



January 9, 2018

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## HOUSE BILL No. 1031

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DIGEST OF HB 1031 (Updated January 8, 2018 10:38 am - DI 84)

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

**Synopsis:** Cleanup of certain terms. Removes, where appropriate, the terms herein, hereafter, hereinafter, therein, theretofore, hereunder, hereinunder, heretofore, hereinabove, and thereunder from various provisions throughout the Indiana Code and replaces the terms with more specific and clearer terms. (The introduced version of this bill was prepared by the code revision commission.)

**Effective:** July 1, 2018.

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## Washburne

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January 3, 2018, read first time and referred to Committee on Judiciary.  
January 8, 2018, reported — Do Pass.

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HB 1031—LS 6106/DI 107





January 9, 2018

Second Regular Session of the 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

## HOUSE BILL No. 1031

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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 1-1-11-1 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2018]: Sec. 1. The governor shall issue a  
3 proclamation annually setting apart and designating the fourteenth day  
4 of June as Flag Day, and recommending **therein in the proclamation**  
5 that the day be observed by the people in the display of the flag, in  
6 conducting suitable exercises having reference to the adoption of the  
7 national flag, and in such other ways as shall be in harmony with the  
8 general character of the day.  
9 SECTION 2. IC 2-3-4-3 IS AMENDED TO READ AS FOLLOWS  
10 [EFFECTIVE JULY 1, 2018]: Sec. 3. It shall be the duty of every  
11 member of the general assembly performing any of the acts as set forth  
12 in this chapter, at the time of signing any certificates of  
13 acknowledgment of a deed, mortgage or other instrument, or any jurat  
14 or other official document, to append to such certificate the date of **his**  
15 **the member's** election to the general assembly. The jurisdiction of any  
16 such member to perform the duties ~~herein~~ mentioned **in this section**  
17 shall be coextensive with the state of Indiana.

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1 SECTION 3. IC 4-1-1-2 IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2018]: Sec. 2. Wherever it is now provided by  
 3 law that any officer, board, commission, department, institution,  
 4 association, service, agency, or undertaking of state government shall  
 5 file an annual report with the governor, such report shall be filed  
 6 covering the fiscal year beginning July 1, and ending June 30, ~~as herein~~  
 7 ~~provided for~~, and such report shall be filed on or before September 1  
 8 of each year. ~~Provided, That~~ **However**, such reports to be filed during  
 9 the calendar year of 1933, shall cover the period from October 1, 1932,  
 10 to June 30, 1933, and shall be filed on or before September 1, 1933.

11 SECTION 4. IC 4-1-6-2 IS AMENDED TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 2018]: Sec. 2. Any state agency maintaining a  
 13 personal information system shall:

14 ~~(a)~~ **(1)** collect, maintain, and use only that personal information  
 15 as is relevant and necessary to accomplish a statutory purpose of  
 16 the agency;

17 ~~(b)~~ **(2)** collect information to the greatest extent practicable from  
 18 the data subject directly when the information may result in  
 19 adverse determinations about an individual's rights, benefits and  
 20 privileges under federal or state programs;

21 ~~(c)~~ **(3)** collect no personal information concerning in any way the  
 22 political or religious beliefs, affiliations and activities of an  
 23 individual unless expressly authorized by law or by a rule  
 24 promulgated by the oversight committee on public records  
 25 pursuant to IC 4-22-2;

26 ~~(d)~~ **(4)** assure that personal information maintained or  
 27 disseminated from the system is, to the maximum extent possible,  
 28 accurate, complete, timely, and relevant to the needs of the state  
 29 agency;

30 ~~(e)~~ **(5)** inform any individual requested to disclose personal  
 31 information whether that disclosure is mandatory or voluntary, by  
 32 what statutory authority it is solicited, what uses the agency will  
 33 make of it, what penalties and specific consequences for the  
 34 individual, which are known to the agency, are likely to result  
 35 from nondisclosure, whether the information will be treated as a  
 36 matter of public record or as confidential information, and what  
 37 rules of confidentiality will govern the information;

38 ~~(f)~~ **(6)** insofar as possible segregate information of a confidential  
 39 nature from that which is a matter of public record; and, pursuant  
 40 to statutory authority, establish confidentiality requirements and  
 41 appropriate access controls for all categories of personal  
 42 information contained in the system;



- 1           ~~(g)~~ **(7)** maintain a list of all persons or organizations having  
 2 regular access to personal information which is not a matter of  
 3 public record in the information system;  
 4           ~~(h)~~ **(8)** maintain a complete and accurate record of every access  
 5 to personal information in a system which is not a matter of public  
 6 record by any person or organization not having regular access  
 7 authority;  
 8           ~~(i)~~ **(9)** refrain from preparing lists of the names and addresses of  
 9 individuals for commercial or charitable solicitation purposes  
 10 except as expressly authorized by law or by a rule promulgated by  
 11 the oversight committee on public records pursuant to IC 4-22-2;  
 12           ~~(j)~~ **(10)** make reasonable efforts to furnish prior notice to an  
 13 individual before any personal information on such individual is  
 14 made available to any person under compulsory legal process;  
 15           ~~(k)~~ **(11)** establish rules and procedures to assure compliance with  
 16 this chapter and instruct each of its employees having any  
 17 responsibility or function in the design, development, operation  
 18 or maintenance of such system or use of any personal information  
 19 contained ~~therein~~ **in the system** of each requirement of this  
 20 chapter and of each rule and procedure adopted by the agency to  
 21 assure compliance with this chapter;  
 22           ~~(l)~~ **(12)** establish appropriate administrative, technical and  
 23 physical safeguards to insure the security of the information  
 24 system and to protect against any anticipated threats or hazards to  
 25 their security or integrity; and  
 26           ~~(m)~~ **(13)** exchange with other agencies official personal  
 27 information that it has collected in the pursuit of statutory  
 28 functions when:  
 29           ~~(i)~~ **(A)** the information is requested for purposes authorized by  
 30 law including a rule promulgated pursuant to IC 4-22-2;  
 31           ~~(ii)~~ **(B)** the data subject would reasonably be expected to  
 32 benefit from the action for which information is requested;  
 33           ~~(iii)~~ **(C)** the exchange would eliminate an unnecessary and  
 34 expensive duplication in data collection and would not  
 35 tangibly, adversely affect the data subject; or  
 36           ~~(iv)~~ **(D)** the exchange of information would facilitate the  
 37 submission of documentation required for various state  
 38 agencies and departments to receive federal funding  
 39 reimbursement for programs which are being administered by  
 40 the agencies and departments.

41           SECTION 5. IC 4-3-6-3 IS AMENDED TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) The governor shall examine,

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1 and from time to time reexamine, the organization of all agencies of the  
 2 state government, and shall determine what changes ~~therein in the~~  
 3 **agencies** are necessary to accomplish the following purposes:

4 (1) To promote the better execution of the laws, the more  
 5 effective management of the executive and administrative branch  
 6 of the government and of its agencies and functions, and  
 7 expeditious administration of the public business.

8 (2) To reduce expenditures and promote economy to the fullest  
 9 extent consistent with the efficient operation of the government.

10 (3) To increase the efficiency of the operations of the government  
 11 to the fullest extent practicable.

12 (4) To group, coordinate, and consolidate agencies and functions  
 13 of the government, as nearly as possible according to major  
 14 purposes.

15 (5) To reduce the number of agencies by consolidating those  
 16 having similar functions under a single head, and to abolish such  
 17 agencies or functions thereof as may not be necessary for the  
 18 efficient conduct of the government.

19 (6) To eliminate overlapping and duplication of effort.

20 (7) To increase the control of the electorate over the ~~policy~~  
 21 **making policymaking** functions of government.

22 (b) The general assembly declares that the public interest demands  
 23 the carrying out of the purposes specified in this section, and that these  
 24 purposes may be accomplished in great measure by proceeding under  
 25 the provisions of this chapter.

26 SECTION 6. IC 4-4-10.9-12 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. "Lease" when used  
 28 in connection with the multiple project program means a lease  
 29 containing an option to purchase the industrial development project for  
 30 a nominal sum upon payment in full, or provision therefor, of all bonds  
 31 issued in connection with the industrial development project and all  
 32 interest thereon and all other expenses in connection with the industrial  
 33 development project, and a lease containing an option to purchase the  
 34 industrial development project at any time, as provided ~~therein, in the~~  
 35 **lease**, upon payment of the purchase price which shall be sufficient to  
 36 pay all bonds issued in connection with the industrial development  
 37 project and all interest thereon and all other expenses incurred in  
 38 connection with the industrial development project, but which payment  
 39 may be made in the form of one (1) or more rental payments, notes,  
 40 debentures, or other secured or unsecured debt obligations of the lessee  
 41 providing for timely payments, including without limitation interest  
 42 thereon sufficient for such purposes and delivered to the authority or



1 to the trustee under the indenture, if any, pursuant to which the bonds  
2 were issued.

3 SECTION 7. IC 4-6-5-1 IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2018]: Sec. 1. The attorney general of the state  
5 of Indiana shall have the sole right and power to appoint all necessary  
6 deputy attorneys general, and to assign any deputy so appointed to any  
7 agency of the state of Indiana to perform in behalf of such agency and  
8 the state any and all of the rights, powers or duties ~~now or hereafter~~  
9 **that are** conferred by law or laws upon the attorney general, or done  
10 by any attorney, ~~counselor~~, **counselor**, or deputy attorney general for  
11 such agency. The attorney general shall have the power and authority  
12 to remove any deputy at any time.

13 SECTION 8. IC 4-6-5-6 IS AMENDED TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) The term "competent  
15 attorney", as used in this chapter, means a citizen of this state who has  
16 been duly licensed to practice law ~~therein~~. **in this state.**

17 (b) The term "agency", whenever used in this chapter, means and  
18 includes any board, bureau, commission, department, agency, or  
19 instrumentality of the state of Indiana; provided, however, this chapter  
20 shall not be construed to apply where:

- 21 (1) An appointee has by law duties of a quasi-judicial nature.
- 22 (2) Counsel by law is required to represent the public, as
- 23 distinguished from the state of Indiana, or its agencies.
- 24 (3) A substantial part of the duties is in collecting and maintaining
- 25 statistical information and a legislative reference library.
- 26 (4) A constitutional officer of the state is by law made a board,
- 27 bureau, commission, department, agency, or instrumentality of the
- 28 state of Indiana.

29 SECTION 9. IC 4-10-13-3 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. The Indiana  
31 department of state revenue is hereby authorized and directed to  
32 prepare and publish each year the following report, which shall contain  
33 a recital of the number of taxpayers, the amount of gross collections,  
34 the amount of net collections, the amount of refunds, the amount of  
35 collection allowances, the amount of administrative costs, and the  
36 amount of delinquencies by type of tax collected by the department.  
37 Such report shall be made available for inspection as soon as it is  
38 prepared and shall be published, in the manner ~~hereinafter~~ provided **in**  
39 **section 7 of this chapter**, by the Indiana state department of revenue  
40 not later than December 31 following the end of each fiscal year.

41 SECTION 10. IC 4-13-2-19 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 19. (a) Except as



1 specifically provided for in appropriation acts, every appropriation or  
 2 part thereof remaining unexpended and unencumbered at the close of  
 3 any fiscal year shall lapse and be returned to the general revenue fund.  
 4 However, an appropriation for purchase of real estate or for  
 5 construction or other permanent improvement shall not lapse until the  
 6 purposes for which the appropriation was made shall have been  
 7 accomplished or abandoned, unless such appropriation has remained  
 8 during an entire fiscal biennium without any expenditure therefrom or  
 9 encumbrance thereon.

10 (b) Except as otherwise expressly provided by law, the provisions  
 11 of this section shall apply to every appropriation of a stated sum for a  
 12 specified purpose or purposes ~~heretofore or hereafter~~ made from the  
 13 general revenue fund, but shall not, unless expressly so provided by  
 14 law, apply to any fund or balance of a fund derived wholly or partly  
 15 from special taxes, fees, earnings, fines, federal grants, or other sources  
 16 which are by law appropriated for special purposes by standing,  
 17 continuing, rotary, or revolving appropriations.

18 (c) In the case of federal funds encumbered by a state agency that  
 19 is the recipient of the federal grant, for purposes of meeting  
 20 reimbursements that are to come due after the expiration of the federal  
 21 grant, the state agency's encumbrance on its ledgers shall be recognized  
 22 as valid by the auditor of state for one (1) year or until the money is  
 23 expended, whichever is sooner.

24 SECTION 11. IC 4-23-2-2 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. The commission  
 26 shall have the following purposes and duties:

27 ~~(a)~~ **(1)** to stimulate and encourage throughout the state the study  
 28 and presentation of the performing and fine arts and public  
 29 interest and participation ~~therein; in the performing and fine~~  
 30 **arts;**

31 ~~(b)~~ **(2)** to make such surveys as may be deemed advisable of  
 32 public and private institutions engaged within the state in artistic  
 33 and cultural activities, including but not limited to, music, theatre,  
 34 dance, painting, sculpture, architecture, and allied arts and crafts,  
 35 and to make recommendations, concerning appropriate methods  
 36 to encourage participation in and appreciation of the arts to meet  
 37 the legitimate needs and aspirations of persons in all parts of the  
 38 state;

39 ~~(c)~~ **(3)** to take such steps as may be necessary and appropriate to  
 40 encourage public interest in the cultural heritage of our state and  
 41 to expand the state's cultural resources; and

42 ~~(d)~~ **(4)** to encourage and assist freedom of artistic expression





1           essential for the well-being of the arts.

2           SECTION 12. IC 4-24-2-2 IS AMENDED TO READ AS

3 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. When the gift is for

4 the purpose of providing an annuity, the same may be accepted by any

5 such institution or by the state itself upon condition that the institution

6 or the state, as the case may be, shall pay to the donor, for the life of the

7 donor, or for a term of years not beyond the lifetime of the donor, as

8 may be agreed, or shall pay to any person or persons named by the

9 donor, in being at the time of the gift, for the life of such person or

10 persons or for a term of years not beyond the lifetime of such person or

11 persons, as may be agreed, an annuity on the value of the property at

12 the time the gift is made, as ~~hereinafter~~ provided **under this chapter**,

13 but such annuity shall in no case exceed the actual income from the

14 property donated.

15           SECTION 13. IC 4-24-2-5 IS AMENDED TO READ AS

16 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. All annuities

17 provided for ~~herein~~ **under this chapter** shall be free of all taxation for

18 any or all purposes within the state of Indiana.

19           SECTION 14. IC 4-24-3-1 IS AMENDED TO READ AS

20 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. Any state charitable

21 or benevolent institution for the use of such institutions may receive

22 gifts, bequests, and devises of real or personal property, or both, for the

23 aid or maintenance of any such institution, under the provisions and

24 safeguards ~~hereinafter provided~~ **under this chapter**.

25           SECTION 15. IC 4-24-7-1, AS AMENDED BY P.L.67-2017,

26 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

27 JULY 1, 2018]: Sec. 1. For all claims that any state institution (as

28 defined by IC 12-7-2-184) may have against any county for the

29 payment of clothing furnished to any patient of such institution, which

30 patient was admitted to such institution from such county, the

31 superintendent or warden of such institution shall make out an account

32 therefor against such county, in a manner as ~~hereinafter~~ provided

33 **under this chapter**.

34           SECTION 16. IC 4-24-7-3, AS AMENDED BY P.L.67-2017,

35 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

36 JULY 1, 2018]: Sec. 3. For all claims that the Putnamville Correctional

37 Facility may have against any county for any money advanced by such

38 institution for transportation allowance to a discharged inmate of such

39 institution which inmate was admitted to such institution from such

40 county, the warden of such institution shall make out an account

41 therefor against such county, in a manner as ~~hereinafter~~ provided

42 **under this chapter**.



1 SECTION 17. IC 4-33-22-24, AS ADDED BY P.L.113-2010,  
 2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2018]: Sec. 24. All buildings or structures used, or in any way  
 4 to be used for the purpose of holding or giving ~~therein~~ boxing, sparring,  
 5 or unarmed combat matches or exhibitions **within the buildings or**  
 6 **structures**, must be properly ventilated and provided with fire exits  
 7 and fire escapes, if necessary, and in all manner must conform to the  
 8 laws, ordinances, and regulations pertaining to buildings in the city or  
 9 town where situated.

10 SECTION 18. IC 5-1-4-1 IS AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2018]: Sec. 1. ~~Declaration of Policy~~: It is  
 12 declared that for the benefit of the people of the state, the increase of  
 13 their commerce, welfare and prosperity and the improvement of their  
 14 health and living conditions it is essential that hospitals within the state  
 15 be provided with appropriate additional means to expand, enlarge and  
 16 establish health care, hospital and other related facilities; and that it is  
 17 the purpose of this chapter to provide a measure of assistance and  
 18 alternative methods to enable hospitals within this state to refund or  
 19 refinance outstanding indebtedness incurred for the facilities and to  
 20 provide additional facilities and structures which are required to  
 21 accomplish the purposes of this chapter, all to the public benefit and  
 22 good, to the extent and manner provided ~~herein~~ **in this chapter**.

23 SECTION 19. IC 5-1-4-15 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 15. ~~Trust Agreement~~  
 25 ~~to Secure Bonds~~: In the discretion of any authority any bonds issued  
 26 under the provisions of this chapter may be secured by a trust  
 27 agreement by and between such authority and a corporate trustee or  
 28 trustees, which may be any trust company or bank having the powers  
 29 of a trust company within or without the state. ~~Such~~ **The** trust  
 30 agreement or the resolution providing for the issuance of ~~such~~ bonds  
 31 may pledge or assign the revenues to be received or proceeds of any  
 32 contract or contracts pledged and may convey or mortgage the project  
 33 or any portion ~~thereof~~ **of the project**. Any pledge or assignment made  
 34 by an authority pursuant ~~hereto~~ shall be valid and binding from the  
 35 time that the pledge or assignment is made, and the revenues ~~so~~  
 36 pledged and ~~thereafter~~ received by ~~such the~~ authority shall immediately  
 37 be subject to the lien of ~~such the~~ pledge or assignment without physical  
 38 delivery ~~thereof~~ or further act. The lien of ~~such the~~ pledge or  
 39 assignment shall be valid and binding against all parties having claims  
 40 of any kind in tort, contract, or otherwise against the authority  
 41 irrespective of whether ~~such the~~ parties have notice. ~~thereof~~. Neither  
 42 the resolution nor any trust agreement by which a pledge is created or



1 assignment made need be filed or recorded in any public records in  
 2 order to perfect a lien ~~thereof~~ as against third parties except that a copy  
 3 ~~thereof of the records~~ shall be filed in the records of the authority.  
 4 ~~Such~~ **The** trust agreement or resolution providing for the issuance of  
 5 ~~such~~ bonds may contain such provisions for protecting and enforcing  
 6 the rights and remedies of the bondholders as may be reasonable and  
 7 proper and not in violation of law, including particularly ~~such~~  
 8 provisions as have ~~hereinabove~~ been specifically authorized to be  
 9 included in any resolution or resolutions of an authority authorizing  
 10 bonds. ~~thereof~~. Any bank or trust company incorporated under the laws  
 11 of this state which may act as depository of the proceeds of bonds or of  
 12 revenues or other moneys may furnish ~~such~~ indemnifying bonds or  
 13 pledge ~~such~~ securities as may be required by an authority. Any ~~such~~  
 14 trust agreement may set forth the rights and remedies of the  
 15 bondholders and of the trustee or trustees, and may restrict the  
 16 individual right of action by bondholders. ~~In addition to the foregoing,~~  
 17 Any ~~such~~ trust agreement or resolution may contain ~~such~~ other  
 18 provisions as the authority may deem reasonable and proper for the  
 19 security of the bondholders. All expenses incurred in carrying out the  
 20 provisions of ~~such the~~ trust agreement or resolution may be treated as  
 21 a part of the cost of the operation of a project.

22 SECTION 20. IC 5-1-4-27 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 27. ~~Pledge by State to~~  
 24 ~~Bondholders and Contractors~~. The state of Indiana does hereby pledge  
 25 to and agree with the holders of any obligations issued under this  
 26 chapter, and with those parties who may enter into contracts with an  
 27 authority pursuant to the provisions of this chapter, that the state will  
 28 not limit or alter the rights hereby vested in such authority until such  
 29 obligations, together with the interest thereon, are fully met and  
 30 discharged and such contracts are fully performed on the part of such  
 31 authority. ~~provided However,~~ nothing ~~herein contained in this section~~  
 32 shall preclude such limitation or alteration if and when adequate  
 33 provisions shall be made by law for the protection of the holders of  
 34 such obligations of such authority or those entering into such contracts  
 35 with such authority. An authority as agent for the state is authorized to  
 36 include this pledge and undertaking for the state in such obligations or  
 37 contracts.

