect to this section.

32 SECTION 20. IC 6-2.5-8-7, AS AMENDED BY P.L.78-2012,  
33 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 UPON PASSAGE]: Sec. 7. (a) The department may, for good cause,  
35 revoke a certificate issued under section 1, 3, or 4 of this chapter.  
36 However, the department must give the certificate holder at least five  
37 (5) days notice before it revokes the certificate under this subsection.

38 (b) The department shall revoke a certificate issued under section  
39 1, 3, or 4 of this chapter if, for a period of three (3) years, the certificate  
40 holder fails to:

41 (1) file the returns required by IC 6-2.5-6-1; or

42 (2) report the collection of any state gross retail or use tax on the  
43 returns filed under IC 6-2.5-6-1.

44 However, the department must give the certificate holder at least five  
45 (5) days notice before it revokes the certificate.

46 (c) The department may, for good cause, revoke a certificate issued



1 under section 1 of this chapter after at least five (5) days notice to the  
2 certificate holder if:

3 (1) the certificate holder is subject to an innkeeper's tax under  
4 IC 6-9; and

5 (2) a board, bureau, or commission established under IC 6-9 files  
6 a written statement with the department.

7 (d) The statement filed under subsection (c) must state that:

8 (1) information obtained by the board, bureau, or commission  
9 under IC 6-8.1-7-1 indicates that the certificate holder has not  
10 complied with IC 6-9; and

11 (2) the board, bureau, or commission has determined that  
12 significant harm will result to the county from the certificate  
13 holder's failure to comply with IC 6-9.

14 (e) The department shall revoke or suspend a certificate issued  
15 under section 1 of this chapter after at least five (5) days notice to the  
16 certificate holder if:

17 (1) the certificate holder owes taxes, penalties, fines, interest, or  
18 costs due under IC 6-1.1 that remain unpaid at least sixty (60)  
19 days after the due date under IC 6-1.1; and

20 (2) the treasurer of the county to which the taxes are due requests  
21 the department to revoke or suspend the certificate.

22 (f) The department shall reinstate a certificate suspended under  
23 subsection (e) if the taxes and any penalties due under IC 6-1.1 are paid  
24 or the county treasurer requests the department to reinstate the  
25 certificate because an agreement for the payment of taxes and any  
26 penalties due under IC 6-1.1 has been reached to the satisfaction of the  
27 county treasurer.

28 (g) The department shall revoke a certificate issued under section  
29 1 of this chapter after at least five (5) days notice to the certificate  
30 holder if the department finds in a public hearing by a preponderance  
31 of the evidence that the certificate holder has violated IC 35-45-5-3,  
32 IC 35-45-5-3.5, or IC 35-45-5-4.

33 (h) If a person makes a payment for the certificate under section 1  
34 or 3 of this chapter with a check, credit card, debit card, or electronic  
35 funds transfer, and the department is unable to obtain payment of the  
36 check, credit card, debit card, or electronic funds transfer for its full  
37 face amount when the check, credit card, debit card, or electronic funds  
38 transfer is presented for payment through normal banking channels, the  
39 department shall notify the person by mail that the check, credit card,  
40 debit card, or electronic funds transfer was not honored and that the  
41 person has five (5) days after the notice is mailed to pay the fee in cash,  
42 by certified check, or other guaranteed payment. If the person fails to  
43 make the payment within the five (5) day period, the department shall  
44 revoke the certificate.

45 (i) If the department finds in a public hearing by a preponderance of  
46 the evidence that a person has been convicted of violating



1 IC 35-48-4-10 and the conviction involved the sale or the offer to sell,  
 2 in the normal course of business, a synthetic drug by a retail merchant  
 3 in a place of business for which the retail merchant has been issued a  
 4 registered retail merchant certificate under section 1 of this chapter, the  
 5 department:

6 (1) shall suspend the registered retail merchant certificate for the  
 7 place of business for one (1) year; and

8 (2) may not issue another retail merchant certificate under section  
 9 1 of this chapter for one (1) year to any person:

10 (A) that:

11 (i) applied for; or

12 (ii) made a retail transaction under;

13 the retail merchant certificate suspended under subdivision  
 14 (1); or

15 (B) that:

16 (i) owned or co-owned, directly or indirectly; or

17 (ii) was an officer, a director, a manager, or a partner of;

18 the retail merchant that was issued the retail merchant  
 19 certificate suspended under subdivision (1).

20 SECTION 21. IC 6-3.1-20-4, AS AMENDED BY P.L.6-2012,  
 21 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 UPON PASSAGE]: Sec. 4. (a) Except as provided in subsection (b), an  
 23 individual is entitled to a credit under this chapter if:

24 (1) the individual's earned income for the taxable year is less than  
 25 eighteen thousand six hundred **dollars** (\$18,600); and

26 (2) the individual pays property taxes in the taxable year on a  
 27 homestead that:

28 (A) the individual:

29 (i) owns; or

30 (ii) is buying under a contract that requires the individual to  
 31 pay property taxes on the homestead, if the contract or a  
 32 memorandum of the contract is recorded in the county  
 33 recorder's office; and

34 (B) is located in a county having a population of more than  
 35 four hundred thousand (400,000) but less than seven hundred  
 36 thousand (700,000).

37 (b) An individual is not entitled to a credit under this chapter for a  
 38 taxable year for property taxes paid on the individual's homestead if the  
 39 individual claims the deduction under IC 6-3-1-3.5(a)(15) for the  
 40 homestead for that same taxable year.

41 SECTION 22. IC 6-3.5-1.1-25, AS AMENDED BY P.L.132-2012,  
 42 SECTION 3, AND AS AMENDED BY P.L.137-2012, SECTION 72,  
 43 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 44 [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) As used in this section,  
 45 "public safety" refers to the following:

46 (1) A police and law enforcement system to preserve public peace



- 1 and order.
- 2 (2) A firefighting and fire prevention system.
- 3 (3) Emergency ambulance services (as defined in  
4 IC 16-18-2-107).
- 5 (4) Emergency medical services (as defined in IC 16-18-2-110).
- 6 (5) Emergency action (as defined in IC 13-11-2-65).
- 7 (6) A probation department of a court.
- 8 (7) Confinement, supervision, services under a community  
9 corrections program (as defined in IC 35-38-2.6-2), or other  
10 correctional services for a person who has been:
- 11 (A) diverted before a final hearing or trial under an agreement  
12 that is between the county prosecuting attorney and the person  
13 or the person's custodian, guardian, or parent and that provides  
14 for confinement, supervision, community corrections services,  
15 or other correctional services instead of a final action  
16 described in clause (B) or (C);
- 17 (B) convicted of a crime; or
- 18 (C) adjudicated as a delinquent child or a child in need of  
19 services.
- 20 (8) A juvenile detention facility under IC 31-31-8.
- 21 (9) A juvenile detention center under IC 31-31-9.
- 22 (10) A county jail.
- 23 (11) A communications system (as defined in IC 36-8-15-3), ~~or~~  
24 an enhanced emergency telephone system (as defined in  
25 IC 36-8-16-2 *(before its repeal on July 1, 2012)*), or the statewide  
26 911 system (as defined in IC 36-8-16.7-22).
- 27 (12) Medical and health expenses for jail inmates and other  
28 confined persons.
- 29 (13) Pension payments for any of the following:
- 30 (A) A member of the fire department (as defined in  
31 IC 36-8-1-8) or any other employee of a fire department.
- 32 (B) A member of the police department (as defined in  
33 IC 36-8-1-9), a police chief hired under a waiver under  
34 IC 36-8-4-6.5, or any other employee hired by a police  
35 department.
- 36 (C) A county sheriff or any other member of the office of the  
37 county sheriff.
- 38 (D) Other personnel employed to provide a service described  
39 in this section.
- 40 (b) If a county council has imposed a tax rate of at least twenty-five  
41 hundredths of one percent (0.25%) under section 24 of this chapter, a  
42 tax rate of at least twenty-five hundredths of one percent (0.25%) under  
43 section 26 of this chapter, or a total combined tax rate of at least  
44 twenty-five hundredths of one percent (0.25%) under sections 24 and  
45 26 of this chapter, the county council may also adopt an ordinance to  
46 impose an additional tax rate under this section to provide funding for



1 public safety.

2 (c) A tax rate under this section may not exceed twenty-five  
3 hundredths of one percent (0.25%).

4 (d) If a county council adopts an ordinance to impose a tax rate  
5 under this section, *not more than ten (10) days after the vote*, the  
6 county auditor shall send a certified copy of the ordinance to the  
7 *commissioner of the department, the director of the budget agency*, and  
8 the *commissioner of the department of local government finance* by  
9 certified mail *or in an electronic format approved by the director of the*  
10 *budget agency*.

11 (e) A tax rate under this section is in addition to any other tax rates  
12 imposed under this chapter and does not affect the purposes for which  
13 other tax revenue under this chapter may be used.

14 (f) Except as provided in subsection (k) or (l), the county auditor  
15 shall distribute the portion of the certified distribution that is  
16 attributable to a tax rate under this section to the county and to each  
17 municipality in the county that is carrying out or providing at least one  
18 (1) of the public safety purposes described in subsection (a). The  
19 amount that shall be distributed to the county or municipality is equal  
20 to the result of:

21 (1) the portion of the certified distribution that is attributable to a  
22 tax rate under this section; multiplied by

23 (2) a fraction equal to:

24 (A) the attributed allocation amount (as defined in  
25 IC 6-3.5-1.1-15) of the county or municipality for the calendar  
26 year; divided by

27 (B) the sum of the attributed allocation amounts of the county  
28 and each municipality in the county that is entitled to a  
29 distribution under this section for the calendar year.

30 The county auditor shall make the distributions required by this  
31 subsection not more than thirty (30) days after receiving the portion of  
32 the certified distribution that is attributable to a tax rate under this  
33 section. Tax revenue distributed to a county or municipality under this  
34 subsection must be deposited into a separate account or fund and may  
35 be appropriated by the county or municipality only for public safety  
36 purposes.

37 (g) The department of local government finance may not require a  
38 county or municipality receiving tax revenue under this section to  
39 reduce the county's or municipality's property tax levy for a particular  
40 year on account of the county's or municipality's receipt of the tax  
41 revenue.

42 (h) The tax rate under this section and the tax revenue attributable  
43 to the tax rate under this section shall not be considered for purposes  
44 of computing:

45 (1) the maximum income tax rate that may be imposed in a county  
46 under section 2 of this chapter or any other provision of this



- 1 chapter;
- 2 (2) the maximum permissible property tax levy under
- 3 IC 6-1.1-18.5-3; or
- 4 (3) the credit under IC 6-1.1-20.6.
- 5 (i) The tax rate under this section may be imposed or rescinded at
- 6 the same time and in the same manner that the county may impose or
- 7 increase a tax rate under section 24 of this chapter.
- 8 (j) The department of local government finance and the department
- 9 of state revenue may take any actions necessary to carry out the
- 10 purposes of this section.
- 11 (k) Two (2) or more political subdivisions that are entitled to receive
- 12 a distribution under this section may adopt resolutions providing that
- 13 some part or all of those distributions shall instead be paid to one (1)
- 14 political subdivision in the county to carry out specific public safety
- 15 purposes specified in the resolutions.
- 16 (l) A fire department, volunteer fire department, or emergency
- 17 medical services provider that:
- 18 (1) provides fire protection or emergency medical services within
- 19 the county; and
- 20 (2) is operated by or serves a political subdivision that is not
- 21 otherwise entitled to receive a distribution of tax revenue under
- 22 this section;
- 23 may before July 1 of a year apply to the county council for a
- 24 distribution of tax revenue under this section during the following
- 25 calendar year. The county council shall review an application
- 26 submitted under this subsection and may before September 1 of a year
- 27 adopt a resolution requiring that one (1) or more of the applicants shall
- 28 receive a specified amount of the tax revenue to be distributed under
- 29 this section during the following calendar year. A resolution approved
- 30 under this subsection providing for a distribution to one (1) or more fire
- 31 departments, volunteer fire departments, or emergency medical
- 32 services providers applies only to distributions in the following
- 33 calendar year. Any amount of tax revenue distributed under this
- 34 subsection to a fire department, volunteer fire department, or
- 35 emergency medical services provider shall be distributed before the
- 36 remainder of the tax revenue is distributed under subsection (f).
- 37 SECTION 23. IC 6-3.5-6-1.5, AS AMENDED BY P.L.137-2012,
- 38 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 UPON PASSAGE]: Sec. 1.5. (a) Notwithstanding any other provision
- 40 of this chapter, a power granted by this chapter to adopt an ordinance
- 41 to:
- 42 (1) impose, increase, decrease, or rescind a tax or tax rate; or
- 43 (2) grant, increase, decrease, rescind, or change a homestead
- 44 credit or property tax replacement credit authorized under this
- 45 chapter;
- 46 may be exercised at any time in a year before November 1 of that year.



1 (b) Notwithstanding any other provision of this chapter, an  
 2 ordinance authorized by this chapter that imposes or increases a tax or  
 3 a tax rate takes effect as follows:

4 (1) An ordinance adopted after December 31 of the immediately  
 5 preceding year and before October 1 of the current year takes  
 6 effect October 1 of the current year.

7 (2) An ordinance adopted after September 30 and before October  
 8 16 of the current year takes effect November 1 of the current year.

9 (3) An ordinance adopted after October 15 and before November  
 10 1 of the current year takes effect December 1 of the current year.

11 (c) Notwithstanding any other provision of this chapter, an  
 12 ordinance authorized by this chapter that decreases or rescinds a tax or  
 13 a tax rate takes effect as follows:

14 (1) An ordinance adopted after December 31 of the immediately  
 15 preceding year and before October 1 of the current year takes  
 16 effect on the later of October 1 of the current year or the first day  
 17 of the month in the current year as the month in which the last  
 18 increase in the tax or tax rate occurred.

19 (2) An ordinance adopted after September 30 and before October  
 20 16 of the current year takes effect on the later of November 1 of  
 21 the current year or the first day of the month in the current year as  
 22 the month in which the last increase in the tax or tax rate  
 23 occurred.

24 (3) An ordinance adopted after October 15 and before November  
 25 1 of the current year takes effect December 1 of the current year.

26 (d) Except as provided in subsection (e), an ordinance authorized by  
 27 this chapter that grants, increases, decreases, rescinds, or changes a  
 28 homestead credit or property tax replacement credit authorized under  
 29 this chapter takes effect for and initially applies to property taxes first  
 30 due and payable in the year immediately following the year in which  
 31 the ordinance is adopted.

32 (e) ~~This subsection applies only to Miami County. A county income~~  
 33 ~~tax council may adopt an ordinance in 2012 to select a different~~  
 34 ~~combination of uses specified in section 32(f) of this chapter for tax~~  
 35 ~~revenue distributed to the county from a tax rate imposed under section~~  
 36 ~~32 of this chapter (county option income tax rate to provide property~~  
 37 ~~tax relief to taxpayers). The county income tax council may provide in~~  
 38 ~~the ordinance that the ordinance initially takes effect for and applies to~~  
 39 ~~property taxes first due and payable in 2012. This subsection expires~~  
 40 ~~January 1, 2013.~~

41 SECTION 24. IC 6-3.5-6-31, AS AMENDED BY P.L.132-2012,  
 42 SECTION 4, AND AS AMENDED BY P.L.137-2012, SECTION 86,  
 43 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 44 [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) As used in this section,  
 45 "public safety" refers to the following:

46 (1) A police and law enforcement system to preserve public peace



- 1 and order.
- 2 (2) A firefighting and fire prevention system.
- 3 (3) Emergency ambulance services (as defined in  
4 IC 16-18-2-107).
- 5 (4) Emergency medical services (as defined in IC 16-18-2-110).
- 6 (5) Emergency action (as defined in IC 13-11-2-65).
- 7 (6) A probation department of a court.
- 8 (7) Confinement, supervision, services under a community  
9 corrections program (as defined in IC 35-38-2.6-2), or other  
10 correctional services for a person who has been:
- 11 (A) diverted before a final hearing or trial under an agreement  
12 that is between the county prosecuting attorney and the person  
13 or the person's custodian, guardian, or parent and that provides  
14 for confinement, supervision, community corrections services,  
15 or other correctional services instead of a final action  
16 described in clause (B) or (C);
- 17 (B) convicted of a crime; or
- 18 (C) adjudicated as a delinquent child or a child in need of  
19 services.
- 20 (8) A juvenile detention facility under IC 31-31-8.
- 21 (9) A juvenile detention center under IC 31-31-9.
- 22 (10) A county jail.
- 23 (11) A communications system (as defined in IC 36-8-15-3), ~~or~~ an  
24 enhanced emergency telephone system (as defined in  
25 IC 36-8-16-2 *(before its repeal on July 1, 2012)*), or the statewide  
26 911 system (as defined in IC 36-8-16.7-22).
- 27 (12) Medical and health expenses for jail inmates and other  
28 confined persons.
- 29 (13) Pension payments for any of the following:
- 30 (A) A member of the fire department (as defined in  
31 IC 36-8-1-8) or any other employee of a fire department.
- 32 (B) A member of the police department (as defined in  
33 IC 36-8-1-9), a police chief hired under a waiver under  
34 IC 36-8-4-6.5, or any other employee hired by a police  
35 department.
- 36 (C) A county sheriff or any other member of the office of the  
37 county sheriff.
- 38 (D) Other personnel employed to provide a service described  
39 in this section.
- 40 (b) The county income tax council may adopt an ordinance to  
41 impose an additional tax rate under this section to provide funding for  
42 public safety if:
- 43 (1) the county income tax council has imposed a tax rate under  
44 section 30 of this chapter, in the case of a county containing a  
45 consolidated city; or
- 46 (2) the county income tax council has imposed a tax rate of at



1 least twenty-five hundredths of one percent (0.25%) under section  
 2 30 of this chapter, a tax rate of at least twenty-five hundredths of  
 3 one percent (0.25%) under section 32 of this chapter, or a total  
 4 combined tax rate of at least twenty-five hundredths of one  
 5 percent (0.25%) under sections 30 and 32 of this chapter, in the  
 6 case of a county other than a county containing a consolidated  
 7 city.

8 (c) A tax rate under this section may not exceed the following:

9 (1) Five-tenths of one percent (0.5%), in the case of a county  
 10 containing a consolidated city.

11 (2) Twenty-five hundredths of one percent (0.25%), in the case of  
 12 a county other than a county containing a consolidated city.

13 (d) If a county income tax council adopts an ordinance to impose a  
 14 tax rate under this section, *not more than ten (10) days after the vote*,  
 15 the county auditor shall send a certified copy of the ordinance to the  
 16 *commissioner of the department, the director of the budget agency*, and  
 17 the *commissioner of the department of local government finance* by  
 18 certified mail *or in an electronic format approved by the director of the*  
 19 *budget agency*.

20 (e) A tax rate under this section is in addition to any other tax rates  
 21 imposed under this chapter and does not affect the purposes for which  
 22 other tax revenue under this chapter may be used.

23 (f) Except as provided in subsections (l) and (m), the county auditor  
 24 shall distribute the portion of the certified distribution that is  
 25 attributable to a tax rate under this section to the county and to each  
 26 municipality in the county that is carrying out or providing at least one  
 27 (1) of the public safety purposes described in subsection (a). The  
 28 amount that shall be distributed to the county or municipality is equal  
 29 to the result of:

30 (1) the portion of the certified distribution that is attributable to a  
 31 tax rate under this section; multiplied by

32 (2) a fraction equal to:

33 (A) the total property taxes being collected in the county by  
 34 the county or municipality for the calendar year; divided by

35 (B) the sum of the total property taxes being collected in the  
 36 county by the county and each municipality in the county that  
 37 is entitled to a distribution under this section for the calendar  
 38 year.

39 The county auditor shall make the distributions required by this  
 40 subsection not more than thirty (30) days after receiving the portion of  
 41 the certified distribution that is attributable to a tax rate under this  
 42 section. Tax revenue distributed to a county or municipality under this  
 43 subsection must be deposited into a separate account or fund and may  
 44 be appropriated by the county or municipality only for public safety  
 45 purposes.

46 (g) The department of local government finance may not require a



1 county or municipality receiving tax revenue under this section to  
 2 reduce the county's or municipality's property tax levy for a particular  
 3 year on account of the county's or municipality's receipt of the tax  
 4 revenue.

5 (h) The tax rate under this section and the tax revenue attributable  
 6 to the tax rate under this section shall not be considered for purposes  
 7 of computing:

8 (1) the maximum income tax rate that may be imposed in a county  
 9 under section 8 or 9 of this chapter or any other provision of this  
 10 chapter;

11 (2) the maximum permissible property tax levy under  
 12 IC 6-1.1-18.5-3; or

13 (3) the credit under IC 6-1.1-20.6.

14 (i) The tax rate under this section may be imposed or rescinded at  
 15 the same time and in the same manner that the county may impose or  
 16 increase a tax rate under section 30 of this chapter.

17 (j) The department of local government finance and the department  
 18 of state revenue may take any actions necessary to carry out the  
 19 purposes of this section.

20 (k) Notwithstanding any other provision, in Lake County the county  
 21 council (and not the county income tax council) is the entity authorized  
 22 to take actions concerning the additional tax rate under this section.

23 (l) Two (2) or more political subdivisions that are entitled to receive  
 24 a distribution under this section may adopt resolutions providing that  
 25 some part or all of those distributions shall instead be paid to one (1)  
 26 political subdivision in the county to carry out specific public safety  
 27 purposes specified in the resolutions.

28 (m) A fire department, volunteer fire department, or emergency  
 29 medical services provider that:

30 (1) provides fire protection or emergency medical services within  
 31 the county; and

32 (2) is operated by or serves a political subdivision that is not  
 33 otherwise entitled to receive a distribution of tax revenue under  
 34 this section;

35 may before July 1 of a year apply to the county income tax council for  
 36 a distribution of tax revenue under this section during the following  
 37 calendar year. The county income tax council shall review an  
 38 application submitted under this subsection and may before September  
 39 1 of a year adopt a resolution requiring that one (1) or more of the  
 40 applicants shall receive a specified amount of the tax revenue to be  
 41 distributed under this section during the following calendar year. A  
 42 resolution approved under this subsection providing for a distribution  
 43 to one (1) or more fire departments, volunteer fire departments, or  
 44 emergency services providers applies only to distributions in the  
 45 following calendar year. Any amount of tax revenue distributed under  
 46 this subsection to a fire department, volunteer fire department, or



1 emergency medical services provider shall be distributed before the  
2 remainder of the tax revenue is distributed under subsection (f).

3 SECTION 25. IC 7.1-3-1.5-13, AS AMENDED BY P.L.10-2010,  
4 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 UPON PASSAGE]: Sec. 13. ~~(a)~~ Subsections ~~(b)~~ through ~~(c)~~ do not  
6 apply during the period beginning July 1, 2010; and ending May 1,  
7 2011. This subsection expires May 1, 2011.

8 ~~(b)~~ **(a)** A retailer permittee or dealer permittee who operates an  
9 establishment where alcoholic beverages are served or sold must:

10 (1) ensure that each alcohol server completes a server program or  
11 a trainer program established or approved under section 5.5 or 6  
12 of this chapter not later than one hundred twenty (120) days after  
13 the date the alcohol server begins employment at the  
14 establishment;

15 (2) require each alcohol server to attend a refresher course that  
16 includes the dissemination of new information concerning the  
17 server program subject areas described in section 6 of this chapter  
18 or subject areas of a trainer program every three (3) years after the  
19 date the alcohol server completes a server program or a trainer  
20 program; and

21 (3) maintain training verification records of each alcohol server.

22 ~~(c)~~ **(b)** A retailer permittee, a dealer permittee, or a management  
23 representative of a retailer or dealer permittee must complete a server  
24 program or a trainer program established or approved under section 5.5  
25 or 6 of this chapter:

26 (1) not later than one hundred twenty (120) days after the date:

27 (A) the dealer permittee is issued a permit described in section  
28 2 of this chapter; or

29 (B) the retailer permittee is issued a permit described in  
30 section 4 of this chapter; and

31 (2) every five (5) years after the date the retailer permittee, dealer  
32 permittee, or management representative of the retailer or dealer  
33 permittee completes a server program or a trainer program.

34 ~~(d)~~ **(c)** The commission shall notify a:

35 (1) dealer permittee at the time the dealer permittee renews a  
36 permit described in section 2 of this chapter; and

37 (2) retailer permittee at the time the retailer permittee renews a  
38 permit described in section 4 of this chapter;

39 of the requirements under subsections ~~(b)~~ **(a)** and ~~(c)~~ **(b)**.

40 ~~(c)~~ **(d)** The commission may suspend or revoke a retailer permittee's  
41 or dealer permittee's permit or fine a retailer permittee or dealer  
42 permittee for noncompliance with this section in accordance with  
43 IC 7.1-3-23.

44 SECTION 26. IC 7.1-3-20-7 IS AMENDED TO READ AS  
45 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) As used in  
46 this title and to be eligible to receive the appropriate permit, "fraternal



1 club" means an association or corporation ~~the~~ whose membership of  
 2 ~~that~~ is comprised of or forms:

3 (1) a lodge or local chapter or corresponding unit of a fraternal  
 4 order or of another association of a like nature; or

5 (2) a body whose membership is comprised of persons who have  
 6 served in the armed forces of the United States;

7 and which has been in continual existence on a national scale for more  
 8 than five (5) years prior to the date the application is filed.

9 (b) Fraternal clubs and labor organizations need not meet the  
 10 requirements of section 1 of this chapter, but are considered clubs for  
 11 all other purposes of this title.

12 SECTION 27. IC 8-1-8.8-10, AS AMENDED BY P.L.224-2011,  
 13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 UPON PASSAGE]: Sec. 10. (a) As used in this chapter "renewable  
 15 energy resources" means the following:

16 (1) A clean energy resource listed in IC 8-1-37-4(a)(1) through  
 17 IC 8-1-37-4(a)(16).

18 (2) Low temperature, oxygen starved gasification of municipal  
 19 solid waste.

20 (H) (3) Methane recovered from landfills for the production of  
 21 electricity.

22 (b) Except for energy described in subsection (a)(2) and  
 23 IC 8-1-37-4(a)(9), the term does not include energy from the  
 24 incinerations, burning, or heating of any of the following:

25 (1) Tires.

26 (2) General household, institutional, commercial, industrial  
 27 lunchroom, office, or landscape waste.

28 (c) The term excludes treated or painted lumber.

29 SECTION 28. IC 8-23-7-22, AS AMENDED BY P.L.163-2011,  
 30 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 APRIL 1, 2012 (RETROACTIVE)]: Sec. 22. (a) Subject to subsection  
 32 (b), the department may, after issuing an order and receiving the  
 33 governor's approval, determine that a state highway should become a  
 34 tollway. After the order becomes effective, the department shall  
 35 maintain and operate the tollway and levy and collect tolls as provided  
 36 in IC 8-15-3 or enter into a public-private agreement with an operator  
 37 with respect to the tollway under IC 8-15.7. Before issuing an order  
 38 under this section, the department shall submit to the governor a plan  
 39 to bring the tollway to the current design standards of the department  
 40 for new state highways within a specified period. The specified period  
 41 may not exceed five (5) years.

42 (b) Before the governor, the department, or an operator may carry  
 43 out any of the following activities under this section, the general  
 44 assembly must enact a statute authorizing that activity:

45 (1) Determine that a highway that is in existence or under  
 46 construction on July 1, 2011, should become a tollway.



1 (2) Carry out construction for Interstate Highway 69 in a township  
 2 having a population of more than ~~seventy-five~~ **one hundred**  
 3 thousand ~~(75,000)~~ **(100,000)** and less than ~~ninety-three~~ **one**  
 4 **hundred ten** thousand ~~five hundred (93,500)~~ **(110,000)** located  
 5 **in a county having a consolidated city.**

6 (3) Impose tolls on motor vehicles for use of Interstate Highway  
 7 69.