38 SECTION 21. IC 5-1-5-1, AS AMENDED BY P.L.146-2008,  
 39 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2018]: Sec. 1. The following terms as used in this chapter  
 41 have the following meanings:

42 (a) (1) "Governing body" means the council, commission, board



- 1 of commissioners, board of directors, board of trustees, or other  
 2 legislative body in which the legislative powers of the issuing  
 3 body are vested.
- 4 (b) (2) "Issuing body" means the state of Indiana, its agencies,  
 5 commissions, universities, colleges, institutions, political  
 6 subdivisions, counties, school corporations, hospital associations,  
 7 municipal and quasi-municipal corporations, special taxing  
 8 districts, and any corporation which has issued bonds payable  
 9 directly or indirectly from lease rentals payable by any of the  
 10 foregoing issuing bodies now or hereafter existing under the laws  
 11 of the state.
- 12 (c) (3) "Bond" means any revenue bond, general obligation bond,  
 13 or advance refunding bond.
- 14 (d) (4) "Revenue bond" means any bond note, warrant, certificate  
 15 of indebtedness, or other obligation, including a certificate or  
 16 other evidence of participation in the lessor's interest in and rights  
 17 under a lease, for the payment of money issued by an issuing body  
 18 or any predecessor of any issuing body which is payable from  
 19 designated revenues, rental payments, special benefits, taxes, or  
 20 a special fund but excluding any obligation constituting an  
 21 indebtedness within the meaning of the constitutional debt  
 22 limitation and any obligation payable solely from special  
 23 assessments or special assessments and a guaranty fund.
- 24 (e) (5) "General obligation bond" means any bond, note, warrant,  
 25 certificate of indebtedness, or other obligation of an issuing body  
 26 which constitutes an indebtedness within the meaning of the  
 27 constitutional debt limitation.
- 28 (f) (6) "Advance refunding bonds" means bonds issued for the  
 29 purpose of refunding bonds first subject to redemption or  
 30 maturing after the date of the advance refunding bonds.
- 31 (g) (7) "Ordinance" means an ordinance of a city or town or  
 32 resolution or other instrument by which the governing body of the  
 33 issuing body exercising any power ~~hereunder~~ **under this chapter**  
 34 takes formal action and adopts legislative provisions and matters  
 35 of some permanency.
- 36 (h) (8) "Corporation which has issued bonds" means a corporation  
 37 organized under IC 20-47-2 or IC 20-47-3, the laws of any state  
 38 of the United States of America or of the United States of  
 39 America, including any bank, trust company, or national  
 40 association serving as a trustee under an indenture providing for  
 41 issuance of bonds.
- 42 (i) (9) "Local issuing body" means an issuing body that is:



- 1           (†) (A) a political subdivision (as defined in IC 36-1-2-13);  
 2           (‡) (B) a district (as defined in IC 6-1.1-21.2-5); or  
 3           (§) (C) a corporation or other entity that:  
 4           (Ⓐ) (i) is not a body corporate and politic established as an  
 5           instrumentality of the state; and  
 6           (Ⓑ) (ii) has issued bonds that are payable directly or  
 7           indirectly from lease rentals payable by a political  
 8           subdivision or district described in subdivision (1) or (2).  
 9       (†) (10) "Special benefit taxes" means a special tax levied and  
 10       collected on an ad valorem basis on property for the purpose of  
 11       financing local public improvements that:  
 12       (†) (A) are not political or governmental in nature; and  
 13       (‡) (B) are of special benefit to the residents and property of  
 14       the area.  
 15       (†) (11) "Tax increment revenues" means an allocation of:  
 16       (†) (A) ad valorem property taxes;  
 17       (‡) (B) state or local adjusted gross income taxes; or  
 18       (§) (C) state or local gross retail and use taxes;  
 19       to a redevelopment district that is based on an increase in the  
 20       assessed value, wages, sales, or other economic activity occurring  
 21       in a designated area. The term includes allocations described in  
 22       IC 5-28-26-9, IC 6-1.1-21.2-10, IC 36-7-26-10, IC 36-7-27-8,  
 23       IC 36-7-31-6, and IC 36-7-31.3-4.  
 24       (†) (12) "Redevelopment district" refers to the following:  
 25       (†) (A) An airport development zone under IC 8-22-3.5.  
 26       (‡) (B) A redevelopment district established under:  
 27       (Ⓐ) (i) IC 36-7-14; or  
 28       (Ⓑ) (ii) IC 36-7-15.1.  
 29       (§) (C) A special taxing district described in:  
 30       (Ⓐ) (i) IC 36-7-14.5-12.5(d); or  
 31       (Ⓑ) (ii) IC 36-7-30-3(b).  
 32       (†) (D) Another public entity to which tax increment revenues  
 33       are allocated.  
 34       (†) (13) Words used in this chapter importing singular or plural  
 35       number may be construed so that one (1) number includes both.  
 36       SECTION 22. IC 5-1-5-3 IS AMENDED TO READ AS FOLLOWS  
 37       [EFFECTIVE JULY 1, 2018]: Sec. 3. Any bonds issued for refunding  
 38       purposes may be delivered in exchange for the outstanding bonds being  
 39       refunded or may be sold in the manner ~~hereinafter~~ provided in **this**  
 40       **chapter**.  
 41       SECTION 23. IC 5-1-5-15 IS AMENDED TO READ AS  
 42       FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 15. In connection with



1 the issuance of refunding bonds, an issuing body and the lessee, or  
2 lessees, of any building, or buildings, financed from the proceeds of the  
3 bonds being refunded may enter into an amendment to the lease  
4 modifying or amending the provisions of such lease in any one (1) or  
5 more of the following respects:

6 (a) (1) To provide for a reduction in the amount of lease rental  
7 payable by the lessee, or lessees, to be effective upon the  
8 redemption of the bonds being refunded; or the happening of the  
9 events set forth in section 9 of this chapter if permitted by law and  
10 the covenants on the bonds to be refunded.

11 (b) (2) To provide for extensions or reductions of the times set  
12 forth in the lease before the options of the lessee or lessees to  
13 purchase may be exercised to such times as may be agreed upon  
14 between the issuing body and the lessee or lessees.

15 (c) (3) To provide that the lease rental payable by the lessee or  
16 lessees, after the redemption of all the bonds being refunded may  
17 be payable to the trustee under a trust indenture securing such  
18 refunding bonds.

19 The refunding ~~herein~~ authorized **under this section** shall in no way  
20 affect the obligation of the lessee or lessees to pay the lease rental  
21 under the lease of the building or buildings, except to the extent such  
22 lease rental may be reduced by any amendment as ~~hereinbefore~~  
23 authorized **under this section**.

24 SECTION 24. IC 5-1-6-12 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. (a) In order that the  
26 payment of the refunding bonds, and interest thereon, shall be  
27 adequately secured, any issuing body issuing refunding bonds pursuant  
28 to this chapter and the proper officers, agents and employees thereof,  
29 are hereby directed, and it shall be the mandatory duty of such issuing  
30 body and such officers, agents and employees under this chapter, and  
31 it shall further be of the essence of the contract of such issuing body  
32 with the bondholders, at all times:

33 (1) to pay or cause to be paid punctually the principal of every  
34 refunding bond, and the interest thereon, on the date or dates and  
35 at the place or places and in the manner and out of the funds  
36 mentioned in such refunding bonds and in the coupons thereto  
37 appertaining and in accordance with the resolution authorizing  
38 their issuance;

39 (2) to operate the enterprise in an efficient and economical  
40 manner and to establish, levy, maintain, and collect such fees,  
41 tolls, rentals, rates and other charges in connection therewith as  
42 may be necessary or proper, which said fees, tolls, rates, rentals,



1 and other charges shall be at least sufficient after making due and  
 2 reasonable allowances for contingencies and for a margin of error  
 3 in the estimates:

4 (i) to pay all current expenses of operation, maintenance and  
 5 repair of such enterprise;

6 (ii) to pay the interest on and principal of the refunding bonds  
 7 as the same shall become due and payable;

8 (iii) to comply in all respects with the terms of the ordinance  
 9 or resolution authorizing the issuance of refunding bonds or  
 10 any other contract or agreement with the holders of the  
 11 refunding bonds; and

12 (iv) to meet any other obligations of the issuing body which  
 13 are charges, liens, or encumbrances upon the revenues of such  
 14 enterprise;

15 provided, however, that nothing in this section shall be construed  
 16 as curtailing any authority of the utility regulatory commission to  
 17 approve rates or charges;

18 (3) to operate, maintain, preserve, and keep, or cause to be  
 19 operated, maintained, preserved, and kept, the enterprise and  
 20 every part and parcel thereof, in good repair, working order and  
 21 condition;

22 (4) to preserve and protect the security of the refunding bonds and  
 23 the rights of the holders thereof, and to warrant and defend such  
 24 rights against all claims and demands of all persons whomsoever;

25 (5) to pay and discharge, or cause to be paid or discharged any  
 26 and all lawful claims for labor, materials, and supplies, which, if  
 27 unpaid, might by law become a lien or charge upon the revenues  
 28 or any part thereof, prior or superior to the lien of the refunding  
 29 bonds, or which might impair the security of the refunding bonds,  
 30 to the end that the priority and security of the refunding bonds  
 31 shall be fully preserved and protected;

32 (6) to hold in trust the revenues pledged to the payment of the  
 33 refunding bonds for the benefit of the holders of the refunding  
 34 bonds and to apply such revenues only as provided by the  
 35 resolution or resolutions authorizing the issuance of the refunding  
 36 bonds or, if such resolution or resolutions shall thereafter be  
 37 modified in the manner provided ~~therein or herein~~, **in the**  
 38 **resolution or resolutions or in this chapter**, only as provided in  
 39 such resolution or resolutions as modified; and

40 (7) to keep proper books of record and accounts of the enterprise  
 41 (separate from all other records and accounts) in which complete  
 42 and correct entries shall be made of all transactions relating to the



1 enterprise or any part thereof, and which, together with all other  
 2 books and papers of the issuing body, shall at all times be subject  
 3 to the inspection of the holder or holders of not less than ten  
 4 percent (10%) of the refunding bonds then outstanding or his or  
 5 their representatives duly authorized in writing.

6 (b) None of the foregoing duties shall be construed to require the  
 7 expenditure in any manner or for any purpose by the issuing body of  
 8 any funds other than revenues received or receivable from the  
 9 enterprise.

10 SECTION 25. IC 5-1-6-14 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 14. (a) In the event that  
 12 the issuing body shall default in the payment of the principal or interest  
 13 on any of the refunding bonds after the ~~same shall bonds~~ become due,  
 14 ~~whether either~~ at maturity or upon call for redemption, ~~and such a~~  
 15 default shall continue for a period of thirty (30) days. ~~or in the event~~  
 16 ~~that~~

17 (b) If the issuing body or the governing body or officers, agents, or  
 18 employees: ~~thereof shall~~

19 (1) fail or refuse to comply with ~~the provisions of~~ this chapter; or

20 (2) ~~shall~~ default in any agreement made with the holders of the  
 21 refunding bonds;

22 any holder or holders of refunding bonds, or trustee ~~therefor, shall have~~  
 23 ~~the right to may~~ apply in an appropriate judicial proceeding in the  
 24 circuit or superior court of the county in which the issuing body or the  
 25 greater territorial portion ~~thereof~~ is situated, or in which the enterprise  
 26 is located, or any court of competent jurisdiction, for the appointment  
 27 of a receiver of the enterprise, whether or not all refunding bonds have  
 28 been declared due and payable and whether or not such holder or  
 29 holders, or trustee, ~~therefor,~~ is seeking or has sought to enforce any  
 30 other right, or exercise any remedy in connection with such refunding  
 31 bonds.

32 (c) Upon ~~such an~~ application **described in subsection (b)**, the  
 33 circuit or superior court may appoint, and if the application is made by  
 34 the holders of twenty-five percent (25%) in principal amount of such  
 35 refunding bonds then outstanding, or any trustee for holders of ~~such~~  
 36 refunding bonds in such principal amount, shall appoint a receiver of  
 37 the enterprise.

38 ~~(b)~~ (d) The receiver ~~so~~ appointed:

39 (1) shall ~~forthwith,~~ directly or by ~~his the receiver's~~ agents and  
 40 attorneys enter into ~~and upon~~ and take possession of the  
 41 enterprise; ~~and each and every part thereof and~~

42 (2) may exclude the issuing body, its governing body, officers,





1 agents, and employees and all persons claiming under them;  
 2 ~~wholly therefrom and~~

3 (3) shall have, hold, use, operate, manage, and control ~~the same~~  
 4 ~~and each and every part, thereof, and, the enterprise~~ in the name  
 5 of the issuing body or otherwise, as the receiver may deem best;  
 6 and

7 (4) shall exercise all rights and powers of the issuing body with  
 8 respect to the enterprise as the issuing body itself might do.

9 (e) ~~Such A~~ receiver shall maintain, restore, insure and keep insured,  
 10 the enterprise, and from time to time shall make all ~~such~~ necessary or  
 11 proper repairs as to ~~such the~~ receiver may seem expedient and shall  
 12 establish, levy, maintain and collect such fees, tolls, rentals, and other  
 13 charges in connection with the enterprise as ~~such the~~ receiver may  
 14 deem necessary or proper and reasonable, and shall collect and receive  
 15 all revenues and shall deposit the same in a separate account and apply  
 16 such revenues so collected and received in such manner as the court  
 17 shall direct.

18 (c) (f) Whenever ~~all that is a refunding bond is due, upon the~~  
 19 ~~refunding bonds, and including interest, thereon, and upon any other~~  
 20 notes, bonds, or other obligations, ~~and including interest, thereon,~~  
 21 having a charge, lien, or encumbrance on the revenues of the enterprise  
 22 and under any of the terms of any covenants or agreements with  
 23 bondholders shall have been paid or deposited, ~~as provided therein, and~~  
 24 all defaults shall have been cured and made good, the court may in its  
 25 discretion, and after ~~such~~ notice and hearing as it deems reasonable and  
 26 proper, direct the receiver to surrender possession of the enterprise to  
 27 the issuing body, the same right of the holders of the refunding bonds  
 28 to secure the appointment of a receiver to exist upon any subsequent  
 29 default. ~~as hereinabove provided.~~

30 (d) (g) ~~Such The~~ receiver shall in the performance of the powers  
 31 ~~hereinabove~~ conferred upon ~~him, the receiver,~~ act under the direction  
 32 and supervision of the court making ~~such the~~ appointment and shall at  
 33 all times be subject to the orders and decrees of such court and may be  
 34 removed. ~~thereby: Nothing herein contained shall~~ **This section does**  
 35 **not** limit or restrict the jurisdiction of ~~such the~~ court to enter ~~such~~ other  
 36 ~~and further~~ orders and decrees as ~~such the~~ court may deem necessary  
 37 or appropriate for the exercise by the receiver of ~~any functions~~  
 38 ~~specifically set forth herein. the receiver's duties.~~

39 SECTION 26. IC 5-1-6-15 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 15. (a) Subject to any  
 41 contractual limitations binding upon the holders of any issue of  
 42 refunding bonds, or trustee therefor, including but not limited to the



1 restrictions of the exercise of any remedy to a specified proportion or  
 2 percentage of such holders, any holder of refunding bonds, or trustee  
 3 therefor, shall have the right and power, for the equal benefit and  
 4 protection of all holders of refunding bonds similarly situated:

5 (1) by mandamus or other suit, action or proceeding at law or in  
 6 equity to enforce his rights against the issuing body and its  
 7 governing body and any of its officers, agents and employees and  
 8 to require and compel such issuing body or such governing body  
 9 or any such officers, agents, or employees to perform and carry  
 10 out its and their duties and obligations under this chapter and its  
 11 and their covenants and agreements with bondholders;

12 (2) by action or suit in equity to require the issuing body and the  
 13 governing body thereof to account as if they were the trustee of an  
 14 express trust;

15 (3) by action or suit in equity to enjoin any acts or things which  
 16 may be unlawful or in violation of the rights of the bondholders;  
 17 and

18 (4) to bring suit upon the refunding bonds.

19 (b) No remedy conferred by this chapter upon any holder of  
 20 refunding bonds, or any trustee therefor, is intended to be exclusive of  
 21 any other remedy, but each such remedy is cumulative and in addition  
 22 to every other remedy and may be exercised without exhausting and  
 23 without regard to any other remedy conferred by this chapter or by any  
 24 other law. No waiver of any default or breach of duty or contract,  
 25 whether by any holder of refunding bonds, or any trustee therefor, shall  
 26 extend to or shall affect any subsequent default or breach of duty or  
 27 contract or shall impair any rights or remedies thereon. No delay or  
 28 omission of any bondholder or any trustee therefor to exercise any right  
 29 or power accruing upon any default shall impair any such right or  
 30 power or shall be construed to be a waiver of any such default or  
 31 acquiescence ~~therein~~ **in the default**. Every substantive right and every  
 32 remedy, conferred upon the holders of refunding bonds, may be  
 33 enforced and exercised from time to time and as often as may be  
 34 deemed expedient. In case any suit, action, or proceeding to enforce  
 35 any right or exercise any remedy shall be brought or taken and then  
 36 discontinued or abandoned, or shall be determined adversely to the  
 37 holder of the refunding bonds, or any trustee therefor, then and in every  
 38 such case the issuing body and such holder, or such trustee, shall be  
 39 restored to their former positions and rights and remedies as if no such  
 40 suit, action or proceeding had been brought or taken.

41 SECTION 27. IC 5-1-16-13, AS AMENDED BY P.L.162-2007,  
 42 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

**HB 1031—LS 6106/DI 107**



1 JULY 1, 2018]: Sec. 13. (a) The authority has all powers necessary to  
2 carry out and effectuate its public and corporate purposes, including  
3 but not limited to the following:

4 (1) To make and execute contracts and all other instruments  
5 necessary or convenient for the performance of its duties and the  
6 exercise of its powers and functions under this chapter.

7 (2) To employ architects, engineers, independent legal counsel,  
8 inspectors, accountants, and health care and financial experts, and  
9 such other advisors, consultants, and agents as may be necessary  
10 in its judgment without the approval of or consent by any other  
11 state official, and to fix their compensation.

12 (3) To procure insurance against any loss in connection with its  
13 property and other assets, in such amounts and from such insurers  
14 as it considers advisable, including the power to pay premiums on  
15 any such insurance.

16 (4) To procure insurance or guarantees from any public or private  
17 entities, including any department, agency, or instrumentality of  
18 the United States of America, to secure payment:

19 (A) on a loan, lease, or purchase payment owed by a  
20 participating provider to the authority; and

21 (B) of any bonds issued by the authority, including the power  
22 to pay premiums on any such insurance or guarantee.

23 (5) To procure letters of credit or other credit facilities or  
24 agreements from any national or state banking association or  
25 other entity authorized to issue a letter of credit or other credit  
26 facilities or agreements to secure the payment of any bonds issued  
27 by the authority or to secure the payment of any loan, lease, or  
28 purchase payment owed by a participating provider to the  
29 authority, including the power to pay the cost of obtaining such  
30 letter of credit or other credit facilities or agreements.

31 (6) To receive and accept from any source any money, property,  
32 or thing of value to be held, used, and applied to carry out the  
33 purposes of this chapter subject to the conditions upon which the  
34 grants or contributions are made, including gifts or grants from  
35 any department, agency, or instrumentality of the United States of  
36 America for any purpose consistent with this chapter.

37 (7) To provide, or cause to be provided by a participating  
38 provider, by acquisition, lease, construction, fabrication, repair,  
39 restoration, reconditioning, refinancing, or installation, health  
40 facility property to be located within a health facility.

41 (8) To lease as lessor any item of health facility property for such  
42 rentals and upon such terms and conditions as the authority



- 1 considers advisable and are not in conflict with this chapter.  
2 (9) To sell by installment or otherwise to sell by option or contract  
3 for sale, and to convey all or any part of any item of health facility  
4 property for such price and upon such terms and conditions as the  
5 authority considers advisable and as are not in conflict with this  
6 chapter.  
7 (10) To make contracts and incur liabilities, borrow money at  
8 such rates of interest as the authority determines, issue its bonds  
9 in accordance with this chapter, and secure any of its bonds or  
10 obligations by a mortgage or pledge of all or any of its property,  
11 franchises, and income or as otherwise provided in this chapter.  
12 (11) To make secured or unsecured loans for the purpose of  
13 providing temporary or permanent financing or refinancing for the  
14 cost of any item of health facility property, including the retiring  
15 of any outstanding obligations issued by a participating provider,  
16 and the reimbursement to a participating provider of advances, for  
17 the cost of any health facility property purchased in anticipation  
18 of procuring such financing or refinancing from the authority or  
19 other sources, and to charge and collect interest on such loans for  
20 such loan payments and upon such terms and conditions as the  
21 authority considers advisable and as are not in conflict with this  
22 chapter.  
23 (12) To invest and reinvest its funds and to take and hold property  
24 as security for the investment of such funds as provided in this  
25 chapter.  
26 (13) To purchase, receive, lease (as lessee or lessor), or otherwise  
27 acquire, own, hold, improve, use, or otherwise deal in and with,  
28 health facility property, or any interest ~~therein~~; **in health facility**  
29 **property**, wherever situated.  
30 (14) To sell, convey, mortgage, pledge, assign, lease, exchange,  
31 transfer, and otherwise dispose of all or any part of its property  
32 and assets.  
33 (15) To the extent permitted under its contract with the holders of  
34 bonds of the authority, consent to any modification with respect  
35 to the rate of interest, time, and payment of any installment of  
36 principal or interest, or any other term of any contract, loan, loan  
37 note, loan note commitment, contract, lease, or agreement of any  
38 kind to which the authority is a party.  
39 (16) To charge to and apportion among participating providers its  
40 administrative costs and expenses incurred in the exercise of the  
41 powers and duties conferred by this chapter.  
42 (17) Except as otherwise provided in a trust agreement or bond



1 resolution securing bonds of the authority, and notwithstanding  
2 IC 5-13, to invest:

3 (A) the authority's money, funds, and accounts;

4 (B) any money, funds, and accounts in the authority's custody;  
5 and

6 (C) proceeds of bonds or notes;

7 in the manner provided by an investment policy established by  
8 resolution of the authority.

9 (18) To collect fees and charges, as the authority determines to be  
10 reasonable, in connection with its loans, leases, sales, advances,  
11 insurance, commitments, and servicing.

12 (19) To cooperate with and exchange services, personnel, and  
13 information with any federal, state, or local governmental agency.

14 (20) To sell, at public or private sale, with or without public  
15 bidding, any loan or other obligation held by the authority.

16 (21) To assist, coordinate, and participate with other issuers of tax  
17 exempt bonds and public officials in other states in connection  
18 with financings or refinancings on behalf of multiple state health  
19 facilities. Assistance, coordination, and participation provided  
20 under this subdivision may include conducting any hearings  
21 required by state or federal law in order for bonds to be issued by  
22 public officials in other states if part of the proceeds of the bonds  
23 will be used by participating providers in Indiana. Neither the  
24 state of Indiana nor the authority, nor any officers, agents, or  
25 employees of the state or the authority, are subject to any liability  
26 resulting from assistance to or coordination or participation with  
27 other issuers of tax exempt bonds under this subsection. Any  
28 assistance, coordination, or participation provided under this  
29 subsection is given with the understanding that the issuers of tax  
30 exempt bonds or borrowers will agree to indemnify and hold  
31 harmless the state of Indiana and the authority and their officers,  
32 agents, and employees from all claims and liability arising from  
33 any action against the state of Indiana or the authority relating to  
34 the bonds.

35 (22) Subject to the authority's investment policy, to enter into  
36 swap agreements (as defined in IC 8-9.5-9-4) in accordance with  
37 IC 8-9.5-9-5 and IC 8-9.5-9-7.

38 The omission of a power from the list in this subsection does not imply  
39 that the authority lacks that power. The authority may exercise any  
40 power that is not listed in this subsection but is consistent with the  
41 powers listed in this subsection to the extent that the power is not  
42 expressly denied by the Constitution of the State of Indiana or by



1 another statute.

2 (b) No part of the revenues or assets of the authority may inure to  
3 the benefit of or be distributable to its members or officers or other  
4 private persons. Any net earnings of the authority beyond that  
5 necessary for retirement of authority indebtedness or to implement the  
6 public purposes of this chapter inure to the benefit of the state. Upon  
7 termination or dissolution, all rights and properties of the authority pass  
8 to and are vested in the state, subject to the rights of lienholders and  
9 other creditors.

10 SECTION 28. IC 5-1.4-6-1 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) The bank shall  
12 establish and maintain a fund called the general fund into which there  
13 shall be deposited all money received by the bank, unless otherwise  
14 provided by resolution or trust agreement of the bank, and any money  
15 that the bank shall transfer to the fund from any reserve fund under  
16 IC 5-1.4-5-1(c). Money in the general fund shall be used for operating  
17 expenses of the bank and, subject to any contract between the bank and  
18 its holders, may be:

- 19 (1) used to pay principal of or interest on bonds or notes of the  
20 bank to prevent a default;  
21 (2) transferred to any reserve fund to prevent a default or to make  
22 up any deficiency in that reserve fund;  
23 (3) used to purchase securities; and  
24 (4) used to purchase or redeem the bank's bonds or notes.

25 (b) No amount shall be paid or expended out of the general fund, or  
26 from any account ~~therein~~ established by the bank **in the general fund**  
27 for the purpose of paying operating expenses, for the payment of  
28 operating expenses of the bank in any year in excess of the amount  
29 provided for operating expenses in the annual budget then in effect for  
30 that year or any amendment ~~thereof~~ **of the annual budget** in effect at  
31 the time of the payment or expenditure.

32 (c) The bank is authorized and empowered to create and establish  
33 in the general fund accounts, subaccounts, or special accounts that in  
34 the opinion of the board are necessary, desirable, or convenient for the  
35 purposes of the bank under this chapter.

36 SECTION 29. IC 5-1.5-6-1 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) The bank shall  
38 establish and maintain a fund called the general fund into which there  
39 shall be deposited all money received by the bank and any money that  
40 the bank shall transfer to the fund from any reserve fund under  
41 IC 5-1.5-5-1(c). Money in the general fund shall be used for operating  
42 expenses of the bank and, subject to any contract between the bank and



1 its holders, may be:

2 (1) used to pay principal of or interest on bonds or notes of the

3 bank to prevent a default;

4 (2) transferred to any reserve fund to prevent a default or to make

5 up any deficiency in that reserve fund;

6 (3) used to purchase securities; and

7 (4) used to purchase or redeem the bank's bonds or notes.

8 (b) No amount shall be paid or expended out of the general fund, or

9 from any account ~~therein~~ established by the bank **in the general fund**

10 for the purpose of paying operating expenses, for the payment of

11 operating expenses of the bank in any year in excess of the amount

12 provided for operating expenses in the annual budget then in effect for

13 that year or any amendment ~~thereof of the annual budget~~ in effect at

14 the time of the payment or expenditure.

15 (c) The bank is authorized and empowered to create and establish

16 in the general fund accounts, subaccounts, or special accounts that in

17 the opinion of the board are necessary, desirable, or convenient for the

18 purposes of the bank under this chapter.

19 SECTION 30. IC 5-3-3-1 IS AMENDED TO READ AS FOLLOWS

20 [EFFECTIVE JULY 1, 2018]: Sec. 1. In all cases in which the law ~~now~~

21 ~~or hereafter~~ provides for the publication of a legal notice or notices

22 pertaining to public works projects in any newspaper, it shall ~~hereafter~~

23 be legal for the governmental agency or official required by law to

24 provide for and effect publication of such legal notice or notices

25 required by law to be published, also to make publication of such

26 notice or notices, not to exceed three (3) times within any continuous

27 period of twenty-one (21) days, and to incur the cost thereof at charges

28 regularly made for the publication of classified advertising, in any

29 highway or construction trade journal or magazine published not less

30 often than biweekly, and having general state-wide circulation within

31 not less than three-fourths (3/4) of the counties of the state, whenever

32 in the judgment of such agency or official state-wide publicity for the

33 subject matter of such notice or notices is deemed to be to the possible

34 advantage of the affected state or local governmental agency in the

35 more economical or efficient procurement or performance of the

36 property, supplies, work, service or other public project which is the

37 subject matter of such notice or notices; provided, expressly, that such

38 authority shall be discretionary and not required or mandatory upon any

39 governmental agency or official.

40 SECTION 31. IC 5-4-4-11 IS AMENDED TO READ AS

41 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. Whenever a new

42 bond is filed with such judge, as ~~herein provided for~~, **in this chapter**,



1 ~~he the judge~~ shall forthwith file the same with the officer who by law  
2 has the custody ~~thereof. of the bond.~~

3 SECTION 32. IC 5-4-4-14 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 14. Any officer  
5 required to execute a bond as provided ~~herein; in this chapter,~~ in  
6 consequence of the insufficiency of the sureties, may procure other  
7 sureties, to sign the old bond at the time set for the hearing of such  
8 petition, and if such judge shall deem such new sureties sufficient, no  
9 new bond shall be required; but such old bond, with the names of the  
10 new sureties subscribed thereto, shall be directed to be filed with the  
11 proper keeper of such bond; and such new sureties shall be liable for  
12 all the official acts of such officer from the original date of the  
13 execution of such bond; and such bond, thus signed by the additional  
14 sureties, shall be valid against the principal, the original and the new  
15 sureties; and all the sureties shall be jointly and severally liable for the  
16 official acts of such principal from the date of the original execution of  
17 such bond.

18 SECTION 33. IC 5-4-4-15 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 15. The board of  
20 commissioners of each county shall examine all the official bonds filed  
21 in the office of the clerk of the circuit court and in the office of the  
22 auditor of such county, and also the bond of such clerk; and if the  
23 penalty of any such bond is inadequate, or the sureties thereof are  
24 insufficient, or have removed from the state, except in case of the bond  
25 of the clerk, such board shall direct such clerk to cause the necessary  
26 proceedings to be had as ~~herein~~ provided **in this chapter** to procure  
27 new bond or additional sureties. And in case of such clerk's bond, such  
28 board shall cause the auditor of such county to institute such  
29 proceedings; and in case such clerk or auditor fail to comply with the  
30 order of such board, they shall be liable on their bonds for any damage  
31 occasioned by such neglect growing out of any malfeasance or  
32 nonfeasance or default in office of the officers complained against.  
33 Such board may at any time institute such examination, of its own  
34 motion, as to the bond of any such officer, or may make such  
35 examination on petition of any taxpayer.

36 SECTION 34. IC 5-8-1-25 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 25. The defendant may  
38 answer the accusation either by objecting to the sufficiency ~~thereof, of~~  
39 **the accusation** or of any article ~~therein, of the accusation~~ or by  
40 denying the truth of the same.

41 SECTION 35. IC 5-10-1.1-8 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. This chapter shall be





1 supplemental and in addition to all other laws. The powers and duties  
 2 ~~herein~~ given to the state and its political subdivisions **in this chapter**  
 3 shall be in addition to those given by any other law and shall not be  
 4 subject to the limitations set out ~~therein~~ **in the other law.**

5 SECTION 36. IC 5-10-5.5-4 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) A participants'  
 7 savings fund is hereby created. This fund shall be maintained by the  
 8 board as a trust fund, separate and distinct from all other entities for the  
 9 purpose of securing payment of benefits to participants and their  
 10 ~~survivors~~; **survivors**, as ~~hereinafter~~ provided **in this chapter.**

11 (b) The participants' savings fund shall consist of the following:

- 12 (1) each participant's contributions to the fund;
- 13 (2) all gifts, grants, devises and bequests in money, property, or
- 14 other form which may be made to the fund;
- 15 (3) all interest on investments or on deposits of the fund;
- 16 (4) all contributions or payments to the fund made in any manner
- 17 provided by the general assembly, including appropriations from
- 18 the general fund of the state; and
- 19 (5) any funds transferred to the fund from the public employees'
- 20 retirement fund under the provisions of section 6 of this chapter.

21 SECTION 37. IC 5-10-5.5-15 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 15. Surviving mothers,  
 23 fathers, surviving spouses or unmarried children under the age of  
 24 eighteen (18) years, of participants who have accrued at least fifteen  
 25 (15) years of creditable service and who die, shall be entitled to receive  
 26 survivors' benefits in the amount ~~hereinafter~~ provided **in this chapter.**  
 27 Survivor's benefits shall be paid to such of the above enumerated  
 28 persons as the participant shall nominate by written direction duly  
 29 acknowledged and filed with the board.

30 SECTION 38. IC 5-15-3-4 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. Such transcribed  
 32 book, when so made and certified, shall bear the name and number of  
 33 the original damaged book of which it is a transcript, and such  
 34 authenticated transcript ~~therein contained~~; shall be deemed, held to be,  
 35 and treated as the original, and shall have the full force and effect of  
 36 the original for all purposes, and shall be admitted in evidence in all  
 37 cases the same as the original.

38 SECTION 39. IC 5-16-5.5-1, AS AMENDED BY P.L.160-2006,  
 39 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2018]: Sec. 1. As used in this chapter:

41 "State agency" means the state of Indiana or any commission or  
 42 agency created by law.



1 "Agent" shall include any board, commission, trustee, officer or  
2 agent which acts on behalf of a state agency.

3 "Public building", "public work" and "public improvement" or  
4 combinations thereof shall be construed to include all buildings, work  
5 or improvements the cost of which is paid for from public funds but  
6 shall not include highways, roads, streets, alleys, bridges and  
7 appurtenant structures situated on streets, alleys, railroad projects (as  
8 defined in IC 8-5-15-1) and dedicated highway rights-of-way.

9 "Substantial completion" shall be construed to mean the date when  
10 the construction of a structure or building is sufficiently completed, in  
11 accordance with the plans and specifications, as modified by any  
12 completed change orders agreed to by the parties, so that the state  
13 agency can occupy the structure or building for the use for which it was  
14 intended. Furthermore, the warranty period shall commence no later  
15 than the date of substantial completion.

16 "Contractor" shall mean any person, firm, limited liability company,  
17 or corporation who is party to a contract with a state agency to  
18 construct, erect, alter or repair any public building or is any way  
19 involved in public work or public improvement.

20 "Subcontractor" shall mean and include any person, firm, limited  
21 liability company, or corporation who is a party to a contract with the  
22 contractor and who furnishes and performs on-site labor on any public  
23 building, work or improvement. It also shall include materialmen who  
24 supply contractors or subcontractors as contained ~~herein~~ **in this**  
25 **chapter**.

26 "Retainage" means any amount to be withheld from any payment to  
27 a contractor or subcontractor pursuant to the terms of a contract until  
28 the occurrence of a specified event.

29 "Escrowed principal" shall mean the value of all cash and securities  
30 or other property at the time placed in an escrow account.

31 "Escrowed income" shall mean the value of all property held in an  
32 escrow account over the escrowed principal in such account.

33 SECTION 40. IC 5-20-1-16, AS AMENDED BY P.L.42-2011,  
34 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JULY 1, 2018]: Sec. 16. ~~Capital Reserve Fund~~. (a) The authority may  
36 create and establish one (1) or more special funds, ~~herein~~ referred to **in**  
37 **this section** as capital reserve funds, to secure the notes and bonds. The  
38 authority shall pay into each such capital reserve fund:

39 (1) any moneys appropriated and made available by the state for  
40 the purposes of such fund;

41 (2) any proceeds of sale of notes or bonds, to the extent provided  
42 in the resolution of the authority authorizing the issuance thereof;



- 1           and  
2           (3) any other moneys which may be made available to the  
3           authority for the purpose of such fund from any other source or  
4           sources.
- 5           (b) All moneys held in any capital reserve fund, except as otherwise  
6           specifically provided, shall be used, as required, solely:
- 7           (1) for the payment of the principal of bonds of the authority  
8           secured in whole or in part by such fund;  
9           (2) for payment of the sinking fund payments mentioned in this  
10          section with respect to such bonds;  
11          (3) for the purchase or redemption of such bonds;  
12          (4) for the payment of interest on such bonds; or  
13          (5) for the payment of any redemption premium required to be  
14          paid when such bonds are redeemed prior to maturity.
- 15          However, if moneys in such fund at any time are less than the capital  
16          reserve fund requirement established for such fund as provided in this  
17          section, the authority shall not use such moneys for any optional  
18          purchase or optional redemption of such bonds. Any income or interest  
19          earned by, or increment to, any capital reserve fund due to the  
20          investment thereof may be transferred by the authority to other funds  
21          or accounts of the authority to the extent such transfer does not reduce  
22          the amount of such capital reserve fund below the capital reserve fund  
23          requirement for such fund.
- 24          (c) The authority shall not at any time issue bonds secured in whole  
25          or in part by a capital reserve fund, if, upon the issuance of such bonds,  
26          the amount in such capital reserve fund will be less than the capital  
27          reserve fund requirement of such fund, unless the authority, at the time  
28          of issuance of such bonds, deposits in such fund from the proceeds of  
29          the bonds to be issued, or from other sources, an amount which,  
30          together with the amount then in such fund, will not be less than the  
31          capital reserve fund requirement for such fund. For purposes of this  
32          section, "capital reserve fund requirement" means, as of any particular  
33          date of computation, an amount of money, as provided in the  
34          resolutions of the authority authorizing the bonds with respect to which  
35          such fund is established, which amount shall not exceed the average of  
36          the annual debt service on the bonds of the authority for that calendar  
37          year and succeeding calendar years secured in whole or in part by such  
38          fund. The annual debt service for any calendar year is the amount of  
39          money equal to the aggregate of (1) all interest payable during such  
40          calendar year on all bonds secured in whole or in part by such fund  
41          outstanding on the date of computation, plus (2) the principal amount  
42          of all such bonds outstanding on said date of computation which



1 mature during such calendar year, plus (3) all amounts specified as  
 2 payable during such calendar year as a sinking fund payment with  
 3 respect to any of such bonds which mature after such calendar year.  
 4 This calculation shall embody the assumption that such bonds will,  
 5 after such date of computation, cease to be outstanding by reason, but  
 6 only by reason, of:

- 7 (1) the payment of bonds when due; and  
 8 (2) the payment when due of all such sinking fund payments  
 9 payable at or after such date of computation.

10 However, in computing the annual debt service for any calendar year,  
 11 bonds deemed to have been paid in accordance with the defeasance  
 12 provisions of the resolution of the authority authorizing the issuance  
 13 thereof shall not be included in bonds outstanding on such date of  
 14 computation.

15 (d) To assure the continued operation and solvency of the authority  
 16 for the carrying out of the public purposes of this chapter, the authority  
 17 shall accumulate in each capital reserve fund an amount equal to the  
 18 capital reserve fund requirement for such fund.

19 (e) In computing the amount of any capital reserve fund for the  
 20 purposes of this section, securities in which all or a portion of such  
 21 capital reserve fund is invested shall be valued at par, or if purchased  
 22 at less than par, at their cost to the authority.

23 (f) Notwithstanding subsections (a) through (e), the authority,  
 24 subject to such agreements with noteholders or bondholders as may  
 25 then exist, may elect not to secure any particular issue of its bonds with  
 26 a capital reserve fund. Such election shall be made in the resolution  
 27 authorizing such issue. In this event, subsections (b) and (c) shall not  
 28 apply to the bonds of such issue in that they shall not be entitled to  
 29 payment out of, or be eligible for purchase by, any such fund, nor shall  
 30 they be taken into account in computing or applying any capital reserve  
 31 fund requirement.

32 SECTION 41. IC 5-20-2-8 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) Bonds shall not  
 34 be issued under this chapter unless these bonds are rated "A" or better  
 35 by one (1) of the nationally recognized rating agencies or unless these  
 36 bonds are sold in a transaction not involving any public offering within  
 37 the meaning of Section 4(2) of the **federal Securities Act of 1933**, as  
 38 amended, and rules and regulations ~~thereunder~~ **adopted under the**  
 39 **federal Securities Act of 1933, as amended.**

40 (b) The exercise of any or all powers or the issue of bonds under this  
 41 chapter shall be authorized by ordinance of the governing body.  
 42 Notwithstanding any law to the contrary, this ordinance may be



1 adopted at the same meeting at which it is introduced and it shall take  
 2 effect immediately upon adoption. Any ordinance authorizing bonds  
 3 shall be adopted only after the governing body has held a public  
 4 hearing on the proposed financing after giving not less than five (5)  
 5 days notice by publication in at least one (1) newspaper of general  
 6 circulation in the county or municipality. This ordinance shall also set  
 7 forth a legislative finding and declaration of the public purpose of the  
 8 bond issue and that the ordinance is being enacted pursuant to the  
 9 powers granted by this chapter. No action to contest the validity of any  
 10 bonds may commence more than thirty (30) days following the  
 11 adoption of the ordinance approving the bonds. However, if authorized  
 12 by ordinance, any officer of the county or municipality may bring an  
 13 action under IC 34-13-5 or file a petition under IC 36-4-4-5 within this  
 14 thirty (30) day period to determine the validity of any bonds or any  
 15 agreements in connection with them. In this proceeding, no bond need  
 16 be filed by the petitioner or plaintiff unless requested by the county or  
 17 municipality, and any judgment shall be final unless appealed within  
 18 thirty (30) days after entry of the judgment.

19 (c) The bonds shall bear interest at the rate or rates, may be payable  
 20 at the times, may be in one (1) or more series, may bear the date or  
 21 dates, may mature at the time or times not exceeding forty (40) years  
 22 from their respective dates, may be payable in the medium of payment  
 23 at the place or places, may carry the registration privileges, may be  
 24 subject to the terms of redemption at the premiums, may be executed  
 25 in the manner, may contain the terms, covenants, and conditions, may  
 26 be in the form either coupon or registered, and may bear the name that  
 27 the ordinance or trust indenture securing the bonds provides. The  
 28 bonds may be sold at public or private sale in a manner and upon the  
 29 terms provided in the ordinance. Pending the preparation of definitive  
 30 bonds, interim receipts, or certificates in the form and with the  
 31 provisions as provided in the ordinance may be issued to the purchaser  
 32 of bonds sold pursuant to this chapter.

33 (d) The bonds and interim receipts or certificates are negotiable  
 34 instruments under the laws of this state. Bonds and receipts and the  
 35 authorization, issuance, sale, and delivery thereof are not subject to any  
 36 general law concerning bonds of municipalities.

37 SECTION 42. IC 5-26-2-5 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. The commission's  
 39 powers include the following:

- 40 (1) Planning for voluntary coordination of resources by public  
 41 safety agencies.
- 42 (2) Developing coordinated, integrated responses to significant



- 1 public safety events by those public safety agencies that choose  
 2 to take part.
- 3 (3) Developing means of sharing information operationally and  
 4 technologically to improve public safety.
- 5 (4) Contracting with consultants to assist in the planning and  
 6 development under this article.
- 7 (5) Contracting with others to provide services under this article.
- 8 (6) Accepting gifts, devises, bequests, grants, loans,  
 9 appropriations, revenue sharing, other financing and assistance,  
 10 and any other aid from any source and agreeing to and complying  
 11 with conditions attached thereto as necessary or appropriate to the  
 12 purposes of the commission.
- 13 (7) Acquiring real property, or any interest ~~therein~~, **in real**  
 14 **property**, by lease, conveyance (including purchase) instead of  
 15 foreclosure, or foreclosure as necessary or appropriate to the  
 16 purposes of the commission.
- 17 (8) Owning, managing, operating, holding, clearing, improving,  
 18 and constructing facilities on real property as necessary or  
 19 appropriate to the purposes of the commission.
- 20 (9) Selling, assigning, exchanging, transferring, conveying,  
 21 leasing, mortgaging, or otherwise disposing of or encumbering  
 22 real property, or interests ~~therein~~ **in real property** or facilities  
 23 **thereon on real property** as necessary or appropriate to the  
 24 purposes of the commission.
- 25 (10) Acquiring personal property by lease or conveyance as  
 26 necessary or appropriate to the purposes of the commission.
- 27 (11) Selling, assigning, exchanging, transferring, conveying,  
 28 leasing, mortgaging, or otherwise disposing of or encumbering  
 29 personal property, or interests ~~therein~~ **in personal property** as  
 30 necessary or appropriate to the purposes of the commission.
- 31 (12) The powers enumerated in IC 5-26-3-6.
- 32 (13) Any other power necessary, proper, or convenient to carry  
 33 out this article.
- 34 SECTION 43. IC 6-3-4-14 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 14. (a) An affiliated  
 36 group of corporations shall have the privilege of making a consolidated  
 37 return with respect to the taxes imposed by IC 6-3. The making of a  
 38 consolidated return shall be upon the condition that all corporations  
 39 which at any time during the taxable year have been members of the  
 40 affiliated group consent to all of the provisions of this section including  
 41 all provisions of the consolidated return regulations prescribed  
 42 pursuant to Section 1502 of the Internal Revenue Code and



1 incorporated ~~herein in this section~~ by reference and all regulations  
 2 promulgated by the department implementing this section prior to the  
 3 last day prescribed by law for the filing of such return. The making of  
 4 a consolidated return shall be considered as such consent. In the case  
 5 of a corporation which is a member of the affiliated group for a  
 6 fractional part of the year, the consolidated return shall include the  
 7 income of such corporation for such part of the year as it is a member  
 8 of the affiliated group.

9 (b) For the purposes of this section the term "affiliated group" shall  
 10 mean an "affiliated group" as defined in Section 1504 of the Internal  
 11 Revenue Code with the exception that the affiliated group shall not  
 12 include any corporation which does not have adjusted gross income  
 13 derived from sources within the state of Indiana.

14 (c) For purposes of IC 6-3-1-3.5(b), the determination of "taxable  
 15 income," as defined in Section 63 of the Internal Revenue Code, of any  
 16 affiliated group of corporations making a consolidated return and of  
 17 each corporation in the group, both during and after the period of  
 18 affiliation, shall be determined pursuant to the regulations prescribed  
 19 under Section 1502 of the Internal Revenue Code.

20 (d) Any credit against the taxes imposed by IC 6-3 which is  
 21 available to any corporation which is a member of an affiliated group  
 22 of corporations making a consolidated return shall be applied against  
 23 the tax liability of the affiliated group.

24 SECTION 44. IC 7.1-3-22-6 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. ~~Hotels Excluded~~  
 26 ~~from Quota~~. A three-way permit, ~~heretofore or hereafter~~, **regardless of**  
 27 **when issued, that is** issued to a permittee whose licensed premises  
 28 consist of a hotel and which premises are located within an  
 29 incorporated city or town, shall not be included in the quota of  
 30 three-way permits that may be issued lawfully to premises located  
 31 within one (1) incorporated city, town, or unincorporated town.

32 SECTION 45. IC 8-1-1-2 IS AMENDED TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) There is created the Indiana  
 34 utility regulatory commission which shall consist of five (5) members,  
 35 at least one (1) of whom shall be an attorney qualified to practice law  
 36 before the supreme court of Indiana and not more than three (3) of  
 37 whom belong to the same political party.

38 (b) The members of the commission and all vacancies occurring  
 39 **therein on the commission** shall be appointed by the governor from  
 40 among persons nominated by the nominating committee in accordance  
 41 with ~~the provisions of~~ IC 8-1-1.5.

42 (c) The members may be removed at any time by the governor for



- 1 cause.
- 2 (d) The governor shall appoint one (1) member as chairman.
- 3 (e) The members of the commission shall be appointed for a term of  
4 four (4) years, except when a member is appointed to fill a vacancy, in  
5 which case such appointment shall be for such unexpired term only. All  
6 members of said commission shall serve as such until their successors  
7 are duly appointed and qualified, and while so serving shall devote full  
8 time to the duties of the commission and shall not be actively engaged  
9 in any other occupation, profession, or business that constitutes a  
10 conflict of interest or otherwise interferes with carrying out their duties  
11 as commissioners.
- 12 (f) A member of the commission or any person appointed to any  
13 position or employed in any capacity to serve the commission, may not  
14 have any official or professional relationship or connection with, or  
15 hold any stock or securities or have any pecuniary interest in any public  
16 utility operating in Indiana.
- 17 (g) Each member appointed to the Indiana utility regulatory  
18 commission shall take and subscribe to an oath in writing that ~~he~~ **the**  
19 **member** will faithfully perform the duties of ~~his~~ **the member's** office,  
20 and support and defend to the best of ~~his~~ **the member's** ability the  
21 Constitution and laws of the state of Indiana and of the United States  
22 of America, and such oath shall be filed with the secretary of state.
- 23 (h) The chairman of the commission shall assign cases to the  
24 various members of the commission or to administrative law judges for  
25 hearings.
- 26 SECTION 46. IC 8-1-1-3 IS AMENDED TO READ AS FOLLOWS  
27 [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) The members of the  
28 commission shall meet and organize the commission. The commission  
29 may, subject to the approval of the governor, appoint a secretary of the  
30 commission.
- 31 (b) The salaries of the members and secretary of the commission  
32 shall be fixed by the governor, subject to the approval of the budget  
33 agency; however, the salaries of the chairman and the members shall  
34 not be less than the following annual minimum amounts:
- 35 (1) For the chairman, sixty-five thousand dollars (\$65,000).  
36 (2) For the members, sixty thousand dollars (\$60,000) each.
- 37 (c) The commission may appoint one (1) or more administrative law  
38 judges who shall be responsible to and serve at the will and pleasure of  
39 the commission. While serving, the administrative law judges shall  
40 devote full time to the duties of the commission and shall not be  
41 actively engaged in any other occupation, profession, or business that  
42 constitutes a conflict of interest or otherwise interferes with carrying





1 out their duties as administrative law judges. The salary of each  
 2 administrative law judge shall be fixed by the commission subject to  
 3 the approval of the budget agency but may not be less than the  
 4 following annual amounts:

5 (1) For the chief administrative law judge, forty-five thousand  
 6 dollars (\$45,000).