8 (c) Notwithstanding subsection (b), during the period beginning July  
 9 1, 2011, and ending June 30, 2021, the general assembly is not required  
 10 to enact a statute authorizing the governor, the department, or an  
 11 operator to determine that all or part of the following projects should  
 12 become a tollway:

13 (1) A project on which construction begins after June 30, 2011,  
 14 not including any part of Interstate Highway 69 other than a part  
 15 described in subdivision (4).

16 (2) The addition of toll lanes, including high occupancy toll lanes,  
 17 to a highway, roadway, or other facility in existence on July 1,  
 18 2011, if the number of nontolled lanes on the highway, roadway,  
 19 or facility as of July 1, 2011, does not decrease due to the addition  
 20 of the toll lanes.

21 (3) The Illiana Expressway, a limited access facility connecting  
 22 Interstate Highway 65 in northwestern Indiana with an interstate  
 23 highway in Illinois.

24 (4) A project that is located within a metropolitan planning area  
 25 (as defined by 23 U.S.C. 134) and that connects the state of  
 26 Indiana with the commonwealth of Kentucky.

27 SECTION 29. IC 8-23-7-23, AS AMENDED BY P.L.163-2011,  
 28 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 APRIL 1, 2012 (RETROACTIVE)]: Sec. 23. (a) Subject to subsection  
 30 (c), the department may, after issuing an order and receiving the  
 31 governor's approval, determine that a state highway should become a  
 32 toll road. An order under this section does not become effective unless  
 33 the authority adopts a resolution to accept the designated state highway,  
 34 or part of the highway, as a toll road project under the conditions  
 35 contained in the order. An order issued by the department under this  
 36 section must set forth the conditions upon which the transfer of the  
 37 state highway, or part of the highway, to the authority must occur,  
 38 including the following:

39 (1) The consideration, if any, to be paid by the authority to the  
 40 department.

41 (2) A requirement that the authority:

42 (A) enter into a contract or lease with the department with  
 43 respect to the toll road project under IC 8-9.5-8-7 or  
 44 IC 8-9.5-8-8; or

45 (B) enter into a public-private agreement with an operator with  
 46 respect to the toll road under IC 8-15.5.



1 (b) To complete a transfer under this section, the department must,  
 2 with the governor's approval, execute a certificate describing the real  
 3 and personal property constituting or to be transferred with the state  
 4 highway that is to become a toll road project. Upon delivery of the  
 5 certificate to the authority, the real and personal property described in  
 6 the certificate is under the jurisdiction and control of the authority.

7 (c) Before the authority or an operator may carry out any of the  
 8 following activities under this section, the general assembly must enact  
 9 a statute authorizing that activity:

10 (1) Carrying out construction for Interstate Highway 69 in a  
 11 township having a population of more than ~~seventy-five one~~  
 12 **hundred** thousand ~~(75,000)~~ **(100,000)** and less than ~~ninety-three~~  
 13 **one hundred ten** thousand ~~five hundred~~ ~~(93,500)~~ **(110,000)**  
 14 **located in a county having a consolidated city.**

15 (2) Imposing tolls on motor vehicles for use of Interstate Highway  
 16 69.

17 (3) Imposing tolls on motor vehicles for use of a nontolled  
 18 highway, roadway, or other facility in existence or under  
 19 construction on July 1, 2011, including nontolled interstate  
 20 highways, U.S. routes, and state routes.

21 SECTION 30. IC 9-13-2-5, AS AMENDED BY P.L.145-2011,  
 22 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 UPON PASSAGE]: Sec. 5. ~~(a) This subsection expires December 31,~~  
 24 ~~2011. "Approved motorcycle driver education and training course"~~  
 25 ~~means:~~

26 ~~(1) a course offered by a public or private secondary school; a~~  
 27 ~~new motorcycle dealer; or other driver education school offering~~  
 28 ~~motorcycle driver training as developed and approved by the state~~  
 29 ~~superintendent of public instruction and the bureau; or~~

30 ~~(2) a course that is offered by a commercial driving school or new~~  
 31 ~~motorcycle dealer and that is approved by the bureau.~~

32 ~~(b) This subsection section applies after December 31, 2011.~~  
 33 ~~"Approved motorcycle driver education and training course" means:~~

34 (1) a course offered by a public or private secondary school, a  
 35 new motorcycle dealer, or another driver education school  
 36 offering motorcycle driver training as developed and approved by  
 37 the bureau; or

38 (2) a course that is:

39 (A) offered by a commercial driving school or new motorcycle  
 40 dealer; and

41 (B) approved by the bureau.

42 SECTION 31. IC 9-20-5-5, AS AMENDED BY P.L.66-2012,  
 43 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 44 UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (b),  
 45 the maximum size and weight limits for vehicles operated with a  
 46 special weight permit on an extra heavy duty highway are as follows:



- 1 (1) A vehicle may not have a maximum wheel weight, unladen or  
 2 with load, in excess of eight hundred (800) pounds per inch width  
 3 of tire, measured between the flanges of the rim.
- 4 (2) A single axle weight may not exceed eighteen thousand  
 5 (18,000) pounds.
- 6 (3) An axle in an axle combination may not exceed thirteen  
 7 thousand (13,000) pounds per axle, with the exception of one (1)  
 8 tandem group that may weigh sixteen thousand (16,000) pounds  
 9 per axle or a total of thirty-two thousand (32,000) pounds.
- 10 (4) Except as provided in section ~~4(22)~~ **4(a)(22)** of this chapter,  
 11 the total gross weight, with load, of any vehicle or combination of  
 12 vehicles may not exceed one hundred thirty-four thousand  
 13 (134,000) pounds.
- 14 (5) Axle spacings may not be less than three (3) feet, six (6)  
 15 inches, between each axle in an axle combination.
- 16 (6) Axle spacings may not be less than eight (8) feet between each  
 17 axle or axle combination.
- 18 (b) A vehicle operated in accordance with section ~~4(23)~~ **4(a)(23)** of  
 19 this chapter may not have a:
- 20 (1) maximum wheel weight, unladen or with load, in excess of  
 21 one thousand six hundred fifty (1,650) pounds per inch width of  
 22 tire, measured between the flanges of the rim; or
- 23 (2) single axle weight that exceeds sixty-five thousand (65,000)  
 24 pounds.
- 25 (c) This section expires on the later of the following dates:
- 26 (1) The date on which rules described in section 1(c)(1) of this  
 27 chapter are finally adopted.
- 28 (2) December 31, 2014.
- 29 SECTION 32. IC 9-23-2-2, AS AMENDED BY P.L.42-2011,  
 30 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 APRIL 1, 2012 (RETROACTIVE)]: Sec. 2. (a) An application for a  
 32 license under this chapter must:
- 33 (1) be accompanied by the fee required under IC 9-29-8;
- 34 (2) be on a form prescribed by the secretary of state;
- 35 (3) contain the information the secretary of state considers  
 36 necessary to enable the secretary of state to determine fully the  
 37 following information:
- 38 (A) The qualifications and eligibility of the applicant to  
 39 receive the license.
- 40 (B) The location of each of the applicant's places of business  
 41 in Indiana.
- 42 (C) The ability of the applicant to conduct properly the  
 43 business for which the application is submitted; and
- 44 (4) contain evidence of a bond required in subsection (e).
- 45 (b) An application for a license as a dealer must show whether the  
 46 applicant proposes to sell new or used motor vehicles, or both.



1 (c) An applicant who proposes to use the Internet or other computer  
 2 network in aid of its sale of motor vehicles to consumers in Indiana,  
 3 which activities may result in the creation of business records outside  
 4 Indiana, shall provide the division with the name, address, and  
 5 telephone number of the person who has control of those business  
 6 records. The secretary of state may not issue a license to a dealer who  
 7 transacts business in this manner who does not have an established  
 8 place of business in Indiana.

9 (d) This subsection applies to an application for a license as a dealer  
 10 in a city having a population of more than ~~ninety eight~~ **eighty** thousand  
 11 ~~(90,000)~~ **(80,000)** but less than ~~one hundred five~~ **eighty** thousand  
 12 ~~(105,000)~~ **(80,400)**. The application must include an  
 13 affidavit from:

14 (1) the person charged with enforcing a zoning ordinance  
 15 described in this subsection; or

16 (2) the zoning enforcement officer under IC 36-7-4, if one exists;  
 17 who has jurisdiction over the real property where the applicant wants  
 18 to operate as a dealer. The affidavit must state that the proposed  
 19 location is zoned for the operation of a dealer's establishment. The  
 20 applicant may file the affidavit at any time after the filing of the  
 21 application. However, the secretary of state may not issue a license  
 22 until the applicant files the affidavit.

23 (e) This subsection does not apply to a person listed in the  
 24 categories set forth in section 1(a)(10) through 1(a)(12) of this chapter  
 25 and that was licensed under this chapter before July 1, 2009. A licensee  
 26 shall maintain a bond satisfactory to the secretary of state in the amount  
 27 of twenty-five thousand dollars (\$25,000), which must:

28 (1) be in favor of the state; and

29 (2) secure payment of fines, penalties, costs, and fees assessed by  
 30 the secretary of state after notice, opportunity for a hearing, and  
 31 opportunity for judicial review, in addition to securing the  
 32 payment of damages to a person aggrieved by a violation of this  
 33 chapter by the licensee after a judgment has been issued.

34 (f) Service shall be made in accordance with the Indiana Rules of  
 35 Trial Procedure.

36 (g) Instead of meeting the requirement in subsection (e), a licensee  
 37 may submit to the secretary of state evidence that the licensee is a  
 38 member of a risk retention group regulated by the Indiana department  
 39 of insurance.

40 SECTION 33. IC 9-23-2-4, AS AMENDED BY P.L.184-2007,  
 41 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 APRIL 1, 2012 (RETROACTIVE)]: Sec. 4. (a) The license issued to a  
 43 factory branch, a distributor branch, an automobile auctioneer, a  
 44 transfer dealer, or a dealer under this chapter must specify the location  
 45 of each place of business and shall be conspicuously displayed at each  
 46 business location.



1 (b) If a business name or location is changed, the holder shall notify  
 2 the secretary of state within ten (10) days and remit the fee required  
 3 under IC 9-29-8. The secretary of state shall endorse that change on the  
 4 license if the secretary of state determines that the change is not subject  
 5 to other provisions of this article.

6 (c) A dealer who uses the Internet or other computer network to  
 7 facilitate the sale of motor vehicles as set forth in section 2(c) of this  
 8 chapter shall notify the secretary of state within ten (10) days upon any  
 9 change in the name, address, or telephone number of business records  
 10 located outside Indiana that have been created in transactions made in  
 11 Indiana by the dealer. A report made under this subsection is not  
 12 subject to the fee required under IC 9-29-8-5.

13 (d) This subsection applies to a dealer in a city having a population  
 14 of more than ~~ninety eighty~~ thousand (~~90,000~~) **(80,000)** but less than  
 15 ~~one hundred five eighty~~ thousand (~~105,000~~). **four hundred (80,400)**.  
 16 A dealer who wants to change a location must submit to the secretary  
 17 of state an application for approval of the change. The application must  
 18 be accompanied by an affidavit from:

19 (1) the person charged with enforcing a zoning ordinance  
 20 described in this subsection; or

21 (2) the zoning enforcement officer under IC 36-7-4, if one exists;  
 22 who has jurisdiction over the real property where the applicant wants  
 23 to operate as a dealer. The affidavit must state that the proposed  
 24 location is zoned for the operation of a dealer's establishment. The  
 25 secretary of state may not approve a change of location or endorse a  
 26 change of location on the dealer's license until the dealer provides the  
 27 affidavit.

28 (e) For the purpose of this section, an offsite license issued under  
 29 section 7 of this chapter does not constitute a change of location.

30 SECTION 34. IC 9-29-5-2, AS AMENDED BY P.L.145-2011,  
 31 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 UPON PASSAGE]: Sec. 2. (a) ~~This subsection expires December 31,~~  
 33 ~~2011. The fee for the registration of a motorcycle is seventeen dollars~~  
 34 ~~and thirty cents (\$17.30). The revenue from this fee shall be allocated~~  
 35 ~~as follows:~~

36 ~~(1) Seven dollars (\$7) to the motorcycle operator safety education~~  
 37 ~~fund established by IC 20-30-13-11.~~

38 ~~(2) An amount prescribed as a license branch service charge~~  
 39 ~~under IC 9-29-3.~~

40 ~~(3) Thirty cents (\$0.30) to the spinal cord and brain injury fund~~  
 41 ~~under IC 16-41-42.2-3, as provided under section 0.5 of this~~  
 42 ~~chapter.~~

43 ~~(4) The balance to the state general fund for credit to the motor~~  
 44 ~~vehicle highway account.~~

45 ~~(b) This subsection~~ **section** applies after December 31, 2011. The  
 46 fee for the registration of a motorcycle is seventeen dollars and thirty



1 cents (\$17.30). The revenue from this fee shall be allocated as follows:

2 (1) Seven dollars (\$7) to the motorcycle operator safety education  
3 fund established by IC 9-27-7-7.

4 (2) An amount prescribed as a license branch service charge  
5 under IC 9-29-3.

6 (3) Thirty cents (\$0.30) to the spinal cord and brain injury fund  
7 under IC 16-41-42.2-3, as provided under section 0.5 of this  
8 chapter.

9 (4) The balance to the state general fund for credit to the motor  
10 vehicle highway account.

11 SECTION 35. IC 9-30-4-6, AS AMENDED BY P.L.125-2012,  
12 SECTION 330, AND AS AMENDED BY P.L.126-2012, SECTION  
13 29, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
14 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Whenever the bureau  
15 suspends or revokes the current driver's license upon receiving a record  
16 of the conviction of a person for any offense under the motor vehicle  
17 laws not enumerated under subsection (b), the bureau may also suspend  
18 any of the certificates of registration and license plates issued for any  
19 motor vehicle registered in the name of the person so convicted.  
20 However, the bureau may not suspend the evidence of registration,  
21 unless otherwise required by law, if the person has given or gives and  
22 maintains during the three (3) years following the date of suspension  
23 or revocation proof of financial responsibility in the future in the  
24 manner specified in this section.

25 (b) The bureau shall suspend or revoke without notice or hearing the  
26 current driver's license and all certificates of registration and license  
27 plates issued or registered in the name of a person who is convicted of  
28 any of the following:

29 (1) Manslaughter or reckless homicide resulting from the  
30 operation of a motor vehicle.

31 (2) Perjury or knowingly making a false affidavit to the  
32 department under this chapter or any other law requiring the  
33 registration of motor vehicles or regulating motor vehicle  
34 operation upon the highways.

35 (3) A felony under Indiana motor vehicle laws or felony in the  
36 commission of which a motor vehicle is used.

37 (4) Three (3) charges of criminal recklessness involving the use  
38 of a motor vehicle within the preceding twelve (12) months.

39 (5) Failure to stop and give information or assistance or failure to  
40 stop and disclose the person's identity at the scene of an accident  
41 that has resulted in death, personal injury, or property damage in  
42 excess of two hundred dollars (\$200).

43 (6) Possession, distribution, manufacture, cultivation, transfer,  
44 use, or sale of a controlled substance or counterfeit substance, or  
45 attempting or conspiring to possess, distribute, manufacture,  
46 cultivate, transfer, use, or sell a controlled substance or



1 counterfeit substance.

2 (c) The license of a person shall also be suspended upon conviction  
3 in another jurisdiction for any offense described in ~~subsections~~  
4 *subsection* (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5), except if property  
5 damage is less than two hundred dollars (\$200), the bureau may  
6 determine whether the driver's license and certificates of registration  
7 and license plates shall be suspended or revoked. The license of a  
8 person shall also be suspended upon conviction in another jurisdiction  
9 for any offense described in subsection (b)(6).

10 (d) A suspension or revocation remains in effect and a new or  
11 renewal license may not be issued to the person and a motor vehicle  
12 may not be registered in the name of the person as follows:

13 (1) Except as provided in subdivisions (2), (3), (4), and (5), and  
14 subject to section 6.5 of this chapter, for six (6) months from the  
15 date of conviction or on the date on which the person is otherwise  
16 eligible for a license, whichever is later. Except as provided in  
17 IC 35-48-4-15, this includes a person convicted of a crime for  
18 which the person's license is suspended or revoked under  
19 subsection (b)(6).

20 (2) Subject to section 6.5 of this chapter, upon conviction of an  
21 offense described in subsection (b)(1), for a fixed period of not  
22 less than two (2) years and not more than five (5) years, to be  
23 fixed by the bureau based upon recommendation of the court  
24 entering a conviction. A new or reinstated license may not be  
25 issued to the person unless that person, within the three (3) years  
26 following the expiration of the suspension or revocation, gives  
27 and maintains in force at all times during the effective period of  
28 a new or reinstated license proof of financial responsibility in the  
29 future in the manner specified in this chapter. However, the  
30 liability of the insurance carrier under a motor vehicle liability  
31 policy that is furnished for proof of financial responsibility in the  
32 future as set out in this chapter becomes absolute whenever loss  
33 or damage covered by the policy occurs, and the satisfaction by  
34 the insured of a final judgment for loss or damage is not a  
35 condition precedent to the right or obligation of the carrier to  
36 make payment on account of loss or damage, but the insurance  
37 carrier has the right to settle a claim covered by the policy. If the  
38 settlement is made in good faith, the amount shall be deductive  
39 from the limits of liability specified in the policy. A policy may  
40 not be canceled or annulled with respect to a loss or damage by an  
41 agreement between the carrier and the insured after the insured  
42 has become responsible for the loss or damage, and a cancellation  
43 or annulment is void. The policy may provide that the insured or  
44 any other person covered by the policy shall reimburse the  
45 insurance carrier for payment made on account of any loss or  
46 damage claim or suit involving a breach of the terms, provisions,



1 or conditions of the policy. If the policy provides for limits in  
 2 excess of the limits specified in this chapter, the insurance carrier  
 3 may plead against any plaintiff, with respect to the amount of the  
 4 excess limits of liability, any defenses that the carrier may be  
 5 entitled to plead against the insured. The policy may further  
 6 provide for prorating of the insurance with other applicable valid  
 7 and collectible insurance. An action does not lie against the  
 8 insurance carrier by or on behalf of any claimant under the policy  
 9 until a final judgment has been obtained after actual trial by or on  
 10 behalf of any claimant under the policy.

11 (3) Subject to section 6.5 of this chapter, for the period ordered by  
 12 a court under IC 35-48-4-15.

13 (4) Subject to section 6.5 of this chapter, if the person is convicted  
 14 of a felony involving the use of a motor vehicle under  
 15 ~~IC 35-44-3-3(b)~~ IC 35-44.1-3-1(b) and the person:

16 (A) exceeded the speed limit by at least twenty (20) miles per  
 17 hour;

18 (B) committed criminal recklessness with a vehicle  
 19 (IC 35-42-2-2); or

20 (C) engaged in aggressive driving (as defined in  
 21 IC 9-21-8-55(b));

22 while committing the felony, for one (1) year after the date the  
 23 person was convicted. The convicted person has the burden of  
 24 applying for a new or renewal license and establishing that the  
 25 one (1) year period described in this subdivision and subject to  
 26 section 6.5 of this chapter has elapsed.

27 (5) Subject to section 6.5 of this chapter, if the person is convicted  
 28 of a felony involving the use of a motor vehicle under  
 29 ~~IC 35-44-3-3(b)~~; IC 35-44.1-3-1(b), the person:

30 (A) exceeded the speed limit by at least twenty (20) miles per  
 31 hour;

32 (B) committed criminal recklessness with a vehicle  
 33 (IC 35-42-2-2); or

34 (C) engaged in aggressive driving (as defined in  
 35 IC 9-21-8-55(b));

36 while committing the felony, and the person has a prior unrelated  
 37 conviction for a felony under ~~IC 35-44-3-3(b)~~; IC 35-44.1-3-1(b),  
 38 for two (2) years after the date the person was convicted. The  
 39 convicted person has the burden of applying for a new or renewal  
 40 license and establishing that the two (2) year period described in  
 41 this subdivision and subject to section 6.5 of this chapter has  
 42 elapsed.

43 (e) The bureau may take action as required in this section upon  
 44 receiving satisfactory evidence of a conviction of a person in another  
 45 state.

46 (f) For the purpose of this chapter, "conviction" includes any of the



1 following:

- 2 (1) A conviction upon a plea of guilty.  
 3 (2) A determination of guilt by a jury or court, even if:  
 4 (A) no sentence is imposed; or  
 5 (B) a sentence is suspended.  
 6 (3) A forfeiture of bail, bond, or collateral deposited to secure the  
 7 defendant's appearance for trial, unless the forfeiture is vacated.  
 8 (4) A payment of money as a penalty or as costs in accordance  
 9 with an agreement between a moving traffic violator and a traffic  
 10 violations bureau.

11 (g) A suspension or revocation under this section or under  
 12 ~~IC 9-25-6-8~~ IC 9-30-13-0.5 stands pending appeal of the conviction to  
 13 a higher court and may be set aside or modified only upon the receipt  
 14 by the bureau of the certificate of the court reversing or modifying the  
 15 judgment that the cause has been reversed or modified. However, if the  
 16 suspension or revocation follows a conviction in a court of no record  
 17 in Indiana, the suspension or revocation is stayed pending appeal of the  
 18 conviction to a court of record.

19 (h) A person aggrieved by an order or act of the bureau under this  
 20 section or ~~IC 9-25-6-8~~ IC 9-30-13-0.5 may file a petition for a court  
 21 review.

22 SECTION 36. IC 11-8-8-4.5, AS AMENDED BY P.L.72-2012,  
 23 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 UPON PASSAGE]: Sec. 4.5. (a) Except as provided in section 22 of  
 25 this chapter, as used in this chapter, "sex offender" means a person  
 26 convicted of any of the following offenses:

- 27 (1) Rape (IC 35-42-4-1).  
 28 (2) Criminal deviate conduct (IC 35-42-4-2).  
 29 (3) Child molesting (IC 35-42-4-3).  
 30 (4) Child exploitation (IC 35-42-4-4(b)).  
 31 (5) Vicarious sexual gratification (including performing sexual  
 32 conduct in the presence of a minor) (IC 35-42-4-5).  
 33 (6) Child solicitation (IC 35-42-4-6).  
 34 (7) Child seduction (IC 35-42-4-7).  
 35 (8) Sexual misconduct with a minor as a Class A, Class B, or  
 36 Class C felony (IC 35-42-4-9), unless:  
 37 (A) the person is convicted of sexual misconduct with a minor  
 38 as a Class C felony;  
 39 (B) the person is not more than:  
 40 (i) four (4) years older than the victim if the offense was  
 41 committed after June 30, 2007; or  
 42 (ii) five (5) years older than the victim if the offense was  
 43 committed before July 1, 2007; and  
 44 (C) the sentencing court finds that the person should not be  
 45 required to register as a sex offender.  
 46 (9) Incest (IC 35-46-1-3).



- 1 (10) Sexual battery (IC 35-42-4-8).  
 2 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen  
 3 (18) years of age, and the person who kidnapped the victim is not  
 4 the victim's parent or guardian.  
 5 (12) Criminal confinement (IC 35-42-3-3), if the victim is less  
 6 than eighteen (18) years of age, and the person who confined or  
 7 removed the victim is not the victim's parent or guardian.  
 8 (13) Possession of child pornography (IC 35-42-4-4(c)).  
 9 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.  
 10 (15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the  
 11 victim is less than eighteen (18) years of age.  
 12 (16) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).  
 13 (17) Human trafficking (IC 35-42-3.5-1(d)(3)) if the victim is less  
 14 than eighteen (18) years of age.  
 15 (18) Sexual misconduct by a service provider with a detained  
 16 child (~~IC 35-44-1-5(c)~~). **(IC 35-44.1-3-10(c))**.  
 17 (19) An attempt or conspiracy to commit a crime listed in  
 18 subdivisions (1) through (18).  
 19 (20) A crime under the laws of another jurisdiction, including a  
 20 military court, that is substantially equivalent to any of the  
 21 offenses listed in subdivisions (1) through (19).  
 22 (b) The term includes:  
 23 (1) a person who is required to register as a sex offender in any  
 24 jurisdiction; and  
 25 (2) a child who has committed a delinquent act and who:  
 26 (A) is at least fourteen (14) years of age;  
 27 (B) is on probation, is on parole, is discharged from a facility  
 28 by the department of correction, is discharged from a secure  
 29 private facility (as defined in IC 31-9-2-115), or is discharged  
 30 from a juvenile detention facility as a result of an adjudication  
 31 as a delinquent child for an act that would be an offense  
 32 described in subsection (a) if committed by an adult; and  
 33 (C) is found by a court by clear and convincing evidence to be  
 34 likely to repeat an act that would be an offense described in  
 35 subsection (a) if committed by an adult.  
 36 (c) In making a determination under subsection (b)(2)(C), the court  
 37 shall consider expert testimony concerning whether a child is likely to  
 38 repeat an act that would be an offense described in subsection (a) if  
 39 committed by an adult.  
 40 SECTION 37. IC 11-8-8-5, AS AMENDED BY P.L.1-2012,  
 41 SECTION 3, AND AS AMENDED BY P.L.72-2012, SECTION 2, IS  
 42 CORRECTED AND AMENDED TO READ AS FOLLOWS  
 43 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in  
 44 section 22 of this chapter, as used in this chapter, "sex or violent  
 45 offender" means a person convicted of any of the following offenses:  
 46 (1) Rape (IC 35-42-4-1).



- 1 (2) Criminal deviate conduct (IC 35-42-4-2).  
 2 (3) Child molesting (IC 35-42-4-3).  
 3 (4) Child exploitation (IC 35-42-4-4(b)).  
 4 (5) Vicarious sexual gratification (including performing sexual  
 5 conduct in the presence of a minor) (IC 35-42-4-5).  
 6 (6) Child solicitation (IC 35-42-4-6).  
 7 (7) Child seduction (IC 35-42-4-7).  
 8 (8) Sexual misconduct with a minor as a Class A, Class B, or  
 9 Class C felony (IC 35-42-4-9), unless:  
 10 (A) the person is convicted of sexual misconduct with a minor  
 11 as a Class C felony;  
 12 (B) the person is not more than:  
 13 (i) four (4) years older than the victim if the offense was  
 14 committed after June 30, 2007; or  
 15 (ii) five (5) years older than the victim if the offense was  
 16 committed before July 1, 2007; and  
 17 (C) the sentencing court finds that the person should not be  
 18 required to register as a sex offender.  
 19 (9) Incest (IC 35-46-1-3).  
 20 (10) Sexual battery (IC 35-42-4-8).  
 21 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen  
 22 (18) years of age, and the person who kidnapped the victim is not  
 23 the victim's parent or guardian.  
 24 (12) Criminal confinement (IC 35-42-3-3), if the victim is less  
 25 than eighteen (18) years of age, and the person who confined or  
 26 removed the victim is not the victim's parent or guardian.  
 27 (13) Possession of child pornography (IC 35-42-4-4(c)).  
 28 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.  
 29 (15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the  
 30 victim is less than eighteen (18) years of age.  
 31 (16) Sexual trafficking of a minor ~~(IC 35-42-3.5-1(b))~~.  
 32 ~~(IC 35-42-3.5-1(c))~~.  
 33 (17) Human trafficking ~~(IC 35-42-3.5-1(c)(3))~~  
 34 ~~(IC 35-42-3.5-1(d)(3))~~ if the victim is less than eighteen (18)  
 35 years of age.  
 36 (18) Murder (IC 35-42-1-1).  
 37 (19) Voluntary manslaughter (IC 35-42-1-3).  
 38 (20) *Sexual misconduct by a service provider with a detained*  
 39 *child* ~~(IC 35-44-1-5(e))~~. **(IC 35-44.1-3-10(c))**.  
 40 ~~(20)~~ (21) An attempt or conspiracy to commit a crime listed in  
 41 subdivisions (1) through ~~(19)~~ (20).  
 42 ~~(21)~~ (22) A crime under the laws of another jurisdiction, including  
 43 a military court, that is substantially equivalent to any of the  
 44 offenses listed in subdivisions (1) through ~~(20)~~ (21).  
 45 (b) The term includes:  
 46 (1) a person who is required to register as a sex or violent



1 offender in any jurisdiction; and

2 (2) a child who has committed a delinquent act and who:

3 (A) is at least fourteen (14) years of age;

4 (B) is on probation, is on parole, is discharged from a facility  
5 by the department of correction, is discharged from a secure  
6 private facility (as defined in IC 31-9-2-115), or is discharged  
7 from a juvenile detention facility as a result of an adjudication  
8 as a delinquent child for an act that would be an offense  
9 described in subsection (a) if committed by an adult; and

10 (C) is found by a court by clear and convincing evidence to be  
11 likely to repeat an act that would be an offense described in  
12 subsection (a) if committed by an adult.