7 (2) For all other administrative law judges, forty thousand dollars  
 8 (\$40,000).

9 (d) A majority of the commission members shall constitute a  
 10 quorum.

11 (e) On order of the commission any one (1) member of the  
 12 commission, or an administrative law judge, may conduct a hearing or  
 13 **an investigation**, and take evidence ~~therein~~, **in the hearing or**  
 14 **investigation**, and report ~~the same on the hearing or investigation~~ to  
 15 the commission for ~~its~~ **the commission's** consideration and action;  
 16 however, a hearing concerning a request for a general increase in the  
 17 basic rates and charges of a utility in an amount exceeding twenty  
 18 million dollars (\$20,000,000) may only be conducted by one (1) or  
 19 more commission members.

20 (f) Each member of the commission shall give bond in the sum of  
 21 ten thousand dollars (\$10,000) for the faithful performance of ~~his~~ **the**  
 22 **member's** duties. Such bond shall be filed with the secretary of state.

23 (g) The commission shall formulate rules necessary or appropriate  
 24 to carry out ~~the provisions of~~ this chapter, and shall perform the duties  
 25 imposed by law upon ~~them~~. **it.**

26 (h) The commission may:

27 (1) employ, with the approval of the governor and the state budget  
 28 agency, sufficient professional staff, including ~~but not limited to~~  
 29 specialists, technicians, and analysts, who are exempt from the  
 30 job classifications and compensation schedules established under  
 31 IC 4-15; and

32 (2) purchase, lease, or otherwise acquire for ~~its~~ **the commission's**  
 33 internal use sufficient technical equipment necessary for the  
 34 commission to carry out its statutory duties.

35 SECTION 47. IC 8-1-2-42 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 42. (a) No change shall  
 37 be made in any schedule, including schedules of joint rates, except  
 38 upon thirty (30) days notice to the commission, and approval by the  
 39 commission, and all such changes shall be plainly indicated upon  
 40 existing schedules or by filing new schedules in lieu thereof thirty (30)  
 41 days prior to the time the same are to take effect. The commission may  
 42 prescribe a shorter time within which a change may be made. A public,



1 municipally owned, or cooperatively owned utility may not file a  
 2 request for a general increase in its basic rates and charges within  
 3 fifteen (15) months after the filing date of its most recent request for a  
 4 general increase in its basic rates and charges, except that the  
 5 commission may order a more timely increase if:

6 (1) the requested increase relates to a different type of utility  
 7 service;

8 (2) the commission finds that the utility's financial integrity or  
 9 service reliability is threatened; or

10 (3) the increase is based on:

11 (A) a rate structure previously approved by the commission; or

12 (B) orders of federal courts or federal regulatory agencies  
 13 having jurisdiction over the utility.

14 The phrase "general increase in basic rates and charges" does not  
 15 include changes in rates related solely to the cost of fuel or to the cost  
 16 of purchased gas or purchased electricity or adjustments in accordance  
 17 with tracking provisions approved by the commission.

18 (b) No schedule of rates, tolls, and charges of a public, municipally  
 19 owned, or cooperatively owned utility which includes or authorizes any  
 20 changes in charges based upon costs is effective without the approval  
 21 of the commission. Before the commission approves any changes in the  
 22 schedule of rates, tolls, and charges of an electric utility, which  
 23 generates and sells electricity, based upon the cost of fuel to generate  
 24 electricity or upon the cost of fuel included in the cost of purchased  
 25 electricity, the utility consumer counselor shall examine the books and  
 26 records of the public, municipally owned, or cooperatively owned  
 27 generating utility to determine the cost of fuel upon which the proposed  
 28 charges are based. In addition, before such a fuel cost charge becomes  
 29 effective, the commission shall hold a summary hearing on the sole  
 30 issue of the fuel charge. The utility consumer counselor shall conduct  
 31 **his the utility consumer counselor's** review and make a report to the  
 32 commission within twenty (20) days after the utility's request for the  
 33 fuel cost charge is filed. The commission shall hold the summary  
 34 hearing and issue its order within twenty (20) days after it receives the  
 35 utility consumer counselor's report. The provisions of this section and  
 36 sections 39, 43, 54, 55, 56, 59, 60, and 61 of this chapter concerning  
 37 the filing, printing, and changing of rate schedules and the time  
 38 required for giving notice of hearing and requiring publication of notice  
 39 do not apply to such a fuel cost charge or such a summary hearing.

40 (c) Regardless of the pendency of any request for a fuel cost charge  
 41 by any electric utility, the books and records pertaining to the cost of  
 42 fuel of all public, municipally owned, or cooperatively owned utilities



1 that generate electricity shall be examined by the utility consumer  
2 counselor not less often than quarterly, and the books and records of all  
3 electric nongenerating public, municipally owned, or cooperatively  
4 owned utilities shall be examined by the utility consumer counselor not  
5 less often than annually. The utility consumer counselor shall provide  
6 the commission with a report as to the examination of said books and  
7 records within a reasonable time following said examination. The  
8 utility consumer counselor may, if appropriate, request of the  
9 commission a reduction or elimination of the fuel cost charge. Upon  
10 such request, the commission shall hold a hearing forthwith in the  
11 manner provided in sections 58, 59, and 60 of this chapter.

12 (d) An electric generating utility may apply for a change in its fuel  
13 charge not more often than each three (3) months. When such  
14 application is filed the petitioning utility shall show to the commission  
15 its cost of fuel to generate electricity and the cost of fuel included in the  
16 cost of purchased electricity, for the period between its last order from  
17 the commission approving fuel costs in its basic rates and the latest  
18 month for which actual fuel costs are available. The petitioning utility  
19 shall also estimate its average fuel costs for the three (3) calendar  
20 months subsequent to the expiration of the twenty (20) day period  
21 allowed the commission in subsection (b). The commission shall  
22 conduct a formal hearing solely on the fuel cost charge requested in the  
23 petition subject to the notice requirements of IC 8-1-1-8 and shall grant  
24 the electric utility the requested fuel cost charge if it finds that:

25 (1) the electric utility has made every reasonable effort to acquire  
26 fuel and generate or purchase power or both so as to provide  
27 electricity to its retail customers at the lowest fuel cost reasonably  
28 possible;

29 (2) the actual increases in fuel cost through the latest month for  
30 which actual fuel costs are available since the last order of the  
31 commission approving basic rates and charges of the electric  
32 utility have not been offset by actual decreases in other operating  
33 expenses;

34 (3) the fuel adjustment charge applied for will not result in the  
35 electric utility earning a return in excess of the return authorized  
36 by the commission in the last proceeding in which the basic rates  
37 and charges of the electric utility were approved. However,  
38 subject to section 42.3 of this chapter, if the fuel charge applied  
39 for will result in the electric utility earning a return in excess of  
40 the return authorized by the commission, in the last proceeding in  
41 which basic rates and charges of the electric utility were  
42 approved, the fuel charge applied for will be reduced to the point



1 where no such excess of return will be earned; and  
 2 (4) the utility's estimate of its prospective average fuel costs for  
 3 each such three (3) calendar months are reasonable after taking  
 4 into consideration:

5 (A) the actual fuel costs experienced by the utility during the  
 6 latest three (3) calendar months for which actual fuel costs are  
 7 available; and

8 (B) the estimated fuel costs for the same latest three (3)  
 9 calendar months for which actual fuel costs are available.

10 (e) Should the commission at any time determine that an emergency  
 11 exists that could result in an abnormal change in fuel costs, it may, in  
 12 order to protect the public from the adverse effects of such change  
 13 suspend the provisions of subsection (d) as to the utility or utilities  
 14 affected by such an emergency and initiate such procedures as may be  
 15 necessary to protect both the public and the utility from harm. The  
 16 commission shall lift the suspension when it is satisfied the emergency  
 17 no longer exists.

18 (f) Any change in the fuel cost charge granted by the commission  
 19 under the provisions of this section shall be reflected in the rates  
 20 charged by the utility in the same manner as any other changes in rates  
 21 granted by the commission in a case approving the basic rates and  
 22 charges of the utility. However, the utility may file the change as a  
 23 separate amendment to its rate schedules with a reasonable reference  
 24 **therein in the amendment** that such charge is applicable to all of its  
 25 filed rate schedules.

26 (g) No schedule of rates, tolls, and charges of a public, municipally  
 27 owned, or cooperatively owned gas utility that includes or authorizes  
 28 any changes in charges based upon gas costs is effective without the  
 29 approval of the commission except those rates, tolls, and charges  
 30 contained in schedules that contain specific provisions for changes in  
 31 gas costs or the cost of gas that have previously been approved by the  
 32 commission. Gas costs or cost of gas may include the gas utility's costs  
 33 for gas purchased by it from pipeline suppliers, costs incurred for  
 34 leased gas storage and related transportation, costs for supplemental  
 35 and substitute gas supplies, costs incurred for exploration and  
 36 development of its own sources of gas supplies and other expenses  
 37 relating to gas costs as shall be approved by the commission. Changes  
 38 in a gas utility's rates, tolls, and charges based upon changes in its gas  
 39 costs shall be made in accordance with the following: ~~provisions:~~

40 (1) Before the commission approves any changes in the schedule  
 41 of rates, tolls, and charges of a gas utility based upon the cost of  
 42 the gas, the utility consumer counselor may examine the books



1 and records of the public, municipally owned, or cooperatively  
 2 owned gas utility to determine the cost of gas upon which the  
 3 proposed changes are based. In addition, before such an  
 4 adjustment to the gas cost charge becomes effective, the  
 5 commission shall hold a summary hearing on the sole issue of the  
 6 gas cost adjustment. The utility consumer counselor shall conduct  
 7 ~~his~~ **the utility consumer counselor's** review and make a report  
 8 to the commission within thirty (30) days after the utility's request  
 9 for the gas cost adjustment is filed. The commission shall hold the  
 10 summary hearing and issue its order within thirty (30) days after  
 11 it receives the utility consumer counselor's report. The provisions  
 12 of this section and sections 39, 43, 54, 55, 56, 59, 60, and 61 of  
 13 this chapter concerning the filing, printing, and changing of rate  
 14 schedules and the time required for giving notice of hearing and  
 15 requiring publication of notice do not apply to such a gas cost  
 16 adjustment or such a summary hearing.

17 (2) Regardless of the pendency of any request for a gas cost  
 18 adjustment by any gas utility, the books and records pertaining to  
 19 cost of gas of all public, municipally owned, or cooperatively  
 20 owned gas utilities shall be examined by the utility consumer  
 21 counselor not less often than annually. The utility consumer  
 22 counselor shall provide the commission with a report as to the  
 23 examination of said books and records within a reasonable time  
 24 following said examination. The utility consumer counselor may,  
 25 if appropriate, request of the commission a reduction or  
 26 elimination of the gas cost adjustment. Upon such request, the  
 27 commission shall hold a hearing forthwith in the manner provided  
 28 in sections 58, 59, and 60 of this chapter.

29 (3) A gas utility may apply for a change in its gas cost charge not  
 30 more often than each three (3) months. When such application is  
 31 filed, the petitioning utility shall show to the commission its cost  
 32 of gas for the period between its last order from the commission  
 33 approving gas costs in its basic rates and the latest month for  
 34 which actual gas costs are available. The petitioning utility shall  
 35 also estimate its average gas costs for a recovery period of not less  
 36 than the three (3) calendar months subsequent to the expiration of  
 37 the thirty (30) day period allowed the commission in subdivision  
 38 (1). The commission shall conduct a summary hearing solely on  
 39 the gas cost adjustment requested in the petition subject to the  
 40 notice requirements of IC 8-1-1-8 and may grant the gas utility the  
 41 requested gas cost charge if it finds that:

42 (A) the gas utility has made every reasonable effort to acquire



- 1 long term gas supplies so as to provide gas to its retail  
 2 customers at the lowest gas cost reasonably possible;
- 3 (B) the pipeline supplier or suppliers of the gas utility has  
 4 requested or has filed for a change in the costs of gas pursuant  
 5 to the jurisdiction and procedures of a duly constituted  
 6 regulatory authority;
- 7 (C) the gas cost adjustment applied for will not result, in the  
 8 case of a public utility, in its earning a return in excess of the  
 9 return authorized by the commission in the last proceeding in  
 10 which the basic rates and charges of the public utility were  
 11 approved; however, subject to section 42.3 of this chapter, if  
 12 the gas cost adjustment applied for will result in the public  
 13 utility earning a return in excess of the return authorized by the  
 14 commission in the last proceeding in which basic rates and  
 15 charges of the gas utility were approved, the gas cost  
 16 adjustment applied for will be reduced to the point where no  
 17 such excess of return will be earned; and
- 18 (D) the utility's estimate of its prospective average gas costs  
 19 for each such future recovery period is reasonable and gives  
 20 effect to:
- 21 (i) the actual gas costs experienced by the utility during the  
 22 latest recovery period for which actual gas costs are  
 23 available; and
- 24 (ii) the actual gas costs recovered by the adjustment of the  
 25 same recovery period.
- 26 (4) Should the commission at any time determine that an  
 27 emergency exists that could result in an abnormal change in gas  
 28 costs, it may, in order to protect the public or the utility from the  
 29 adverse effects of such change suspend the provisions of  
 30 subdivision (3) as to the utility or utilities affected by such an  
 31 emergency and initiate such procedures as may be necessary to  
 32 protect both the public and the utility from harm. The commission  
 33 shall lift the suspension when it is satisfied the emergency no  
 34 longer exists.
- 35 (5) Any change in the gas cost charge granted by the commission  
 36 under the provisions of this section shall be reflected in the rates  
 37 charged by the utility in the same manner as any other changes in  
 38 rates granted by the commission in a case approving the basic  
 39 rates and charges of the utility. However, the utility may file the  
 40 change as a separate amendment to its rate schedules with a  
 41 reasonable reference **therein in the amendment** that such charge  
 42 is applicable to all of its filed rate schedules.



1 SECTION 48. IC 8-1-2-55 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 55. The commission  
 3 shall, prior to such formal hearing, notify the public utility complained  
 4 of that a complaint has been made, and ten (10) days after such notice  
 5 has been given, the commission may proceed to set a time and place for  
 6 a hearing and an investigation as ~~hereinafter~~ provided **in this chapter.**

7 SECTION 49. IC 8-1-2-75 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 75. Upon application  
 9 of any person, the commission shall furnish certified copies, under the  
 10 seal of the commission, of any order made by it, which shall be prima  
 11 facie evidence of the facts stated ~~therein.~~ **in the order.**

12 SECTION 50. IC 8-1-2-76 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 76. No public utility  
 14 shall hereafter issue for any purposes connected with or relating to any  
 15 part of its business, any stocks, certificates of stock, bonds, notes or  
 16 other evidences of indebtedness, payable at periods of more than  
 17 twelve (12) months, to an amount exceeding that which may from time  
 18 to time be reasonably necessary, determined as ~~herein~~ provided **for**  
 19 **under this chapter,** for the purpose for which issue of stock,  
 20 certificates of stock, bonds, notes or other evidences of indebtedness  
 21 may be authorized.

22 SECTION 51. IC 8-1-2-82 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 82. Any person or  
 24 association of persons other than an existing public service corporation,  
 25 which ~~shall have,~~ **is** or may ~~have hereafter~~ become the owner or  
 26 assignee of the rights, powers, privileges and franchises of any public  
 27 utility created or organized by or under the law of this state, by  
 28 purchase under a mortgage sale, sale in bankrupt proceedings, or sale  
 29 under any judgment, order, decree or proceedings of any court in ~~this~~  
 30 ~~state, Indiana,~~ including the courts of the United States sitting ~~herein,~~  
 31 **in Indiana,** shall within sixty (60) days after such purchase or  
 32 assignment, organize anew by filing articles of incorporation as  
 33 provided by law, and ~~thereupon~~ **upon filing the articles of**  
 34 **incorporation** shall have the rights, privileges and franchises which  
 35 such utility had, or was entitled to have, at the time of such purchase  
 36 and sale. The new corporation may issue stock, certificates of stock,  
 37 bonds, notes or other evidences of indebtedness for the property of the  
 38 former corporation thus acquired, in an amount not to exceed the true  
 39 value of such property, as found and determined by the commission, in  
 40 accordance with ~~the provisions hereof.~~ **this chapter.**

41 SECTION 52. IC 8-1-2-83 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 83. (a) No public



1 utility, as defined in section 1 of this chapter, shall sell, assign, transfer,  
 2 lease, or encumber its franchise, works, or system to any other person,  
 3 partnership, limited liability company, or corporation, or contract for  
 4 the operation of any part of its works or system by any other person,  
 5 partnership, limited liability company, or corporation, without the  
 6 approval of the commission after hearing. And no such public utility,  
 7 except temporarily or in case of emergency and for a period of not  
 8 exceeding thirty (30) days, shall make any special contract at rates  
 9 other than those prescribed in its schedule of rates theretofore filed  
 10 with the commission, and in force, with any other utility for rendering  
 11 any service to or procuring any service from such other utility, without  
 12 the approval of the commission. It shall be lawful, however, for any  
 13 utility to make a contract for service to or from another utility at rates  
 14 previously filed with and approved by the commission and in force.

15 (b) The approval of the commission of the sale, assignment, transfer,  
 16 lease, or encumbrance of a franchise or any part ~~thereof~~ **of a franchise**  
 17 under this section shall not revive or validate any lapsed or invalid  
 18 franchise, or enlarge or add to the powers and privileges contained in  
 19 the grant of any franchise or waive any forfeiture. No such public  
 20 utility shall directly or indirectly purchase, acquire, or become the  
 21 owner of any of the property, stock, or bonds of any other public utility  
 22 authorized to engage or engaged in the same or a similar business, or  
 23 operating or purporting to operate under a franchise from the same or  
 24 any other municipality or under an indeterminate permit unless  
 25 authorized so to do by the commission.

26 (c) Nothing contained in this section shall prevent the holding of  
 27 stock lawfully acquired before May 1, 1913, or prohibit, upon the  
 28 surrender or exchange of said stock pursuant to a reorganization plan,  
 29 the purchase, acquisition, taking, or holding by the owner of a  
 30 proportionate amount of the stock of any new corporation organized to  
 31 take over at foreclosure or other sale, the property of the corporation  
 32 whose stock has been thus surrendered or exchanged.

33 (d) Every contract by any public utility for the purchase, acquisition,  
 34 assignment, or transfer to it of any of the stock of any other public  
 35 utility by or through any person, partnership, limited liability company,  
 36 or corporation without the approval of the commission shall be void  
 37 and of no effect, and no such transfer or assignment of such stock upon  
 38 the books of the corporation pursuant to any such contract shall be  
 39 effective for any purpose.

40 SECTION 53. IC 8-1-2-85 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 85. The commission  
 42 shall charge every municipality receiving permission from it to issue





1 any bonds, notes, or other securities an amount equal to twenty-five  
 2 cents (\$.25) for each one hundred dollars (\$100) for such bonds, notes,  
 3 or other securities, but in no case shall the fee be less than one hundred  
 4 dollars (\$100). All of such fees assessed ~~hereunder~~ **under this section**  
 5 shall be paid to the secretary of the commission within thirty (30) days  
 6 of the receipt of the bond proceeds by the municipality and only if the  
 7 bonds, notes, or other securities are issued. The fees collected by the  
 8 secretary shall be paid into the state treasury and deposited in the  
 9 commission public utility fund account established under IC 8-1-6, as  
 10 if they were fees collected under IC 8-1-6.

11 SECTION 54. IC 8-1-2-89, AS AMENDED BY P.L.113-2014,  
 12 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2018]: Sec. 89. (a) As used in this section, unless the context  
 14 otherwise requires, the following terms have the following meanings:

15 (1) "Sewage disposal service" means any public utility service  
 16 whereby liquid and solid waste, sewage, night soil, and industrial  
 17 waste of any single territorial area is collected, treated, purified,  
 18 and disposed of in a sanitary manner, and includes all sewage  
 19 treatment plant or plants, main sewers, submain sewers, local and  
 20 lateral sewers, intercepting sewers, outfall sewers, force mains,  
 21 pumping stations, ejector stations, and all other equipment and  
 22 appurtenances necessary or useful and convenient for the  
 23 rendition of such service.

24 (2) "Sewage disposal company" means any natural person, firm,  
 25 association, corporation, or partnership owning, leasing, or  
 26 operating any sewage disposal service within the rural areas of  
 27 ~~this state~~, **Indiana**, and all provisions of this chapter pertaining to  
 28 a public utility shall apply with equal force and effect to a sewage  
 29 disposal company, except insofar as said provisions may be  
 30 inconsistent with specific provisions of this section.

31 (3) "Rural area" means territory lying within ~~the state of~~ Indiana  
 32 and lying outside the corporate limits of a municipality.

33 (4) "Certificate of territorial authority" means a certificate of  
 34 convenience and necessity issued by the commission pursuant to  
 35 this section, which said certificate shall be deemed an  
 36 indeterminate permit, unless expressly conditioned otherwise by  
 37 the commission when issued.

38 (5) "Notice of hearing" means notice of the time, place, and  
 39 purpose of a hearing, given by publication in at least one (1)  
 40 newspaper of general circulation in each of the counties in which  
 41 the particular sewage disposal company operates or proposes to  
 42 operate and given also in writing by United States registered mail:



1 (A) to each other sewage disposal company operating in  
 2 territory contiguous to the territory in which the particular  
 3 sewage disposal company operates or proposes to operate;  
 4 (B) to each municipality in territory contiguous and nearest to  
 5 the territory in which the particular sewage disposal company  
 6 operates or proposes to operate; and  
 7 (C) to such other persons or entities which the commission  
 8 may from time to time require by its rules and forms;  
 9 all such notices shall be so mailed as to be received by the  
 10 recipients at least ten (10) days prior to any hearing, or as  
 11 otherwise required by the commission.

12 (b) It is hereby declared to be in the public interest to provide for the  
 13 orderly development and rendering of sewage disposal service in rural  
 14 areas within ~~the state of~~ Indiana, and such public interest makes it  
 15 necessary and desirable that to the extent provided ~~herein in this~~  
 16 **section**, the holding of a certificate of territorial authority should be  
 17 required as a condition precedent to the rendering of such service, and  
 18 that such operation be under the control, regulation, and supervision of  
 19 the commission, and such sewage disposal companies shall not be  
 20 subject to regulation by any municipality or county government or  
 21 metropolitan regulatory body, or any branch or subdivisions ~~thereof of~~  
 22 ~~or substitute therefor~~ **substitutes for any municipality or county**  
 23 **government or metropolitan regulatory body**, in the form of special  
 24 service districts, with the exception that said sewage disposal company  
 25 shall be subject to the comprehensive plan, zoning, and subdivision  
 26 requirements and regulations of the governmental units having  
 27 jurisdiction in the area. However, all functions, powers, and duties of  
 28 the state department of health and the environmental rules board shall  
 29 remain unaffected by this section.

30 (c) No sewage disposal company shall commence the rendering of  
 31 sewage disposal service in any rural area in ~~the state of~~ Indiana in  
 32 which it is not actually rendering sewage disposal service, without first  
 33 obtaining from the commission a certificate of territorial authority  
 34 authorizing such sewage disposal service, finding that public  
 35 convenience and necessity require such sewage disposal service within  
 36 such rural area by such sewage disposal company, and defining and  
 37 limiting specifically the rural area covered ~~thereby:~~ **by the certificate.**  
 38 No sewage disposal company ~~hereby~~ required to hold such a certificate  
 39 **under this section** shall render any additional sewage disposal service  
 40 within such rural area to any extent greater than that authorized by such  
 41 certificate or shall continue to render sewage disposal service within  
 42 such rural area if and after such certificate of territorial authority has



1 been revoked or transferred as in this section provided, unless in such  
 2 order of revocation or transfer the commission shall require continued  
 3 service until a new sewage disposal company or municipality actually  
 4 takes over such service. The commission shall not have the power to  
 5 require extension of such service by any sewage disposal company into  
 6 any additional territory than that defined and limited in such a  
 7 certificate without the consent of such sewage disposal company.

8 (d) Whenever any sewage disposal company proposes to commence  
 9 the rendering of sewage disposal service in any rural area, it shall file  
 10 with the commission a verified application for a certificate of territorial  
 11 authority to cover the proposed service. The commission shall by rule  
 12 prescribe the form of the application and the information to be  
 13 contained ~~therein~~, **in the application**, and such application by any such  
 14 company shall conform to such prescribed form. The commission shall  
 15 set the matter for hearing and notice of such hearing shall be given to  
 16 the parties and in the manner defined in this section. Any city may, and  
 17 upon petition to the commission shall, be made a party to any service  
 18 proposal if its territorial limits lie within five (5) miles of the area to be  
 19 serviced under this section.

20 (e) If, after notice of hearing and hearing on any application for a  
 21 certificate of territorial authority, the commission shall find from the  
 22 evidence introduced at such hearing, including any evidence which the  
 23 commission shall have caused to be introduced as a result of any  
 24 investigation which it may have made into the matter, that the applicant  
 25 has proved:

- 26 (1) lawful power and authority to apply for said certificate and to
- 27 operate said proposed service;
- 28 (2) financial ability to install, commence, and maintain said
- 29 proposed service; and
- 30 (3) public convenience and necessity require the rendering of the
- 31 proposed service in the proposed rural area by this particular
- 32 sewage disposal company; however, in the event the service is
- 33 proposed for a proposed rural real estate addition, division, or
- 34 development, or any part thereof, the reasonably expected sewage
- 35 disposal service requirements of the anticipated residents may be
- 36 found to constitute such public convenience and necessity;

37 then the certificate of territorial authority, defining and limiting the  
 38 rural area to be covered ~~thereby~~, **by the certificate**, shall be granted to  
 39 the applicant, subject to such terms, restrictions, limitations, and  
 40 conditions, including but not limited to a reasonable time in which to  
 41 commence operations, as the commission shall determine to be  
 42 necessary and desirable in the public interest.



1 (f) In cases of applications filed by two (2) or more sewage disposal  
2 companies seeking the issuance of a certificate of territorial authority  
3 for the same area or areas or any conflicting portions thereof, the  
4 commission may either consider such applications separately or by  
5 consolidation of two (2) or more or all within a single hearing at its  
6 discretion and shall have the power to issue its certificate after notice  
7 of hearing and hearing to any single qualified sewage disposal  
8 company for a particular rural area, or, in the event that the commission  
9 determines and finds that two (2) or more or all applicants seeking the  
10 same area or areas or any conflicting portions thereof are both or all  
11 qualified, then the commission shall have the power to determine  
12 which is the better or best qualified, or whether the same area or areas  
13 or any conflicting portions thereof shall be divided between or among  
14 such qualified applicants. However, in no event shall such area or areas  
15 or portions thereof be greater than that for which the particular  
16 applicant applied, unless such sewage disposal company shall consent  
17 and agree in writing to such modification of its application and the  
18 issuance of such modified certificate.

19 (g) After the issuance of such certificate, no other sewage disposal  
20 company shall render sewage disposal service in the area or areas so  
21 determined and so defined in any certificate of territorial authority  
22 issued by the commission, except after notice of hearing and hearing,  
23 and the determination and finding by the commission that public  
24 convenience and necessity require that sewage disposal service in said  
25 same area or areas be also rendered or offered by an additional or  
26 another company, and the issuance of a certificate duly granted by the  
27 commission as provided in this section.

28 (h) A sewage disposal company shall be required to furnish  
29 reasonable adequate sewage disposal services and facilities for which  
30 said service and facilities it shall be entitled to charge reasonable,  
31 nondiscriminatory rates, subject to the jurisdiction of the commission  
32 for the purpose of fixing said rates to be charged to patrons of such  
33 sewage disposal company for sewage disposal service, and for such  
34 purpose the commission is given jurisdiction to proceed in the same  
35 manner and with like power as is provided by this chapter in the case  
36 of public utilities.

37 (i) To encourage the installation of sewage treatment plants, and  
38 sewers, mains, stations, and all other equipment and appurtenances for  
39 rendering sewage disposal service in rural areas in close proximity to  
40 municipalities, and to ensure that a sewage disposal company which  
41 had made such installation in such area can recover the cost of its  
42 investment, in the event that the area or areas or any part thereof



1 included within the territory granted under a certificate of territorial  
 2 authority shall be annexed by any municipality at any time within  
 3 twelve (12) years from the date that such certificate was granted, a  
 4 sewage disposal company operating under such certificate shall  
 5 continue to operate under such certificate of territorial authority,  
 6 subject to the exclusive jurisdiction and regulation of the commission,  
 7 for the unexpired portion of such period of twelve (12) years from the  
 8 date of granting such certificate, or, in the case of a determinate permit  
 9 specifying a term shorter than twelve (12) years, then for the unexpired  
 10 portion of such lesser period as specified by such permit from the date  
 11 of granting such permit. However, the foregoing provisions in regard  
 12 to continued operation within the corporate limits of a municipality  
 13 after annexation shall not affect the right of the sewage disposal  
 14 company to cease its operation of providing sewage disposal service  
 15 within such annexed territory prior to the termination of said twelve  
 16 (12) year or lesser determinate permit period, upon thirty (30) days  
 17 written notice to the commission, the municipality, and all patrons.

18 (j) Upon approval by the commission given after notice of hearing  
 19 and hearing, but not otherwise, any certificate of territorial authority  
 20 may:

21 (1) be sold, assigned, leased, or transferred by the holder ~~thereof~~  
 22 **of the certificate** to any sewage disposal company to which a  
 23 territorial certificate might be lawfully issued; or

24 (2) be included in the property and rights encumbered under any  
 25 indenture of mortgage or deed of trust of such holder;

26 or any sewage treatment plant or plants, sewers, mains, stations, and  
 27 equipment and appurtenances for the rendering of sewage disposal  
 28 service or any part ~~thereof~~, **of any sewage treatment plant or plants,**  
 29 **sewers, mains, stations, and equipment and appurtenances** may be  
 30 sold, assigned, leased, or transferred by the holder ~~thereof of the~~  
 31 **certificate** to any municipality if these assets lie within an area which  
 32 shall have been annexed by such municipality or lie within the given  
 33 radius of miles from the corporate limits of such municipality into  
 34 which it is authorized to render such services, if such municipality is  
 35 prepared to render a comparable sewage disposal service without loss  
 36 of continuity of service, and if the terms of such sale, assignment, lease,  
 37 or transfer are reasonable. However, once the commission has given its  
 38 approval to such transaction and the transaction itself is actually  
 39 consummated, the commission shall have no control over the sewage  
 40 disposal service ~~henceforth~~ rendered by such municipality as a  
 41 municipally owned utility (as defined in this chapter).

42 (k) Any certificate of territorial authority may, after notice of



1 hearing and hearing, be revoked by the commission, in whole or in  
 2 part, for the failure of the holder ~~thereof~~ **of the certificate** to furnish  
 3 reasonably adequate sewage disposal service within the area or areas  
 4 determined and defined in such certificate of territorial authority, or for  
 5 the failure of the holder ~~thereof~~ **of the certificate** to comply with any  
 6 applicable order or rule prescribed by the commission in the exercise  
 7 of its powers under this chapter, or for failure to comply with any term,  
 8 condition, or limitation of such certificate of territorial authority.

9 (l) After the commission revokes any certificate of territorial  
 10 authority under subsection (k) or after the county board of health  
 11 determines the existence of a serious health problem related to the  
 12 sewage disposal facility, the county commissioners of the county in  
 13 which the sewage disposal facility is located may acquire the facility,  
 14 subject to the approval of the acquisition by the county council, except  
 15 that the county commissioners may not acquire any facility already  
 16 acquired by any city or town. The county commissioners shall acquire  
 17 the sewage disposal facility by:

18 (1) gift, grant, purchase, or condemnation that is funded in the  
 19 same manner that cities and towns fund sewage treatment  
 20 acquisitions under IC 36-9; or

21 (2) a lease arrangement that is funded in the same manner that  
 22 cities and towns fund leases of sewage disposal facilities under  
 23 IC 36-9.

24 After acquisition, the county commissioners shall repair, operate, and  
 25 maintain the sewage disposal facility and charge user fees for these  
 26 services.

27 SECTION 55. IC 8-1-2-103, AS AMENDED BY P.L.119-2012,  
 28 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2018]: Sec. 103. (a) No public utility, or agent or officer  
 30 ~~thereof, of a public utility~~, or officer of any municipality constituting  
 31 a public utility, as defined in this chapter, may charge, demand, collect,  
 32 or receive from any person a greater or less compensation for any  
 33 service rendered or to be rendered, or for any service in connection  
 34 ~~therewith, with any service rendered or to be rendered~~, than that  
 35 prescribed in the published schedules or tariffs then in force or  
 36 established as provided ~~herein~~, **in this chapter**, or than it charges,  
 37 demands, collects, or receives from any other person for a like and  
 38 contemporaneous service. A person who recklessly violates this  
 39 subsection commits a Class A misdemeanor.

40 (b) Notwithstanding subsection (a), if a city of less than twenty  
 41 thousand (20,000) in population according to the most recent federal  
 42 decennial census, constituting a public water utility, and acting as a



1 public utility prior to May 1, 1913, either as such city, or by any  
 2 commercial association, chamber of commerce, or committee with the  
 3 consent of such city, entered into any agreement with any person  
 4 engaged in manufacturing any articles of commerce to furnish free  
 5 water for a certain limited time as an inducement to such person so  
 6 engaged in manufacturing to locate the establishment or manufacturing  
 7 plant of such person within such city, such city may carry out such  
 8 agreement to furnish free water to such person for the period of time  
 9 remaining, as stipulated in such contract. This chapter does not prohibit  
 10 any public utility from supplying or furnishing free service or service  
 11 at special rates to any municipality, or any institution or agency of such  
 12 municipality, in cases where the supplying or furnishing of such free  
 13 service or service at special rates is stipulated in any provision of the  
 14 franchise under which such public utility was operating before May 16,  
 15 1919, or, in the event that such franchise shall have been surrendered,  
 16 from supplying or furnishing such free service or service at special  
 17 rates until such time as the franchise would have expired had it not  
 18 been surrendered under this chapter; and it shall be the duty of any  
 19 utility operating under any franchise, stipulating for free service or  
 20 service at special rates to the municipality, or any institution or agency  
 21 of such municipality, to furnish such free service or service at special  
 22 rates.

23 (c) This subsection applies to a public utility that provides water for  
 24 public fire protection services in both a county containing a  
 25 consolidated city and in portions of counties that are adjacent to the  
 26 county containing a consolidated city. This subsection applies  
 27 throughout the territory served by the public utility. In the case of a  
 28 public utility furnishing water and beginning on January 1, 1994, the  
 29 charges for the production, storage, transmission, sale and delivery, or  
 30 furnishing of water for public fire protection purposes shall be included  
 31 in the basic rates of the customers of the public utility. However, the  
 32 construction cost of any fire hydrant installed after December 31, 1993,  
 33 at the request of a municipality, township, county, or other  
 34 governmental unit shall be paid for by or on behalf of the municipality,  
 35 township, county, or other governmental unit. The change in the  
 36 recovery of current revenue authorized by this section shall be reflected  
 37 in a new schedule of rates to be filed with the commission at least thirty  
 38 (30) days before the time the new schedule of rates is to take effect.  
 39 The new schedule of rates shall:

- 40 (1) eliminate fire protection charges billed directly to  
 41 governmental units, other than charges for the construction cost  
 42 for new hydrants installed after December 31, 1993; and



- 1           (2) increase the rates charged each customer of the utility, based  
 2           on equivalent meter size, by an amount equal to:
- 3           (A) the revenues lost from the elimination of such fire  
 4           protection charges; divided by  
 5           (B) the current number of equivalent five-eighths (5/8) inch  
 6           meters.
- 7           This change in the recovery of public fire protection costs shall not be  
 8           considered to be a general increase in basic rates and charges of the  
 9           public utility and is not subject to the notice and hearing requirements  
 10          applicable to general rate proceedings. The commission shall approve  
 11          the new schedule of rates that are to be effective January 1, 1994.
- 12          (d) This subsection applies to a public utility or a municipally  
 13          owned water utility that is not subject to subsection (c). Except as  
 14          provided in subsection (e), in the case of a public utility or municipally  
 15          owned water utility furnishing water, if the governing body of any  
 16          municipality within the service area of the utility adopts an ordinance  
 17          providing that costs shall be recovered under this subsection, the  
 18          charges for the production, storage, transmission, sale and delivery, or  
 19          furnishing of water for public fire protection purposes shall be included  
 20          in the basic rates of all customers of the utility within the municipality.  
 21          However, on or after a date specified in the ordinance, the construction  
 22          cost of any fire hydrant installed at the request of a municipality,  
 23          township, county, or other governmental unit that adopts an ordinance  
 24          under this subsection shall be paid for by or on behalf of the  
 25          municipality, township, county, or other governmental unit. The change  
 26          in the recovery of current revenue authorized by the ordinance shall be  
 27          reflected in a new schedule of rates to be filed with the commission at  
 28          least thirty (30) days before the time the new schedule of rates is to take  
 29          effect. The new schedule of rates shall:
- 30          (1) eliminate fire protection charges billed directly to  
 31          governmental units, other than charges for the construction cost  
 32          for new hydrants installed on and after the date specified in the  
 33          ordinance; and
- 34          (2) increase the rates charged each customer of the utility, based  
 35          on equivalent meter size, by an amount equal to:
- 36          (A) the revenues lost from the elimination of such fire  
 37          protection charges; divided by  
 38          (B) the current number of equivalent five-eighths (5/8) inch  
 39          meters.
- 40          This change in the recovery of public fire protection costs shall not be  
 41          considered to be a general increase in basic rates and charges of the  
 42          utility and is not subject to the notice and hearing requirements





1 applicable to general rate proceedings. The commission shall approve  
 2 the new schedule of rates that are to be effective on a date specified in  
 3 the ordinance.

4 (e) This subsection applies to a municipally owned water utility in  
 5 a city having a population of more than fifty thousand (50,000) but less  
 6 than fifty-one thousand (51,000). The city may adopt a plan to recover  
 7 costs as described in subsection (d) without passing an ordinance, if the  
 8 plan applies only to customers of the utility residing in a county having  
 9 a population of more than two hundred fifty thousand (250,000) but  
 10 less than two hundred seventy thousand (270,000). If the city wishes to  
 11 adopt such a plan, the city shall file a new schedule of rates with the  
 12 commission, but is not subject to commission approval of the rates.

13 (f) In the case of a change in the method of recovering public fire  
 14 protection costs under an ordinance adopted under subsection (d):

15 (1) on or after July 1, 1997, a customer of the utility located  
 16 outside the limits of a municipality whose property is not located  
 17 within one thousand (1,000) feet of a fire hydrant (measured from  
 18 the hydrant to the nearest point on the property line of the  
 19 customer) must be excluded from the increase in rates attributable  
 20 to the change and must not be included in the number of  
 21 equivalent five-eighths (5/8) inch meters for purposes of  
 22 subsection (d)(2)(B); or

23 (2) before July 1, 1997, the commission may:

24 (A) in the context of a general rate proceeding initiated by the  
 25 utility; or

26 (B) upon petition of:

27 (i) the utility;

28 (ii) the governmental unit that passed the ordinance; or

29 (iii) an affected customer;

30 prospectively exclude public fire protection costs from the rates  
 31 charged to customers located outside the limits of any  
 32 municipality whose property is not located within one thousand  
 33 (1,000) feet of a fire hydrant (measured from the hydrant to the  
 34 nearest point on the property line of the customer) if the  
 35 commission authorizes a simultaneous increase in the rates of the  
 36 utility's other customers to the extent necessary to prevent a loss  
 37 of revenues to the utility.

38 An increase in the rates of the utility's other customers under  
 39 subdivision (2) may not be construed to be a general increase in basic  
 40 rates and charges of the utility and is not subject to the hearing  
 41 requirements applicable to general rate proceedings. This subsection  
 42 does not prohibit the commission from adopting different methods of



1 public fire protection cost recovery for unincorporated areas after  
 2 notice and hearing within the context of a general rate proceeding or  
 3 other appropriate proceeding.

4 SECTION 56. IC 8-1-2-104 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 104. It shall be  
 6 unlawful for any public utility or any municipally-owned utility to  
 7 demand, charge, collect or receive from any person, firm, limited  
 8 liability company, or corporation, less compensation for any service  
 9 rendered or to be rendered by said public or municipally-owned utility  
 10 in consideration of the furnishing by said person, firm, limited liability  
 11 company, or corporation of any part of the facilities incident thereto.  
 12 However, nothing ~~herein in this section~~ shall be construed as  
 13 prohibiting any such public utility or municipally-owned utility from  
 14 renting any facilities incident to its business.

15 SECTION 57. IC 8-1-2-106 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 106. It is a Class B  
 17 infraction for a person knowingly to solicit, accept, or receive any  
 18 rebate, concession, or discrimination in respect to any service in or  
 19 affecting or relating to any public utility or for any service in  
 20 connection ~~therewith;~~ **with any service in or affecting or relating to**  
 21 **any public utility**, whereby any such service is rendered free or at a  
 22 less rate than that named in the published schedules and tariffs in force  
 23 as provided ~~herein;~~ **in this chapter**, or whereby any service or  
 24 advantage is received other than is ~~herein~~ **specified in this chapter**.

25 SECTION 58. IC 8-1-2-115 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 115. The commission  
 27 shall inquire into any neglect or violation of the statutes of this state or  
 28 the ordinances of any city or town by any public utility doing business  
 29 therein, or by the officers, agents, or employees ~~thereof;~~ **of the public**  
 30 **utility**, or by any person operating the plant of any public utility, and  
 31 shall have the power, and it shall be its duty, to enforce ~~the provisions~~  
 32 ~~of this chapter~~, as well as all other laws, relating to public utilities. Any  
 33 forfeiture or penalty provided in this chapter shall be recovered and suit  
 34 ~~therein~~ shall be brought in the name of the state of Indiana in the circuit  
 35 or superior court where the public utility has its principal place of  
 36 business. Complaint for the collection of any such forfeiture may be  
 37 made by the commission or any member ~~thereof;~~ **of the commission**,  
 38 and, when so made, the action so commenced shall be prosecuted by  
 39 the general counsel **for the commission**.

40 SECTION 59. IC 8-1-2.2-8, AS AMENDED BY P.L.36-2017,  
 41 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2018]: Sec. 8. (a) The governing bodies of two (2) or more



1 municipalities may, by resolution or ordinance, determine that it is in  
 2 their best interests to create a joint agency, for the purpose of  
 3 undertaking the planning, financing, ownership, and operation of a  
 4 project or projects to supply electric power and energy for their present  
 5 or future needs. Any joint agency created under this chapter shall be a  
 6 body corporate and politic and a political subdivision of the state, and  
 7 in exercising its powers under this chapter, it shall be deemed to be  
 8 exercising a part of the sovereign powers of the state. The activities of  
 9 the joint agency in carrying out the purposes of this chapter shall  
 10 constitute state action. A joint agency created under this chapter is  
 11 considered a governmental entity for purposes of IC 34-13-3.

12 (b) In determining whether or not the creation of a joint agency is in  
 13 their best interests, the governing bodies shall consider the following:

14 (1) Whether cost reduction, efficiencies, or other advantages may  
 15 be realized by creating a joint agency.

16 (2) Whether better financial market acceptance may result if a  
 17 joint agency is responsible for issuing all of the bonds for the  
 18 project or projects in a timely and orderly manner and with  
 19 uniform credit ratings as opposed to multiple municipalities  
 20 making separate issues of bonds.

21 If each governing body determines that it is in the best interests of the  
 22 municipality to create a joint agency, each governing body shall adopt  
 23 a mutually acceptable resolution or ordinance so finding (which need  
 24 not prescribe in detail the basis for the determination), which shall set  
 25 forth the names of the municipalities proposed to be members of the  
 26 joint agency and shall authorize any two (2) or more of such  
 27 municipalities to enter into a contract for the creation of the joint  
 28 agency. After the execution of the contract, each municipality shall  
 29 cause notice of the execution of the contract to be given to the  
 30 presiding officer of the governing body of the municipality. The  
 31 governing body shall thereupon appoint in writing one (1)  
 32 commissioner of the joint agency.

33 (c) The appointed commissioners shall convene and issue a  
 34 statement containing:

35 (1) a brief description of the resolution creating the joint agency;

36 (2) the name of the agency;

37 (3) the participating municipalities; and

38 (4) the names and addresses of the appointed commissioners.

39 The commissioners shall file copies of the statement with the  
 40 commission, the secretary of state, and with the recorder of each county  
 41 in which the member municipal utilities provide service.

42 (d) The joint agency shall consist of a board of commissioners. The



1 governing body of each municipality shall appoint one (1)  
2 commissioner who may be an officer or employee of the municipality  
3 or a member or employee of the board described in IC 8-1.5-3-3(a).  
4 The appointment of a commissioner shall be made by resolution or  
5 ordinance. Each commissioner shall have not less than one (1) vote and  
6 may have such number of additional votes as a majority of the  
7 members of the joint agency shall determine. Each commissioner shall  
8 serve at the pleasure of the governing body by which the commissioner  
9 was appointed. A person may not serve as a commissioner on behalf of  
10 more than one (1) municipality at the same time. Each appointed  
11 commissioner before entering upon the commissioner's duties shall  
12 take and subscribe to an oath before a person authorized by law to  
13 administer oaths to execute the duties of the commissioner's office  
14 faithfully and impartially, and a record of the oath shall be filed with  
15 the governing body of the appointing municipality and entered in its  
16 minutes.

17 (e) The board of commissioners of the joint agency shall annually  
18 elect, from among its membership, a chairman and a vice chairman. It  
19 shall also annually elect another person or persons, who may be  
20 commissioners, as treasurer and secretary. It may also annually elect,  
21 if desired, one (1) or more assistant secretaries. The office of treasurer  
22 may be held by the secretary or an assistant secretary. The board of  
23 commissioners may also appoint additional officers. The secretary or  
24 assistant secretary of the joint agency shall keep a record of its  
25 proceedings, and the secretary shall be the custodian of all records,  
26 books, documents, and papers filed with the joint agency, the minute  
27 book or journal of the joint agency, and its official seal. Either the  
28 secretary or an assistant secretary of the joint agency may cause copies  
29 to be made of all minutes and other records and documents of the joint  
30 agency and may give certificates under the official seal of the joint  
31 agency to the effect that such copies are true copies, and all persons  
32 dealing with the joint agency may rely upon such certificates.