13 (c) In making a determination under subsection (b)(2)(C), the court  
14 shall consider expert testimony concerning whether a child is likely to  
15 repeat an act that would be an offense described in subsection (a) if  
16 committed by an adult.

17 SECTION 38. IC 12-8-1.5-9, AS ADDED BY P.L.160-2012,  
18 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 UPON PASSAGE]: Sec. 9. ~~(a)~~ Consistent with the powers and duties  
20 of the secretary under this article, the secretary may adopt rules under  
21 IC 4-22-2 relating to the exercise of those powers and duties.

22 ~~(b) The secretary may adopt emergency rules under~~  
23 ~~IC 4-22-2-37.1(a)(37) for the following:~~

24 ~~(1) Federal Medicaid waiver program provisions;~~

25 ~~(2) Federal programs administered by the office of the secretary.~~  
26 ~~This subsection expires December 31, 2012.~~

27 SECTION 39. IC 12-13-14-13, AS ADDED BY P.L.96-2009,  
28 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 UPON PASSAGE]: Sec. 13. ~~(a) Before January 1, 2010;~~ The division  
30 shall implement a program that provides a farmer's market  
31 administrator or a retailer who sells food at a farmers' market with a  
32 wired or wireless point of sale terminal that is connected to the EBT  
33 system.

34 ~~(b) Notwithstanding subsection (a), the director of the division of~~  
35 ~~family resources may limit, to a number not less than twenty (20), the~~  
36 ~~number of wired or wireless point of sale terminals that are:~~

37 ~~(1) connected to the EBT system; and~~

38 ~~(2) issued to a farmer's market administrator or a retailer who sells~~  
39 ~~food at a farmers' market.~~

40 ~~This subsection expires July 1, 2010.~~

41 SECTION 40. IC 13-17-3-4, AS AMENDED BY P.L.159-2011,  
42 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
43 UPON PASSAGE]: Sec. 4. (a) The board shall adopt rules under  
44 IC 4-22-2 that are:

45 (1) consistent with the general intent and purposes declared in  
46 IC 13-17-1 and section 1 of this chapter; and



1 (2) necessary to the implementation of the federal Clean Air Act  
 2 (42 U.S.C. 7401 et seq.), as amended by the Clean Air Act  
 3 Amendments of 1990 (P.L.101-549).

4 (b) Notwithstanding IC 13-15-5, the board may adopt rules under  
 5 IC 4-22-2 and IC 13-14-9 that allow the commissioner's actions on  
 6 permits and permit modifications to become effective immediately,  
 7 regardless of whether a thirty (30) day comment period is held on the  
 8 permits or permit modifications. The board may adopt rules under this  
 9 subsection only after considering the:

- 10 (1) environmental significance of;  
 11 (2) federal requirements for federally delegated or approved  
 12 programs concerning; and  
 13 (3) need for opportunity for public participation on;  
 14 the permits or permit modifications.

15 (c) The board may adopt rules to require sources to report hazardous  
 16 air pollutant emissions if the reporting is necessary to demonstrate  
 17 compliance with emissions and other performance standards  
 18 established under 42 U.S.C. 7412 or 42 U.S.C. 7429. The board may  
 19 amend 326 IAC 2-6 to allow the department to request hazardous air  
 20 pollutant emissions data from individual sources for the purpose of site  
 21 specific studies of hazardous air pollutant:

- 22 (1) emissions; and  
 23 (2) impacts.

24 (d) The board may amend 326 IAC 2-6 or adopt new rules to  
 25 establish a general requirement for sources to report hazardous air  
 26 pollutant emissions (as defined by 42 U.S.C. 7412(b)). However, the  
 27 rules amended or adopted by the board under this subsection may not  
 28 require sources to report hazardous air pollutant emissions before  
 29 January 1, 2004.

30 (e) For purposes of rules adopted by the board, a reference to  
 31 "chemical process plants" does not include an ethanol production  
 32 operation that:

- 33 (1) produces ethanol by natural fermentation after July 2, 2007;  
 34 and  
 35 (2) is included in the North American Industry Classification  
 36 System (NAICS) code:  
 37 (A) 325193 (Ethyl Alcohol Manufacturing); or  
 38 (B) 312140 (Distilleries);  
 39 as described in 72 FR 24059 et seq. (May 1, 2007).

40 This subsection expires April 1, 2012.

41 SECTION 41. IC 13-23-8-4, AS AMENDED BY P.L.19-2012,  
 42 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 43 UPON PASSAGE]: Sec. 4. (a) Except as provided under subsection  
 44 (b), and subject to section 4.5 of this chapter, an owner or operator may  
 45 receive money from the excess liability trust fund under section 1 of  
 46 this chapter only if the owner or operator is in substantial compliance



1 (as defined in 328 IAC 1-1-9) with the following requirements:

2 (1) The owner or operator has complied with the following:

3 (A) This article or IC 13-7-20 (before its repeal).

4 (B) Rules adopted under this article or IC 13-7-20 (before its  
5 repeal).

6 A release from an underground petroleum storage tank may not  
7 prevent an owner or operator from establishing compliance with  
8 this subdivision to receive money from the excess liability fund.

9 (2) The owner or operator has paid all registration fees that are  
10 required under rules adopted under IC 13-23-8-4.5.

11 (3) The owner or operator has provided the commissioner with  
12 evidence of payment of the amount of liability the owner or  
13 operator is required to pay under section 2 of this chapter.

14 (4) A corrective action plan is approved by the commissioner or  
15 deemed approved under this subdivision. The corrective action  
16 plan for sites with a release from an underground petroleum  
17 storage tank that impacts soil or groundwater, or both, is  
18 automatically deemed approved only as long as:

19 (A) the plan conforms with:

20 (i) 329 IAC 9-4 and 329 IAC 9-5; and

21 (ii) the department's cleanup guidelines set forth in the  
22 Underground Storage Tank Branch Guidance Manual,  
23 including the department's risk integrated system of closure  
24 standards; and

25 (B) the soil and groundwater contamination is confined to the  
26 owner's or operator's property.

27 If the corrective action plan fails to satisfy any of the requirements  
28 of clause (A) or (B), the plan is automatically deemed  
29 disapproved. If a corrective action plan is disapproved, the  
30 claimant may supplement the plan. The corrective action plan is  
31 automatically deemed approved when the cause for the  
32 disapproval is corrected. For purposes of this subdivision, in the  
33 event of a conflict between compliance with the corrective action  
34 plan and the department's standards in clause (A), the  
35 department's standards control. For purposes of this subdivision,  
36 if there is a conflict between compliance with the corrective  
37 action plan and the board's rules, the board's rules control. The  
38 department may audit any corrective action plan. If the  
39 commissioner denies the plan, a detailed explanation of all the  
40 deficiencies of the plan must be provided with the denial.

41 (b) An owner, operator, or transferee of property under subsection  
42 (e) is eligible to receive money from the fund before the owner,  
43 operator, or transferee has a corrective action plan approved or deemed  
44 approved if:

45 (1) the work for which payment is sought under IC 13-23-9-2 was  
46 an initial response to a petroleum release that created the need for



- 1 emergency action to abate an immediate threat of harm to human  
 2 health, property, or the environment;  
 3 (2) the work is for a site characterization completed in accordance  
 4 with 329 IAC 9-5; or  
 5 (3) the department has not acted upon a corrective action plan  
 6 submitted under IC 13-23-9-2 within ninety (90) days after the  
 7 date the department receives the:  
 8 (A) plan; or  
 9 (B) application to the fund;  
 10 whichever is later.
- 11 (c) The amount of money an owner, operator, or transferee of  
 12 property under subsection (e) is eligible to receive from the fund under  
 13 subsection (b) must be calculated in accordance with 328 IAC 1-3.
- 14 (d) An owner, an operator, or a transferee of property described in  
 15 subsection (e) eligible to receive money from the fund under this  
 16 section may assign that right to another person.
- 17 (e) A transferee of property upon which a tank was located is  
 18 eligible to receive money from the fund under this section if any of the  
 19 following ~~conditions are met:~~ **subdivisions apply:**
- 20 (1) The transferor of the property was eligible to receive money  
 21 under this section with respect to the property.
- 22 (2) **All of the following conditions are met:**
- 23 (A) **The transferee acquires acquired** ownership or operation  
 24 of an underground petroleum storage tank as a result of a bona  
 25 fide, good faith transaction, negotiated at arm's length,  
 26 between parties under separate ownership.
- 27 (B) **The transferor failed to pay fees due under IC 13-23-12-1.**  
 28 ~~and~~
- 29 (C) **The department failed to record a lien against the property**  
 30 **under IC 13-23-7-10.**
- 31 (3) The transferee pays all applicable tank fees under  
 32 IC 13-23-12-1, including past due fees and interest for each tank,  
 33 not more than thirty (30) days after receiving notice of the  
 34 indebtedness.
- 35 SECTION 42. IC 14-13-1-41, AS ADDED BY P.L.51-2012,  
 36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 UPON PASSAGE]: Sec. 41. (a) The commission may establish a  
 38 nonprofit subsidiary corporation that is exempt from federal income  
 39 taxation under Section 501(c)(3) of the Internal Revenue Code, to  
 40 solicit and accept private funding, gifts, donations, bequests, devises,  
 41 and contributions.
- 42 (b) A subsidiary corporation established under this section:  
 43 (1) shall use money received under subsection (a) to carry out in  
 44 any manner the purposes of and programs under this chapter;  
 45 (2) shall report to the budget committee each year concerning:  
 46 (A) the use of money received under subsection (a); and



- 1 (B) the balances in any accounts or funds established by the  
 2 subsidiary corporation; and  
 3 (3) may deposit money received under subsection (a) in an  
 4 account or fund that is:  
 5 (A) administered by the subsidiary corporation; and  
 6 (B) not part of the state treasury.  
 7 (c) A subsidiary corporation established under this section ~~is~~ **shall**  
 8 **be** governed by a board of directors comprised of:  
 9 (1) the members of the commission appointed under section 6 of  
 10 this chapter; and  
 11 (2) any other directors that the members of the commission  
 12 appoint.  
 13 (d) Employees of the commission shall provide administrative  
 14 support for a subsidiary corporation established under this section.  
 15 (e) The state board of accounts shall annually audit a subsidiary  
 16 corporation established under this section.

17 SECTION 43. IC 14-25-15-7, AS ADDED BY P.L.4-2008,  
 18 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 UPON PASSAGE]: Sec. 7. (a) Except as provided in section 8 of this  
 20 chapter, a person must, under the rules established under section 5(4)  
 21 of this chapter, obtain a permit from the department for a daily  
 22 withdrawal in excess of any of the following, calculated on average  
 23 over any ninety (90) day period:

- 24 (1) Five million (5,000,000) gallons from Lake Michigan surface  
 25 water.  
 26 (2) Subject to subsection (b), one hundred thousand (100,000)  
 27 gallons from a salmonid stream.  
 28 (3) For any other surface water or groundwater source, one  
 29 million **(1,000,000)** gallons. (~~1,000,000~~);  
 30 (b) Notwithstanding 327 IAC 2-1.5-5(a)(3), the salmonid streams  
 31 subject to subsection (a)(2) are the following:  
 32 (1) Trail Creek and its tributaries downstream to Lake Michigan.  
 33 (2) Galien River and its tributaries in LaPorte County.  
 34 (3) East Branch of the Little Calumet River and its tributaries  
 35 downstream to Lake Michigan via Burns Ditch.  
 36 (4) St. Joseph River and its tributaries in St. Joseph County from  
 37 the Twin Branch Dam in Mishawaka downstream to the  
 38 Indiana/Michigan state line.  
 39 (5) Subject to subsection (c), any other watercourse determined  
 40 by rule by the commission.

41 (c) Before adopting a rule under subsection (b)(5), the commission  
 42 shall seek input from the U.S. Fish and Wildlife Service.

43 SECTION 44. IC 15-19-7-29, AS AMENDED BY P.L.99-2012,  
 44 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 45 UPON PASSAGE]: Sec. 29. A commercial feed is considered  
 46 adulterated if it meets any of the following conditions:



- 1 (1) It bears or contains a poisonous or deleterious substance that  
2 may render it injurious to health. However, if the substance is not  
3 an added substance, the commercial feed is not considered to be  
4 adulterated under this subdivision if the quantity of the substance  
5 in the commercial feed does not ordinarily render it injurious to  
6 health.
- 7 (2) It contains an added poisonous, added deleterious, or added  
8 nonnutritive substance that is unsafe within the meaning of  
9 Section 406 of the federal Food, Drug, and Cosmetic Act (21  
10 U.S.C. 346) other than one that is:
- 11 (A) a pesticide chemical in or on a raw agricultural  
12 commodity; or  
13 (B) a food additive.
- 14 (3) It is, or it contains, a food additive that is unsafe within the  
15 meaning of Section 409 of the federal Food, Drug, and Cosmetic  
16 Act (21 U.S.C. 348).
- 17 (4) It is a raw agricultural commodity and it contains a pesticide  
18 chemical that is unsafe within the meaning of Section 408(a) of  
19 the federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(a)).  
20 However, if a pesticide chemical has been used in or on a raw  
21 agricultural commodity in conformity with an exemption granted  
22 or a tolerance prescribed under Section 408 of the federal Food,  
23 Drug, and Cosmetic Act (21 U.S.C. 346a) and the raw agricultural  
24 commodity has been subjected to processing, such as canning,  
25 cooking, freezing, dehydrating, or milling, the residue of the  
26 pesticide chemical remaining in or on the processed feed is not  
27 considered unsafe if:
- 28 (A) the residue in or on the raw agricultural commodity has  
29 been removed to the extent possible in good manufacturing  
30 practice;
- 31 (B) the concentration of the residue in the processed feed is  
32 not greater than the tolerance prescribed for the raw  
33 agricultural commodity; and
- 34 (C) the feeding of the processed feed will not result, or is not  
35 likely to result, in a pesticide residue in the edible product of  
36 the animal that is unsafe within the meaning of Section 408(a)  
37 of the federal Food, Drug, and Cosmetic Act (21 U.S.C.  
38 346a(a)).
- 39 (5) It is, or it contains, a color additive that is unsafe within the  
40 meaning of Section 721 of the federal Food, Drug, and Cosmetic  
41 Act (21 U.S.C. 379e).
- 42 (6) It is, or it contains, an animal drug that is unsafe within the  
43 meaning of Section 512 of the federal Food, Drug, and Cosmetic  
44 Act (21 U.S.C. 360b).
- 45 (7) If any valuable constituent has been in whole or in part  
46 omitted or abstracted from the commercial feed or any less



1 valuable substance has been substituted for a valuable constituent.  
 2 (8) Its composition or quality falls below or differs from that  
 3 which it is purported or is represented to possess by its labeling.  
 4 (9) It contains a drug and the methods used in or the facilities or  
 5 controls used for its manufacture, processing, or packaging do not  
 6 conform to current good manufacturing practice rules adopted by  
 7 the state chemist to ensure that the drug:

8 (A) meets the requirement of this chapter as to safety; and

9 (B) has the identity and strength, and meets the quality and  
 10 purity characteristics that it is represented to possess.

11 In adopting these rules, the state chemist shall adopt the current  
 12 good manufacturing practice regulations for Type A medicated  
 13 articles and Type B and Type C medicated feeds established  
 14 under authority of the federal Food, Drug, and Cosmetic Act (21  
 15 U.S.C. 301 et seq.), unless the state chemist determines that they  
 16 are not appropriate to the conditions that exist in Indiana.

17 (10) It contains viable weed seeds in amounts exceeding the limits  
 18 the state chemist establishes by rule.

19 (11) It consists in whole or in part of any filthy, putrid, or  
 20 decomposed substance, or it is otherwise unfit for feed.

21 (12) It has been prepared, packed, or held under unsanitary  
 22 conditions **where under which:**

23 (A) it may become contaminated with filth; or

24 (B) ~~where~~ it may have ~~been~~ become injurious to health.

25 (13) It is, in whole or in part, the product of a diseased animal or  
 26 of an animal that has died by means other than slaughter.

27 (14) It is unsafe within the meaning of Section 402(a)(1) or  
 28 402(a)(2) of the federal Food, Drug, and Cosmetic Act (21 U.S.C.  
 29 342(a)(1) and 21 U.S.C. 342(a)(2)).

30 (15) Its container is composed, in whole or in part, of any  
 31 poisonous or deleterious substance that may render the contents  
 32 injurious to health.

33 (16) It has been intentionally subjected to radiation, unless the use  
 34 of radiation was in conformity with a regulation or exemption in  
 35 effect under Section 409 of the Federal Food, Drug, and Cosmetic  
 36 Act (21 U.S.C. 348).

37 SECTION 45. IC 16-18-2-7, AS AMENDED BY P.L.77-2012,  
 38 SECTION 5, AND AS AMENDED BY P.L.114-2012, SECTION 39,  
 39 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 40 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) "Advanced life support",  
 41 for purposes of IC 16-31, means care that is given:

42 (1) at the scene of:

43 (A) an accident;

44 (B) an act of terrorism (as defined in IC 35-31.5-2-329), if the  
 45 governor has declared a disaster emergency under  
 46 IC 10-14-3-12 in response to the act of terrorism; or



1 (C) an illness;  
 2 (2) during transport; or  
 3 (3) at a hospital;  
 4 by a paramedic or an *advanced* emergency medical  
 5 *technician-intermediate technician* and that is more advanced than the  
 6 care usually provided by an emergency medical technician. ~~or an~~  
 7 ~~emergency medical technician-basic advanced.~~

8 (b) The term may include any of the following:  
 9 (1) Defibrillation.  
 10 (2) Endotracheal intubation.  
 11 (3) Parenteral injections of appropriate medications.  
 12 (4) Electrocardiogram interpretation.  
 13 (5) Emergency management of trauma and illness.

14 SECTION 46. IC 20-19-2-8, AS AMENDED BY P.L.145-2011,  
 15 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 UPON PASSAGE]: Sec. 8. (a) In addition to any other powers and  
 17 duties prescribed by law, the state board shall adopt rules under  
 18 IC 4-22-2 concerning, but not limited to, the following matters:

19 (1) The designation and employment of the employees and  
 20 consultants necessary for the department. The state board shall fix  
 21 the compensation of employees of the department, subject to the  
 22 approval of the budget committee and the governor under  
 23 IC 4-12-2.

24 (2) The establishment and maintenance of standards and  
 25 guidelines for media centers, libraries, instructional materials  
 26 centers, or any other area or system of areas in a school where a  
 27 full range of information sources, associated equipment, and  
 28 services from professional media staff are accessible to the school  
 29 community. With regard to library automation systems, the state  
 30 board may only adopt rules that meet the standards established by  
 31 the state library board for library automation systems under  
 32 IC 4-23-7.1-11(b).

33 (3) The establishment and maintenance of standards for student  
 34 personnel and guidance services.

35 ~~(4) This subdivision expires December 31, 2011. The~~  
 36 ~~establishment and maintenance of minimum standards for driver~~  
 37 ~~education programs (including classroom instruction and practice~~  
 38 ~~driving) and equipment. Classroom instruction standards~~  
 39 ~~established under this subdivision must include instruction about:~~

40 ~~(A) railroad-highway grade crossing safety; and~~  
 41 ~~(B) the procedure for participation in the human organ donor~~  
 42 ~~program;~~

43 ~~and must provide, effective July 1, 2010, that the classroom~~  
 44 ~~instruction may not be provided to a child less than fifteen (15)~~  
 45 ~~years and one hundred eighty (180) days of age.~~

46 ~~(5) (4) The inspection of all public schools in Indiana to~~



1 determine the condition of the schools. The state board shall  
 2 establish standards governing the accreditation of public schools.

3 Observance of:

4 (A) IC 20-31-4;

5 (B) IC 20-28-5-2;

6 (C) IC 20-28-6-3 through IC 20-28-6-7;

7 (D) IC 20-28-11.5; and

8 (E) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, and  
 9 IC 20-32-8;

10 is a prerequisite to the accreditation of a school. Local public  
 11 school officials shall make the reports required of them and  
 12 otherwise cooperate with the state board regarding required  
 13 inspections. Nonpublic schools may also request the inspection  
 14 for classification purposes. Compliance with the building and site  
 15 guidelines adopted by the state board is not a prerequisite of  
 16 accreditation.

17 ~~(6)~~ (5) The distribution of funds and revenues appropriated for the  
 18 support of schools in the state.

19 ~~(7)~~ (6) The state board may not establish an accreditation system  
 20 for nonpublic schools that is less stringent than the accreditation  
 21 system for public schools.

22 ~~(8)~~ (7) A separate system for recognizing nonpublic schools under  
 23 IC 20-19-2-10. Recognition of nonpublic schools under this  
 24 subdivision constitutes the system of regulatory standards that  
 25 apply to nonpublic schools that seek to qualify for the system of  
 26 recognition.

27 ~~(9)~~ (8) The establishment and enforcement of standards and  
 28 guidelines concerning the safety of students participating in  
 29 cheerleading activities.

30 ~~(10)~~ (9) Subject to IC 20-28-2, the preparation and licensing of  
 31 teachers.

32 (b) Before final adoption of any rule, the state board shall make a  
 33 finding on the estimated fiscal impact that the rule will have on school  
 34 corporations.

35 SECTION 47. IC 20-19-3-11, AS ADDED BY P.L.46-2012,  
 36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 UPON PASSAGE]: Sec. 11. (a) The department, in collaboration with  
 38 the department of child services and organizations that have expertise  
 39 in child abuse, including child sexual abuse, shall identify or develop:

40 (1) research and evidence based model educational materials on  
 41 child abuse and child sexual abuse; and

42 (2) a model for child abuse and child sexual abuse response  
 43 policies and reporting procedures.

44 To identify or develop models under this subsection, the department  
 45 may not hire additional staff members or expend funds not already  
 46 included in the department's budget.



1 (b) Not later than July 1, 2013, the department shall make the  
 2 models developed or identified under this section available to assist  
 3 schools with the implementation of:

4 (1) child abuse and child sexual abuse education programs in  
 5 grade 2 through grade 5; and

6 (2) child abuse and child sexual abuse response and reporting  
 7 policies.

8 (c) The model educational materials on child abuse and child sexual  
 9 abuse identified or developed under subsection (a) may include the  
 10 following topics:

11 (1) Warning signs of a child who is being abused or sexually  
 12 abused.

13 (2) The basic principles of child abuse and child sexual abuse  
 14 prevention.

15 (3) Methods of student, teacher, and parental education and  
 16 outreach.

17 (d) The model child abuse and child sexual abuse response and  
 18 reporting policies referred to in subsection (b) may include the  
 19 following topics:

20 (1) Actions that a child who is a victim of abuse or sexual abuse  
 21 may take to obtain assistance.

22 (2) Interventions.

23 (3) Counseling options.

24 (4) Educational support available for a child who is a victim of  
 25 abuse or sexual abuse **to enable the child** to continue to be  
 26 successful in school.

27 (5) Reporting procedures.

28 (e) A school that chooses to use the model educational materials  
 29 developed under subsection (a) shall inform the parents of students in  
 30 the grade levels in which the materials could be used, in writing and by  
 31 posting on the school's Internet web site, that a parent may:

32 (1) examine and review the model educational materials before  
 33 the materials are taught; and

34 (2) decide if the parent's child will be instructed with the model  
 35 educational materials.

36 (f) If a parent decides that the parent's child may be taught using the  
 37 model educational materials, the parent shall notify the school of the  
 38 parent's decision in writing or electronically.

39 SECTION 48. IC 20-24-9-7, AS ADDED BY P.L.148-2012,  
 40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 UPON PASSAGE]: Sec. 7. The organizer of a charter school shall  
 42 publish the names of **the members of** the charter school's governing  
 43 body on the school's Internet web site.

44 SECTION 49. IC 20-45-1 IS REPEALED [EFFECTIVE UPON  
 45 PASSAGE]. (Definitions).

46 SECTION 50. IC 21-7-13-6, AS AMENDED BY P.L.107-2012,



1 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 2 UPON PASSAGE]: Sec. 6. (a) "Approved postsecondary educational  
 3 institution", for purposes of this title (except section 15 of this chapter,  
 4 IC 21-12-6, ~~IC 21-12-7~~, and IC 21-13-1-4) means the following:

5 (1) A postsecondary educational institution that operates in  
 6 Indiana and:

7 (A) provides an organized two (2) year or longer program of  
 8 collegiate grade directly creditable toward a baccalaureate  
 9 degree;

10 (B) is either operated by the state or operated nonprofit; and

11 (C) is accredited by a recognized regional accrediting agency,  
 12 including:

- 13 (i) Ancilla College;
- 14 (ii) Anderson University;
- 15 (iii) Bethel College;
- 16 (iv) Butler University;
- 17 (v) Calumet College of St. Joseph;
- 18 (vi) DePauw University;
- 19 (vii) Earlham College;
- 20 (viii) Franklin College;
- 21 (ix) Goshen College;
- 22 (x) Grace College and Seminary;
- 23 (xi) Hanover College;
- 24 (xii) Holy Cross College;
- 25 (xiii) Huntington University;
- 26 (xiv) Indiana Institute of Technology;
- 27 (xv) Indiana Wesleyan University;
- 28 (xvi) Manchester College;
- 29 (xvii) Marian University;
- 30 (xviii) Martin University;
- 31 (xix) Oakland City University;
- 32 (xx) Rose-Hulman Institute of Technology;
- 33 (xxi) Saint Joseph's College;
- 34 (xxii) Saint Mary-of-the-Woods College;
- 35 (xxiii) Saint Mary's College;
- 36 (xxiv) Taylor University;
- 37 (xxv) Trine University;
- 38 (xxvi) University of Evansville;
- 39 (xxvii) University of Indianapolis;
- 40 (xxviii) University of Notre Dame;
- 41 (xxix) University of Saint Francis;
- 42 (xxx) Valparaiso University; and
- 43 (xxxi) Wabash College;

44 or is accredited by the board for proprietary education under  
 45 IC 21-18.5-6 or an accrediting agency recognized by the  
 46 United States Department of Education.



- 1 (2) Ivy Tech Community College.
- 2 (3) A hospital that operates a nursing diploma program that is
- 3 accredited by the Indiana state board of nursing.
- 4 (4) A postsecondary credit bearing proprietary educational
- 5 institution that meets the following requirements:
- 6 (A) Is incorporated in Indiana, or is registered as a foreign
- 7 corporation doing business in Indiana.
- 8 (B) Is fully accredited by and is in good standing with the
- 9 board for proprietary education under IC 21-18.5-6.
- 10 (C) Is accredited by and is in good standing with a regional or
- 11 national accrediting agency.
- 12 (D) Offers a course of study that is at least eighteen (18)
- 13 consecutive months in duration (or an equivalent to be
- 14 determined by the board for proprietary education under
- 15 IC 21-18.5-6) and that leads to an associate or a baccalaureate
- 16 degree recognized by the board for proprietary education
- 17 under IC 21-18.5-6.
- 18 (E) Is certified by the board for proprietary education as
- 19 meeting the requirements of this subdivision.

20 (b) "Approved postsecondary educational institution" for purposes

21 of section 15 of this chapter, IC 21-12-6, ~~IC 21-12-7~~, and IC 21-13-1-4,

22 means the following:

- 23 (1) A state educational institution.
- 24 (2) A nonprofit college or university.
- 25 (3) A postsecondary credit bearing proprietary educational
- 26 institution that is accredited by an accrediting agency recognized
- 27 by the United States Department of Education.