33 (f) A majority of the commissioners of a joint agency constitute a  
34 quorum. A vacancy in the board of commissioners of the joint agency  
35 shall not impair the right of a quorum to exercise all the rights and  
36 perform all the duties of the joint agency. Any action taken by the joint  
37 agency under ~~the provisions of~~ this chapter may be authorized by  
38 resolution at any regular or special meeting, and each resolution takes  
39 effect immediately and need not be published or posted. A contract that  
40 is approved by a resolution of the board of commissioners may provide  
41 that an action may be taken under a delegation provision in the contract  
42 if the action taken is consistent with prudent utility practice. A majority



1 of the votes which the convened commissioners are entitled to cast  
 2 shall be sufficient to take any action or to pass any resolution, so long  
 3 as the convened commissioners are entitled to cast a majority of the  
 4 total number of votes held by the full board.

5 (g) Except as provided in this subsection, no commissioner of a joint  
 6 agency may receive from the joint agency any compensation for the  
 7 performance of the commissioner's duties under this chapter. However,  
 8 each commissioner may be paid the commissioner's necessary expenses  
 9 incurred while engaged in the performance of the commissioner's  
 10 duties. In addition, a municipality may pay the commissioner it  
 11 appoints up to fifteen dollars (\$15) per day for each day or fraction of  
 12 a day the commissioner is engaged in the performance of duties under  
 13 this chapter, but only if the commissioner is not a person holding a  
 14 lucrative office.

15 (h) The board of commissioners of the joint agency may create an  
 16 executive committee of the board of commissioners. The board may  
 17 provide for the composition of the executive committee. The executive  
 18 committee shall have and shall exercise such of the powers and  
 19 authority of the board of commissioners during the intervals between  
 20 the board's meetings as shall be prescribed in the bylaws of the joint  
 21 agency. The terms of office of the members of the executive committee  
 22 and the method of filling vacancies ~~therein~~ **on the executive**  
 23 **committee** shall be fixed by the bylaws of the joint agency.

24 (i) Additional municipalities may join a joint agency upon such  
 25 terms and conditions as shall be provided in the contract for the  
 26 creation of the joint agency.

27 SECTION 60. IC 8-1-2.2-9 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. (a) Each joint agency  
 29 shall have all of the rights and powers necessary or convenient to carry  
 30 out the purposes and provisions of this chapter, including but not  
 31 limited to the following:

32 (1) To adopt bylaws for the regulation of the affairs and the  
 33 conduct of its business, and to prescribe rules, regulations, and  
 34 policies in connection with the performance of its functions and  
 35 duties.

36 (2) To adopt an official seal and alter the same at pleasure.

37 (3) To maintain an office at such place or places as it may  
 38 determine.

39 (4) To sue and be sued in its own name and to plead and be  
 40 impleaded.

41 (5) To receive, administer, and comply with the conditions and  
 42 requirements respecting any gift, grant, or donation of any



- 1 property or money.
- 2 (6) To acquire by purchase, lease, gift, or otherwise, or to obtain
- 3 options for the acquisition of, any property, real or personal,
- 4 improved or unimproved, including an interest in land less than
- 5 the fee thereof.
- 6 (7) To sell, lease, exchange, transfer, or otherwise dispose of, or
- 7 to grant options for any such purposes with respect to, any real or
- 8 personal property or interest ~~therein~~ **in any real or personal**
- 9 **property.**
- 10 (8) To pledge or assign any money, rents, charges, or other
- 11 revenues and proceeds derived by the joint agency from the sales
- 12 of bonds or property and insurance or condemnation proceeds and
- 13 any contracts or other rights of the joint agency.
- 14 (9) To issue bonds of the joint agency for the purpose of paying
- 15 all or any part of the costs of any of the projects or purposes
- 16 authorized by this chapter.
- 17 (10) To study, plan, finance, construct, reconstruct, acquire,
- 18 improve, enlarge, better, own, operate, and maintain individually
- 19 or jointly with one (1) or more other joint agencies, municipalities
- 20 or public utilities one (1) or more projects and to pay all or any
- 21 part of the costs ~~thereof~~ **of the projects** from the proceeds of
- 22 bonds of the joint agency or from any other funds available to the
- 23 joint agency.
- 24 (11) To generate, produce, transmit, deliver, exchange, purchase,
- 25 or sell for resale only, electric power or energy or steam, and
- 26 transmission and related services and to enter into contracts for
- 27 any or all such purposes.
- 28 (12) To fix, charge and collect rents, rates, fees and charges for
- 29 electric power or energy and other services, facilities, and
- 30 commodities sold, furnished or supplied by it.
- 31 (13) To negotiate and enter into contracts with each of its member
- 32 municipalities whereby each municipality may purchase power
- 33 and energy and related services from the joint agency derived
- 34 from any project or projects or without designation as to source
- 35 and pursuant to which contracts each municipality shall agree to
- 36 make payments from the revenues of its electric system adequate:
- 37 (A) to pay when due (whether at maturity, upon acceleration,
- 38 or by sinking fund requirements) the principal, premium, if
- 39 any, and interest on all bonds issued by the joint agency to
- 40 finance any service provided to such member municipality,
- 41 and to establish reserves ~~therefor~~ **for the payment of the**
- 42 **principal, premium, if any, and interest on all bonds issued**



- 1           **by the joint agency to finance any service provided to the**  
 2           **municipality; and**  
 3           (B) to pay the necessary expenses of the joint agency  
 4           (including, without limitation, all amounts required to be  
 5           collected pursuant to the trust agreement or resolution  
 6           providing for the issuance of bonds) and to establish reserves  
 7           ~~therefor.~~ **for the payment of the necessary expenses of the**  
 8           **joint agency.**  
 9           (14) To make and execute contracts and other instruments  
 10          necessary or convenient for the operation, maintenance, and  
 11          management of a regional transmission system, including  
 12          transmission facilities owned by a municipality or a joint agency.  
 13          Such a contract may not be for a term that is more than fifty (50)  
 14          years. Such a contract may not make the state, a political  
 15          subdivision, or a municipality a shareholder in a public utility.  
 16          Such a contract may delegate responsibilities if the delegation and  
 17          action taken are consistent with prudent utility practice.  
 18          (15) To make and execute contracts and other instruments  
 19          necessary or convenient in the exercise of the powers and  
 20          functions of the joint agency under this chapter, including  
 21          contracts with persons, firms, corporations, limited liability  
 22          companies, and others.  
 23          (16) To employ engineers, attorneys, financial advisors, and such  
 24          other consultants, agents, and employees as may be required in  
 25          the judgment of the joint agency and to fix and pay their  
 26          compensation from funds available to the joint agency ~~therefor.~~  
 27          **for those purposes.**  
 28          (17) To do all acts and things necessary, convenient, or desirable  
 29          to carry out the purposes of, and to exercise the powers granted to,  
 30          the joint agency ~~herein.~~ **under this chapter.**  
 31          (b) No joint agency may finance a project or projects, in whole or in  
 32          part, without first obtaining the approval of the commission as provided  
 33          in section 19 of this chapter.  
 34          (c) No joint agency may construct any transmission line without first  
 35          obtaining the approval of the commission as provided in section 19 of  
 36          this chapter.  
 37          (d) A determination by the joint agency approved by the  
 38          commission shall be conclusive unless a party to the proceeding  
 39          aggrieved by the determination of the commission shall file notice of  
 40          appeal pursuant to IC 8-1-3.  
 41          SECTION 61. IC 8-1-2.2-13 IS AMENDED TO READ AS  
 42          FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 13. Revenues. (a) A



1 municipality or joint agency may fix, charge and collect rents, rates,  
 2 fees and charges for electric power and energy and other services,  
 3 facilities and commodities sold, furnished or supplied through the  
 4 facilities of its electric system or its interests in any project. For so long  
 5 as any bonds of a municipality or joint agency issued under this chapter  
 6 are outstanding and unpaid, the rents, fees and charges shall be so fixed  
 7 as to provide revenues sufficient to pay:

8 (1) all costs of and charges and expenses in connection with the  
 9 proper operation and maintenance of the municipality's or joint  
 10 agency's electric system;

11 (2) ~~its~~ **the municipality's or joint agency's** interest in any  
 12 project;

13 (3) all necessary repairs, replacements or renewals ~~thereof~~, **of the**  
 14 **municipality's or joint agency's interest in any project**;

15 (4) when due (whether at maturity, upon acceleration, or by  
 16 sinking fund requirements), the principal, premium, if any, and  
 17 interest on all bonds payable from said revenues;

18 (5) to create and maintain reserves as may be required by any  
 19 resolution or trust agreement authorizing and securing bonds;

20 (6) when due (whether at maturity, upon acceleration, or by  
 21 sinking fund requirements), the principal, premium, if any, and  
 22 interest on all general obligation bonds ~~heretofore or hereafter~~  
 23 issued to finance additions and improvements to its electric  
 24 system;

25 (7) any and all amounts which the municipality may be obligated  
 26 to pay from these revenues by law or contract; and

27 (8) any additional amounts which must be realized in order to  
 28 meet the requirements of any rate covenant imposed by any  
 29 resolution or trust agreement authorizing and securing bonds.

30 (b) Any pledge made by a municipality or joint agency pursuant to  
 31 this chapter shall be valid and binding from the date the pledge is  
 32 made. The revenues, securities, and other moneys so pledged and then  
 33 held or thereafter received by the municipality or joint agency or any  
 34 fiduciary shall immediately be subject to the lien of the pledge without  
 35 any physical delivery ~~thereof~~ **of the lien of the pledge** or further act,  
 36 and the lien of the pledge shall be valid and binding as against all  
 37 parties having claims of any kind in tort, contract, or otherwise against  
 38 the municipality or joint agency without regard to whether such parties  
 39 have notice ~~thereof~~ **of the lien of the pledge**. The resolution or trust  
 40 agreement or any financing statement, continuation statement or other  
 41 instrument by which a pledge is created need not be filed or recorded  
 42 in any manner.





1 SECTION 62. IC 8-1-2.2-16 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 16. Bond Eligibility for  
 3 Investment. Bonds issued by a municipality or joint agency under ~~the~~  
 4 ~~provisions of~~ this chapter are ~~hereby made~~ securities in which all  
 5 public officers and agencies of the state, all insurance companies,  
 6 banking associations, investment companies, executors, administrators,  
 7 trustees and other fiduciaries may properly and legally invest funds,  
 8 including capital in their control or belonging to them. These bonds are  
 9 ~~hereby made~~ securities ~~which that~~ may properly and legally be  
 10 deposited with and received by any officer or agency of the state for  
 11 any purpose for which the deposit of bonds or obligations of the state  
 12 is now or may hereafter be authorized by law.

13 SECTION 63. IC 8-1-6-2, AS AMENDED BY P.L.251-2013,  
 14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2018]: Sec. 2. (a) All fees ~~herein~~ prescribed **by this chapter**  
 16 shall be paid into the treasury of the state of Indiana through the  
 17 secretary of the commission, a quietus shall be issued, and the fees  
 18 shall be deposited into an account to be known as the commission  
 19 public utility fund account. This account shall be used for enforcing the  
 20 provisions of IC 8-1-1 and IC 8-1-2 and shall be utilized only for the  
 21 purpose of funding the expenses of the commission and the consumer  
 22 counselor in amounts not in excess of their respective appropriations  
 23 by the general assembly, plus the contingency fund. All appropriations  
 24 under this chapter paid out of the commission public utility fund  
 25 account shall be subject to the prior approval of the general assembly,  
 26 the governor, and the state budget agency.

27 (b) Fees collected from municipalities under IC 8-1-2-85 and  
 28 amounts paid by municipal utilities under IC 8-1-2-70 shall also be  
 29 deposited in the commission public utility fund account, as if they were  
 30 fees collected from public utilities under this chapter.

31 SECTION 64. IC 8-1-11.1-1 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) In addition to the  
 33 other executive departments of a consolidated city, there is hereby  
 34 created in any such city a department of public utilities, which shall  
 35 have as its head and be under the general supervision and control of a  
 36 board of seven (7) members, to be known as the "Board of Directors for  
 37 Utilities," to be appointed annually by the board ~~herein~~ provided for  
 38 and designated as the "Board of Trustees for Utilities" **under this**  
 39 **chapter.**

40 (b) Said board of trustees for utilities shall consist of five (5)  
 41 members.

42 (c) All such trustees and all successors ~~thereof~~ **of the trustees** shall



1 hold over after the expiration of their terms until their respective  
2 successors have been duly appointed and have qualified.

3 (d) At the expiration of the respective terms of each of the members  
4 of the board of trustees, the said board of trustees shall nominate the  
5 successors ~~thereof of those members~~ to membership on such board,  
6 each of which nominees shall be appointed by the mayor of the  
7 consolidated city within ten (10) days after receiving such nominations,  
8 and such succeeding members shall serve for a term of four (4) years.  
9 In the event any person who has been appointed at any time as a  
10 member of such board of trustees shall fail to qualify within ten (10)  
11 days after the mailing to ~~him that person~~ of notice of ~~his the person's~~  
12 appointment; or if any member after qualifying shall die, resign, vacate  
13 such office by becoming a nonresident of such city, or be removed as  
14 ~~hereinafter provided in this section~~, new members of such board of  
15 trustees shall be chosen to fill such vacancy in the same manner as is  
16 provided for the member as to whom such vacancy occurs, and the  
17 member so chosen shall serve for the remainder of the term for which  
18 the member whose place is so filled was appointed.

19 (e) No person shall be appointed as trustee who is less than  
20 thirty-five (35) years of age, and who has not been a resident of such  
21 city for at least five (5) years immediately preceding ~~his the person's~~  
22 appointment. If any such trustee shall cease to be a legal resident of  
23 said city ~~his the trustee's~~ membership on said board shall ~~thereby~~  
24 terminate and become vacant.

25 (f) Each member of such board of trustees for utilities, before  
26 entering upon ~~his the member's~~ duties, shall take and subscribe an  
27 oath of office in the usual form, to be indorsed upon the certificate of  
28 ~~his the member's~~ appointment, which shall be promptly filed with the  
29 clerk of the city-county council.

30 (g) A majority of all the members of said board of trustees for  
31 utilities shall be necessary to constitute a quorum.

32 (h) Said board of trustees shall elect one (1) member thereof as  
33 president, one (1) as vice-president, and one (1) as secretary, who shall  
34 serve from the date of their election until one (1) year from the first day  
35 of January next following their election and until their successors are  
36 elected and have qualified.

37 (i) Said board of trustees shall keep a record of ~~their its~~ proceedings.  
38 The expense of the meetings and proceedings of said board and of  
39 keeping a record ~~thereof of the meetings and proceedings~~, and the  
40 salary of the members ~~thereof of the board of trustees~~, shall be paid  
41 upon a written request of the presiding officer and secretary ~~thereof of~~  
42 ~~the board of trustees~~ by the board of directors for utilities out of the



1 funds belonging to said utility district. Each member of said board of  
 2 trustees for utilities shall receive as compensation for ~~his the~~  
 3 **member's** services as such a salary in the sum of fifty dollars (\$50) per  
 4 year.

5 (j) The board of trustees for utilities shall meet annually on the first  
 6 Monday of December of each year, at the principal office of said  
 7 department of public utilities, for the purpose of transacting any  
 8 business pertaining to ~~their its~~ duties, and for the purposes of electing  
 9 officers of such board of trustees and of selecting and appointing  
 10 members of the board of directors for utilities, who shall serve for one  
 11 (1) year from the first day of January following and until their  
 12 successors are appointed and qualified.

13 (k) All persons so selected and appointed as such directors and all  
 14 the successors ~~thereof of the directors~~ appointed at any time shall be  
 15 chosen by a majority vote of all the members of said board of trustees.  
 16 Said board of trustees shall have power to remove summarily and at  
 17 any time any director and in such event, or if a vacancy occurs in said  
 18 board of directors from any cause, said board of trustees shall appoint  
 19 a successor in like manner who shall serve for the balance of the term  
 20 for which the member whose place is so filled was appointed.

21 (l) No person shall be appointed a member of said board of directors  
 22 for utilities unless ~~he the person~~ is a bona fide resident of said city and  
 23 has been such for five (5) years immediately preceding such  
 24 appointment, and is at least thirty-five (35) years of age. If any such  
 25 director shall cease to be a legal resident of said city during the term for  
 26 which ~~he the director~~ was appointed, ~~his the director's~~ membership  
 27 on such board shall ~~thereby~~ terminate and become vacant.

28 (m) Each member of said board of directors for utilities before  
 29 entering upon ~~his the member's~~ duties shall take and subscribe an  
 30 oath, to be indorsed upon the certificate of ~~his the member's~~  
 31 appointment, which shall be promptly filed with the clerk of the  
 32 city-county council.

33 (n) Each of said members of said board of directors, before entering  
 34 upon ~~his the member's~~ duties, shall execute a bond payable to the state  
 35 of Indiana, with surety to be approved by the mayor of said city, in the  
 36 penal sum of fifteen thousand dollars (\$15,000), conditioned upon the  
 37 faithful performance of the duties of ~~his the member's~~ office and the  
 38 accounting for all moneys and property that may come into ~~his the~~  
 39 **member's** hands or under ~~his the member's~~ control. The cost of all  
 40 such bonds shall be paid by the department of public utilities of said  
 41 city.

42 (o) Any trustee may be removed from office for neglect of duty,



1 incompetency, disability to perform ~~his~~ **the member's** duties, or other  
 2 good cause, by an order and judgment of the circuit or superior court  
 3 of the county in which such city is located, in the following manner, to  
 4 wit: An original complaint may be filed by either the mayor, or by a  
 5 majority of the city-county council against any such trustee setting forth  
 6 the charges preferred, and the cause shall be placed on the advanced  
 7 calendar and be tried as other civil causes are tried, by the court,  
 8 without the intervention of a jury. If such charges be sustained, the  
 9 court shall declare such office vacant. The judgment of said court shall  
 10 be final and no appeal shall lie therefrom by any party.

11 (p) Said board of trustees shall have power to adopt rules,  
 12 regulations and by-laws for ~~their~~ **its** own governance, and may meet  
 13 regularly or specially as often as necessary to transact any business or  
 14 duties imposed upon ~~them~~ **it** under this chapter or any other statute.

15 (q) In the event such city shall acquire in any manner ~~herein~~  
 16 provided **under this chapter** more than one (1) such public utility and  
 17 the property ~~thereof~~, **of the acquired utilities**, said board of trustees  
 18 may add to such board of directors from time to time one (1) or more  
 19 additional members, increasing such board to not exceed a total of  
 20 eleven (11) members; which members shall be appointed and shall  
 21 serve under all the provisions ~~herein~~ **of this chapter** governing the  
 22 appointment, terms and duties of such board of directors for utilities.

23 SECTION 65. IC 8-1-11.1-7 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. All preliminary  
 25 expenses actually incurred by such board of directors in providing  
 26 necessary records, the employment of clerks, engineers, attorneys and  
 27 other employees, the making of surveys, and all other expenses of  
 28 whatsoever nature necessary to be paid prior to the actual taking over  
 29 and operation of any utility plant and the collection of revenues  
 30 therefrom, shall be met and paid in the following manner: Said board  
 31 of directors for utilities shall from time to time certify such items of  
 32 expense to the controller of such city, directing ~~him~~ **the controller** to  
 33 pay the several amounts ~~thereof~~, **of the items of expense**, and  
 34 thereupon said controller shall at once draw ~~his~~ **a** warrant or warrants  
 35 upon the county treasurer, which warrant or warrants shall be paid out  
 36 of the general funds of such city not theretofore appropriated, without  
 37 a special appropriation being made ~~therefor~~ **for the payment of the**  
 38 **warrant or warrants** by the city-county council; or in case there are  
 39 no such general funds of said city not otherwise appropriated, the city  
 40 controller shall recommend to the city-county council the temporary  
 41 transfer of other funds of such city as is necessary to meet such items  
 42 of expense, or the making of a temporary loan for such purpose, and



1 such council shall, thereupon at once make such transfer of funds or  
 2 authorize such temporary loan in the same manner that other temporary  
 3 loans are made by such city. ~~Provided, However, That~~ the fund or funds  
 4 of such city from which such payments are made shall be fully  
 5 reimbursed and repaid with six percent (6%) interest by such board of  
 6 directors for utilities out of the first receipts from the operation of any  
 7 such utility by said board which are not needed to defray current  
 8 operating expenses and the expenses of imperative betterments.

9 SECTION 66. IC 8-1-11.1-9 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. All proceeds from  
 11 the sale of ~~said~~ bonds **described** under ~~and pursuant to~~ section 8 of this  
 12 chapter shall be kept as a separate and specific fund to pay the cost of  
 13 the acquisition of any utility property which ~~said the~~ city shall have the  
 14 right to and shall determine to acquire or the payment of obligations of  
 15 any ~~such~~ utility subject to which its property is purchased, or the cost  
 16 of making necessary betterments, improvements, extensions, or  
 17 additions to any utility property owned by ~~said the~~ city, as ~~hereinabove~~  
 18 ~~provided~~, and no part of the ~~same~~ **proceeds** shall be used for any other  
 19 purpose. ~~whatsoever. Such funds~~ **Proceeds** shall be deposited at  
 20 interest with the depository or depositories of other public funds of  
 21 ~~such the~~ city, and all interest collected ~~therefrom shall belong~~ **belongs**  
 22 to ~~such the~~ fund. Any surplus of funds remaining out of the proceeds  
 23 of ~~said bonds a bond~~ after all ~~of said~~ costs and expenses are fully paid  
 24 shall be paid into and become a part of the utility district bond fund. ~~as~~  
 25 ~~hereinbefore referred to.~~

26 SECTION 67. IC 8-1-11.1-12 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. The current receipts  
 28 and all other moneys derived from the operation of any such utility  
 29 property shall be expended by said board of directors upon vouchers in  
 30 a form to be determined by them, and any such funds shall be deposited  
 31 in such bank or banks as may be determined by said board to the credit  
 32 of said board of directors for utilities, and any interest earned on any  
 33 such deposits shall be added to the principal thereof. No appropriation  
 34 in any form shall be necessary for the expenditure of any of such  
 35 current income or for the expenditure of the proceeds of any sale of  
 36 bonds, or of any other obligations, as ~~hereinbefore~~ authorized **under**  
 37 **this chapter**, but all funds arising under ~~the provisions hereof~~ **this**  
 38 **chapter** shall be deemed appropriated for the respective purposes  
 39 **herein named set forth in this chapter** and shall be under the control  
 40 of the board of directors for utilities as ~~herein~~ **provided in this chapter**,  
 41 and said board of directors shall have full, complete and exclusive  
 42 authority to expend such funds for the purposes ~~herein provided.~~ **set**



1 **forth in this chapter.**

2 SECTION 68. IC 8-1-12-1 IS AMENDED TO READ AS  
 3 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. Any public utility  
 4 operating in any city or town, and any city or town in **this state Indiana**  
 5 which owns or operates ~~or which may hereafter own or operate~~ any  
 6 public utility, is ~~hereby~~ authorized, with the consent of the commission,  
 7 to furnish utility service, free of charge, to any hospital **that is** located  
 8 within ~~such the~~ city or town, or immediately adjacent ~~thereto which to~~  
 9 **the city or town, and that** accepts and cares for charity patients.

10 SECTION 69. IC 8-1-13-2 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. Any number of  
 12 natural persons not less than eleven (11) may, by executing, filing and  
 13 recording articles of incorporation as ~~hereinafter~~ provided **in this**  
 14 **chapter**, form a corporation not organized for pecuniary profit for the  
 15 purpose of promoting and encouraging the fullest possible use of  
 16 electric energy in ~~the state~~ **Indiana** by making electric energy available  
 17 to inhabitants of rural areas of ~~the state~~ **Indiana** at the lowest cost  
 18 consistent with sound economy and prudent management of the  
 19 business of such corporations ~~and or and~~ by rendering other services  
 20 to its members.

21 SECTION 70. IC 8-1-13-5 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) The natural  
 23 persons executing the articles of incorporation shall be residents of the  
 24 territory in which the operations of the corporation are to be conducted  
 25 who are desirous of using electric energy to be furnished by the  
 26 corporation. The articles of incorporation shall be executed in as many  
 27 copies as there are counties, any part or parts of which are included in  
 28 the territory in which the operations of the corporation are to be  
 29 conducted and shall be acknowledged by the subscribers before an  
 30 officer authorized by the laws of this state to take acknowledgments of  
 31 deeds. When so acknowledged the articles of incorporation shall be  
 32 submitted to the commission together with a petition executed by one  
 33 (1) or more of the natural persons executing the said articles of  
 34 incorporation praying the commission to grant a certificate of public  
 35 convenience and necessity for the organization and operations of the  
 36 proposed corporation. Upon the filing of such articles and petition with  
 37 the commission, said commission shall set the said petition for public  
 38 hearing and shall give notice of the time and place of such hearing by  
 39 publication one (1) time in at least one (1) newspaper printed and  
 40 published in each of the counties in which the said corporation  
 41 proposes to carry on its operations, which publication shall be had at  
 42 least ten (10) days prior to the date set for such hearing, the cost of



1 such publications to be paid by the petitioners at the time of filing said  
 2 petition. Any interested person may appear at such hearing either in  
 3 person or by attorney and oppose the prayer of said petition. The  
 4 commission, after hearing the evidence introduced at said hearing, shall  
 5 enter a finding either that the convenience and necessity of the public  
 6 proposed to be served in the territory in which the operations of the  
 7 corporation are to be conducted will or will not be served by the  
 8 organizations and operations of the proposed corporation. If such  
 9 finding be in the affirmative, the commission shall enter an order  
 10 approving the organization of such corporation and the proposed  
 11 articles of incorporation and shall attach a copy of said order to each  
 12 copy of the said articles of incorporation. If the said finding be in the  
 13 negative, the commission shall enter an order denying the approval of  
 14 the said articles of incorporation.

15 (b) If the commission ~~approve~~ **approves** the ~~said~~ articles of  
 16 incorporation ~~as herein above provided, under subsection (a),~~ the  
 17 same shall be filed together with the attached copy of the order of the  
 18 commission in the office of the secretary of state. ~~who~~ **The secretary**  
 19 **of state** shall forthwith endorse ~~his the secretary of state's~~ approval  
 20 ~~thereon on the articles of incorporation~~ and file one (1) of said copies  
 21 in ~~his the secretary of state's~~ office and deliver all other copies  
 22 ~~thereof endorsed~~ with ~~his the secretary of state's~~ approval ~~endorsed~~  
 23 ~~thereon~~ to the incorporators, who shall thereupon file one (1) of the  
 24 said approved copies of said articles in the office of the county recorder  
 25 in each county in which a portion of the territory proposed to be served  
 26 by the corporation is located. As soon as ~~the provisions of~~ this section  
 27 ~~have has~~ been complied with, the proposed corporation described in  
 28 the articles so filed, under its designated name, shall be and constitute  
 29 a body corporate.

30 SECTION 71. IC 8-1-13-14 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 14. In connection with  
 32 the issuance of any obligations, a corporation may make such  
 33 covenants or agreements and do any and all such acts and things as  
 34 may be necessary or convenient or desirable in order to secure its  
 35 obligations or which, in the absolute discretion of the board tend to  
 36 make the obligations more marketable, notwithstanding that such  
 37 covenants, agreements, acts and things may constitute a limitation on  
 38 the exercise of the powers ~~herein~~ granted **under this chapter**.

39 SECTION 72. IC 8-1-13-16 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 16. (a) Any corporation  
 41 created under the provisions of this chapter may enter into an  
 42 agreement for the consolidation or merger of such a corporation with:



- 1 (1) any other corporation organized under this chapter; or  
 2 (2) any mutual benefit corporation that was organized before 1964  
 3 under Acts 1935, c. 157, that engages in the generation,  
 4 transmission, or distribution of electric energy.

5 (b) An agreement under subsection (a) must set forth the terms and  
 6 conditions of the consolidation or merger, the name of the proposed  
 7 consolidated or merged corporation, the number of its directors, not  
 8 less than five (5), the time of the annual election and the names of the  
 9 persons, not less than five (5), to be directors upon completing the  
 10 consolidation or merger. The agreement must specify the terms the  
 11 directors will serve. A corporation organized under this chapter shall  
 12 duly call and hold a meeting of its members, as provided in section 8  
 13 of this chapter, at which the proposal of such consolidation or merger  
 14 shall be presented. A mutual benefit corporation must approve the  
 15 merger in accordance with IC 23-17-19-3. With respect to such a  
 16 merger, the agreement may provide that the surviving corporation may  
 17 have one (1) or more members that are incorporated under the laws of  
 18 a state other than Indiana. If at each such meeting, the ~~aforsaid~~  
 19 agreement is approved by a resolution duly adopted and receiving the  
 20 affirmative vote of at least a majority of all the members of the  
 21 respective corporation voting at the meeting, the directors named in the  
 22 agreement shall subscribe and acknowledge articles conforming  
 23 substantially to the original articles of incorporation, except that it shall  
 24 be entitled and endorsed "Articles of consolidation (merger) of  
 25 \_\_\_\_\_" (the blank space being filled in with the names of the  
 26 corporations being consolidated or merged) and shall state:

- 27 (1) The names of the corporations being consolidated or merged.  
 28 (2) The name of the consolidated or merged corporation.  
 29 (3) The other items required or permitted to be stated in original  
 30 articles of incorporation.

31 (c) Articles of consolidation or merger under this section or a  
 32 certified copy or copies ~~thereof~~ **of the articles of consolidation or**  
 33 **merger** shall be filed in the office of the secretary of state and  
 34 thereupon the proposed consolidated or merged corporation, under its  
 35 designated name, shall be and constitute a body corporate with all the  
 36 powers of a corporation as originally formed ~~hereunder~~ **under this**  
 37 **chapter**. In the case of a merger of a corporation organized under this  
 38 chapter and a mutual benefit corporation, IC 23-17-19-5 applies.

39 SECTION 73. IC 8-1-13-22 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 22. (a) A corporation  
 41 created under this chapter may amend its articles of incorporation to  
 42 change its corporate name, to increase or reduce the number of its





1 directors or change any other provisions ~~therein~~; **of the articles of**  
 2 **incorporation.** However, no corporation shall amend its articles of  
 3 incorporation to embody ~~therein in the articles of incorporation~~ any  
 4 purpose, power, or provision which would not be authorized if its  
 5 original articles of incorporation, including such additional or changed  
 6 purpose, power, or provision were offered for filing at the time articles  
 7 under this section are offered. Such amendment may be accomplished  
 8 by filing articles of amendment in the office of the secretary of state  
 9 which shall be entitled and endorsed "Articles of amendment of  
 10 \_\_\_\_\_" (the blank space being filled in with the name of the  
 11 corporation) and state:

12 (1) The name of the corporation, and if it has been changed, the  
 13 name under which it was originally incorporated.

14 (2) The date of filing the articles of incorporation in each public  
 15 office where filed.

16 (3) Whether the territory served or to be served by the corporation  
 17 is to be changed and, if so, whether it is to be increased or  
 18 decreased.

19 (4) The purposes, powers, or provisions, if any, to be amended or  
 20 eliminated and the purposes, powers, or provisions, if any, to be  
 21 added or substituted.

22 (b) Such articles shall be subscribed in the name of the corporation  
 23 by the president or a vice president, and by the secretary or the assistant  
 24 secretary, who shall make and annex an affidavit stating that they have  
 25 been authorized to execute and file such articles by a resolution duly  
 26 adopted at a meeting of the corporation duly called and held as  
 27 provided in section 8 of this chapter, or upon waiver of notice signed  
 28 by all the members of the corporation. If by any such amendment to  
 29 articles of incorporation, the territory proposed to be served by the  
 30 corporation is to be increased or decreased, the articles of amendment,  
 31 together with a petition executed by the secretary or assistant secretary  
 32 of the corporation and praying for the permission of the commission  
 33 shall be submitted to such commission. Thereupon, the commission  
 34 shall set said petition for public hearing and shall give notice of the  
 35 time and place ~~thereof of the hearing~~ one (1) time in at least one (1)  
 36 newspaper published in each of the counties in which lies any of the  
 37 territory proposed to be added or omitted by such amendment, which  
 38 publication shall be at least ten (10) days before such hearing; the cost  
 39 of such publication shall be paid by the petitioner when filing such  
 40 petition.

41 (c) Any interested person may appear, personally or by attorney, at  
 42 such hearing and aid or oppose the prayer of the petition. After such



1 hearing, the commission shall grant or deny the petition and make its  
2 order accordingly.

3 (d) No amendment increasing or decreasing the territory to be  
4 served by such corporation shall be filed in the office of the secretary  
5 of state unless there ~~be is~~ attached ~~thereto to the amendment~~ a  
6 certified copy of an order from the commission consenting to such  
7 increase or decrease. Such articles shall be filed in the office of the  
8 secretary of state and thereupon the amendment shall be deemed to  
9 have been effected.

10 SECTION 74. IC 8-1-13-26 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 26. Any foreign  
12 corporation organized as a nonprofit corporation for the purpose of  
13 making electric energy available to the inhabitants of rural areas may  
14 be admitted to do business within this state and shall have the same  
15 powers, restrictions, and liabilities as a corporation organized under  
16 this chapter. Whenever such foreign corporation desires to be admitted  
17 to operate in this state, it shall file with the commission a petition in as  
18 many original counterparts as there are counties in Indiana, in which it  
19 requests permission to make electric energy available, plus five (5).  
20 Said petition shall describe the territory in Indiana in which its  
21 operations are to be conducted and pray the said commission to grant  
22 to it a certificate of public convenience and necessity for such  
23 operations. To each such original petition, there shall be attached a  
24 copy of the articles of incorporation of said corporation, with all  
25 amendments ~~thereto, to the articles of incorporation,~~ duly  
26 authenticated by the proper officer of the state ~~wherein it in which the~~  
27 **corporation** is incorporated. Said petition shall be acted upon by the  
28 commission in accordance with the provisions of section 18 of this  
29 chapter. The commission shall enter a finding that the convenience and  
30 necessity of the public proposed to be served in the Indiana territory in  
31 which the operations of the corporation are proposed to be conducted  
32 either will or will not be served by such operations. If said finding be  
33 in the negative, said commission shall enter an order denying the  
34 petition. If such finding be in the affirmative, said commission shall  
35 enter an order granting a certificate of public convenience and  
36 necessity for the proposed operations of said corporation in Indiana and  
37 shall attach a copy of said order, duly certified by the secretary of said  
38 commission, to each of the originals of said petition filed ~~as aforesaid;~~  
39 **under this section,** except for two (2) **copies,** and deliver the same to  
40 the petitioner. The corporation shall then present to the secretary of  
41 state all such sets of authenticated copy of articles, original petition,  
42 and order of the commission, together with such application for



1 admission to do business in this state, if any, as the secretary of state  
 2 may require and tender to the said secretary of state six dollars and fifty  
 3 cents (\$6.50) to cover ~~his~~ **the secretary of state's** fees for filing,  
 4 certificate, and seal. If the secretary of state shall approve the same, ~~he~~  
 5 **the secretary of state** shall endorse ~~his~~ **the secretary of state's**  
 6 approval upon each of the aforesaid sets of documents, file one (1)  
 7 ~~thereof set in his~~ **the secretary of state's** office, return the remaining  
 8 ones to the corporation, and issue to the corporation ~~his~~ **a** certificate of  
 9 admission to do business in this state. Thereupon, and before the  
 10 corporation shall do any business in ~~this state,~~ **Indiana,** it shall file in  
 11 the office of the recorder of each county in Indiana in which it is to  
 12 make electric energy available, one (1) of said sets of documents  
 13 bearing the approval of the secretary of state endorsed ~~thereon.~~ **on the**  
 14 **set of documents.**

15 SECTION 75. IC 8-1-15-1 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. Any corporation  
 17 organized under the laws of ~~the state of~~ Indiana and authorized by its  
 18 articles of incorporation to furnish water to any town or city or the  
 19 inhabitants ~~thereof,~~ **of the town or city,** through or adjoining whose  
 20 land any highway has ~~heretofore~~ been located and established, ~~which~~  
 21 **and that** desires to vacate or to relocate such highway or a ~~portion~~  
 22 ~~thereof,~~ **part of the highway** may file with the circuit or a superior  
 23 court in the county in which such lands or the major part ~~thereof of the~~  
 24 **lands** are located, its petition setting forth the following:

25 (a) The name of the petitioner.

26 (b) A distinct description of the highway or part ~~thereof which of~~  
 27 **the highway that** petitioner seeks to be vacated or relocated and, in  
 28 case of relocation, a distinct description of the proposed new route,  
 29 which may be over existing highways or right-of-way.

30 (c) A statement that petitioner has determined that such vacation or  
 31 relocation is reasonably necessary or desirable in connection with  
 32 petitioner's construction or maintenance of an impounding water  
 33 reservoir.

34 (d) A statement that said vacation or relocation of said highway or  
 35 ~~portion thereof~~ **part of the highway** will not increase by more than  
 36 four (4) miles the distance necessary for anyone to travel over  
 37 highways which are or will be substantially similar to that proposed to  
 38 be vacated or relocated.

39 (e) In case of vacation, the names and addresses of owners of the  
 40 abutting land affected by the vacation proceedings.

41 SECTION 76. IC 8-1-17-2 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. Any number of

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1 natural persons not less than eleven (11) may, by executing, filing and  
 2 recording articles of incorporation, as ~~hereinafter~~ provided **in this**  
 3 **chapter**, form a cooperative corporation, not organized for pecuniary  
 4 profit, for the purpose of:

5 (1) if such corporation be local in its scope, promoting and  
 6 encouraging the fullest possible use of telephone service in ~~the~~  
 7 **state Indiana** by making telephone service and educational  
 8 services incident to telephone service available to inhabitants of  
 9 rural areas of ~~the state Indiana~~ at the lowest cost consistent with  
 10 sound economy and prudent management of the business of the  
 11 cooperative corporation; or

12 (2) if such corporation be general in its scope, furnishing  
 13 engineering, financial, accounting, and/or educational services,  
 14 incident to telephone service.

15 SECTION 77. IC 8-1-17-11 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. Any cooperative  
 17 corporation to be formed under this chapter shall be either a general  
 18 cooperative corporation or a local cooperative corporation.

19 (a) A general cooperative corporation is one formed under this  
 20 chapter for the purpose of furnishing engineering, financial accounting,  
 21 or educational services to its members or to persons expecting to form  
 22 a local cooperative corporation, and having for its members only its  
 23 incorporators or local cooperative corporations. It shall not render  
 24 telephone service and the commission shall not allocate to it any  
 25 territory for such purpose.

26 (b) A general cooperative corporation may be formed to have as  
 27 members, and serve, local cooperative corporations in all, or certain  
 28 named, counties of this state, not including any county ~~theretofore~~  
 29 **previously** named as part of the territory to be served by another  
 30 general cooperative corporation then organized and existing, unless  
 31 such other general cooperative corporation duly consents in writing,  
 32 filed with the commission, to such inclusion.

33 (c) A general cooperative corporation, before obtaining the approval  
 34 of its articles of incorporation, must prove to the commission that it has  
 35 written consent to its incorporation signed by or on behalf of:

36 (1) the local cooperative corporations then existing and  
 37 contemplated to be members of the general cooperative  
 38 corporation; and

39 (2) the incorporated agricultural association or associations,  
 40 including in its or their members at least one-third (1/3) of the  
 41 members residing in the territory in which the general cooperative  
 42 proposes to operate and reasonably anticipated to become



1 members of local cooperative corporations which will become  
 2 members of such general cooperative corporation.  
 3 Such signatures of said local cooperative corporations and of such  
 4 agricultural associations shall be made by their respective presidents  
 5 or vice presidents, and secretaries or assistant secretaries, and shall be  
 6 supported by certified copies of resolutions authorizing the same and  
 7 duly adopted by their boards of directors, respectively.  
 8 SECTION 78. IC 8-1-17-12 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. Each cooperative  
 10 corporation is ~~hereby~~ vested with all powers necessary or requisite for  
 11 the accomplishment of its corporate purpose and capable of being  
 12 delegated by the general assembly of the state of Indiana; and no  
 13 enumeration of particular powers ~~hereby~~ granted **by this chapter** shall  
 14 be construed to impair any general grant of power ~~herein~~ contained **in**  
 15 **this chapter**, nor to limit any such grant to a power or powers of the  
 16 same class or classes as those so enumerated.  
 17 SECTION 79. IC 8-1-17-16 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 16. In connection with  
 19 the issuance of any obligations, a cooperative corporation may make  
 20 such covenants or agreements and do any and all such acts and things  
 21 as may be necessary, convenient or desirable in order to secure its  
 22 obligations or which, in the absolute discretion of the board, tend to  
 23 make the obligations more marketable, notwithstanding that such  
 24 covenants, agreements, acts and things may constitute a limitation on  
 25 the exercise of the powers ~~herein~~ granted **under this chapter**.  
 26 SECTION 80. IC 8-1-23-4 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. The word person as  
 28 used ~~herein in this chapter~~ shall include a public utility, partnership,  
 29 limited liability company, firm, association, or corporation.  
 30 SECTION 81. IC 8-2-15-6 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. Nothing ~~herein~~  
 32 **contained in this chapter** shall be so construed as to prevent any  
 33 person from ferrying passengers across a small stream in high water;  
 34 and the board may authorize the auditor to give any person a permit for  
 35 such purpose, when, in its opinion, the stream is too small to justify the  
 36 expense of a license. ~~any~~ When any person applies for a renewal of ~~his~~  
 37 **the person's** license at the same place where ~~he~~ **the person** kept and  
 38 maintained a ferry during the preceding year, upon payment of the  
 39 license fee and filing of a new recognizance, executed and conditioned  
 40 as above provided, the license may be granted or renewed without  
 41 notice or formal application in writing.  
 42 SECTION 82. IC 8-2-15-10 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 10. The rates of  
 2 ferriage shall be fixed by the board of county commissioners at the time  
 3 of licensing the ferry, and from time to time thereafter, as they shall  
 4 think proper; and it shall be the duty of the auditor to furnish every  
 5 applicant, on taking out a license to keep a ferry, with a list of the rates  
 6 of ferriage, which list the ferry-keeper shall put up either at the door of  
 7 ~~his~~ **the ferry-keeper's** ferryhouse, or on ~~his~~ **the ferry-keeper's** boats,  
 8 or on some conspicuous place convenient to the ferry. ~~Provided, That~~  
 9 **However**, if any person be aggrieved by the establishing of such rates,  
 10 ~~he~~ **the person** shall have the right to appeal to the circuit court of the  
 11 proper county upon filing a bond within thirty (30) days (of) the fixing  
 12 of the same by such board, payable to the state of Indiana, with security  
 13 to be approved by the county auditor, and conditioned for the due  
 14 prosecution of such appeal and the payment of all costs if judgment be  
 15 rendered against such appellant, and the county auditor shall cause  
 16 such bond, with a certified copy of the proceedings of said board and  
 17 all of the original papers of the same, to be filed in the office of the  
 18 clerk of the circuit court within twenty (20) days thereafter, and such  
 19 cause shall be docketed for the ensuing term, and further proceedings  
 20 had and judgment rendered ~~therein~~ **by the circuit court** as in other  
 21 cases of appeal. And upon such appeal, the circuit court shall have the  
 22 power to review such rates of ferriage and fix the same as may be just  
 23 and proper.

24 SECTION 83. IC 8-2.1-22-27 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 27. (a) A person shall  
 26 not for compensation sell or offer for sale transportation subject to this  
 27 chapter, make any contract, agreement, or arrangement to provide,  
 28 procure, furnish, or arrange for the transportation of passengers, or  
 29 profess by advertisement, solicitation, or otherwise as one who sells,  
 30 provides, procures, contracts, or arranges for the transportation of  
 31 passengers, unless the person holds a broker's license issued by the  
 32 department to engage in the transactions. A person may not engage in  
 33 transportation subject to this chapter unless the person holds a  
 34 certificate or a permit as provided in this chapter. In the execution of  
 35 any contract, agreement, or arrangement to sell, provide, procure,  
 36 furnish, or arrange for the transportation of passengers, a person may  
 37 not employ any common or contract carrier who is not the lawful  
 38 holder of an effective certificate or permit issued as provided in this  
 39 chapter.

40 (b) This section does not apply to any carrier holding a certificate or  
 41 a permit under this chapter or to any employee or agent of the motor  
 42 carrier, so far as concerns transportation to be furnished wholly by the



1 carrier or jointly with other motor carriers holding like certificates or  
2 permits, or with a common carrier by railroad, express, or water.

3 (c) A brokerage license shall be issued to any qualified applicant for  
4 a brokerage license, authorizing any part of the operations covered by  
5 the application, if it is found that the applicant is fit, willing, and able  
6 to properly perform the service proposed and to conform to this chapter  
7 and the requirements, and rules of the department ~~thereunder~~, **under**  
8 **this chapter**, and that the proposed service, to the extent to be  
9 authorized by the license, is or will be consistent with the public  
10 interest, otherwise the application shall be denied.

11 (d) The department shall prescribe reasonable rules for the  
12 protection of travelers by motor vehicle to be observed by any person  
13 holding a brokerage license, and no such license may be issued or  
14 remain in effect unless the person furnishes a bond or other security  
15 approved by the department, in a form and amount as will insure  
16 financial responsibility and the supplying of authorized transportation  
17 in accordance with contracts, agreements, or arrangements for the  
18 transportation.

19 (e) The department and its special agents and examiners have the  
20 same authority as to accounts, reports, and records, including  
21 inspection and preservation of the accounts, reports, and records, of any  
22 person holding a brokerage license issued under this section that the  
23 department and the department's special agents and examiners have  
24 under this chapter with respect to motor carriers subject to this chapter.

25 (f) A person who violates this section commits a Class C infraction.

26 SECTION 84. IC 8-2.1-22-31 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 31. The department  
28 may suspend or revoke the license of any broker for any violation of  
29 this chapter or any rule issued ~~thereunder~~ **under this chapter** by the  
30 department. The fee for a broker's license is one hundred dollars  
31 (\$100), which shall be paid at the time the application is made and  
32 shall be disposed of in the manner as other fees which are collected by  
33 the department. Any license so issued to any broker remains valid until  
34 surrendered or revoked.

35 SECTION 85. IC 8-3-1.5-2, AS AMENDED BY P.L.100-2012,  
36 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2018]: Sec. 2. The department is hereby authorized to exercise  
38 those powers necessary for the state to qualify for rail service  
39 continuation subsidies pursuant to the provisions of the federal  
40 Regional Rail Reorganization Act of 1973, including authority:

41 (a) to establish a state plan for rail transportation and local rail  
42 services;



1 (b) to administer and coordinate the state plan;

2 (c) to provide in the plan for the equitable distribution of federal rail  
3 service continuation subsidies among state, local, and regional  
4 transportation authorities;

5 (d) to promote, supervise, and support safe, adequate, and efficient  
6 rail services;

7 (e) to employ sufficient trained and qualified personnel for these  
8 purposes;

9 (f) to maintain adequate programs of investigation, research,  
10 promotion, and development in connection with such purposes and to  
11 provide for public participation ~~therein~~; **in the programs**;

12 (g) to provide satisfactory assurances on behalf of the State that  
13 such fiscal control and fund accounting procedures will be adopted by  
14 the State as may be necessary to assure proper disbursement of and  
15 account for federal funds paid to the State as rail service continuation  
16 subsidies;

17 (h) to comply with the regulations of the Secretary of Transportation  
18 of the United States Department of Transportation affecting federal rail  
19 service continuation programs; and

20 (i) to do all things otherwise necessary to maximize federal  
21 assistance to the State under Title IV of the Federal Regional Rail  
22 Reorganization Act of 1973.