28 SECTION 51. IC 21-18.5-1-1, AS ADDED BY P.L.107-2012,

29 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

30 UPON PASSAGE]: Sec. 1. (a) As used in this section, "contract" refers

31 to a contract or guarantee entered into by the state student assistance

32 commission (before its abolishment on July 1, 2012) or by the state

33 student assistance commission (as it existed before the enactment of

34 P.L.128-1990).

35 (b) After June 30, 2012, a contract entered into by the state student

36 assistance commission (before its abolishment on July 1, 2012) or by

37 the state student assistance commission (as it existed before the

38 enactment of P.L.128-1990) is a contract of the commission for higher

39 education established by IC 21-18-2-1.

40 (c) The:

41 (1) amendments made by P.L.128-1990; and

42 (2) repeal of IC 21-11 and addition of this article by ~~legislation~~

43 ~~enacted during the 2012 session of the general assembly;~~

44 **P.L.107-2012;**

45 do not affect the rights, duties, or obligations of the commission for

46 higher education established by IC 21-18-2-1 or a person who before



1 July 1, 2012, had a contract with the state student assistance  
 2 commission (before its abolishment on July 1, 2012) or with the state  
 3 student assistance commission (as it existed before the enactment of  
 4 P.L.128-1990).

5 (d) A person or the commission for higher education established by  
 6 IC 21-18-2-1 may enforce a right or compel performance of a duty with  
 7 respect to a contract as if:

8 (1) P.L.128-1990; and

9 (2) the repeal of IC 21-11 and conforming amendments made to  
 10 IC 21-7 through IC 21-17 by ~~legislation enacted during the 2012~~  
 11 ~~session of the general assembly; P.L.107-2012;~~

12 had not been enacted.

13 SECTION 52. IC 21-18.5-1-4, AS ADDED BY P.L.107-2012,  
 14 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 UPON PASSAGE]: Sec. 4. (a) Changes made by P.L.218-1987 do not  
 16 affect:

17 (1) rights or liabilities accrued;

18 (2) penalties incurred;

19 (3) crimes committed; or

20 (4) proceedings begun;

21 before July 1, 1987. These rights, liabilities, penalties, crimes, and  
 22 proceedings continue and shall be imposed and enforced under prior  
 23 law as if P.L.218-1987 had not been enacted.

24 (b) The abolishment of the Indiana commission on proprietary  
 25 education on July 1, 2012, by ~~legislation enacted during the 2012~~  
 26 ~~session of the general assembly P.L.107-2012~~ does not affect:

27 (1) rights or liabilities accrued;

28 (2) penalties incurred;

29 (3) crimes committed; or

30 (4) proceedings begun;

31 before July 1, 2012, that pertain to a postsecondary credit bearing  
 32 proprietary educational institution. These rights, liabilities, penalties,  
 33 crimes, and proceedings continue and shall be imposed and enforced  
 34 by the board for proprietary education established by IC 21-18.5-5-1.

35 (c) The abolishment of the Indiana commission on proprietary  
 36 education on July 1, 2012, by ~~legislation enacted during the 2012~~  
 37 ~~session of the general assembly P.L.107-2012~~ does not affect:

38 (1) rights or liabilities accrued;

39 (2) penalties incurred;

40 (3) crimes committed; or

41 (4) proceedings begun;

42 before July 1, 2012, that pertain to a postsecondary proprietary  
 43 educational institution (as defined in IC 22-4.1-21-9). These rights,  
 44 liabilities, penalties, crimes, and proceedings continue and shall be  
 45 imposed and enforced by the state workforce innovation council  
 46 established under IC 22-4-18.1-3.



1 SECTION 53. IC 21-18.5-6-12, AS ADDED BY P.L.107-2012,  
 2 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 UPON PASSAGE]: Sec. 12. (a) After an investigation and a finding  
 4 that the information in the application is true and **that** the  
 5 postsecondary credit bearing proprietary educational institution meets  
 6 the minimum standards, the ~~commission on postsecondary proprietary~~  
 7 **education board for proprietary education** shall issue an  
 8 accreditation to the postsecondary credit bearing proprietary  
 9 educational institution upon payment of an additional fee of at least  
 10 twenty-five dollars (\$25). An applicant's market research may not be  
 11 considered or required by the board for proprietary education as a  
 12 condition for accrediting or renewing the accreditation of or for  
 13 approval of the programs of a postsecondary credit bearing proprietary  
 14 educational institution.

15 (b) The board for proprietary education may waive inspection of a  
 16 postsecondary credit bearing proprietary educational institution that has  
 17 been accredited by an accrediting unit whose standards are approved  
 18 by the board for proprietary education as meeting or exceeding the  
 19 requirements of this chapter.

20 (c) A valid license, approval to operate, or other form of  
 21 accreditation issued to a postsecondary credit bearing proprietary  
 22 educational institution by another state may be accepted, instead of  
 23 inspection, if:

- 24 (1) the requirements of that state meet or exceed the requirements  
 25 of this chapter; and
- 26 (2) the other state will, in turn, extend reciprocity to  
 27 postsecondary credit bearing proprietary educational institutions  
 28 accredited by the board for proprietary education.

29 (d) An accreditation issued under this section expires one (1) year  
 30 following the accreditation's issuance.

31 (e) An accredited postsecondary credit bearing proprietary  
 32 educational institution may renew the institution's accreditation  
 33 annually upon:

- 34 (1) the payment of a fee of at least twenty-five dollars (\$25); and
- 35 (2) continued compliance with this chapter.

36 SECTION 54. IC 21-18.5-6-20, AS ADDED BY P.L.107-2012,  
 37 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 UPON PASSAGE]: Sec. 20. (a) This section applies to claims against  
 39 the balance of the career college student assurance fund.

40 (b) A student or ~~an~~ enrollee of a postsecondary credit bearing  
 41 proprietary educational institution who believes that the student or  
 42 enrollee has suffered loss or damage resulting from any of the  
 43 occurrences described in section 6(a) of this chapter may ~~request the~~  
 44 **board for proprietary education** to file a claim with the board for  
 45 proprietary education against the balance of the fund.

46 (c) A claim under this section is limited to a refund of the claimant's



1 applicable tuition and fees.

2 (d) All claims must be filed not later than five (5) years after the  
3 occurrence resulting in the loss or damage to the claimant occurs.

4 (e) Upon the filing of a claim under this section, the board for  
5 proprietary education shall review the records submitted by the  
6 appropriate postsecondary credit bearing proprietary educational  
7 institution described under section 12 of this chapter and shall  
8 investigate the claim.

9 (f) Upon a determination by the ~~commission on postsecondary~~  
10 ~~proprietary education board for proprietary education~~ that a claimant  
11 shall be reimbursed under the career college student assurance fund,  
12 the board for proprietary education shall prioritize the reimbursements  
13 under the following guidelines:

- 14 (1) A student's educational loan balances.  
15 (2) Federal grant repayment obligations of the student.  
16 (3) Other expenses paid directly by the student.

17 SECTION 55. IC 21-18.5-6-26, AS ADDED BY P.L.107-2012,  
18 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 UPON PASSAGE]: Sec. 26. (a) As used in this section, "fund" means  
20 the postsecondary credit bearing proprietary educational institution  
21 accreditation fund established by subsection (b).

22 (b) The postsecondary credit bearing proprietary educational  
23 institution accreditation fund is established.

24 (c) The fund shall be administered by the commission (as defined  
25 in IC 21-18.5-2-7.).

26 (d) Money in the fund at the end of a state fiscal year does not revert  
27 to the general fund.

28 (e) All fees collected by the board for proprietary education under  
29 this chapter shall be deposited in the fund.

30 (f) Money in the fund shall be used by the board for ~~postsecondary~~  
31 ~~proprietary education~~ to administer this chapter.

32 SECTION 56. IC 24-4-18-8, AS ADDED BY P.L.69-2012,  
33 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2013]: Sec. 8. (a) **If there is a violation of section 6 or 7 of**  
35 **this chapter**, the attorney general may bring an action to enforce a  
36 ~~violation~~ of section 6 or 7 of this chapter. In addition to any injunctive  
37 or other relief, the attorney general may recover a civil penalty of:

- 38 (1) not more than one thousand dollars (\$1,000) for a first  
39 violation; and  
40 (2) not more than five thousand dollars (\$5,000) for a second or  
41 subsequent violation.

42 (b) Any person injured by a violation of section 6 or 7 of this  
43 chapter may bring an action to recover:

- 44 (1) the greater of:  
45 (A) actual damages, including consequential damages; or  
46 (B) liquidated damages of five hundred dollars (\$500); and



- 1 (2) court costs and reasonable attorney's fees.  
 2 SECTION 57. IC 24-4.4-1-202, AS AMENDED BY P.L.27-2012,  
 3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 UPON PASSAGE]: Sec. 202. (a) As used in this section, "balloon  
 5 payment", with respect to a mortgage transaction, means any payment:  
 6 ~~that:~~  
 7 (1) **that** the creditor requires the debtor to make at any time  
 8 during the term of the mortgage;  
 9 (2) **that** represents the entire amount of the outstanding balance  
 10 with respect to the mortgage; and  
 11 (3) the entire amount of which is due as of a specified date or at  
 12 the end of a specified period;  
 13 if the aggregate amount of the minimum periodic payments required  
 14 under the mortgage would not fully amortize the outstanding balance  
 15 by the specified date or at the end of the specified period. The term  
 16 does not include a payment required by a creditor under a due-on-sale  
 17 clause (as defined in 12 U.S.C. 1701j-3(a)) or a payment required by  
 18 a creditor under a provision in the mortgage that permits the creditor  
 19 to accelerate the debt upon the debtor's default or failure to abide by the  
 20 material terms of the mortgage.  
 21 (b) This article does not apply to the following:  
 22 (1) Extensions of credit to government or governmental agencies  
 23 or instrumentalities.  
 24 (2) A first lien mortgage transaction in which the debt is incurred  
 25 primarily for a purpose other than a personal, family, or  
 26 household purpose.  
 27 (3) An extension of credit primarily for a business, a commercial,  
 28 or an agricultural purpose.  
 29 (4) Except for IC 24-4.4-2-401(2), IC 24-4.4-2-402.3,  
 30 IC 24-4.4-2-405(4), and IC 24-4.4-2-405(5), a first lien mortgage  
 31 transaction made:  
 32 (a) in compliance with the requirements of; and  
 33 (b) by a community development corporation (as defined in  
 34 IC 4-4-28-2) acting as a subrecipient of funds from;  
 35 the Indiana housing and community development authority  
 36 established by IC 5-20-1-3.  
 37 (5) Except for IC 24-4.4-2-401(2), IC 24-4.4-2-402.3,  
 38 IC 24-4.4-2-405(4), and IC 24-4.4-2-405(5), a first lien mortgage  
 39 transaction made by an entity that exclusively uses funds provided  
 40 by the United States Department of Housing and Urban  
 41 Development under Title 1 of the federal Housing and  
 42 Community Development Act of 1974, Public Law 93-383, as  
 43 amended (42 U.S.C. 5301 et seq.).  
 44 (6) An extension of credit originated by:  
 45 (a) a depository institution;  
 46 (b) subsidiaries that are:



- 1 (i) owned and controlled by a depository institution; and  
 2 (ii) regulated by a federal banking agency; or  
 3 (c) an institution regulated by the Farm Credit Administration.
- 4 (7) Except for IC 24-4.4-2-401(2), IC 24-4.4-2-402.3,  
 5 IC 24-4.4-2-405(4), and IC 24-4.4-2-405(5), a credit union service  
 6 organization that is majority owned, directly or indirectly, by one  
 7 (1) or more credit unions. **However, a privately insured state  
 8 chartered credit union shall comply with the system of  
 9 mortgage loan originator registration developed by the  
 10 Federal Financial Institutions Examinations Council under  
 11 Section 1507 of the federal Secure and Fair Enforcement for  
 12 Mortgage Licensing Act of 2008 (SAFE).**
- 13 (8) A first lien mortgage transaction originated by a registered  
 14 mortgage loan originator, when acting for an entity described in  
 15 subsection (6). ~~A privately insured state chartered credit union~~  
 16 ~~shall also comply with the system of mortgage loan originator~~  
 17 ~~registration developed by the Federal Financial Institutions~~  
 18 ~~Examinations Council under Section 1507 of the federal Secure~~  
 19 ~~and Fair Enforcement for Mortgage Licensing Act of 2008~~  
 20 ~~(SAFE).~~
- 21 ~~(9) An individual who offers or negotiates terms of a mortgage~~  
 22 ~~transaction with or on behalf of an immediate family member of~~  
 23 ~~the individual.~~
- 24 ~~(10)~~ (9) An individual who offers or negotiates terms of a  
 25 mortgage transaction secured by a dwelling that served as the  
 26 individual's residence.
- 27 ~~(11)~~ (10) Unless the attorney is compensated by:  
 28 (a) a lender;  
 29 (b) a mortgage broker;  
 30 (c) another mortgage loan originator; or  
 31 (d) any agent of the lender, mortgage broker, or other  
 32 mortgage loan originator described in clauses (a) through (c);  
 33 a licensed attorney who negotiates the terms of a mortgage  
 34 transaction on behalf of a client as an ancillary matter to the  
 35 attorney's representation of the client.
- 36 ~~(12)~~ (11) The United States, any state or local government, or any  
 37 agency or instrumentality of any governmental entity, including  
 38 United States government sponsored enterprises.
- 39 ~~(13)~~ (12) A person in whose name a tablefunded transaction is  
 40 closed, as described in section 301(34)(a) of this chapter.  
 41 However, the exemption provided by this subsection does not  
 42 apply if:  
 43 (a) the transaction:  
 44 (i) is secured by a dwelling that is a mobile home, a  
 45 manufactured home, or a trailer; and  
 46 (ii) is not also secured by an interest in land; and



- 1 (b) the person in whose name the transaction is closed, as  
 2 described in section 301(34)(a) of this chapter, sells the  
 3 dwelling to the debtor through a retail installment contract or  
 4 other similar transaction.
- 5 ~~(14)~~ **(13)** A bona fide nonprofit organization not operating in a  
 6 commercial context, as determined by the director, if the  
 7 following criteria are satisfied:
- 8 (a) Subject to clause (b), the organization originates only one  
 9 (1) or both of the following types of mortgage transactions:  
 10 (i) Zero (0) interest first lien mortgage transactions.  
 11 (ii) Zero (0) interest subordinate lien mortgage transactions.
- 12 (b) The organization does not require, under the terms of the  
 13 mortgage or otherwise, balloon payments with respect to the  
 14 mortgage transactions described in clause (a).
- 15 (c) The organization is exempt from federal income taxation  
 16 under Section 501(c)(3) of the Internal Revenue Code.
- 17 (d) The organization's primary purpose is to serve the public  
 18 by helping low income individuals and families build, repair,  
 19 and purchase housing.
- 20 (e) The organization uses only:  
 21 (i) unpaid volunteers; or  
 22 (ii) employees whose compensation is not based on the  
 23 number or size of any mortgage transactions that the  
 24 employees originate;  
 25 to originate the mortgage transactions described in clause (a).
- 26 (f) The organization does not charge loan origination fees in  
 27 connection with the mortgage transactions described in clause  
 28 (a).
- 29 ~~(15)~~ **(14)** A bona fide nonprofit organization (as defined in section  
 30 301(37) of this chapter) if the following criteria are satisfied:
- 31 (a) For each calendar year that the organization seeks the  
 32 exemption provided by this subdivision, the organization  
 33 certifies, not later than December 31 of the preceding calendar  
 34 year and on a form prescribed by the director and accompanied  
 35 by such documentation as required by the director, that the  
 36 organization is a bona fide nonprofit organization (as defined  
 37 in section 301(37) of this chapter).
- 38 (b) The director determines that the organization originates  
 39 only mortgage transactions that are favorable to the debtor. For  
 40 purposes of this clause, a mortgage transaction is favorable to  
 41 the debtor if the director determines that the terms of the  
 42 mortgage transaction are consistent with terms of mortgage  
 43 transactions made in a public or charitable context, rather than  
 44 in a commercial context.
- 45 SECTION 58. IC 24-4.4-1-301, AS AMENDED BY P.L.27-2012,  
 46 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 301. In addition to definitions appearing in  
 2 subsequent chapters of this article, the following definitions apply  
 3 throughout this article:

4 (1) "Affiliate", with respect to any person subject to this article,  
 5 means a person that, directly or indirectly, through one (1) or  
 6 more intermediaries:

7 (a) controls;

8 (b) is controlled by; or

9 (c) is under common control with;

10 the person subject to this article.

11 (2) "Agreement" means the bargain of the parties in fact as found  
 12 in the parties' language or by implication from other  
 13 circumstances, including course of dealing or usage of trade or  
 14 course of performance.

15 (3) "Agricultural products" includes agricultural products,  
 16 horticultural products, viticultural products, dairy products,  
 17 livestock, wildlife, poultry, bees, forest products, fish and  
 18 shellfish, any products raised or produced on farms, and any  
 19 products processed or manufactured from products raised or  
 20 produced on farms.

21 (4) "Agricultural purpose" means a purpose related to the  
 22 production, harvest, exhibition, marketing, transportation,  
 23 processing, or manufacture of agricultural products by a natural  
 24 person who cultivates, plants, propagates, or nurtures the  
 25 agricultural products.

26 (5) "Consumer credit sale" is a sale of goods, services, or an  
 27 interest in land in which:

28 (a) credit is granted by a person who engages as a seller in  
 29 credit transactions of the same kind;

30 (b) the buyer is a person other than an organization;

31 (c) the goods, services, or interest in land are purchased  
 32 primarily for a personal, family, or household purpose;

33 (d) either the debt is payable in installments or a credit service  
 34 charge is made; and

35 (e) with respect to a sale of goods or services, either the  
 36 amount financed does not exceed fifty thousand dollars  
 37 (\$50,000) or the debt is secured by personal property used or  
 38 expected to be used as the principal dwelling of the buyer.

39 (6) "Credit" means the right granted by a creditor to a debtor to  
 40 defer payment of debt or to incur debt and defer its payment.

41 (7) "Creditor" means a person:

42 (a) that regularly engages in the extension of first lien  
 43 mortgage transactions that are subject to a credit service  
 44 charge or loan finance charge, as applicable, or are payable by  
 45 written agreement in more than four (4) installments (not  
 46 including a down payment); and



- 1 (b) to which the obligation is initially payable, either on the  
 2 face of the note or contract, or by agreement if there is not a  
 3 note or contract.
- 4 The term does not include a person described in subsection  
 5 (34)(a) in a tablefunded transaction. A creditor may be an  
 6 individual, a limited liability company, a sole proprietorship, a  
 7 partnership, a trust, a joint venture, a corporation, an  
 8 unincorporated organization, or other form of entity, however  
 9 organized.
- 10 (8) "Department" refers to the members of the department of  
 11 financial institutions.
- 12 (9) "Depository institution" has the meaning set forth in the  
 13 Federal Deposit Insurance Act (12 U.S.C. 1813(c)) and includes  
 14 any credit union.
- 15 (10) "Director" refers to the director of the department of financial  
 16 institutions or the director's designee.
- 17 (11) "Dwelling" means a residential structure that contains one  
 18 (1) to four (4) units, regardless of whether the structure is  
 19 attached to real property. The term includes an individual:  
 20 (a) condominium unit;  
 21 (b) cooperative unit;  
 22 (c) mobile home; or  
 23 (d) trailer;  
 24 that is used as a residence.
- 25 (12) "Employee" means an individual who is paid wages or other  
 26 compensation by an employer required under federal income tax  
 27 law to file Form W-2 on behalf of the individual.
- 28 (13) "Federal banking agencies" means the Board of Governors  
 29 of the Federal Reserve System, the Office of the Comptroller of  
 30 the Currency, the Office of Thrift Supervision, the National Credit  
 31 Union Administration, and the Federal Deposit Insurance  
 32 Corporation.
- 33 (14) "First lien mortgage transaction" means:  
 34 (a) a consumer loan; or  
 35 (b) a consumer credit sale;  
 36 that is or will be used by the debtor primarily for personal, family,  
 37 or household purposes and that is secured by a mortgage or a land  
 38 contract (or another consensual security interest equivalent to a  
 39 mortgage or a land contract) that constitutes a first lien on a  
 40 dwelling or on residential real estate upon which a dwelling is  
 41 constructed or intended to be constructed.
- 42 (15) "Immediate family member" means a spouse, child, sibling,  
 43 parent, grandparent, or grandchild. The term includes stepparents,  
 44 stepchildren, stepsiblings, and adoptive relationships.
- 45 (16) "Individual" means a natural person.
- 46 (17) "Licensee" means a person licensed as a creditor under this



- 1 article.  
2 (18) "Loan" includes:  
3 (a) the creation of debt by:  
4 (i) the creditor's payment of or agreement to pay money to  
5 the debtor or to a third party for the account of the debtor; or  
6 (ii) the extension of credit by a person who engages as a  
7 seller in credit transactions primarily secured by an interest  
8 in land;  
9 (b) the creation of debt by a credit to an account with the  
10 creditor upon which the debtor is entitled to draw  
11 immediately; and  
12 (c) the forbearance of debt arising from a loan.  
13 (19) "Loan brokerage business" means any activity in which a  
14 person, in return for any consideration from any source, procures,  
15 attempts to procure, or assists in procuring, a mortgage  
16 transaction from a third party or any other person, whether or not  
17 the person seeking the mortgage transaction actually obtains the  
18 mortgage transaction.  
19 (20) "Loan processor or underwriter" means an individual who  
20 performs clerical or support duties as an employee at the direction  
21 of, and subject to the supervision and instruction of, a person  
22 licensed or exempt from licensing under this article. For purposes  
23 of this subsection, the term "clerical or support duties" may  
24 include, after the receipt of an application, the following:  
25 (a) The receipt, collection, distribution, and analysis of  
26 information common for the processing or underwriting of a  
27 mortgage transaction.  
28 (b) The communication with a consumer to obtain the  
29 information necessary for the processing or underwriting of a  
30 loan, to the extent that the communication does not include:  
31 (i) offering or negotiating loan rates or terms; or  
32 (ii) counseling consumers about mortgage transaction rates  
33 or terms.  
34 (21) "Mortgage loan originator" means an individual who, for  
35 compensation or gain, or in the expectation of compensation or  
36 gain, regularly engages in taking a mortgage transaction  
37 application or in offering or negotiating the terms of a mortgage  
38 transaction that either is made under this article or under  
39 IC 24-4.5 or is made by an employee of a person licensed or  
40 exempt from licensing under this article or under IC 24-4.5, while  
41 the employee is engaging in the loan brokerage business. The  
42 term does not include the following:  
43 (a) An individual engaged solely as a loan processor or  
44 underwriter as long as the individual works exclusively as an  
45 employee of a person licensed or exempt from licensing under  
46 this article.



- 1 (b) Unless the person or entity is compensated by:  
 2 (i) a creditor;  
 3 (ii) a loan broker;  
 4 (iii) another mortgage loan originator; or  
 5 (iv) any agent of a creditor, a loan broker, or another  
 6 mortgage loan originator described in items (i) through (iii);  
 7 a person or entity that performs only real estate brokerage  
 8 activities and is licensed or registered in accordance with  
 9 applicable state law.
- 10 (c) A person solely involved in extensions of credit relating to  
 11 timeshare plans (as defined in 11 U.S.C. 101(53D)).
- 12 (22) "Mortgage servicer" means the last person to whom a  
 13 mortgagor or the mortgagor's successor in interest has been  
 14 instructed by a mortgagee to send payments on a loan secured by  
 15 a mortgage.
- 16 (23) "Mortgage transaction" means:  
 17 (a) a consumer loan; or  
 18 (b) a consumer credit sale;  
 19 that is or will be used by the debtor primarily for personal, family,  
 20 or household purposes and that is secured by a mortgage or a land  
 21 contract (or another consensual security interest equivalent to a  
 22 mortgage or a land contract) on a dwelling or on residential real  
 23 estate upon which a dwelling is constructed or intended to be  
 24 constructed.
- 25 (24) "Nationwide Mortgage Licensing System and Registry" or  
 26 "NMLSR" means a mortgage licensing system developed and  
 27 maintained by the Conference of State Bank Supervisors and the  
 28 American Association of Residential Mortgage Regulators for the  
 29 licensing and registration of creditors and mortgage loan  
 30 originators.
- 31 (25) "Nontraditional mortgage product" means any mortgage  
 32 product other than a thirty (30) year fixed rate mortgage.
- 33 (26) "Organization" means a corporation, a government or  
 34 government subdivision, an agency, a trust, an estate, a  
 35 partnership, a limited liability company, a cooperative, an  
 36 association, a joint venture, an unincorporated organization, or  
 37 any other entity, however organized.
- 38 (27) "Payable in installments", with respect to a debt or an  
 39 obligation, means that payment is required or permitted by written  
 40 agreement to be made in more than four (4) installments not  
 41 including a down payment.
- 42 (28) "Person" includes an individual or an organization.
- 43 (29) "Principal" of a mortgage transaction means the total of:  
 44 (a) the net amount paid to, receivable by, or paid or payable  
 45 for the account of the debtor; and  
 46 (b) to the extent that payment is deferred, amounts actually



- 1           paid or to be paid by the creditor for registration, certificate of  
2           title, or license fees if not included in clause (a).
- 3           (30) "Real estate brokerage activity" means any activity that  
4           involves offering or providing real estate brokerage services to the  
5           public, including the following:
- 6           (a) Acting as a real estate agent or real estate broker for a  
7           buyer, seller, lessor, or lessee of real property.  
8           (b) Bringing together parties interested in the sale, purchase,  
9           lease, rental, or exchange of real property.  
10          (c) Negotiating, on behalf of any party, any part of a contract  
11          relating to the sale, purchase, lease, rental, or exchange of real  
12          property (other than in connection with providing financing  
13          with respect to the sale, purchase, lease, rental, or exchange of  
14          real property).  
15          (d) Engaging in any activity for which a person engaged in the  
16          activity is required to be registered or licensed as a real estate  
17          agent or real estate broker under any applicable law.  
18          (e) Offering to engage in any activity, or act in any capacity,  
19          described in this subsection.
- 20          (31) "Registered mortgage loan originator" means any individual  
21          who:
- 22          (a) meets the definition of mortgage loan originator and is an  
23          employee of:
- 24                  (i) a depository institution;  
25                  (ii) a subsidiary that is owned and controlled by a depository  
26                  institution and regulated by a federal banking agency; or  
27                  (iii) an institution regulated by the Farm Credit  
28                  Administration; and  
29          (b) is registered with, and maintains a unique identifier  
30          through, the NMLSR.
- 31          (32) "Residential real estate" means any real property that is  
32          located in Indiana and on which there is located or intended to be  
33          constructed a dwelling.
- 34          (33) "Revolving first lien mortgage transaction" means a first lien  
35          mortgage transaction in which:
- 36                  (a) the creditor permits the debtor to obtain advances from  
37                  time to time;  
38                  (b) the unpaid balances of principal, finance charges, and other  
39                  appropriate charges are debited to an account; and  
40                  (c) the debtor has the privilege of paying the balances in  
41                  installments.
- 42          (34) "Tablefunded" means a transaction in which:
- 43                  (a) a person closes a first lien mortgage transaction in the  
44                  person's own name as a mortgagee with funds provided by one  
45                  (1) or more other persons; and  
46                  (b) the transaction is assigned, not later than one (1) business



- 1           day after the funding of the transaction, to the mortgage  
2           creditor providing the funding.
- 3           (35) "Unique identifier" means a number or other identifier  
4           assigned by protocols established by the NMLSR.
- 5           (36) "Land contract" means a contract for the sale of real estate in  
6           which the seller of the real estate retains legal title to the real  
7           estate until the total contract price is paid by the buyer.
- 8           (37) "Bona fide nonprofit organization" means an organization  
9           that the does the following, as determined by the director, under  
10          criteria established by the director:
- 11          (a) Maintains tax exempt status under Section 501(c)(3) of the  
12          Internal Revenue Code.
- 13          (b) Promotes affordable housing or provides home ownership  
14          education or similar services.
- 15          (c) Conducts the organization's activities in a manner that  
16          serves public or charitable purposes.
- 17          (d) Receives funding and revenue and charges fees in a  
18          manner that does not encourage the organization or the  
19          organization's employees to act other than in the best interests  
20          of the organization's clients.
- 21          (e) Compensates the organization's employees in a manner that  
22          does not encourage employees to act other than in the best  
23          interests of the organization's clients.
- 24          (f) Provides to, or identifies for, debtors mortgage transactions  
25          with terms that are favorable to the debtor (as described in  
26          section ~~202(b)(15)~~ **202(b)(14)** of this chapter) and comparable  
27          to mortgage transactions and housing assistance provided  
28          under government housing assistance programs.
- 29          (g) Maintains certification by the United States Department of  
30          Housing and Urban Development or employs counselors who  
31          are certified by the Indiana housing and community  
32          development authority.
- 33          (38) "Regularly engaged", with respect to a person who extends  
34          or originates first lien mortgage transactions, refers to a person  
35          who:
- 36          (a) extended or originated more than five (5) first lien  
37          mortgage transactions in the preceding calendar year; or
- 38          (b) extends or originates, or will extend or originate, more than  
39          five (5) first lien mortgage transactions in the current calendar  
40          year if the person did not extend or originate more than five  
41          (5) first lien mortgage transactions in the preceding calendar  
42          year.
- 43          SECTION 59. IC 24-5-23.5-4, AS AMENDED BY P.L.89-2011,  
44          SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
45          UPON PASSAGE]: Sec. 4. (a) As used in this chapter, "mortgage loan"  
46          means a loan in which a mortgage (or another equivalent consensual



1 security interest) that constitutes a lien is created or retained against an  
2 interest in real property in Indiana.

3 (b) The term includes the following:

4 (1) A home loan subject to IC 24-9.

5 (2) A loan described in IC 24-9-1-1, to the extent allowed under  
6 federal law.

7 (3) A first lien mortgage transaction (as defined in  
8 IC 24-4.4-1-301) subject to IC 24-4.4.

9 (4) A consumer credit sale subject to IC 24-4.5-2 in which a  
10 mortgage (or another equivalent consensual security interest) that  
11 constitutes a lien is created or retained against an interest in real  
12 property in Indiana.

13 (5) A consumer ~~credit~~ loan subject to IC 24-4.5-3 in which a  
14 mortgage (or another equivalent consensual security interest) that  
15 constitutes a lien is created or retained against an interest in real  
16 property in Indiana.

17 (6) A loan in which a mortgage (or another equivalent consensual  
18 security interest) that constitutes a lien is created or retained  
19 against land:

20 (A) that is located in Indiana;

21 (B) upon which there is a dwelling that is not or will not be  
22 used by the borrower primarily for personal, family, or  
23 household purposes; and

24 (C) that is classified as residential for property tax purposes.

25 The term includes a loan that is secured by land in Indiana upon  
26 which there is a dwelling that is purchased by or through the  
27 borrower for investment or other business purposes.

28 (c) The term does not include a land contract.

29 SECTION 60. IC 24-9-3-7, AS AMENDED BY P.L.27-2012,  
30 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 UPON PASSAGE]: Sec. 7. (a) As used in this section, "mortgage  
32 transaction" includes the following:

33 (1) A home loan subject to this article.

34 (2) To the extent allowed under federal law, a loan described in  
35 IC 24-9-1-1 that is secured by a mortgage or a land contract (or  
36 another consensual security interest equivalent to a mortgage or  
37 a land contract) on real estate in Indiana on which there is located  
38 or will be located a structure or structures:

39 (A) designed primarily for occupancy of one (1) to four (4)  
40 families; and

41 (B) that is or will be occupied by a borrower as the borrower's  
42 principal dwelling.

43 (3) A first lien mortgage transaction (as defined in  
44 IC 24-4.4-1-301) subject to IC 24-4.4.

45 (4) A consumer credit sale subject to IC 24-4.5-2 in which a  
46 mortgage or a land contract (or another consensual security



1 interest equivalent to a mortgage or a land contract) that  
 2 constitutes a lien is created or retained against land:

3 (A) that is located in Indiana; and

4 (B) upon which there is constructed or intended to be  
 5 constructed a dwelling that is or will be used by the debtor  
 6 primarily for personal, family, or household purposes.

7 (5) A consumer ~~credit~~ loan subject to IC 24-4.5-3 in which a  
 8 mortgage or a land contract (or another consensual security  
 9 interest equivalent to a mortgage or a land contract) that  
 10 constitutes a lien is created or retained against land:

11 (A) that is located in Indiana; and

12 (B) upon which there is constructed or intended to be  
 13 constructed a dwelling that is or will be used by the debtor  
 14 primarily for personal, family, or household purposes.

15 (6) A loan in which a mortgage or a land contract (or another  
 16 consensual security interest equivalent to a mortgage or a land  
 17 contract) that constitutes a lien is created or retained against land:

18 (A) that is located in Indiana;

19 (B) upon which there is constructed or intended to be  
 20 constructed a dwelling that is not or will not be used by the  
 21 borrower primarily for personal, family, or household  
 22 purposes; and

23 (C) that is classified as residential for property tax purposes.

24 The term includes a loan that is secured by land in Indiana upon  
 25 which there is constructed or intended to be constructed a  
 26 dwelling that is purchased by or through the borrower for  
 27 investment or other business purposes.

28 (7) A reverse mortgage transaction that is secured by real estate  
 29 in Indiana on which there is located a structure that is occupied by  
 30 a borrower as the borrower's principal dwelling.

31 (b) As used in this section, "real estate transaction" means the sale  
 32 or lease of any legal or equitable interest in real estate:

33 (1) that is located in Indiana;

34 (2) upon which there is constructed or intended to be constructed  
 35 a dwelling; and

36 (3) that is classified as residential for property tax purposes.

37 (c) A person may not do any of the following:

38 (1) Divide a home loan transaction into separate parts with the  
 39 intent of evading a provision of this article.

40 (2) Structure a home loan transaction as an open-end loan with  
 41 the intent of evading the provisions of this article if the home loan  
 42 would be a high cost home loan if the home loan had been  
 43 structured as a closed-end loan.

44 (3) Engage in a deceptive act in connection with a mortgage  
 45 transaction or a real estate transaction.

46 (4) Engage in, or solicit to engage in, a real estate transaction or



- 1 a mortgage transaction without a permit or license required by  
 2 law.
- 3 (5) With respect to a real estate transaction or a mortgage  
 4 transaction, represent that:
- 5 (A) the transaction has:
- 6 (i) certain terms or conditions; or  
 7 (ii) the sponsorship or approval of a particular person or  
 8 entity;
- 9 that it does not have and that the person knows or reasonably  
 10 should know it does not have; or
- 11 (B) the real estate or property that is the subject of the  
 12 transaction has any improvements, appurtenances, uses,  
 13 characteristics, or associated benefits that it does not have and  
 14 that the person knows or reasonably should know it does not  
 15 have.
- 16 (6) Maintain or offer to maintain an account for the receipt of  
 17 funds for the payment of real estate taxes and insurance unless the  
 18 person is any of the following:
- 19 (A) Any of the following that is chartered under the laws of a  
 20 state or the United States:
- 21 (i) A bank.  
 22 (ii) A savings and loan association.  
 23 (iii) A credit union.  
 24 (iv) A savings bank.
- 25 (B) The creditor in a mortgage transaction.  
 26 (C) A mortgage servicer acting on behalf of the creditor in a  
 27 mortgage transaction.  
 28 (D) A closing agent (as defined in IC 27-7-3.7-1).
- 29 (7) Fail to provide the notice required under subsection (d), within  
 30 the time specified in subsection (d), if the person is a seller in a  
 31 real estate transaction described in subsection (d).
- 32 (d) This subsection applies to a real estate transaction that involves  
 33 a land contract between the seller and the buyer in the transaction. If  
 34 the real estate that is the subject of the transaction is subject to any  
 35 encumbrance, including any tax lien, foreclosure action, legal  
 36 judgment, or other encumbrance affecting the title to the real estate, the  
 37 seller must provide written notice by certified mail, return receipt  
 38 requested, of the encumbrance to the buyer:
- 39 (1) not later than the time the land contract is executed, if the  
 40 encumbrance is created before or at the time the land contract is  
 41 executed; or  
 42 (2) not later than ten (10) business days after the encumbrance is  
 43 created, if the encumbrance is created after the land contract is  
 44 executed.
- 45 SECTION 61. IC 25-15-10-2, AS ADDED BY P.L.95-2012,  
 46 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 2. As used in this section, "funeral  
2 ceremonies" ~~refer~~ **refers** to services or rites commemorating the  
3 deceased, with the dead human body present, conducted: ~~at:~~

- 4 (1) **in** churches;
- 5 (2) **in** funeral homes;
- 6 (3) **in** cemeteries;
- 7 (4) **in** crematories; or
- 8 (5) elsewhere.

9 Funeral ceremonies include visitations, funerals, graveside funeral  
10 services, and other similar rites or ceremonies.

11 SECTION 62. IC 25-26-13-25, AS AMENDED BY P.L.152-2012,  
12 SECTION 13, AND AS AMENDED BY P.L.159-2012, SECTION 6,  
13 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
14 [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) All original  
15 prescriptions, whether in written or electronic format, shall be  
16 numbered and maintained in numerical and chronological order, or in  
17 a manner approved by the board and accessible for at least two (2)  
18 years in the pharmacy. A prescription transmitted from a practitioner  
19 by means of communication other than writing must immediately be  
20 reduced to writing or recorded in an electronic format by the  
21 pharmacist. The files shall be open for inspection to any member of the  
22 board or ~~its~~ *the board's* duly authorized agent or representative.

23 (b) A prescription may be electronically transmitted from the  
24 practitioner by computer or another electronic device to a pharmacy  
25 that is licensed under this article or any other state or territory. An  
26 electronic data intermediary that is approved by the board:

- 27 (1) may transmit the prescription information between the
- 28 prescribing practitioner and the pharmacy;
- 29 (2) may archive copies of the electronic information related to the
- 30 transmissions as necessary for auditing and security purposes; and
- 31 (3) must maintain patient privacy and confidentiality of all
- 32 archived information as required by applicable state and federal
- 33 laws.

34 (c) Except as provided in subsection (d), a prescription for any drug,  
35 the label of which bears either the legend, "Caution: Federal law  
36 prohibits dispensing without prescription" or "Rx Only", may not be  
37 refilled without written, electronically transmitted, or oral authorization  
38 of a licensed practitioner.

39 (d) A prescription for any drug, the label of which bears either the  
40 legend, "Caution: Federal law prohibits dispensing without  
41 prescription" or "Rx Only", may be refilled by a pharmacist one (1)  
42 time without the written, electronically transmitted, or oral  
43 authorization of a licensed practitioner if all of the following conditions  
44 are met:

- 45 (1) The pharmacist has made every reasonable effort to contact
- 46 the original prescribing practitioner or the practitioner's designee



- 1 for consultation and authorization of the prescription refill.
- 2 (2) The pharmacist believes that, under the circumstances, failure
- 3 to provide a refill would be seriously detrimental to the patient's
- 4 health.
- 5 (3) The original prescription authorized a refill but a refill would
- 6 otherwise be invalid for either of the following reasons:
- 7 (A) All of the authorized refills have been dispensed.
- 8 (B) The prescription has expired under subsection ~~(g)~~: (h).
- 9 (4) The prescription for which the patient requests the refill was:
- 10 (A) originally filled at the pharmacy where the request for a
- 11 refill is received and the prescription has not been transferred
- 12 for refills to another pharmacy at any time; or
- 13 (B) filled at or transferred to another location of the same
- 14 pharmacy or its affiliate owned by the same parent corporation
- 15 if the pharmacy filling the prescription has full access to
- 16 prescription and patient profile information that is
- 17 simultaneously and continuously updated on the parent
- 18 corporation's information system.
- 19 (5) The drug is prescribed for continuous and uninterrupted use
- 20 and the pharmacist determines that the drug is being taken
- 21 properly in accordance with IC 25-26-16.
- 22 (6) The pharmacist shall document the following information
- 23 regarding the refill:
- 24 (A) The information required for any refill dispensed under
- 25 subsection (e).
- 26 (B) The dates and times that the pharmacist attempted to
- 27 contact the prescribing practitioner or the practitioner's
- 28 designee for consultation and authorization of the prescription
- 29 refill.
- 30 (C) The fact that the pharmacist dispensed the refill without
- 31 the authorization of a licensed practitioner.
- 32 (7) The pharmacist notifies the original prescribing practitioner
- 33 of the refill and the reason for the refill by the practitioner's next
- 34 business day after the refill has been made by the pharmacist.
- 35 (8) Any pharmacist initiated refill under this subsection may not
- 36 be for more than the minimum amount necessary to supply the
- 37 patient through the prescribing practitioner's next business day.
- 38 However, a pharmacist may dispense a drug in an amount greater
- 39 than the minimum amount necessary to supply the patient through
- 40 the prescribing practitioner's next business day if:
- 41 (A) the drug is packaged in a form that requires the pharmacist
- 42 to dispense the drug in a quantity greater than the minimum
- 43 amount necessary to supply the patient through the prescribing
- 44 practitioner's next business day; or
- 45 (B) the pharmacist documents in the patient's record the
- 46 amount of the drug dispensed and a compelling reason for



- 1           dispensing the drug in a quantity greater than the minimum  
2           amount necessary to supply the patient through the prescribing  
3           practitioner's next business day.
- 4           (9) Not more than one (1) pharmacist initiated refill is dispensed  
5           under this subsection for a single prescription.
- 6           (10) The drug prescribed is not a controlled substance.
- 7           A pharmacist may not refill a prescription under this subsection if the  
8           practitioner has designated on the prescription form the words "No  
9           Emergency Refill".
- 10          (e) When refilling a prescription, the refill record shall include:
- 11           (1) the date of the refill;
- 12           (2) the quantity dispensed if other than the original quantity; and
- 13           (3) the dispenser's identity on:
- 14           (A) the original prescription form; or
- 15           (B) another board approved, uniformly maintained, readily  
16           retrievable record.
- 17          (f) The original prescription form or the other board approved  
18          record described in subsection (e) must indicate by the number of the  
19          original prescription the following information:
- 20           (1) The name and dosage form of the drug.
- 21           (2) The date of each refill.
- 22           (3) The quantity dispensed.
- 23           (4) The identity of the pharmacist who dispensed the refill.
- 24           (5) The total number of refills for that prescription.
- 25          (g) *This subsection does not apply:*
- 26           (1) *unless a patient requests a prescription drug supply of more*  
27           *than thirty (30) days;*
- 28           (2) *to the dispensing of a controlled substance (as defined in*  
29           *IC 35-48-1-9); or*
- 30           (3) *if a prescriber indicates on the prescription that the quantity*  
31           *of the prescription may not be changed.*
- 32          *A pharmacist may dispense, upon request of the patient, personal or*  
33          *legal representative of the patient, or guardian of the patient, not more*  
34          *than a ninety (90) day supply of medication if the patient has*  
35          *completed an initial thirty (30) day supply of the drug therapy and the*  
36          *prescription, including any refills, allows a pharmacist to dispense at*  
37          *least a ninety (90) day supply of the medication. However, a*  
38          *pharmacist shall notify the prescriber of the change in the quantity*  
39          *filled and must comply with state and federal laws and regulations*  
40          *concerning the dispensing limitations concerning a prescription drug.*  
41          *The pharmacist shall inform the customer concerning whether the*  
42          *additional supply of the prescription will be covered under the*  
43          *patient's insurance, if applicable.*
- 44          ~~(g)~~ (h) A prescription is valid for not more than one (1) year after  
45          the original date of issue.
- 46          ~~(h)~~ (i) A pharmacist may not knowingly dispense a prescription after



1 the demise of the practitioner, unless in the pharmacist's professional  
2 judgment it is in the best interest of the patient's health.

3 ~~(j)~~ (j) A pharmacist may not knowingly dispense a prescription after  
4 the demise of the patient.

5 ~~(k)~~ (k) A pharmacist or a pharmacy shall not resell, reuse, or  
6 redistribute a medication that is returned to the pharmacy after being  
7 dispensed unless the medication:

8 (1) was dispensed to an individual:

9 (A) residing in an institutional facility (as defined in 856  
10 IAC 1-28.1-1(6));

11 (B) in a hospice program under IC 16-25; or

12 (C) in a county jail or department of correction facility;

13 (2) was properly stored and securely maintained according to  
14 sound pharmacy practices;

15 (3) is returned unopened and:

16 (A) was dispensed in the manufacturer's original:

17 (i) bulk, multiple dose container with an unbroken tamper  
18 resistant seal; or

19 (ii) unit dose package; or

20 (B) was packaged by the dispensing pharmacy in a:

21 (i) multiple dose blister container; or

22 (ii) unit dose package;

23 (4) was dispensed by the same pharmacy as the pharmacy  
24 accepting the return;

25 (5) is not expired; and

26 (6) is not a controlled substance (as defined in IC 35-48-1-9),  
27 unless the pharmacy holds a ~~Type~~ Category II permit (as  
28 described in section 17 of this chapter).

29 ~~(l)~~ (l) A pharmacist or a pharmacy shall not resell, reuse, or  
30 redistribute medical devices or medical supplies used for prescription  
31 drug therapy that have been returned to the pharmacy after being  
32 dispensed unless the medical devices or medical supplies:

33 (1) were dispensed to an individual in a county jail or department  
34 of correction facility;

35 (2) are not expired; and

36 (3) are returned unopened and in the original sealed packaging.

37 ~~(m)~~ (m) A pharmacist may use the pharmacist's professional  
38 judgment as to whether to accept medication for return under this  
39 section.

40 ~~(n)~~ (n) A pharmacist who violates subsection (d) commits a Class  
41 A infraction.

42 SECTION 63. IC 27-9-3.1-1, AS ADDED BY P.L.11-2011,  
43 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
44 UPON PASSAGE]: Sec. 1. (a) As used in this chapter, "actual direct  
45 compensatory damages" includes:

46 (1) normal and reasonable costs of cover; **and**



1 (2) other reasonable measures of damages used in the derivatives  
 2 market, the securities market, or another market for contract  
 3 claims.

4 (b) The term does not include:

- 5 (1) punitive or exemplary damages;  
 6 (2) damages for lost profit or lost opportunity; or  
 7 (3) damages for pain and suffering.

8 SECTION 64. IC 28-1-7-1, AS AMENDED BY P.L.27-2012,  
 9 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 UPON PASSAGE]: Sec. 1. (a) As used in this chapter, "corporation"  
 11 means:

- 12 (1) a bank;  
 13 (2) a trust company;  
 14 (3) a corporate fiduciary;  
 15 (4) a savings bank organized, reorganized, or formed as a result  
 16 of a conversion after December 31, 1992;  
 17 (5) a savings association; or  
 18 (6) an industrial loan and investment company that maintains  
 19 federal deposit insurance.

20 (b) As used in this chapter, "shareholder", with respect to a:

- 21 (1) mutual savings bank; or  
 22 (2) mutual ~~saving~~ **savings** association;

23 refers to a member of the mutual savings bank or mutual savings  
 24 association.

25 (c) Any two (2) or more corporations that are organized or  
 26 reorganized under the laws of any state (as defined in IC 28-2-17-19)  
 27 or of the United States may merge into one (1) of such corporations, or  
 28 may consolidate into a new corporation, to be organized under  
 29 IC 28-12, by complying with the provisions of this chapter.

30 (d) A savings bank organized before January 1, 1993, may under  
 31 section 25 of this chapter merge, consolidate, or join together with a  
 32 bank or trust company. Except as provided in section 25 of this chapter,  
 33 all other provisions of this chapter apply to the merger, consolidation,  
 34 or joining together.

35 (e) A corporation organized or reorganized under the laws of a state  
 36 (as defined in IC 28-2-17-19) or of the United States may merge or  
 37 consolidate with one (1) or more of its affiliates (as defined in  
 38 IC 28-1-18.2-1) by complying with all the provisions of this chapter. In  
 39 effecting a merger or consolidation between a corporation and an  
 40 affiliate, this chapter applies as if the affiliate were a corporation except  
 41 that a noncorporation survivor of a merger or consolidation does not  
 42 retain powers of the corporation.

43 SECTION 65. IC 28-1-8-0.7, AS ADDED BY P.L.27-2012,  
 44 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 45 UPON PASSAGE]: Sec. 0.7. As used in this chapter, "shareholder",  
 46 with respect to a:



1 (1) mutual savings bank; or  
 2 (2) mutual ~~saving~~ **savings** association;  
 3 refers to a member of the mutual savings bank or mutual savings  
 4 association.

5 SECTION 66. IC 28-6.1-1-2, AS AMENDED BY P.L.27-2012,  
 6 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 UPON PASSAGE]: Sec. 2. (a) This section applies only to a savings  
 8 bank (whether in stock or mutual form of ownership) that was:

9 (1) formed as a result of conversion under IC 28-1-21.7,  
 10 IC 28-1-21.8, or IC 28-1-21.9 after December 31, 1992;  
 11 (2) incorporated under IC 28-12; or  
 12 (3) formed as a result of conversion under IC 28-1-30.

13 (b) A savings bank described in subsection (a) is governed by  
 14 IC 28-13 in addition to this article.

15 (c) A reference in this article to formation and operation by a board  
 16 means formation by conversion and operation by an elected board of  
 17 directors.

18 (d) As to a mutual savings bank, a reference in IC 28-13-5,  
 19 IC 28-13-6, IC 28-1-7, IC 28-1-7.1, IC 28-1-8, or IC 28-1-9 to  
 20 shareholders and shareholders' meetings means members and members'  
 21 meetings.

22 (e) Notwithstanding subsection (d), in a proposed disposition  
 23 described in IC 28-1-8-3(b), ~~of this chapter~~, the rights and remedies for  
 24 dissenting shareholders set forth in IC 28-1-7-21 do not apply.

25 SECTION 67. IC 28-11-5-10, AS AMENDED BY P.L.27-2012,  
 26 SECTION 108, IS AMENDED TO READ AS FOLLOWS  
 27 [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Subject to subsection  
 28 (g), a financial institution described in section 1 of this chapter that is  
 29 subject to this chapter may:

30 (1) be organized as a limited liability company;  
 31 (2) convert to a limited liability company; or  
 32 (3) merge with or into a limited liability company;  
 33 under the laws of Indiana or the United States, including any rules or  
 34 regulations adopted or promulgated under the laws of Indiana or the  
 35 United States.

36 (b) A financial institution organized as a limited liability company  
 37 is subject to:

38 (1) IC 23-18; and  
 39 (2) this title.

40 If a provision of IC 23-18 conflicts with a provision of this title or with  
 41 any rule of the department, the provision of this title or the rule ~~of~~  
 42 the department controls.

43 (c) Any filing required to be made under IC 23-18 shall be made in  
 44 the same manner as for a financial institution that is organizing or is  
 45 organized in stock form.

46 (d) The department may prescribe any requirements for:



- 1 (1) the articles of organization; and  
 2 (2) the operating agreement;  
 3 of a financial institution that is organized and operates as a limited  
 4 liability company.
- 5 (e) The department has the exclusive authority under this title to  
 6 regulate a financial institution organized as a limited liability company.  
 7 A financial institution that is a limited liability company is subject to  
 8 the department's authority in the same manner as a bank that is  
 9 organized in stock form.
- 10 (f) A financial institution that is a limited liability company is  
 11 subject to the provisions of this title that apply to banks, except for the  
 12 provisions concerning corporate governance (IC 28-13), in the same  
 13 manner as a financial institution that is organized in stock form, subject  
 14 to the following:
- 15 (1) In the case of a manager managed limited liability company,  
 16 "director" means a manager of the limited liability company.  
 17 (2) In the case of a member managed limited liability company,  
 18 "director" means a member of the limited liability company.
- 19 (g) A financial institution may not:
- 20 (1) organize as;  
 21 (2) convert to; or  
 22 (3) merge with or into;  
 23 a limited liability company without the prior approval of the  
 24 department under this title.
- 25 SECTION 68. IC 31-9-2-117, AS AMENDED BY P.L.48-2012,  
 26 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 UPON PASSAGE]: Sec. 117. (a) Except as provided in subsection (b),  
 28 "shelter care facility", for purposes of the juvenile law, means a place  
 29 of residence that:
- 30 (1) is licensed under the laws of any state; and  
 31 (2) is not locked to prevent a child's departure unless the  
 32 administrator determines that locking is necessary to protect the  
 33 child's health.
- 34 (b) "Shelter care facility", for purposes of IC 31-27-3 and  
 35 IC 31-27-5, means a child caring institution or group home that  
 36 provides temporary service **twenty-four (24) hours a day** for not more  
 37 than twenty (20) consecutive days to a child:
- 38 (1) who is admitted to a residential facility on an emergency  
 39 basis; **and**  
 40 ~~(2) for twenty-four (24) hours a day; and~~  
 41 ~~(2)~~ **(2)** who is:
- 42 (A) receiving care and supervision under an order of a juvenile  
 43 court;  
 44 (B) voluntarily placed by the parent or guardian of the child;  
 45 or  
 46 (C) self-referred.



1 SECTION 69. IC 31-14-11-12, AS AMENDED BY P.L.128-2012,  
 2 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 UPON PASSAGE]: Sec. 12. (a) If the clerk of the court is notified by  
 4 the Title IV-D agency or the agency's designee that:

5 (1) the child who is the beneficiary of a support order is receiving  
 6 assistance under the:

7 (A) federal Title IV-A assistance program (42 U.S.C. 601 et  
 8 seq.); or

9 (B) Title IV-E assistance program (42 U.S.C. ~~671~~ **670** et seq.);

10 (2) an assignment of support rights in favor of the state is in effect  
 11 against the person obligated to make child support payments; and

12 (3) the Title IV-D agency has sent notice to the child support  
 13 obligor and obligee;

14 the clerk of the court shall forward the child support payments directly  
 15 to the Title IV-D agency without further order of the court.

16 (b) The Title IV-D agency shall disburse the child support payments  
 17 in accordance with federal regulations governing the Title IV-D  
 18 program.

19 SECTION 70. IC 31-27-4-2, AS AMENDED BY P.L.48-2012,  
 20 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 UPON PASSAGE]: Sec. 2. (a) A person may not operate a therapeutic  
 22 foster family home without a certificate issued under this article.

23 (b) The state or a political subdivision of the state may not operate  
 24 a therapeutic foster family home without a certificate issued under this  
 25 article.

26 (c) The department may issue a certificate only for a therapeutic  
 27 foster family home that meets:

28 (1) all the certification requirements of a foster family home; and

29 (2) the additional requirements described in this section.

30 (d) To receive a **certificate for the operation of a** therapeutic  
 31 **certificate foster family home**, a person must do the following:

32 (1) Be licensed as a foster parent under this chapter and 465 IAC  
 33 2-1-1 et seq.

34 (2) Participate in preservice training that includes:

35 (A) preservice training to be licensed as a foster parent under  
 36 465 IAC 2-1-1 et seq.; and

37 (B) additional preservice training in therapeutic foster care.

38 (e) A person who is issued a certificate to operate a therapeutic  
 39 foster family home shall, within one (1) year after meeting the training  
 40 requirements of subsection (d)(2) and, annually thereafter, participate  
 41 in training that includes:

42 (1) training as required in order to be licensed as a foster parent  
 43 under 465 IAC 2-1-1 et seq.; and

44 (2) additional training in therapeutic foster care.

45 (f) An operator of a therapeutic foster family home may not provide  
 46 supervision and care in a therapeutic foster family home to more than



1 four (4) children at the same time, including the children for whom the  
 2 applicant or operator is a parent, stepparent, guardian, custodian, or  
 3 other relative, and only two (2) of the children may be foster children.  
 4 The department may grant an exception to this subsection whenever the  
 5 placement of siblings in the same therapeutic foster family home is  
 6 desirable, the foster child has an established, meaningful relationship  
 7 with the therapeutic foster parent, or it is otherwise in the foster child's  
 8 best interests.

9 (g) An operator of a therapeutic foster family home that has a  
 10 therapeutic foster child placed with the therapeutic foster family home  
 11 may not accept a placement of a child who is not a therapeutic foster  
 12 child unless the child who is not a therapeutic foster child is a sibling  
 13 of the therapeutic foster child who is placed with the therapeutic foster  
 14 family home or it is in the best interests of the child being placed.

15 (h) A therapeutic foster family home may provide care for an  
 16 individual receiving collaborative care under IC 31-28-5.8.

17 (i) The department shall adopt rules under IC 4-22-2, including  
 18 emergency rules under IC 4-22-2-37.1, necessary to carry out this  
 19 section, including rules governing the number of hours of training  
 20 required under subsections (d) and (e).

21 (j) If a therapeutic foster family home does not meet the  
 22 requirements under subsection (f) or (g) on July 1, 2011, any foster  
 23 child placed in the home prior to July 1, 2011, may remain placed.  
 24 However, a new placement of a child may not be made in violation of  
 25 this section.

26 SECTION 71. IC 31-28-5.8-4, AS ADDED BY P.L.48-2012,  
 27 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 UPON PASSAGE]: Sec. 4. As used in this chapter, "older youth"  
 29 means an individual who is at least eighteen (18) years of age but less  
 30 than twenty (20) years of age.

31 SECTION 72. IC 31-33-24-15, AS AMENDED BY P.L.48-2012,  
 32 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 UPON PASSAGE]: Sec. 15. (a) The department shall collect and  
 34 document information surrounding the deaths of children reviewed by  
 35 local child fatality review teams. The department shall develop a data  
 36 collection form that includes:

- 37 (1) identifying and nonidentifying information;
- 38 (2) information regarding the circumstances surrounding a death;
- 39 (3) factors contributing to a death; and
- 40 (4) findings and recommendations that include the following  
 41 information:

42 (A) Whether similar future deaths could be prevented.

43 (B) A list of:

- 44 (i) agencies and entities that should be involved; and
- 45 (ii) any other resources that should be used;

46 to adequately prevent future child deaths in the region.



- 1 (C) A regional strategy that should be implemented to prevent  
 2 future child deaths.
- 3 (b) The data collection form developed under this section must be  
 4 provided to the following:
- 5 (1) The appropriate community child protection team.  
 6 (2) The chairperson of the statewide child fatality review  
 7 committee.  
 8 (3) The chairperson of a local child fatality review team.
- 9 (c) Each local child fatality review team shall, using the form  
 10 established under this section, report to the department the findings for  
 11 each fatality that the local child fatality review team reviews.
- 12 (d) The department shall annually prepare a report of all child  
 13 fatalities in Indiana that are the result of child abuse or neglect. The  
 14 report must include the following information:
- 15 (1) A summary of the information gathered under subsection (a)  
 16 for all child abuse or neglect fatalities.  
 17 (2) Demographic information regarding victims, perpetrators, and  
 18 households involved in child abuse or neglect fatalities.  
 19 (3) An analysis of the primary risk factors involved in child abuse  
 20 or neglect fatalities.  
 21 (4) A summary of the most frequent causes of child abuse or  
 22 neglect fatalities.  
 23 (5) A description of the manner in which the data was assembled.
- 24 The department shall post the report prepared under this subsection ~~to~~  
 25 **on** the department's Internet web site.
- 26 SECTION 73. IC 32-29-8-4, AS ADDED BY P.L.130-2012,  
 27 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 UPON PASSAGE]: Sec. 4. (a) As used in this section, "interested  
 29 person", with respect to an action to foreclose a mortgage on an interest  
 30 in real property in Indiana, means:
- 31 (1) the holder of the evidence of debt secured by the mortgage  
 32 being foreclosed;  
 33 (2) a person:  
 34 (A) who purchases the property at a judicial sale after a  
 35 judgment and decree of sale is entered in the action; and  
 36 (B) to whom a deed is executed and delivered by the sheriff  
 37 under IC 32-29-7-10; or  
 38 (3) any person claiming by, through, or under a person described  
 39 in subdivision (1) or (2).
- 40 (b) As used in this section, "omitted party", with respect to an action  
 41 to foreclose a mortgage on an interest in real property in Indiana,  
 42 means a person who:  
 43 (1) before the commencement of the action has acquired in the  
 44 property an interest that:  
 45 (A) is junior or subordinate to the mortgage being foreclosed;  
 46 and



- 1 (B) would otherwise be extinguished by the foreclosure; and  
 2 (2) is either:  
 3 (A) not named as a party defendant in the action or, if named  
 4 as a party defendant, is not served with process; or  
 5 (B) not served with a notice of sale under IC 32-29-7-3(d) after  
 6 a judgment and decree of sale is entered in the action.  
 7 The term includes any person claiming by, through, or under a person  
 8 described in this subsection.  
 9 (c) At any time after a judgment and decree of sale is entered in a  
 10 action to foreclose a mortgage on an interest in real property in Indiana,  
 11 an interested person or an omitted party may bring a civil action to:  
 12 (1) determine the extent of; and  
 13 (2) terminate;  
 14 the interest of an omitted party in the property subject to the sale.  
 15 (d) Except as provided in subsection (e) and subject to subsections  
 16 (f) and (g), upon the filing of an action described in subsection (c), the  
 17 court shall determine the extent of the omitted party's interest in the  
 18 property and issue a decree terminating that interest, subject to the right  
 19 of the omitted party to redeem the property on terms as the court  
 20 considers equitable under the circumstances after considering the  
 21 factors set forth in subsection (f), if the omitted party would have had  
 22 redemption rights:  
 23 (1) before the sale under IC 32-29-7-7; or  
 24 (2) after the sale, as described in IC 34-55-4-8(a)(2).  
 25 (e) If the omitted party proves that the omitted party has a right to  
 26 receive proceeds actually paid at the judicial sale, the omitted party's  
 27 interest in the property is not subject to termination by an action  
 28 brought under this section unless the proceeds that the omitted party  
 29 would have received at the judicial sale are paid to the omitted party.  
 30 (f) In an action brought under this section, if the court determines  
 31 that the omitted party is entitled to redemption under subsection (d),  
 32 the court shall consider the following in deciding the terms of the  
 33 redemption:  
 34 (1) Whether the omitted party:  
 35 (A) was given or had actual notice or knowledge of the  
 36 foreclosure; and  
 37 (B) had opportunity to intervene in the foreclosure action or  
 38 otherwise exercise any right to redeem the property.  
 39 (2) Whether any interested person in good faith has made  
 40 valuable improvements to the property and, if so, the value of all  
 41 lasting improvements made to the property before the  
 42 commencement of the action under this section.  
 43 (3) The amount of any taxes and assessments, along with any  
 44 related interest payments, related to the property and paid by ~~the~~  
 45 **an** interested person or by any person under whose title to the  
 46 property ~~the an~~ interested person claims.



1 (g) If the court determines that the omitted party is entitled to  
 2 redemption under subsection (d), and after considering the factors set  
 3 forth in subsection (f), the court shall grant redemption rights to the  
 4 omitted party that the court considers equitable under the  
 5 circumstances, subject to the following:

6 (1) The amount to be paid for redemption may not be less than the  
 7 sale price resulting from the foreclosure of the interested person's  
 8 senior lien, plus interest at the statutory judgment rate.

9 (2) The time allowed for payment of the redemption amount may  
 10 not exceed ninety (90) days after the date of the court's decree  
 11 under subsection (d).

12 (h) The senior lien upon which the foreclosure action was based is  
 13 not extinguished by merger with the title to the property conveyed to  
 14 a purchaser through a sheriff's deed executed and delivered under  
 15 IC 32-29-7-10 until the interest of any omitted party has been  
 16 terminated:

17 (1) through an action brought under this section; or

18 (2) by operation of law.

19 Until an omitted party's interest is terminated as described in this  
 20 subsection, any owner of the property as a holder of a sheriff's deed  
 21 executed and delivered under IC 32-29-7-10, or any person claiming  
 22 by, through, or under such an owner, is the equitable owner of the  
 23 senior lien upon which the foreclosure action was based and has all  
 24 rights against an omitted party as existed before the judicial sale.

25 (i) An interested person may not terminate an omitted party's  
 26 interest in real property that is the subject of a foreclosure action except  
 27 through an action brought under this section. An interested person's  
 28 rights under this section may not be denied because the interested  
 29 person:

30 (1) had actual or constructive notice of the omitted party's interest  
 31 in the property;

32 (2) was negligent in examining county records;

33 (3) was engaged in the business of lending; or

34 (4) obtained a title search or commitment or a title insurance  
 35 policy.

36 SECTION 74. IC 33-40-7-1 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE APRIL 1, 2012 (RETROACTIVE)]: Sec. 1.  
 38 This chapter does not apply to a county that:

39 (1) contains a consolidated city;

40 (2) has a population of:

41 (A) more than three hundred thousand (300,000) but less than  
 42 four hundred thousand (400,000);

43 (B) more than two hundred ~~fifty~~ thousand ~~(200,000)~~ **(250,000)**  
 44 but less than ~~three two~~ hundred ~~seventy~~ thousand ~~(300,000)~~;  
 45 **(270,000)**; or

46 (C) more than one hundred ~~seventy~~ **seventy-five** thousand



- 1           ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~  
2           **eighty-five** thousand ~~(180,000); (185,000);~~ or  
3           (3) has a population of more than four hundred thousand  
4           (400,000) but less than seven hundred thousand (700,000), except  
5           as provided in sections 5 and 11 of this chapter.
- 6           SECTION 75. IC 34-28-5-15, AS ADDED BY P.L.69-2012,  
7           SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8           UPON PASSAGE]: Sec. 15. (a) If a person alleged to have violated a  
9           statute defining an infraction:
- 10           (1) is not prosecuted, or if the action against the person is  
11           dismissed;  
12           (2) is adjudged not to have committed the infraction; or  
13           (3) is adjudged to have committed the infraction and the  
14           adjudication is subsequently vacated;  
15           the court in which the action was filed shall order the clerk not to  
16           disclose or permit disclosure of information related to the infraction to  
17           a noncriminal justice organization or an individual.
- 18           (b) If a court fails to order the ~~court clerk~~ to restrict **disclosure of**  
19           information related to the infraction under subsection (a), the person  
20           may petition the court to restrict disclosure of the records related to the  
21           infraction to a noncriminal justice organization or an individual.
- 22           (c) A petition under subsection (b) must be verified and filed in:  
23           (1) the court in which the action was filed, for a person described  
24           in subsection (a)(1); or  
25           (2) the court in which the trial was held, for a person described in  
26           subsection (a)(2) or (a)(3).
- 27           (d) A petition under subsection (b) must be filed not earlier than:  
28           (1) if the person is adjudged **not** to have ~~not~~ committed the  
29           infraction, thirty (30) days after the date of judgment;  
30           (2) if the person's adjudication is vacated, three hundred sixty-five  
31           (365) days after:  
32           (A) the order vacating the adjudication is final, if there is no  
33           appeal or the appeal is terminated before entry of an opinion  
34           or memorandum decision; or  
35           (B) the opinion or memorandum decision vacating the  
36           adjudication is certified; or  
37           (3) if the person is not prosecuted or the action is dismissed, thirty  
38           (30) days after the action is dismissed, if a new action is not filed.
- 39           (e) A petition under subsection (b) must set forth:  
40           (1) the date of the alleged violation;  
41           (2) the **alleged** violation;  
42           (3) the date the action was dismissed, if applicable;  
43           (4) the date of judgment, if applicable;  
44           (5) the date the adjudication was vacated, if applicable;  
45           (6) the basis on which the adjudication was vacated, if applicable;  
46           (7) the law enforcement agency employing the officer who issued



- 1 the complaint, if applicable;  
 2 (8) any other known identifying information, such as the name of  
 3 the officer, case number, or court cause number;  
 4 (9) the date of the petitioner's birth; and  
 5 (10) the petitioner's Social Security number.
- 6 (f) A copy of a petition **filed** under subsection ~~(b)~~ **(c)** shall be served  
 7 on the prosecuting attorney.
- 8 (g) If the prosecuting attorney wishes to oppose a petition **filed**  
 9 under subsection ~~(b)~~; **(c)**, the prosecuting attorney shall, not later than  
 10 thirty (30) days after the petition is filed, file a notice of opposition  
 11 with the court setting forth reasons for opposing the petition. The  
 12 prosecuting attorney shall attach to the notice of opposition a certified  
 13 copy of any documentary evidence showing that the petitioner is not  
 14 entitled to relief. A copy of the notice of opposition and copies of any  
 15 documentary evidence shall be served on the petitioner in accordance  
 16 with the Indiana Rules of Trial Procedure. The court may:  
 17 (1) summarily grant the petition;  
 18 (2) set the matter for hearing; or  
 19 (3) summarily deny the petition, if the court determines that:  
 20 (A) the petition is insufficient; or  
 21 (B) based on documentary evidence submitted by the  
 22 prosecuting attorney, the petitioner is not entitled to have  
 23 access to the petitioner's records restricted.
- 24 (h) If a notice of opposition is filed under subsection (g) and the  
 25 court does not summarily grant or summarily deny the petition, the  
 26 court shall set the matter for a hearing.
- 27 (i) After a hearing is held under subsection (h), the court shall grant  
 28 the petition filed under subsection ~~(b)~~ **(c)** if the person is entitled to  
 29 relief under subsection (a).
- 30 (j) If the court grants a petition filed under subsection ~~(b)~~; **(c)**, the  
 31 court shall order the clerk not to disclose or permit disclosure of  
 32 information related to the infraction to a noncriminal justice  
 33 organization or an individual.
- 34 SECTION 76. IC 34-28-5-16, AS ADDED BY P.L.69-2012,  
 35 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 UPON PASSAGE]: Sec. 16. (a) This chapter applies only to a person  
 37 found to have committed an infraction.
- 38 (b) Five (5) years after the date a person satisfies a judgment  
 39 imposed on a person for the violation of **a statute defining** an  
 40 infraction, the clerk of the court shall prohibit the disclosure of  
 41 information related to the infraction to a noncriminal justice  
 42 organization or an individual.
- 43 (c) If a person whose records are restricted under this section brings  
 44 a civil action that might be defended with the contents of the records,  
 45 the defendant is presumed to have a complete defense to the action.
- 46 (d) For the plaintiff to recover in an action described in subsection



1 (c), the plaintiff must show that the contents of the restricted records  
2 would not exonerate the defendant.

3 (e) In an action described in subsection (c), the plaintiff may be  
4 required to state under oath whether the disclosure of records relating  
5 to an infraction has been restricted.

6 (f) In an action described in subsection (c), if the plaintiff denies the  
7 existence of the records, the defendant may prove the existence of the  
8 records in any manner compatible with the law of evidence.

9 (g) A person whose records have been restricted under this section  
10 may legally state on an application for employment or any other  
11 document that the person has not been adjudicated to have committed  
12 the infraction recorded in the restricted records.

13 SECTION 77. IC 34-36-4 IS REPEALED [EFFECTIVE UPON  
14 PASSAGE]. (Filling Regular Panel of Jurors When Persons Excused  
15 From Service).

16 SECTION 78. IC 35-31.5-2-10, AS ADDED BY P.L.114-2012,  
17 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 UPON PASSAGE]: Sec. 10. ~~(a)~~ "Advisory sentence", for purposes of  
19 ~~IC 35-35-3~~; means the nonbinding guideline sentence defined in  
20 ~~IC 35-50-2-1.3~~. (b) "Advisory sentence", for purposes of IC 35-50-2-3  
21 through IC 35-50-2-7, has the meaning set forth in IC 35-50-2-1.3.

22 SECTION 79. IC 35-31.5-2-15, AS ADDED BY P.L.114-2012,  
23 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 UPON PASSAGE]: Sec. 15. "Alien", for purposes of ~~IC 35-44-5~~;  
25 **IC 35-44.1-5**, has the meaning set forth in ~~IC 35-44-5-2~~.  
26 **IC 35-44.1-5-2**.

27 SECTION 80. IC 35-31.5-2-26.5 IS ADDED TO THE INDIANA  
28 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
29 [EFFECTIVE UPON PASSAGE]: **Sec. 26.5. "Benefit", for purposes**  
30 **of IC 35-43-4-6, has the meaning set forth in IC 35-43-4-6(a).**

31 SECTION 81. IC 35-31.5-2-27.5 IS ADDED TO THE INDIANA  
32 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
33 [EFFECTIVE UPON PASSAGE]: **Sec. 27.5. "Benefit provider", for**  
34 **purposes of IC 35-43-4-6, has the meaning set forth in**  
35 **IC 35-43-4-6(a).**

36 SECTION 82. IC 35-31.5-2-32.5 IS ADDED TO THE INDIANA  
37 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
38 [EFFECTIVE UPON PASSAGE]: **Sec. 32.5. "Burn", for purposes of**  
39 **IC 35-47-7-3, has the meaning set forth in IC 35-47-7-3(a).**

40 SECTION 83. IC 35-31.5-2-44.8 IS ADDED TO THE INDIANA  
41 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
42 [EFFECTIVE UPON PASSAGE]: **Sec. 44.8. "Cocaine", for purposes**  
43 **of IC 35-48, has the meaning set forth in IC 35-48-1-7.**

44 SECTION 84. IC 35-31.5-2-56.3 IS ADDED TO THE INDIANA  
45 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
46 [EFFECTIVE UPON PASSAGE]: **Sec. 56.3. "Confidential**



1 **information", for purposes of IC 35-37-6, has the meaning set forth**  
 2 **in IC 35-37-6-1.5(a).**

3 SECTION 85. IC 35-31.5-2-57.8 IS ADDED TO THE INDIANA  
 4 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 5 [EFFECTIVE UPON PASSAGE]: **Sec. 57.8. "Consent of the original**  
 6 **manufacturer", for purposes of IC 35-43-7, has the meaning set**  
 7 **forth in IC 35-43-7-1.**

8 SECTION 86. IC 35-31.5-2-60, AS ADDED BY P.L.114-2012,  
 9 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 UPON PASSAGE]: Sec. 60. (a) "Consumer product", for purposes of  
 11 ~~IC 35-44-2-2~~; **IC 35-44.1-2-3**, has the meaning set forth in  
 12 ~~IC 35-44-2-2(a)~~; **IC 35-44.1-2-3(a).**

13 (b) "Consumer product", for purposes of IC 35-45-8, has the  
 14 meaning set forth in IC 35-45-8-1.

15 SECTION 87. IC 35-31.5-2-62, AS ADDED BY P.L.114-2012,  
 16 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 UPON PASSAGE]: Sec. 62. "Contraband", for purposes of  
 18 ~~IC 35-44-3-9.3~~; **IC 35-44.1-3-6**, has the meaning set forth in  
 19 ~~IC 35-44-3-9.3(a)~~; **IC 35-44.1-3-6(a).**

20 SECTION 88. IC 35-31.5-2-67.2 IS ADDED TO THE INDIANA  
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 22 [EFFECTIVE UPON PASSAGE]: **Sec. 67.2. "Corrections officer",**  
 23 **for purposes of IC 35-42-2-6, has the meaning set forth in**  
 24 **IC 35-42-2-6(a).**

25 SECTION 89. IC 35-31.5-2-87, AS ADDED BY P.L.114-2012,  
 26 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 UPON PASSAGE]: Sec. 87. (a) "Dealer", for purposes of  
 28 IC 35-43-4-2.3, has the meaning set forth in IC 35-43-4-2.3(a).

29 (b) "Dealer", for purposes of IC 35-47, has the meaning set forth in  
 30 IC 35-47-1-3.

31 **(c) "Dealer", for purposes of IC 35-47-2.5, includes any person**  
 32 **licensed under 18 U.S.C. 923, as set forth in IC 35-47-2.5-2.**

33 SECTION 90. IC 35-31.5-2-87.5 IS ADDED TO THE INDIANA  
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 35 [EFFECTIVE UPON PASSAGE]: **Sec. 87.5. "Defense counsel", for**  
 36 **purposes of IC 35-40-5-11, has the meaning set forth in**  
 37 **IC 35-40-5-11(b).**

38 SECTION 91. IC 35-31.5-2-90, AS ADDED BY P.L.114-2012,  
 39 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 UPON PASSAGE]: Sec. 90. (a) "Dependent", for purposes of  
 41 ~~IC 35-44-1-3~~; **IC 35-44.1-1-4**, has the meaning set forth in  
 42 ~~IC 35-44-1-3(a)(1)~~; **IC 35-44.1-1-4(a)(1).**

43 (b) "Dependent", for purposes of IC 35-46-1, has the meaning set  
 44 forth in IC 35-46-1-1.

45 SECTION 92. IC 35-31.5-2-95, AS ADDED BY P.L.114-2012,  
 46 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



- 1 UPON PASSAGE]: Sec. 95. "Dispatched firefighter", for purposes of  
 2 ~~IC 35-44-4~~, **IC 35-44.1-4**, has the meaning set forth in ~~IC 35-44-4-1~~.  
 3 **IC 35-44.1-4-1.**
- 4 SECTION 93. IC 35-31.5-2-114, AS ADDED BY P.L.114-2012,  
 5 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 UPON PASSAGE]: Sec. 114. "Emergency incident area", for purposes  
 7 of ~~IC 35-44-4~~, **IC 35-44.1-4**, has the meaning set forth in ~~IC 35-44-4-2~~.  
 8 **IC 35-44.1-4-2.**
- 9 SECTION 94. IC 35-31.5-2-115, AS ADDED BY P.L.114-2012,  
 10 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 UPON PASSAGE]: Sec. 115. "Emergency medical person", for  
 12 purposes of ~~IC 35-44-3-8.5~~, **IC 35-44.1-4-9**, has the meaning set forth  
 13 in ~~IC 35-44-3-8.5(b)~~. **IC 35-44.1-4-9(a).**
- 14 SECTION 95. IC 35-31.5-2-115.2 IS ADDED TO THE INDIANA  
 15 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 16 [EFFECTIVE UPON PASSAGE]: **Sec. 115.2. "Emergency medical  
 17 responder", for purposes of IC 35-42-2-6, has the meaning set forth  
 18 in IC 35-42-2-6(c).**
- 19 SECTION 96. IC 35-31.5-2-123.5 IS ADDED TO THE INDIANA  
 20 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 21 [EFFECTIVE UPON PASSAGE]: **Sec. 123.5. "Executive authority",  
 22 for purposes of IC 35-33-10-3, has the meaning set forth in  
 23 IC 35-33-10-3(1).**
- 24 SECTION 97. IC 35-31.5-2-132.7 IS ADDED TO THE INDIANA  
 25 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 26 [EFFECTIVE UPON PASSAGE]: **Sec. 132.7. "Fire protective  
 27 clothing and fire protective gear", for purposes of IC 35-44.1-4, has  
 28 the meaning set forth in IC 35-44.1-4-4.**
- 29 SECTION 98. IC 35-31.5-2-135, AS ADDED BY P.L.114-2012,  
 30 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 UPON PASSAGE]: Sec. 135. (a) "Firefighter", for purposes of  
 32 IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(b).  
 33 (b) "Firefighter", for purposes of ~~IC 35-44-4~~, **IC 35-44.1-4**, has the  
 34 meaning set forth in ~~IC 35-44-4-3~~. **IC 35-44.1-4-3.**
- 35 SECTION 99. IC 35-31.5-2-139.5 IS ADDED TO THE INDIANA  
 36 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 37 [EFFECTIVE UPON PASSAGE]: **Sec. 139.5. "Funds", for purposes  
 38 of IC 35-45-15, has the meaning set forth in IC 35-45-15-2.**
- 39 SECTION 100. IC 35-31.5-2-145, AS ADDED BY P.L.114-2012,  
 40 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 UPON PASSAGE]: Sec. 145. "Governmental entity served by the  
 42 public servant", for purposes of ~~IC 35-44-1-3~~, **IC 35-44.1-1-4**, has the  
 43 meaning set forth in ~~IC 35-44-1-3(a)(2)~~. **IC 35-44.1-1-4(a)(2).**
- 44 SECTION 101. IC 35-31.5-2-145.3 IS ADDED TO THE INDIANA  
 45 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 46 [EFFECTIVE UPON PASSAGE]: **Sec. 145.3. "Governor", for**



1 purposes of IC 35-33-10-3, has the meaning set forth in  
2 IC 35-33-10-3(1).

3 SECTION 102. IC 35-31.5-2-152.5 IS ADDED TO THE INDIANA  
4 CODE AS A NEW SECTION TO READ AS FOLLOWS  
5 [EFFECTIVE UPON PASSAGE]: **Sec. 152.5. "HIV", for purposes**  
6 **of IC 35-45-16, has the meaning set forth in IC 35-45-16-1.**

7 SECTION 103. IC 35-31.5-2-160.5 IS ADDED TO THE INDIANA  
8 CODE AS A NEW SECTION TO READ AS FOLLOWS  
9 [EFFECTIVE UPON PASSAGE]: **Sec. 160.5. "Human**  
10 **immunodeficiency virus (HIV)", for purposes of IC 35-42-2-6, has**  
11 **the meaning set forth in IC 35-42-2-6(d).**

12 SECTION 104. IC 35-31.5-2-163, AS ADDED BY P.L.114-2012,  
13 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 UPON PASSAGE]: **Sec. 163. "Identify "Identity theft", for the**  
15 **purposes of IC 35-40-14, has the meaning set forth in IC 35-40-14-1.**

16 SECTION 105. IC 35-31.5-2-165.8 IS ADDED TO THE INDIANA  
17 CODE AS A NEW SECTION TO READ AS FOLLOWS  
18 [EFFECTIVE UPON PASSAGE]: **Sec. 165.8. "Impermissible**  
19 **contact", for purposes of IC 35-45-10, has the meaning set forth in**  
20 **IC 35-45-10-3.**

21 SECTION 106. IC 35-31.5-2-168.8 IS ADDED TO THE INDIANA  
22 CODE AS A NEW SECTION TO READ AS FOLLOWS  
23 [EFFECTIVE UPON PASSAGE]: **Sec. 168.8. "Indiana", for**  
24 **purposes of IC 35-41-1-1, has the meaning set forth in**  
25 **IC 35-41-1-1(a).**

26 SECTION 107. IC 35-31.5-2-171, AS ADDED BY P.L.114-2012,  
27 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 UPON PASSAGE]: **Sec. 171. "Inmate outside a facility", for purposes**  
29 **of ~~IC 35-44-3-9.3~~, IC 35-44.1-3-6, has the meaning set forth in**  
30 **~~IC 35-44-3-9.3(b)~~: IC 35-44.1-3-6(b).**

31 SECTION 108. IC 35-31.5-2-173.8 IS ADDED TO THE INDIANA  
32 CODE AS A NEW SECTION TO READ AS FOLLOWS  
33 [EFFECTIVE UPON PASSAGE]: **Sec. 173.8. "Insurance policy", for**  
34 **purposes of IC 35-43-5, has the meaning set forth in**  
35 **IC 35-43-5-1(j).**

36 SECTION 109. IC 35-31.5-2-178, AS ADDED BY P.L.114-2012,  
37 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
38 UPON PASSAGE]: **Sec. 178. "Juvenile facility", for purposes of**  
39 **~~IC 35-44-3-9~~, IC 35-44.1-3-5, has the meaning set forth in**  
40 **~~IC 35-44-3-9(a)~~: IC 35-44.1-3-5(a).**

41 SECTION 110. IC 35-31.5-2-185, AS ADDED BY P.L.114-2012,  
42 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
43 UPON PASSAGE]: **Sec. 185. (a) "Law enforcement officer" means:**

- 44 (1) a police officer (including a correctional police officer),  
45 sheriff, constable, marshal, prosecuting attorney, special  
46 prosecuting attorney, special deputy prosecuting attorney, the



- 1 securities commissioner, or the inspector general;  
 2 (2) a deputy of any of those persons;  
 3 (3) an investigator for a prosecuting attorney or for the inspector  
 4 general;  
 5 (4) a conservation officer;  
 6 (5) an enforcement officer of the alcohol and tobacco  
 7 commission; or  
 8 (6) an enforcement officer of the securities division of the office  
 9 of the secretary of state.

10 **(b) "Law enforcement officer", for purposes of IC 35-42-2-1,**  
 11 **includes an alcoholic beverage enforcement officer, as set forth in**  
 12 **IC 35-42-2-1(b)(1).**

13 **(c) "Law enforcement officer", for purposes of IC 35-45-15,**  
 14 **includes an alcoholic beverage enforcement officer, as set forth in**  
 15 **IC 35-45-15-3.**

16 SECTION 111. IC 35-31.5-2-203, AS ADDED BY P.L.114-2012,  
 17 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 UPON PASSAGE]: Sec. 203. "Misconduct", for purposes of  
 19 ~~IC 35-44-2-2~~, **IC 35-44.1-2-3**, has the meaning set forth in  
 20 ~~IC 35-44-2-2(b)~~: **IC 35-44.1-2-3(b).**

21 SECTION 112. IC 35-31.5-2-217.5 IS ADDED TO THE INDIANA  
 22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 23 [EFFECTIVE UPON PASSAGE]: **Sec. 217.5. "Officer", for purposes**  
 24 **of IC 35-44.1-3-2, has the meaning set forth in IC 35-44.1-3-2(a).**

25 SECTION 113. IC 35-31.5-2-218.5 IS ADDED TO THE INDIANA  
 26 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 27 [EFFECTIVE UPON PASSAGE]: **Sec. 218.5. "Omnibus date", for**  
 28 **purposes of IC 35-36, has the meaning set forth in IC 35-36-1-1.**

29 SECTION 114. IC 35-31.5-2-230, AS ADDED BY P.L.114-2012,  
 30 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 UPON PASSAGE]: Sec. 230. "Pecuniary interest", for purposes of  
 32 ~~IC 35-44-1-3~~ **IC 35-44.1-1-4** and ~~IC 35-44-1-7~~, **IC 35-44.1-1-5**, has the  
 33 meaning set forth in ~~IC 35-44-1-3(a)(3)~~: **IC 35-44.1-1-4(a)(3).**

34 SECTION 115. IC 35-31.5-2-234, AS ADDED BY P.L.114-2012,  
 35 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 UPON PASSAGE]: Sec. 234. (a) **Except as provided in subsections**  
 37 **(b) through (d), "person" means a human being, corporation, limited**  
 38 **liability company, partnership, unincorporated association, or**  
 39 **governmental entity.**

40 (b) "Person", for purposes of IC 35-43-6, has the meaning set forth  
 41 in IC 35-43-6-7.

42 (c) "Person", for purposes of IC 35-43-9, has the meaning set forth  
 43 in IC 35-43-9-2.

44 **(d) "Person", for purposes of section 128 of this chapter, means**  
 45 **an adult or a minor.**

46 SECTION 116. IC 35-31.5-2-235.7 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 2 [EFFECTIVE UPON PASSAGE]: **Sec. 235.7. "Place", for purposes**  
 3 **of IC 35-33-5-1, has the meaning set forth in IC 35-33-5-1(b).**

4 SECTION 117. IC 35-31.5-2-237, AS ADDED BY P.L.114-2012,  
 5 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 UPON PASSAGE]: Sec. 237. "Police radio", for purposes of  
 7 ~~IC 35-44-3-12~~, **IC 35-44.1-2-7**, has the meaning set forth in  
 8 ~~IC 35-44-3-12(c)~~: **IC 35-44.1-2-7(c).**

9 SECTION 118. IC 35-31.5-2-244, AS ADDED BY P.L.114-2012,  
 10 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 UPON PASSAGE]: Sec. 244. (a) "Prescription drug", for purposes of  
 12 IC 35-48, has the meaning set forth in IC 35-48-1-25.

13 **(b) "Prescription drug", for purposes of IC 35-42-2-8, has the**  
 14 **meaning set forth in IC 35-42-2-8(a)(4).**

15 SECTION 119. IC 35-31.5-2-248.2 IS ADDED TO THE INDIANA  
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 17 [EFFECTIVE UPON PASSAGE]: **Sec. 248.2. "Production", for**  
 18 **purposes of IC 35-48, has the meaning set forth in IC 35-48-1-26.**

19 SECTION 120. IC 35-31.5-2-262, AS ADDED BY P.L.114-2012,  
 20 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 UPON PASSAGE]: Sec. 262. "Publicly paid costs of representation",  
 22 means the part of all attorney's fees, expenses, or wages incurred by the  
 23 county that are: (1) directly attributable to the defendant's defense; and  
 24 (2) not overhead expenditures made in connection with the  
 25 maintenance or operation of a governmental agency: **for purposes of**  
 26 **IC 35-33-8, has the meaning set forth in IC 35-33-8-1.5.**

27 SECTION 121. IC 35-31.5-2-273.2 IS ADDED TO THE INDIANA  
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 29 [EFFECTIVE UPON PASSAGE]: **Sec. 273.2. "Refuse", for purposes**  
 30 **of IC 35-45-3-2, has the meaning set forth in IC 35-45-3-2(b).**

31 SECTION 122. IC 35-31.5-2-273.3 IS ADDED TO THE INDIANA  
 32 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 33 [EFFECTIVE UPON PASSAGE]: **Sec. 273.3. "Regulated explosive",**  
 34 **for purposes of IC 35-47.5, has the meaning set forth in**  
 35 **IC 35-47.5-2-13.**

36 SECTION 123. IC 35-31.5-2-296, AS ADDED BY P.L.114-2012,  
 37 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 UPON PASSAGE]: Sec. 296. "Service provider", for purposes of  
 39 ~~IC 35-44-1-5~~, **IC 35-44.1-3-10**, has the meaning set forth in  
 40 ~~IC 35-44-1-5(a)~~: **IC 35-44.1-3-10(a).**

41 SECTION 124. IC 35-31.5-2-311, AS ADDED BY P.L.114-2012,  
 42 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 43 UPON PASSAGE]: Sec. 311. (a) "State", for purposes of IC 35-48-7,  
 44 has the meaning set forth in IC 35-48-7-7.5.

45 **(b) "State", for purposes of IC 35-37-5, has the meaning set**  
 46 **forth in IC 35-37-5-1.**



1 SECTION 125. IC 35-31.5-2-316.8 IS ADDED TO THE INDIANA  
 2 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 3 [EFFECTIVE UPON PASSAGE]: **Sec. 316.8. "Subpoena", for**  
 4 **purposes of IC 35-37-5, has the meaning set forth in IC 35-37-5-1.**

5 SECTION 126. IC 35-31.5-2-330.3 IS ADDED TO THE INDIANA  
 6 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 7 [EFFECTIVE UPON PASSAGE]: **Sec. 330.3. "Threatens", for**  
 8 **purposes of IC 35-45-9, has the meaning set forth in IC 35-45-9-2.**

9 SECTION 127. IC 35-31.5-2-330.7 IS ADDED TO THE INDIANA  
 10 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 11 [EFFECTIVE UPON PASSAGE]: **Sec. 330.7. "Timber", for**  
 12 **purposes of IC 35-43-8, has the meaning set forth in IC 35-43-8-1.**

13 SECTION 128. IC 35-31.5-2-333.9 IS ADDED TO THE INDIANA  
 14 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 15 [EFFECTIVE UPON PASSAGE]: **Sec. 333.9. "Tobacco", for**  
 16 **purposes of IC 35-46-1, has the meaning set forth in IC 35-46-1-1.7.**

17 SECTION 129. IC 35-38-1-5, AS AMENDED BY P.L.105-2010,  
 18 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 UPON PASSAGE]: Sec. 5. (a) When the defendant appears for  
 20 sentencing, the court shall inform the defendant of the verdict of the  
 21 jury or the finding of the court. The court shall afford counsel for the  
 22 defendant an opportunity to speak on behalf of the defendant. The  
 23 defendant may also make a statement personally in the defendant's own  
 24 behalf and, before pronouncing sentence, the court shall ask the  
 25 defendant whether the defendant wishes to make such a statement.  
 26 Sentence shall then be pronounced, unless a sufficient cause is alleged  
 27 or appears to the court for delay in sentencing.

28 (b) ~~This subsection expires June 30, 2012: A court that sentences a~~  
 29 ~~person to a term of imprisonment shall include the total costs of~~  
 30 ~~incarceration in the sentencing order. The court may not consider Class~~  
 31 ~~I credit under IC 35-50-6-3 in the calculation of the total costs of~~  
 32 ~~incarceration.~~

33 SECTION 130. IC 35-38-2-2.3, AS AMENDED BY P.L.40-2012,  
 34 SECTION 20, AND AS AMENDED BY P.L.147-2012, SECTION 9,  
 35 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE UPON PASSAGE]: Sec. 2.3. (a) As a condition of  
 37 probation, the court may require a person to do a combination of the  
 38 following:

- 39 (1) Work faithfully at suitable employment or faithfully pursue a
- 40 course of study or career and technical education that will equip
- 41 the person for suitable employment.
- 42 (2) Undergo available medical or psychiatric treatment and
- 43 remain in a specified institution if required for that purpose.
- 44 (3) Attend or reside in a facility established for the instruction,
- 45 recreation, or residence of persons on probation.
- 46 (4) *Participate in a treatment program, educational class, or*



- 1            *rehabilitative service provided by a probation department or by*  
 2            *referral to an agency.*
- 3            ~~(4)~~ (5) Support the person's dependents and meet other family  
 4            responsibilities.
- 5            ~~(5)~~ (6) Make restitution or reparation to the victim of the crime for  
 6            damage or injury that was sustained by the victim. When  
 7            restitution or reparation is a condition of probation, the court shall  
 8            fix the amount, which may not exceed an amount the person can  
 9            or will be able to pay, and shall fix the manner of performance.
- 10           ~~(6)~~ (7) Execute a repayment agreement with the appropriate  
 11           governmental entity to repay the full amount of public relief or  
 12           assistance wrongfully received, and make repayments according  
 13           to a repayment schedule set out in the agreement.
- 14           ~~(7)~~ (8) Pay a fine authorized by IC 35-50.
- 15           ~~(8)~~ (9) Refrain from possessing a firearm or other deadly weapon  
 16           unless granted written permission by the court or the person's  
 17           probation officer.
- 18           ~~(9)~~ (10) Report to a probation officer at reasonable times as  
 19           directed by the court or the probation officer.
- 20           ~~(10)~~ (11) Permit the person's probation officer to visit the person  
 21           at reasonable times at the person's home or elsewhere.
- 22           ~~(11)~~ (12) Remain within the jurisdiction of the court, unless  
 23           granted permission to leave by the court or by the person's  
 24           probation officer.
- 25           ~~(12)~~ (13) Answer all reasonable inquiries by the court or the  
 26           person's probation officer and promptly notify the court or  
 27           probation officer of any change in address or employment.
- 28           ~~(13)~~ (14) Perform uncompensated work that benefits the  
 29           community.
- 30           ~~(14)~~ (15) Satisfy other conditions reasonably related to the  
 31           person's rehabilitation.
- 32           ~~(15)~~ (16) Undergo home detention under IC 35-38-2.5.
- 33           ~~(16)~~ (17) Undergo a laboratory test or series of tests approved by  
 34           the state department of health to detect and confirm the presence  
 35           of the human immunodeficiency virus (HIV) antigen or antibodies  
 36           to the human immunodeficiency virus (HIV), if:
- 37           (A) the person had been convicted of an offense relating to a  
 38           criminal sexual act and the offense created an  
 39           epidemiologically demonstrated risk of transmission of the  
 40           human immunodeficiency virus (HIV); or
- 41           (B) the person had been convicted of an offense relating to a  
 42           controlled substance and the offense involved:
- 43           (i) the delivery by any person to another person; or
- 44           (ii) the use by any person on another person;
- 45           of a contaminated sharp (as defined in IC 16-41-16-2) or other  
 46           paraphernalia that creates an epidemiologically demonstrated



1 risk of transmission of HIV by involving percutaneous contact.  
 2 ~~(17)~~ (18) Refrain from any direct or indirect contact with an  
 3 individual and, if convicted of an offense under IC 35-46-3, any  
 4 animal belonging to the individual.

5 ~~(18)~~ (19) Execute a repayment agreement with the appropriate  
 6 governmental entity or with a person for reasonable costs incurred  
 7 because of the taking, detention, or return of a missing child (as  
 8 defined in IC 10-13-5-4).

9 ~~(19)~~ (20) Periodically undergo a laboratory chemical test (as  
 10 defined in ~~IC 14-15-8-1~~ IC 9-13-2-22) or series of chemical tests  
 11 as specified by the court to detect and confirm the presence of a  
 12 controlled substance (as defined in IC 35-48-1-9). The person on  
 13 probation is responsible for any charges resulting from a test and  
 14 shall have the results of any test under this subdivision reported  
 15 to the person's probation officer by the laboratory.

16 ~~(20)~~ (21) If the person was confined in a penal facility, execute a  
 17 reimbursement plan as directed by the court and make repayments  
 18 under the plan to the authority that operates the penal facility for  
 19 all or part of the costs of the person's confinement in the penal  
 20 facility. The court shall fix an amount that:

21 (A) may not exceed an amount the person can or will be able  
 22 to pay;

23 (B) does not harm the person's ability to reasonably be self  
 24 supporting or to reasonably support any dependent of the  
 25 person; and

26 (C) takes into consideration and gives priority to any other  
 27 restitution, reparation, repayment, or fine the person is  
 28 required to pay under this section.

29 ~~(21)~~ (22) Refrain from owning, harboring, or training an animal.

30 ~~(22)~~ (23) Participate in a reentry court program.

31 (b) When a person is placed on probation, the person shall be given  
 32 a written statement specifying:

33 (1) the conditions of probation; and

34 (2) that if the person violates a condition of probation during the  
 35 probationary period, a petition to revoke probation may be filed  
 36 before the earlier of the following:

37 (A) One (1) year after the termination of probation.

38 (B) Forty-five (45) days after the state receives notice of the  
 39 violation.

40 (c) As a condition of probation, the court may require that the  
 41 person serve a term of imprisonment in an appropriate facility at the  
 42 time or intervals (consecutive or intermittent) within the period of  
 43 probation the court determines.

44 (d) Intermittent service may be required only for a term of not more  
 45 than sixty (60) days and must be served in the county or local penal  
 46 facility. The intermittent term is computed on the basis of the actual



1 days spent in confinement and shall be completed within one (1) year.  
 2 A person does not earn credit time while serving an intermittent term  
 3 of imprisonment under this subsection. When the court orders  
 4 intermittent service, the court shall state:

- 5 (1) the term of imprisonment;
- 6 (2) the days or parts of days during which a person is to be  
 7 confined; and
- 8 (3) the conditions.

9 (e) Supervision of a person may be transferred from the court that  
 10 placed the person on probation to a court of another jurisdiction, with  
 11 the concurrence of both courts. Retransfers of supervision may occur  
 12 in the same manner. This subsection does not apply to transfers made  
 13 under IC 11-13-4 or IC 11-13-5.

14 (f) When a court imposes a condition of probation described in  
 15 subsection ~~(a)(17)~~: (a)(18):

- 16 (1) the clerk of the court shall comply with IC 5-2-9; and
- 17 (2) the prosecuting attorney shall file a confidential form  
 18 prescribed or approved by the division of state court  
 19 administration with the clerk.

20 (g) As a condition of probation, a court shall require a person:

- 21 (1) convicted of an offense described in IC 10-13-6-10;
- 22 (2) who has not previously provided a DNA sample in accordance  
 23 with IC 10-13-6; and
- 24 (3) whose sentence does not involve a commitment to the  
 25 department of correction;

26 to provide a DNA sample as a condition of probation.

27 (h) *If a court imposes a condition of probation described in*  
 28 *subsection (a)(4), the person on probation is responsible for any costs*  
 29 *resulting from the participation in a program, class, or service. Any*  
 30 *costs collected for services provided by the probation department shall*  
 31 *be deposited in the county or local supplemental adult services fund.*

32 SECTION 131. IC 35-44.1-4-9, AS ADDED BY P.L.126-2012,  
 33 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 UPON PASSAGE]: Sec. 9. (a) **As used in this section,** "emergency  
 35 medical person" means a person who holds a certificate issued by the  
 36 Indiana emergency medical services commission to provide emergency  
 37 medical services.

38 (b) A person who knowingly or intentionally obstructs or interferes  
 39 with an emergency medical person performing or attempting to perform  
 40 the emergency medical person's emergency functions or duties commits  
 41 obstructing an emergency medical person, a Class B misdemeanor.

42 SECTION 132. IC 35-44.2-4-2, AS ADDED BY P.L.126-2012,  
 43 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 44 UPON PASSAGE]: Sec. 2. (a) An employee of a state agency who  
 45 unlawfully discloses a Social Security number is subject to criminal  
 46 prosecution under IC 4-1-10-8.



1 (b) An employee of a state agency who makes a false representation  
 2 to obtain a Social Security number **from the state agency** is subject to  
 3 criminal prosecution under IC 4-1-10-9.

4 (c) An employee of a state agency who negligently discloses a  
 5 Social Security number is subject to a civil action for an infraction  
 6 under IC 4-1-10-10.

7 SECTION 133. IC 35-45-6-1, AS AMENDED BY P.L.126-2012,  
 8 SECTION 56, AND AS AMENDED BY P.L.149-2012, SECTION 19,  
 9 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The definitions in this  
 11 section apply throughout this chapter.

12 (b) "Documentary material" means any document, drawing,  
 13 photograph, recording, or other tangible item containing compiled data  
 14 from which information can be either obtained or translated into a  
 15 usable form.

16 (c) "Enterprise" means:

17 (1) a sole proprietorship, corporation, limited liability company,  
 18 partnership, business trust, or governmental entity; or

19 (2) a union, an association, or a group, whether a legal entity or  
 20 merely associated in fact.

21 (d) "Pattern of racketeering activity" means engaging in at least two  
 22 (2) incidents of racketeering activity that have the same or similar  
 23 intent, result, accomplice, victim, or method of commission, or that are  
 24 otherwise interrelated by distinguishing characteristics that are not  
 25 isolated incidents. However, the incidents are a pattern of racketeering  
 26 activity only if at least one (1) of the incidents occurred after August  
 27 31, 1980, and if the last of the incidents occurred within five (5) years  
 28 after a prior incident of racketeering activity.

29 (e) "Racketeering activity" means to commit, to attempt to commit,  
 30 to conspire to commit a violation of, or aiding and abetting in a  
 31 violation of any of the following:

32 (1) A provision of IC 23-19, or of a rule or order issued under  
 33 IC 23-19.

34 (2) A violation of IC 35-45-9.

35 (3) A violation of IC 35-47.

36 (4) A violation of IC 35-49-3.

37 (5) Murder (IC 35-42-1-1).

38 (6) Battery as a Class C felony (IC 35-42-2-1).

39 (7) Kidnapping (IC 35-42-3-2).

40 (8) Human and sexual trafficking crimes (IC 35-42-3.5).

41 (9) Child exploitation (IC 35-42-4-4).

42 (10) Robbery (IC 35-42-5-1).

43 (11) Carjacking (IC 35-42-5-2).

44 (12) Arson (IC 35-43-1-1).

45 (13) Burglary (IC 35-43-2-1).

46 (14) Theft (IC 35-43-4-2).



- 1 (15) Receiving stolen property (IC 35-43-4-2).
- 2 (16) Forgery (IC 35-43-5-2).
- 3 (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).
- 4 (18) Bribery (~~IC 35-44-1-1~~). (IC 35-44.1-1-2).
- 5 (19) Official misconduct (~~IC 35-44-1-2~~). (IC 35-44.1-1-1).
- 6 (20) Conflict of interest (~~IC 35-44-1-3~~). (IC 35-44.1-1-4).
- 7 (21) Perjury (~~IC 35-44-2-1~~). (IC 35-44.1-2-1).
- 8 (22) Obstruction of justice (~~IC 35-44-3-4~~). (IC 35-44.1-2-2).
- 9 (23) Intimidation (IC 35-45-2-1).
- 10 (24) Promoting prostitution (IC 35-45-4-4).
- 11 (25) Professional gambling (IC 35-45-5-3).
- 12 (26) Maintaining a professional gambling site
- 13 (IC 35-45-5-3.5(b)).
- 14 (27) Promoting professional gambling (IC 35-45-5-4).
- 15 (28) Dealing in or manufacturing cocaine or a narcotic drug
- 16 (IC 35-48-4-1).
- 17 (29) Dealing in or manufacturing methamphetamine
- 18 (IC 35-48-4-1.1).
- 19 (30) Dealing in a schedule I, II, or III controlled substance
- 20 (IC 35-48-4-2).
- 21 (31) Dealing in a schedule IV controlled substance
- 22 (IC 35-48-4-3).
- 23 (32) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 24 (33) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic
- 25 cannabinoid (IC 35-48-4-10).
- 26 (34) Money laundering (IC 35-45-15-5).
- 27 (35) A violation of IC 35-47.5-5.
- 28 (36) A violation of any of the following:
- 29 (A) IC 23-14-48-9.
- 30 (B) IC 30-2-9-7(b).
- 31 (C) IC 30-2-10-9(b).
- 32 (D) IC 30-2-13-38(f).
- 33 (37) *Practice of law by a person who is not an attorney*
- 34 (*IC 33-43-2-1*).
- 35 SECTION 134. IC 35-50-1-2, AS AMENDED BY P.L.125-2012,
- 36 SECTION 416, AND AS AMENDED BY P.L.126-2012, SECTION
- 37 59, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 38 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) As used in this section,
- 39 "crime of violence" means the following:
- 40 (1) Murder (IC 35-42-1-1).
- 41 (2) Attempted murder (IC 35-41-5-1).
- 42 (3) Voluntary manslaughter (IC 35-42-1-3).
- 43 (4) Involuntary manslaughter (IC 35-42-1-4).
- 44 (5) Reckless homicide (IC 35-42-1-5).
- 45 (6) Aggravated battery (IC 35-42-2-1.5).
- 46 (7) Kidnapping (IC 35-42-3-2).



- 1 (8) Rape (IC 35-42-4-1).  
 2 (9) Criminal deviate conduct (IC 35-42-4-2).  
 3 (10) Child molesting (IC 35-42-4-3).  
 4 (11) Sexual misconduct with a minor as a Class A felony under  
 5 IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2).  
 6 (12) Robbery as a Class A felony or a Class B felony  
 7 (IC 35-42-5-1).  
 8 (13) Burglary as a Class A felony or a Class B felony  
 9 (IC 35-43-2-1).  
 10 (14) Operating a ~~motor~~ vehicle while intoxicated causing death  
 11 (IC 9-30-5-5).  
 12 (15) Operating a ~~motor~~ vehicle while intoxicated causing serious  
 13 bodily injury to another person (IC 9-30-5-4).  
 14 (16) Resisting law enforcement as a felony (~~IC 35-44-3-3~~;  
 15 *IC 35-44.1-3-1*).

16 (b) As used in this section, "episode of criminal conduct" means  
 17 offenses or a connected series of offenses that are closely related in  
 18 time, place, and circumstance.

19 (c) Except as provided in subsection (d) or (e), the court shall  
 20 determine whether terms of imprisonment shall be served concurrently  
 21 or consecutively. The court may consider the:

- 22 (1) aggravating circumstances in IC 35-38-1-7.1(a); and  
 23 (2) mitigating circumstances in IC 35-38-1-7.1(b);

24 in making a determination under this subsection. The court may order  
 25 terms of imprisonment to be served consecutively even if the sentences  
 26 are not imposed at the same time. However, except for crimes of  
 27 violence, the total of the consecutive terms of imprisonment, exclusive  
 28 of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10, to  
 29 which the defendant is sentenced for felony convictions arising out of  
 30 an episode of criminal conduct shall not exceed the advisory sentence  
 31 for a felony which is one (1) class of felony higher than the most  
 32 serious of the felonies for which the person has been convicted.

33 (d) If, after being arrested for one (1) crime, a person commits  
 34 another crime:

- 35 (1) before the date the person is discharged from probation,  
 36 parole, or a term of imprisonment imposed for the first crime; or  
 37 (2) while the person is released:  
 38 (A) upon the person's own recognizance; or  
 39 (B) on bond;

40 the terms of imprisonment for the crimes shall be served consecutively,  
 41 regardless of the order in which the crimes are tried and sentences are  
 42 imposed.

43 (e) If the factfinder determines under IC 35-50-2-11 that a person  
 44 used a firearm in the commission of the offense for which the person  
 45 was convicted, the term of imprisonment for the underlying offense and  
 46 the additional term of imprisonment imposed under IC 35-50-2-11



1 must be served consecutively.

2 SECTION 135. IC 35-51-6-1, AS AMENDED BY P.L.6-2012,  
3 SECTION 236, IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE UPON PASSAGE]: Sec. 1. The following statutes define  
5 crimes in IC 6:

6 IC 6-1.1-5.5-10 (Concerning sales disclosure forms).

7 IC 6-1.1-37-1 (Concerning officers of the state or local  
8 government).

9 IC 6-1.1-37-2 (Concerning officials or representatives of the  
10 department of local government **finance**).

11 IC 6-1.1-37-3 (Concerning property tax returns, statements, or  
12 documents).

13 IC 6-1.1-37-4 (Concerning property tax deductions).

14 IC 6-1.1-37-5 (Concerning false statements on a report or  
15 application).

16 IC 6-1.1-37-6 (Concerning general assessments).

17 IC 6-2.3-5.5-12 (Concerning utility taxes).

18 IC 6-2.3-7-1 (Concerning taxes).

19 IC 6-2.3-7-2 (Concerning taxes).

20 IC 6-2.3-7-3 (Concerning taxes).

21 IC 6-2.3-7-4 (Concerning taxes).

22 IC 6-2.5-9-1 (Concerning taxes).

23 IC 6-2.5-9-2 (Concerning taxes).

24 IC 6-2.5-9-3 (Concerning taxes).

25 IC 6-2.5-9-6 (Concerning taxes).

26 IC 6-2.5-9-7 (Concerning retail sales).

27 IC 6-2.5-9-8 (Concerning taxes).

28 IC 6-3-3-9 (Concerning taxes).

29 IC 6-3-4-8 (Concerning taxes).

30 IC 6-3-6-10 (Concerning taxes).

31 IC 6-3-6-11 (Concerning taxes).

32 IC 6-3-7-5 (Concerning taxes).

33 IC 6-3.5-4-16 (Concerning taxes).

34 IC 6-4.1-12-12 (Concerning taxes).

35 IC 6-5.5-7-3 (Concerning taxes).

36 IC 6-5.5-7-4 (Concerning taxes).

37 IC 6-6-1.1-1307 (Concerning taxes).

38 IC 6-6-1.1-1308 (Concerning taxes).

39 IC 6-6-1.1-1309 (Concerning taxes).

40 IC 6-6-1.1-1310 (Concerning taxes).

41 IC 6-6-1.1-1311 (Concerning taxes).

42 IC 6-6-1.1-1312 (Concerning taxes).

43 IC 6-6-1.1-1313 (Concerning taxes).

44 IC 6-6-1.1-1316 (Concerning taxes).

45 IC 6-6-2.5-28 (Concerning taxes).

46 IC 6-6-2.5-40 (Concerning fuel).



- 1 IC 6-6-2.5-56.5 (Concerning fuel).
- 2 IC 6-6-2.5-62 (Concerning fuel).
- 3 IC 6-6-2.5-63 (Concerning taxes).
- 4 IC 6-6-2.5-71 (Concerning taxes).
- 5 IC 6-6-5-11 (Concerning taxes).
- 6 IC 6-6-5.1-25 (Concerning taxes).
- 7 IC 6-6-6-10 (Concerning taxes).
- 8 IC 6-6-11-27 (Concerning taxes).
- 9 IC 6-7-1-15 (Concerning tobacco taxes).
- 10 IC 6-7-1-21 (Concerning tobacco taxes).
- 11 IC 6-7-1-22 (Concerning tobacco taxes).
- 12 IC 6-7-1-23 (Concerning tobacco taxes).
- 13 IC 6-7-1-24 (Concerning tobacco taxes).
- 14 IC 6-7-1-36 (Concerning tobacco taxes).
- 15 IC 6-7-2-18 (Concerning tobacco taxes).
- 16 IC 6-7-2-19 (Concerning tobacco taxes).
- 17 IC 6-7-2-20 (Concerning tobacco taxes).
- 18 IC 6-7-2-21 (Concerning tobacco taxes).
- 19 IC 6-8-1-19 (Concerning petroleum severance taxes).
- 20 IC 6-8-1-23 (Concerning petroleum severance taxes).
- 21 IC 6-8-1-24 (Concerning petroleum severance taxes).
- 22 IC 6-8.1-3-21.2 (Concerning taxes).
- 23 IC 6-8.1-7-3 (Concerning taxes).
- 24 IC 6-8.1-8-2 (Concerning taxes).
- 25 IC 6-8.1-10-4 (Concerning taxes).
- 26 IC 6-9-2-5 (Concerning innkeeper's taxes).
- 27 IC 6-9-2.5-8 (Concerning innkeeper's taxes).
- 28 IC 6-9-4-8 (Concerning innkeeper's taxes).
- 29 IC 6-9-6-8 (Concerning innkeeper's taxes).
- 30 IC 6-9-7-8 (Concerning innkeeper's taxes).
- 31 IC 6-9-10-8 (Concerning innkeeper's taxes).
- 32 IC 6-9-10.5-12 (Concerning innkeeper's taxes).
- 33 IC 6-9-11-8 (Concerning innkeeper's taxes).
- 34 IC 6-9-14-8 (Concerning innkeeper's taxes).
- 35 IC 6-9-15-8 (Concerning innkeeper's taxes).
- 36 IC 6-9-16-8 (Concerning innkeeper's taxes).
- 37 IC 6-9-17-8 (Concerning innkeeper's taxes).
- 38 IC 6-9-18-8 (Concerning innkeeper's taxes).
- 39 IC 6-9-19-8 (Concerning innkeeper's taxes).
- 40 IC 6-9-29-2 (Concerning innkeeper's taxes).
- 41 IC 6-9-32-8 (Concerning innkeeper's taxes).
- 42 IC 6-9-37-8 (Concerning innkeeper's taxes).

43 SECTION 136. IC 35-51-25-1, AS ADDED BY P.L.70-2011,  
 44 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 45 UPON PASSAGE]: Sec. 1. The following statutes define crimes in  
 46 IC 25:



- 1 IC 25-2.1-13-3 (Concerning accountants).  
 2 IC 25-2.5-3-4 (Concerning acupuncturists).  
 3 IC 25-5.1-4-2 (Concerning athletic trainers).  
 4 IC 25-5.2-2-12 (Concerning athlete agents).  
 5 IC 25-6.1-7-1 (Concerning auctioneers and auctions).  
 6 IC 25-6.1-7-2 (Concerning auctioneers and auctions).  
 7 IC 25-8-15.4-25 (Concerning beauty culture).  
 8 IC 25-10-1-11 (Concerning chiropractors).  
 9 IC 25-11-1-12 (Concerning collection agencies).  
 10 IC 25-13-1-3 (Concerning dental hygienists).  
 11 IC 25-14-1-25 (Concerning dentists).  
 12 IC 25-14-4-6 (Concerning dentists).  
 13 IC 25-14.5-7-2 (Concerning dietitians).  
 14 IC 25-16-1-18 (Concerning employment services).  
 15 IC 25-17.3-5-3 (Concerning genetic counselors).  
 16 IC 25-17.6-8-2 (Concerning geologists).  
 17 IC 25-18-1-19 (Concerning distress sales).  
 18 IC 25-20-1-21 (Concerning hearing aid dealers).  
 19 IC 25-20.7-5-1 (Concerning interior designers).  
 20 IC 25-21.5-5-10 (Concerning land surveyors).  
 21 IC 25-21.5-13-2 (Concerning land surveyors).  
 22 IC 25-21.8-7-1 (Concerning massage therapists).  
 23 IC 25-22.5-8-2 (Concerning physicians).  
 24 IC 25-22.5-8-3 (Concerning physicians).  
 25 IC 25-23-1-27 (Concerning nurses).  
 26 IC 25-23.5-3-2 (Concerning occupational therapists).  
 27 IC 25-23.6-3-3 (Concerning marriage and family therapists).  
 28 IC 25-23.6-4-4 (Concerning marriage and family therapists).  
 29 IC 25-23.6-4.5-4 (Concerning marriage and family therapists).  
 30 ~~IC 25-23.6-4.7-7~~ **IC 25-23.6-7-7** (Concerning marriage and  
 31 family therapists).  
 32 IC 25-23.6-10.1-6 (Concerning marriage and family therapists).  
 33 IC 25-23.6-11-1 (Concerning marriage and family therapists).  
 34 IC 25-23.6-11-2 (Concerning marriage and family therapists).  
 35 IC 25-23.6-11-3 (Concerning marriage and family therapists).  
 36 IC 25-23.7-7-5 (Concerning manufactured home installers).  
 37 IC 25-24-1-18 (Concerning optometrists).  
 38 IC 25-24-3-17 (Concerning optometrists).  
 39 IC 25-26-13-29 (Concerning pharmacists, pharmacies, and drug  
 40 stores).  
 41 IC 25-26-14-23 (Concerning pharmacists, pharmacies, and drug  
 42 stores).  
 43 IC 25-26-14-25 (Concerning pharmacists, pharmacies, and drug  
 44 stores).  
 45 IC 25-26-14-26 (Concerning pharmacists, pharmacies, and drug  
 46 stores).



- 1 IC 25-26-14-27 (Concerning pharmacists, pharmacies, and drug  
2 stores).  
3 IC 25-26-19-9 (Concerning pharmacists, pharmacies, and drug  
4 stores).  
5 IC 25-26-21-11 (Concerning pharmacists, pharmacies, and drug  
6 stores).  
7 IC 25-27-1-12 (Concerning physical therapists).  
8 IC 25-27.5-7-2 (Concerning physician assistants).  
9 IC 25-28.5-1-31 (Concerning plumbers).  
10 IC 25-29-9-1 (Concerning podiatrists).  
11 IC 25-30-1-21 (Concerning private investigator firms, security  
12 guards, and polygraph examiners).  
13 IC 25-30-1.3-23 (Concerning private investigator firms, security  
14 guards, and polygraph examiners).  
15 IC 25-31-1-13 (Concerning engineers).  
16 IC 25-31-1-27 (Concerning engineers).  
17 IC 25-31.5-8-7 (Concerning soil scientists).  
18 IC 25-33-1-15 (Concerning psychologists).  
19 IC 25-34.5-3-2 (Concerning respiratory care specialists).  
20 IC 25-35.6-3-10 (Concerning speech pathologists and  
21 audiologists).  
22 IC 25-36.1-1-2 (Concerning surgical technologists).  
23 IC 25-36.5-1-10 (Concerning timber buyers).  
24 IC 25-36.5-1-15 (Concerning timber buyers).  
25 IC 25-38.1-4-10 (Concerning veterinarians).  
26 IC 25-38.1-4-11 (Concerning veterinarians).  
27 IC 25-39-5-1 (Concerning water well drilling contractors).  
28 IC 25-39-5-7 (Concerning water well drilling contractors).  
29 IC 25-41-1-2 (Concerning behavior analysts).

30 SECTION 137. IC 36-1-3-8, AS AMENDED BY P.L.200-2005,  
31 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 UPON PASSAGE]: Sec. 8. (a) Subject to subsection (b), a unit does  
33 not have the following:

- 34 (1) The power to condition or limit its civil liability, except as  
35 expressly granted by statute.  
36 (2) The power to prescribe the law governing civil actions  
37 between private persons.  
38 (3) The power to impose duties on another political subdivision,  
39 except as expressly granted by statute.  
40 (4) The power to impose a tax, except as expressly granted by  
41 statute.  
42 (5) The power to impose a license fee greater than that reasonably  
43 related to the administrative cost of exercising a regulatory power.  
44 (6) The power to impose a service charge or user fee greater than  
45 that reasonably related to reasonable and just rates and charges  
46 for services.



- 1 (7) The power to regulate conduct that is regulated by a state  
 2 agency, except as expressly granted by statute.  
 3 (8) The power to prescribe a penalty for conduct constituting a  
 4 crime or infraction under statute.  
 5 (9) The power to prescribe a penalty of imprisonment for an  
 6 ordinance violation.  
 7 (10) The power to prescribe a penalty of a fine as follows:  
 8 (A) More than ten thousand dollars (\$10,000) for the violation  
 9 of an ordinance or a regulation concerning air emissions  
 10 adopted by a county that has received approval to establish an  
 11 air **permit** program under IC 13-17-12-6.  
 12 (B) For a violation of any other ordinance:  
 13 (i) more than two thousand five hundred dollars (\$2,500) for  
 14 a first violation of the ordinance; and  
 15 (ii) except as provided in subsection (c), more than seven  
 16 thousand five hundred dollars (\$7,500) for a second or  
 17 subsequent violation of the ordinance.  
 18 (11) The power to invest money, except as expressly granted by  
 19 statute.  
 20 (12) The power to order or conduct an election, except as  
 21 expressly granted by statute.  
 22 (b) A township does not have the following, except as expressly  
 23 granted by statute:  
 24 (1) The power to require a license or impose a license fee.  
 25 (2) The power to impose a service charge or user fee.  
 26 (3) The power to prescribe a penalty.  
 27 (c) Subsection (a)(10)(B)(ii) does not apply to the violation of an  
 28 ordinance that regulates traffic or parking.  
 29 SECTION 138. IC 36-1-20.2-4, AS ADDED BY P.L.135-2012,  
 30 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 UPON PASSAGE]: Sec. 4. **(a) As used in For the purposes of** this  
 32 chapter, **a person is in the "direct line of supervision" means of** an  
 33 elected officer or employee **who is in if the elected officer or**  
 34 **employee is in** a position to affect the terms and conditions of **another**  
 35 **the** individual's employment, including making decisions about work  
 36 assignments, compensation, grievances, advancement, or performance  
 37 evaluation.  
 38 **(b)** The term does not include the responsibilities of the executive,  
 39 legislative body, or fiscal body of a unit, as provided by law, to make  
 40 decisions regarding salary ordinances, budgets, or personnel policies  
 41 of the unit.  
 42 SECTION 139. IC 36-2-7-10, AS AMENDED BY P.L.45-2010,  
 43 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 44 UPON PASSAGE]: Sec. 10. (a) The county recorder shall tax and  
 45 collect the fees prescribed by this section for recording, filing, copying,  
 46 and other services the recorder renders, and shall pay them into the



1 county treasury at the end of each calendar month. The fees prescribed  
2 and collected under this section supersede all other recording fees  
3 required by law to be charged for services rendered by the county  
4 recorder.

5 (b) The county recorder shall charge the following:

6 (1) Six dollars (\$6) for the first page and two dollars (\$2) for each  
7 additional page of any document the recorder records if the pages  
8 are not larger than eight and one-half (8 1/2) inches by fourteen  
9 (14) inches.

10 (2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for  
11 each additional page of any document the recorder records, if the  
12 pages are larger than eight and one-half (8 1/2) inches by fourteen  
13 (14) inches.

14 (3) For attesting to the release, partial release, or assignment of  
15 any mortgage, judgment, lien, or oil and gas lease contained on a  
16 multiple transaction document, the fee for each transaction after  
17 the first is the amount provided in subdivision (1) plus the amount  
18 provided in subdivision (4) and one dollar (\$1) for marginal  
19 mortgage assignments or marginal mortgage releases.

20 (4) One dollar (\$1) for each cross-reference of a recorded  
21 document.

22 (5) One dollar (\$1) per page not larger than eight and one-half (8  
23 1/2) inches by fourteen (14) inches for furnishing copies of  
24 records and two dollars (\$2) per page that is larger than eight and  
25 one-half (8 1/2) inches by fourteen (14) inches.

26 (6) Five dollars (\$5) for acknowledging or certifying to a  
27 document.

28 (7) Five dollars (\$5) for each deed the recorder records, in  
29 addition to other fees for deeds, for the county surveyor's corner  
30 perpetuation fund for use as provided in IC 21-47-3-3 or  
31 IC 36-2-12-11(e).

32 (8) A fee in an amount authorized under IC 5-14-3-8 for  
33 transmitting a copy of a document by facsimile machine.

34 (9) A fee in an amount authorized by an ordinance adopted by the  
35 county legislative body for duplicating a computer tape, a  
36 computer disk, an optical disk, microfilm, or similar media. This  
37 fee may not cover making a handwritten copy or a photocopy or  
38 using xerography or a duplicating machine.

39 (10) A supplemental fee of three dollars (\$3) for recording a  
40 document that is paid at the time of recording. The fee under this  
41 subdivision is in addition to other fees provided by law for  
42 recording a document.

43 (11) Three dollars (\$3) for each mortgage on real estate recorded,  
44 in addition to other fees required by this section, distributed as  
45 follows:

46 (A) Fifty cents (\$0.50) is to be deposited in the recorder's



- 1 record perpetuation fund.
- 2 (B) Two dollars and fifty cents (\$2.50) is to be distributed to
- 3 the auditor of state on or before June 20 and December 20 of
- 4 each year as provided in IC 24-9-9-3.
- 5 (12) This subdivision applies in a county only if at least one (1)
- 6 unit in the county has established an affordable housing fund
- 7 under IC 5-20-5-15.5 and the county fiscal body adopts an
- 8 ordinance authorizing the fee described in this subdivision. An
- 9 ordinance adopted under this subdivision may authorize the
- 10 county recorder to charge a fee of:
- 11 (A) two dollars and fifty cents (\$2.50) for the first page; and
- 12 (B) one dollar (\$1) for each additional page;
- 13 of each document the recorder records.
- 14 (13) This subdivision applies in a county containing a
- 15 consolidated city that has established a housing trust fund under
- 16 IC 36-7-15.1-35.5(e). The county fiscal body may adopt an
- 17 ordinance authorizing the fee described in this subdivision. An
- 18 ordinance adopted under this subdivision may authorize the
- 19 county recorder to charge a fee of:
- 20 (A) two dollars and fifty cents (\$2.50) for the first page; and
- 21 (B) one dollar (\$1) for each additional page;
- 22 of each document the recorder records.
- 23 (c) The county recorder shall charge a two dollar (\$2) county
- 24 identification security protection fee for recording or filing a document.
- 25 This fee shall be deposited under IC 36-2-7.5-6.
- 26 (d) The county treasurer shall establish a recorder's records
- 27 perpetuation fund. All revenue received under section 10.1 of this
- 28 chapter, subsection (b)(5), (b)(8), (b)(9), and (b)(10), and
- 29 ~~IC 36-2-7.5-6(c)(1) (after June 30, 2011); IC 36-2-7.5-6(b)(1),~~ and
- 30 fifty cents (\$0.50) from revenue received under subsection (b)(11),
- 31 shall be deposited in this fund. The county recorder may use any money
- 32 in this fund without appropriation for the preservation of records and
- 33 the improvement of record keeping systems and equipment. Money
- 34 from the fund may not be deposited or transferred into the county
- 35 general fund and does not revert to the county general fund at the end
- 36 of a fiscal year.
- 37 (e) As used in this section, "record" or "recording" includes the
- 38 functions of recording, filing, and filing for record.
- 39 (f) The county recorder shall post the fees set forth in subsection (b)
- 40 in a prominent place within the county recorder's office where the fee
- 41 schedule will be readily accessible to the public.
- 42 (g) The county recorder may not tax or collect any fee for:
- 43 (1) recording an official bond of a public officer, a deputy, an
- 44 appointee, or an employee; or
- 45 (2) performing any service under any of the following:
- 46 (A) IC 6-1.1-22-2(c).



- 1 (B) IC 8-23-7.  
 2 (C) IC 8-23-23.  
 3 (D) IC 10-17-2-3.  
 4 (E) IC 10-17-3-2.  
 5 (F) IC 12-14-13.  
 6 (G) IC 12-14-16.

7 (h) The state and its agencies and instrumentalities are required to  
 8 pay the recording fees and charges that this section prescribes.

9 (i) This subsection applies to a county other than a county  
 10 containing a consolidated city. The county treasurer shall distribute  
 11 money collected by the county recorder under subsection (b)(12) as  
 12 follows:

13 (1) Sixty percent (60%) of the money collected by the county  
 14 recorder under subsection (b)(12) shall be distributed to the units  
 15 in the county that have established an affordable housing fund  
 16 under IC 5-20-5-15.5 for deposit in the fund. The amount to be  
 17 distributed to a unit is the amount available for distribution  
 18 multiplied by a fraction. The numerator of the fraction is the  
 19 population of the unit. The denominator of the fraction is the  
 20 population of all units in the county that have established an  
 21 affordable housing fund. The population to be used for a county  
 22 that establishes an affordable housing fund is the population of  
 23 the county outside any city or town that has established an  
 24 affordable housing fund.

25 (2) Forty percent (40%) of the money collected by the county  
 26 recorder under subsection (b)(12) shall be distributed to the  
 27 treasurer of state for deposit in the affordable housing and  
 28 community development fund established under IC 5-20-4-7 for  
 29 the purposes of the fund.

30 Money shall be distributed under this subsection before the sixteenth  
 31 day of the month following the month in which the money is collected  
 32 from the county recorder.

33 (j) This subsection applies to a county described in subsection  
 34 (b)(13). The county treasurer shall distribute money collected by the  
 35 county recorder under subsection (b)(13) as follows:

36 (1) Sixty percent (60%) of the money collected by the county  
 37 recorder under subsection (b)(13) shall be deposited in the  
 38 housing trust fund established under IC 36-7-15.1-35.5(e) for the  
 39 purposes of the fund.

40 (2) Forty percent (40%) of the money collected by the county  
 41 recorder under subsection (b)(13) shall be distributed to the  
 42 treasurer of state for deposit in the affordable housing and  
 43 community development fund established under IC 5-20-4-7 for  
 44 the purposes of the fund.

45 Money shall be distributed under this subsection before the sixteenth  
 46 day of the month following the month in which the money is collected



1 from the county recorder.

2 SECTION 140. IC 36-2-7-19, AS AMENDED BY P.L.120-2012,  
3 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 UPON PASSAGE]: Sec. 19. (a) As used in this section, "fund" refers  
5 to a county elected officials training fund established under subsection  
6 (b).

7 (b) Each county legislative body shall before July 1, 2011, establish  
8 a county elected officials training fund. The county fiscal body shall  
9 appropriate money from the fund.

10 (c) The fund consists of money deposited under IC ~~36-2-7.5-6(c)(3)~~  
11 **IC 36-2-7.5-6(b)(3)** and any other sources required or permitted by  
12 law. Money in the fund does not revert to the county general fund.

13 (d) Money in the fund shall be used solely to provide training of  
14 county elected officials required by IC 36-2-9-2.5, IC 36-2-9.5-2.5,  
15 IC 36-2-10-2.5, IC 36-2-11-2.5, IC 36-2-12-2.5, and other similar laws.

16 SECTION 141. IC 36-2-7.5-6, AS AMENDED BY P.L.45-2010,  
17 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 UPON PASSAGE]: Sec. 6. (a) The county recorder shall charge a two  
19 dollar (\$2) county identification security protection fee for recording  
20 or filing a document in addition to the fees required by  
21 IC 36-2-7-10(b)(1) through IC 36-2-7-10(b)(11).

22 ~~(b) The county recorder shall deposit two dollars (\$2) of the fee~~  
23 ~~charged under subsection (a) in the county identification security~~  
24 ~~protection fund established by section 11 of this chapter. This~~  
25 ~~subsection expires July 1, 2011.~~

26 ~~(c)~~ **(b)** Beginning July 1, 2011, the county recorder shall deposit the  
27 fee charged under subsection (a) in the following manner:

28 (1) One dollar (\$1) shall be deposited in the county recorder's  
29 records perpetuation fund established under IC 36-2-7-10(d).

30 (2) Fifty cents (\$0.50) shall be deposited in the county  
31 identification security protection fund established under section  
32 11 of this chapter.

33 (3) Fifty cents (\$0.50) shall be deposited in the county elected  
34 officials training fund established under IC 36-2-7-19.

35 SECTION 142. IC 36-2-7.5-11, AS AMENDED BY P.L.45-2010,  
36 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 UPON PASSAGE]: Sec. 11. (a) As used in this section, "fund" refers  
38 to a county identification security protection fund established under  
39 subsection (b).

40 (b) Each county legislative body shall establish an identification  
41 security protection fund to be administered by the county recorder. The  
42 county fiscal body shall appropriate money from the fund.

43 (c) A fund consists of money deposited in the fund under section  
44 6(b) of this chapter. ~~(before July 1, 2011) and section 6(c) of this~~  
45 ~~chapter (after June 30, 2011).~~ Money in a fund does not revert to the  
46 county general fund.



1 (d) A county recorder may use money in the fund only to purchase,  
2 upgrade, implement, or maintain redacting technology used in the  
3 office of the county recorder.

4 SECTION 143. IC 36-12-2-25, AS AMENDED BY P.L.84-2012,  
5 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 UPON PASSAGE]: Sec. 25. (a) The residents or real property  
7 taxpayers of the library district taxed for the support of the library may  
8 use the facilities and services of the public library without charge for  
9 library or related purposes. However, the library board may:

10 (1) fix and collect fees and rental charges; and

11 (2) assess fines, penalties, and damages for the:

12 (A) loss of;

13 (B) injury to; or

14 (C) failure to return;

15 any library property or material.

16 (b) A library board may issue local library cards to:

17 (1) residents and real property taxpayers of the library district;

18 (2) Indiana residents who are not residents of the library district;  
19 and

20 (3) individuals who reside out of state and who are being served  
21 through an agreement under IC 36-12-13.

22 (c) Except as provided in subsection (d), a library board must set  
23 and charge a fee for a local library card issued under subsection (b)(2)  
24 ~~and~~ or (b)(3). The minimum fee that the board may set under this  
25 subsection is the greater of the following:

26 (1) The library district's operating fund expenditure per capita in  
27 the most recent year for which that information is available in the  
28 Indiana state library's annual "Statistics of Indiana Libraries".

29 (2) Twenty-five dollars (\$25).

30 (d) A library board may issue a local library card without charge or  
31 for a reduced fee to an individual who is not a resident of the library  
32 district and who is:

33 (1) a student enrolled in or a teacher in a public school  
34 corporation or nonpublic school:

35 (A) that is located at least in part in the library district; and

36 (B) in which students in any grade **from** preschool through  
37 grade 12 are educated; or

38 (2) a library employee of the district;

39 if the board adopts a resolution that is approved by an affirmative vote  
40 of a majority of the members appointed to the library board.

41 (e) A library card issued under subsection (b)(2), (b)(3), or (d)  
42 expires one (1) year after issuance of the card.

43 SECTION 144. IC 36-12-5-3, AS AMENDED BY P.L.84-2012,  
44 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
45 UPON PASSAGE]: Sec. 3. (a) The library board of a public library  
46 may file with the township trustee and legislative body ~~with~~ a proposal



1 of expansion and an intent to file a petition for acceptance of the  
2 proposal of expansion. Not later than ten (10) days after the filing, the  
3 township trustee shall publish notice of the proposal of expansion in  
4 the manner provided in IC 5-3-1 in a newspaper of general circulation  
5 in the township. Beginning the first day after the notice is published,  
6 and during the period that ends sixty (60) days after the date of the  
7 publication of the notice, an individual who is a registered voter of the  
8 affected township or part of the affected township subject to expansion  
9 may sign one (1) or both of the following:

10 (1) A petition for acceptance of the proposal of expansion that  
11 states that the registered voter is in favor of the establishment of  
12 an expanded library district.

13 (2) A remonstrance in opposition to the proposal of expansion  
14 that states that the registered voter is opposed to the establishment  
15 of an expanded library district.

16 (b) A registered voter of the township or part of the township may  
17 file a petition or a remonstrance, if any, with the clerk of the circuit  
18 court in the county where the township is located. A petition for  
19 acceptance of the proposal of expansion must be signed by at least  
20 twenty percent (20%) of the registered voters of the township, or part  
21 of the township, as determined by the most recent general election.

22 (c) The following apply to a petition that is filed under this section  
23 or a remonstrance that is filed under subsection (b):

24 (1) The petition or remonstrance must show the following:

25 (A) The date on which each individual signed the petition or  
26 remonstrance.

27 (B) The residence of each individual on the date the individual  
28 signed the petition or remonstrance.

29 (2) The petition or remonstrance must include an affidavit of the  
30 individual circulating the petition or remonstrance, stating that  
31 each signature on the petition or remonstrance:

32 (A) was affixed in the individual's presence; and

33 (B) is the true signature of the individual who signed the  
34 petition or remonstrance.

35 (3) Several copies of the petition or remonstrance may be  
36 executed. The total of the copies constitute a petition or  
37 remonstrance. A copy must include an affidavit described in  
38 subdivision (2). A signer may file the petition or remonstrance, or  
39 a copy of the petition or remonstrance. All copies constituting a  
40 petition or remonstrance must be filed on the same day.

41 (4) The clerk of the circuit court in the county in which the  
42 township is located shall do the following:

43 (A) If a name appears more than one (1) time on a petition or  
44 on a remonstrance, the clerk must strike any duplicates of the  
45 name until the name appears only one (1) time on a petition or  
46 a remonstrance, or both, if the individual signed both a petition



- 1 and a remonstrance.
- 2 (B) Strike the name from either the petition or the  
3 remonstrance of an individual who:
- 4 (i) signed both the petition and the remonstrance; and  
5 (ii) personally, in the clerk's office, makes a voluntary  
6 written and signed request for the clerk to strike the  
7 individual's name from the petition or the remonstrance.
- 8 (C) Certify the number of signatures on the petition and on any  
9 remonstrance that:
- 10 (i) are not duplicates; and  
11 (ii) represent individuals who are registered voters in the  
12 township or the part of the township on the day the  
13 individuals signed the petition or remonstrance.
- 14 The clerk of the circuit court may only strike an individual's name  
15 from a petition or a remonstrance as set forth in clauses (A) and  
16 (B).
- 17 (d) The clerk of the circuit court shall complete the certification  
18 required under subsection (c) not more than fifteen (15) days after the  
19 petition or remonstrance is filed. The clerk shall:
- 20 (1) establish a record of certification in the clerk's office; and  
21 (2) file the original petition, the original remonstrance, if any, and  
22 a copy of the clerk's certification with the legislative body.
- 23 SECTION 145. IC 36-12-5-6, AS AMENDED BY P.L.84-2012,  
24 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 UPON PASSAGE]: Sec. 6. (a) The library board of a public library  
26 may file with the legislative body of a county ~~with~~ a proposal of  
27 expansion and an intent to file a petition for acceptance of the proposal  
28 of expansion. Not later than ten (10) days after the intent is filed, the  
29 county auditor shall publish notice in the manner provided in IC 5-3-1  
30 of the proposal of expansion in a newspaper of general circulation in  
31 the county. Beginning the first day after the notice is published, and  
32 during the period that ends sixty (60) days after the date of the  
33 publication of the notice, an individual who is a registered voter of an  
34 affected township or an affected part of a township subject to the  
35 expansion may sign one (1) or both of the following:
- 36 (1) A petition for acceptance of the proposal of expansion.  
37 (2) A remonstrance petition in opposition to the proposal of  
38 expansion.
- 39 (b) Registered voters shall file a petition or a remonstrance, if any,  
40 with the clerk of the circuit court in the county where the townships are  
41 located. A petition for acceptance of the proposal of expansion must be  
42 signed by at least twenty percent (20%) of the registered voters of the  
43 townships or parts of townships, as determined by the most recent  
44 general election.
- 45 SECTION 146. **An emergency is declared for this act.**