23 SECTION 86. IC 8-3-2-6 IS AMENDED TO READ AS FOLLOWS  
24 [EFFECTIVE JULY 1, 2018]: Sec. 6. Each carrier subject to this  
25 chapter shall provide and permanently keep at each billing station on  
26 its line in Indiana where it handles carload shipments a substantially  
27 bound book, which shall be in the form prescribed by the Indiana  
28 department of transportation, suitable for permanently recording and  
29 preserving the information required by this section and other  
30 information as the department may prescribe concerning the subject  
31 matter of this chapter. Any applicant for cars for use at a station shall  
32 record in the book the date of application showing the number and kind  
33 of cars required, when required, for what kind of loading, the point of  
34 destination, and other information as the department prescribes. If it is  
35 not practical or possible for the applicant to apply in person, then  
36 application may be made in writing or by wire, and if made in writing  
37 or by wire, then one (1) authentic copy shall be furnished the local  
38 agent for filing in the local agent's office, which copy shall constitute  
39 a part of the lawful record. Each carrier shall furnish to the applicant,  
40 in not less than forty-eight (48) hours after 6 p.m. of the day of filing  
41 such application, the cars so required, unless the cars are not so soon  
42 required, in which case they shall be furnished when required. The





1 carrier's agent at every station shall record in the book the date the cars  
 2 were furnished and billed out, and other information as the department  
 3 may prescribe in the form for the record, and every record, or a  
 4 properly authenticated copy, shall be competent evidence in all the  
 5 courts of this state and before the department concerning the matters  
 6 required to be recorded ~~therein~~ **in the book**. A carrier shall not be  
 7 required to furnish cars for shipment unless applied for under this  
 8 section. The distribution and delivery of coal cars to coal mines on  
 9 carriers' lines in this state are not controlled by this section.

10 SECTION 87. IC 8-3-2-7 IS AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2018]: Sec. 7. It is a Class C infraction for a  
 12 person to make any false entry in the record provided for in section 6  
 13 of this chapter, or to alter, change, or mutilate any entry ~~therein~~  
 14 **in the record**, without notice to and with the consent of the other party  
 15 interested ~~therein~~ **in the record**. It is a Class C infraction for a person  
 16 to record in such a record a demand for cars not required, or for more  
 17 cars than are required, or to duplicate any demand for cars previously  
 18 ordered and not then furnished.

19 SECTION 88. IC 8-4-1-2 IS AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2018]: Sec. 2. The shareholders of any railroad  
 21 company, now organized or ~~hereafter~~ to be organized under the laws of  
 22 this state, shall have no preemptive rights to subscribe to or purchase  
 23 any additional issues of shares of the capital stock of the corporation of  
 24 any class nor any shares of the corporation purchased or acquired by  
 25 the corporation and not canceled but held as treasury stock except to  
 26 the extent, if any, that such rights shall be fixed and stated in the  
 27 articles of association.

28 SECTION 89. IC 8-4-1-3 IS AMENDED TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2018]: Sec. 3. Articles of association formed  
 30 under section 1 of this chapter shall be filed in the office of the  
 31 secretary of state; and, thereupon, the persons who have subscribed the  
 32 same, and all persons who shall, from time to time, become  
 33 stockholders in such company, and their successors, shall be a body  
 34 politic and corporate, in perpetuity, by the name stated in such articles  
 35 of association; and may sue or be sued; and may have a common seal,  
 36 and may make and alter the same at pleasure; and shall be capable, in  
 37 law, of purchasing, holding, and conveying any real and personal  
 38 property whatever, necessary for the construction of such road and for  
 39 the erection of all necessary buildings and yards and appurtenances for  
 40 the use of the same. A copy of any articles of association filed in  
 41 pursuance of this chapter, and certified to be a copy, by the secretary  
 42 of state or his deputy, shall, in all courts and places, be presumptive



1 evidence of the incorporation of such company and of the facts stated  
2 ~~therein. in the articles of association.~~

3 SECTION 90. IC 8-4-1-25 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 25. The state shall have  
5 a lien upon all railroads of such corporations and their appurtenances  
6 and stock ~~therein in the railroads~~ for all penalties, taxes and dues  
7 which may accrue to the state from such corporations; which lien of the  
8 state shall have precedence of all demands, judgments or decrees  
9 against said corporations. And the citizens of this state shall have a lien  
10 upon all personal property of said corporations, to the amount of one  
11 hundred dollars (\$100), for all debts originally contracted within this  
12 state, which, after said lien of the state, shall take precedence of all  
13 other debts, demands, judgments or decrees, liens or mortgages against  
14 such corporations.

15 SECTION 91. IC 8-4-7-1 IS AMENDED TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 2018]: Sec. 1. Where two (2) or more railroad  
17 companies own or operate railroads extending into, through or near the  
18 same city or town, such companies, or any two (2) or more of them,  
19 may form a union railway corporation, according to ~~the provisions~~  
20 ~~hereinafter contained. this chapter.~~

21 SECTION 92. IC 8-4-7-2 IS AMENDED TO READ AS FOLLOWS  
22 [EFFECTIVE JULY 1, 2018]: Sec. 2. The railroad companies uniting  
23 in the formation of such corporation are designated as proprietary  
24 companies, and shall make a certificate of incorporation, in which they  
25 shall specify the name of the company to be incorporated ~~thereunder;~~  
26 **under the certificate of incorporation**, the amount of the capital stock  
27 of such company, the number and the par value of the shares into  
28 which it shall be divided, the aggregate amount of the par value of the  
29 shares of each proprietary company, the county or counties in which  
30 said union railway shall be situated, with the name of the town or city  
31 within or near which said union railway is to be constructed.

32 SECTION 93. IC 8-4-7-10 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 10. (a) If any union  
34 railway company in carrying out the powers granted by this chapter  
35 considers it necessary that any part of a street, avenue, or alley in a  
36 town or city in which the union railway is situated should be vacated,  
37 it is lawful for the executive and legislative body of the town, or the  
38 legislative body of the city, as the case may be, to vacate any part of  
39 any street, avenue, or alley of the town or city for the purposes of this  
40 chapter.

41 (b) As a basis of the vacation, the union railway company shall  
42 present to and file with the proper municipal body or bodies of the



1 town or city its petition, setting forth a description of the part of the  
 2 street, avenue, or alley proposed to be vacated, and the purpose for  
 3 which the ground is proposed to be used. There must be appended to  
 4 the petition, as a part of the basis of the vacation, the written consent  
 5 to the granting of the prayer of such petition of the owners in fee simple  
 6 of more than one-half (1/2) of the real estate fronting on both sides of  
 7 the street or alley, which, or part of which, is proposed to be vacated,  
 8 estimated by the frontage in feet upon the street or alley, commencing  
 9 at a line drawn across the street or alley equidistant from the termini of  
 10 that portion of the street or alley proposed to be vacated, and extending  
 11 along the street or alley from the line one thousand five hundred  
 12 (1,500) feet in each direction, unless the street, avenue, or alley is not  
 13 continuous in either direction from the line one thousand five hundred  
 14 (1,500) feet, in which case, the consent of owners shall only be  
 15 required for the distance that it is continuous.

16 (c) Before granting the prayer of the petition, the municipal body or  
 17 bodies shall ascertain and determine that the consent of the owners of  
 18 the requisite number of front feet has been obtained and the finding  
 19 shall be made a matter of record, and is conclusive of the facts so found  
 20 in all collateral proceedings.

21 (d) Before the petition is presented, twenty (20) days notice shall be  
 22 given by the union railway company, by publication, by three (3)  
 23 insertions in two (2) newspapers of general circulation printed and  
 24 published in the town or city in which the union railway may be  
 25 situated, setting forth that on a day, to be ~~therein named~~, **named in the**  
 26 **notice**, or at the next meeting thereafter of the municipal body or  
 27 bodies, a petition for the vacation of the portion of the street or alley in  
 28 question, describing it, will be presented to the municipal body or  
 29 bodies for action.

30 SECTION 94. IC 8-4-12-2, AS AMENDED BY P.L.113-2006,  
 31 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2018]: Sec. 2. Any company that is or that may be organized  
 33 under the general laws of this state providing for the incorporation of  
 34 railroad companies may complete any such abandoned road or part  
 35 thereof, and shall, for such purpose, be invested with all the rights,  
 36 privileges, interests, rights of way, franchises, properties, and  
 37 immunities of such derelict railroad company, and shall proceed to  
 38 construct the same, as is ~~hereafter~~ provided **under this chapter**.  
 39 However, before any such new company shall succeed to said rights,  
 40 privileges, interests, rights of way, franchises, properties and  
 41 immunities, and before it shall proceed to complete such road or part  
 42 of such road, the value of the same shall be ascertained by:



1           (1) one (1) disinterested freeholder in any county through which  
 2           the line of the road may run; and  
 3           (2) two (2) disinterested appraisers licensed under IC 25-34.1;  
 4           who are residents of Indiana, one (1) of whom shall be selected by said  
 5           new company, and one (1) by the old company, or the assignee or  
 6           purchaser of the franchises thereof, and the other by the auditor of such  
 7           county. One (1) of the appraisers described under subdivision (2) must  
 8           reside not more than fifty (50) miles from the property. The freeholder  
 9           and the two (2) appraisers appointed under subdivisions (1) and (2)  
 10          shall constitute a board of appraisers; and in the event that the said old  
 11          company, or the assignee or purchaser of the franchises thereof, shall  
 12          fail or refuse, upon request, to name such appraiser, then the appraiser  
 13          shall be named by the said auditor. Such board of appraisers shall take  
 14          an oath to faithfully discharge their duties, and make a true and  
 15          impartial appraisal of such rights, privileges, interests, rights of  
 16          way, franchises, properties and immunities. Such board shall report  
 17          their appraisal to said auditor, and, upon the payment of the same  
 18          by such new company to the treasurer of such county, it shall succeed  
 19          to and be invested as aforesaid. Nothing in this chapter shall authorize  
 20          or permit any railroad company which has constructed and is operating  
 21          its road to change its line of road from that now used and occupied so  
 22          as to avoid any point named in their charter or articles of association.

23          SECTION 95. IC 8-4-12-7 IS AMENDED TO READ AS  
 24          FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. Whenever any  
 25          railroad company, coming within the provision of this chapter, shall  
 26          sell or transfer their property, rights, or franchises to any other railroad  
 27          company, it shall be the duty of such last named railroad company to  
 28          complete the road so transferred to them, and put the same in complete  
 29          running order, within three (3) years after the time of such transfer; and  
 30          upon failure so to do, it shall be taken and held to have abandoned and  
 31          forfeited the same, and any company organized, as provided in this  
 32          chapter, shall succeed to and be invested with the same, as is ~~herein~~  
 33          provided **in this chapter; provided**, however, ~~that~~ nothing in this  
 34          chapter contained shall be regarded as a recognition of the right of two  
 35          (2) or more railroad companies to consolidate by voluntary agreement.

36          SECTION 96. IC 8-4-14-4 IS AMENDED TO READ AS  
 37          FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) Said corporation  
 38          shall have power to make and issue bonds, bearing any rate of interest,  
 39          whether fixed or contingent, cumulative or noncumulative, payable at  
 40          such times and places, and in such amount or amounts, and with such  
 41          provisions with respect to redemption, sinking fund, maturity, issuance  
 42          of said bonds in series, and conversion of said bonds into stock of said



1 corporation at any time up to the maturity of said bonds, as it may deem  
 2 expedient, and to sell and dispose of said bonds at such prices and in  
 3 such manner as it may deem proper, to secure the payment of any  
 4 bonds which it may make, issue or assume to pay by mortgage or  
 5 mortgages or deed or deeds of trust of its railroad, or any part thereof,  
 6 and of its real and personal property and franchises, and to act as a  
 7 corporation.

8 (b) All property of said corporation included in such mortgage or  
 9 mortgages or deed or deeds of trust, whether then held or thereafter  
 10 acquired, shall be subject to the operation and lien of such mortgage or  
 11 mortgages or deed or deeds of trust, and in case of sale under the same,  
 12 it shall pass to and become vested in the purchaser or purchasers  
 13 thereof so as to enable them to form a corporation in the manner ~~herein~~  
 14 prescribed **in this chapter**, and to vest in such corporation all the  
 15 faculties, powers, authorities, immunities, and franchises conferred by  
 16 this chapter.

17 SECTION 97. IC 8-4-14-6, AS AMENDED BY P.L.7-2015,  
 18 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2018]: Sec. 6. In case a portion of any railroad situated within  
 20 this state (a part of which is situated in another state) shall become  
 21 vested in a corporation of another state, the said corporation may  
 22 exercise and enjoy within this state, and also in such other state, for the  
 23 purposes of such railroad and its business, all the rights, powers,  
 24 faculties, franchises, and privileges in this chapter contained; and its  
 25 mortgages and trust deeds shall operate and be binding as ~~therein~~  
 26 specified **within the mortgages and trust deeds**, and all sales under  
 27 the same shall be valid and effectual. Where the railroad of a railroad  
 28 corporation organized under the laws of this state has or shall become  
 29 vested in a railroad corporation of another state, pursuant to an order  
 30 or decree of any court or courts of the United States, in a proceeding for  
 31 the reorganization of such railroad corporation of another state,  
 32 pursuant to Regional Rail Reorganization Act (11 U.S.C. 101(44), 11  
 33 U.S.C. 1163, and 11 U.S.C. 1166 et seq.), such reorganized railroad  
 34 corporation may exercise and enjoy within this state for the purpose of  
 35 such reorganized railroad and its business, all rights, powers,  
 36 privileges, franchises, and immunities that were possessed and enjoyed  
 37 by said railroad corporation organized under the laws of this state; and  
 38 such reorganized railroad corporation, when necessary or proper, may  
 39 exercise the power of eminent domain in acquiring additional lands or  
 40 property necessary or convenient for betterments, maintenance,  
 41 extension, or operation of such railroad, and for the construction, use,  
 42 and maintenance of spurs, switches, sidetracks, depots, stations,



1 terminals, and other facilities to be used in connection with such  
 2 railroad, in the manner and to the extent and subject to the limitations  
 3 applying to Indiana railroad corporations.

4 SECTION 98. IC 8-4-24-7 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. No purchaser or  
 6 purchasers of any railroad shall be entitled to any rights or benefits  
 7 under this chapter until such purchaser or purchasers shall first assume  
 8 and pay, in money or first class or satisfactory securities, to be issued  
 9 by the new corporation formed upon the sale or transfer of any railroad  
 10 as ~~herein~~ provided in **this chapter** for, as the creditor or creditors may  
 11 elect, all ticket balances and back charges for freight, with interest,  
 12 whether due upon account, judgment of a court of record, bond, note,  
 13 or other instrument in writing, which the former railroad corporation  
 14 may have owned or been in arrears for, to any connecting railroad  
 15 company, operating a railroad entirely or in part in this state.

16 SECTION 99. IC 8-9-9-1 IS AMENDED TO READ AS FOLLOWS  
 17 [EFFECTIVE JULY 1, 2018]: Sec. 1. On and after March 8, 1913, it  
 18 shall be unlawful for any person, firm, or corporation, or lessee or  
 19 receiver of any person, firm, or corporation, owning or operating any  
 20 line or lines of steam railroad in this state to place, attach, couple, or  
 21 otherwise connect any car or cars between any two (2) or more  
 22 locomotive engines in such manner that one (1) or more such  
 23 locomotive engines shall precede, and one (1) or more such locomotive  
 24 engines shall succeed, such car or cars, and, in such case, and in such  
 25 cases only, when such locomotive engines, having such car or cars  
 26 placed, attached, coupled, or otherwise connected between them shall  
 27 be used or employed, or shall be intended to be used or employed to  
 28 haul, push, draw, switch, shunt, or otherwise move or transport such  
 29 car or cars over or along the track or tracks of such railroad or  
 30 railroads, or any part or parts ~~thereof of the railroads~~ lying within this  
 31 state. And it shall likewise be unlawful to haul, push, draw, switch,  
 32 shunt, or otherwise move or transport such car or cars when placed,  
 33 attached, coupled, or otherwise connected between such locomotive  
 34 engines in the manner described in this section, over or along any  
 35 sidetrack, spur, turn-out, or switch located in any yard or yards or  
 36 elsewhere when used, owned, operated, or leased by any such railroad  
 37 or railroads, and in any and all other cases when the hauling, pushing,  
 38 drawing, switching, shunting, or otherwise moving or transporting such  
 39 car or cars when placed, attached, coupled, or otherwise connected  
 40 between such locomotive engines in the manner described in this  
 41 section would imperil or endanger the life or lives of any person or  
 42 persons engaged or employed on or in such car or cars and engines, or



1 who have a lawful right to be ~~in~~ or ride ~~therein or thereon~~; ~~provided,~~  
 2 ~~that on the car or engine.~~ **However**, none of the provisions of ~~the~~ **this**  
 3 section shall be construed to apply to cases where it is necessary or  
 4 imperative to use or employ a switch or other engine to assist in  
 5 starting or overcoming the inertia of a standing train, or in pushing or  
 6 moving such train over steep or heavy grades, or around sharp curves,  
 7 for short distances, and when it is customary to detach such engine or  
 8 engines when the bend of such curve shall have been passed, or when  
 9 the summit of such grade or acclivity shall have been reached.

10 SECTION 100. IC 8-15-1-2 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. **(a) As used in this**  
 12 **chapter, "financial institutions" as used herein** means and includes any  
 13 bank or trust company, credit union, bank of discount and deposit,  
 14 savings bank, loan and trust and safe deposit company, trust company,  
 15 savings association, mortgage guaranty company, and small loan  
 16 company organized under any law of the state of Indiana.

17 **(b) As used in this chapter, "insurance company" as used herein**  
 18 means and includes any stock, mutual, reciprocal, assessment or  
 19 fraternal benefit company or society writing any life, fire, livestock,  
 20 casualty, health, hospital, accident or bonding insurance or reinsurance,  
 21 which company or society is organized under the laws of the state of  
 22 Indiana.

23 **(c) As used in this chapter, "trust fund" as used herein** shall be  
 24 limited to private trust funds.

25 SECTION 101. IC 8-21-1-1 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) The definitions  
 27 in this section apply throughout this article.

28 (b) "Aeronautics" means:

- 29 (1) transportation by aircraft;
- 30 (2) the operation, construction, repair, or maintenance of aircraft,  
 31 aircraft power plants and accessories, including the repair,  
 32 packing, and maintenance of parachutes;
- 33 (3) the design, establishment, construction, extension, operation,  
 34 improvement, repair, or maintenance of airports, landing fields,  
 35 or other air navigation facilities; and
- 36 (4) air instruction.

37 (c) "Aircraft" means any contrivance ~~now known, or hereafter~~  
 38 ~~invented~~, used or designed for navigation of or flight in the air.

39 (d) "Public aircraft" means an aircraft used exclusively in the  
 40 service of any government or of any political subdivision of a  
 41 government, including the government of any state but not including  
 42 any government owned aircraft engaged in carrying persons or property



- 1 for commercial purposes.
- 2 (e) "Civil aircraft" means any aircraft other than a public aircraft.
- 3 (f) "Airport" means any location either on land or water which is  
4 used for the landing and taking off of aircraft.
- 5 (g) "Department" refers to the Indiana department of transportation.
- 6 (h) "Landing field" means any airport which provides neither  
7 facilities nor services other than an area designated for the landing and  
8 taking off of aircraft.
- 9 (i) "Air navigation facility" means any facility other than one owned  
10 or controlled by the federal government, used in, available for use in,  
11 or designed for use in aid of air navigation, including:
- 12 (1) airports;
- 13 (2) landing fields;
- 14 (3) any structures, mechanisms, lights, beacons, marks,  
15 communicating systems, or other instrumentalities or devices  
16 used or useful as an aid, or constituting an advantage or  
17 convenience, to the safe taking-off, navigation, and landing of  
18 aircraft, or the safe and efficient operation or maintenance of an  
19 airport or landing field; and
- 20 (4) any combination of any or all of such facilities.
- 21 (j) "Air navigation" means the operation or navigation of aircraft in  
22 the air space over this state, or upon any airport or landing field within  
23 this state.
- 24 (k) "Operation of aircraft" or "operate aircraft" means the use of  
25 aircraft for the purpose of air navigation, and includes the navigation  
26 or piloting of aircraft. Any person who causes or authorizes the  
27 operation of aircraft, whether with or without the right of legal control  
28 (in the capacity of owner, lessee, or otherwise) of the aircraft, is  
29 considered to be engaged in the operation of aircraft within the  
30 meaning of the Indiana statutes.
- 31 (l) "Airman" means any individual who engages, as the person in  
32 command, or as pilot, mechanic, or member of the crew, in the  
33 navigation of aircraft while under way and (excepting individuals  
34 employed outside the United States, any individual employed outside  
35 the United States, any individual employed by a manufacturer of  
36 aircraft, aircraft engines, propellers, or appliances to perform duties as  
37 inspector or mechanic in connection ~~therewith~~, **with the**  
38 **manufacturer's aircraft, aircraft engines, propellers, or appliances**,  
39 and any individual performing inspection or mechanical duties in  
40 connection with aircraft owned or operated by the individual) any  
41 individual who is directly in charge of the inspection, maintenance,  
42 overhauling, or repair of aircraft engines, propellers, or appliances and





1 any individual who serves in the capacity of aircraft dispatcher or  
2 air-traffic control-tower operator.

3 (m) "Air instruction" means the imparting of aeronautical  
4 information by any aeronautics instructor or in or by any air school or  
5 flying club.

6 (n) "Air school" means any person engaged in giving, or offering to  
7 give, instruction in aeronautics, either in flying or ground subjects, or  
8 both, for or without hire or reward, and advertising, representing, or  
9 professing to give or offer to give such instruction.

10 (o) "Aeronautics instructor" means an individual engaged in giving  
11 instruction, or offering to give instruction, in aeronautics, either in  
12 flying or ground subjects, or both, for hire or reward, without  
13 advertising such occupation, without calling the individual's facilities  
14 an air school or anything equivalent thereto, and without employing or  
15 using other instructors.

16 (p) "Flying club" means any person other than an individual, which,  
17 neither for profit nor reward, owns, leases, or uses one (1) or more  
18 aircraft for the purpose of instruction or pleasure, or both.

19 (q) "Person" means any individual, firm, partnership, corporation,  
20 company, limited liability company, association, joint stock  
21 association, or body politic. The term includes any trustee, receiver,  
22 assignee, or other similar representative.

23 (r) "State airway" means a route in the navigable air space over and  
24 above the lands or water of Indiana designated by the department as a  
25 route suitable for air navigation.

26 (s) "Navigable air space" means air space above the minimum  
27 altitudes of flight prescribed by Indiana laws or by rules of the  
28 department consistent with Indiana laws.

29 (t) "Municipality" means any county, city, or town of Indiana and  
30 any other political subdivision, public corporation, authority, or district  
31 in Indiana which is or may be authorized by law to acquire, establish,  
32 construct, maintain, improve, and operate airports and other air  
33 navigation facilities.

34 (u) "Airport protection privileges" means easements through or  
35 other interests in air space over land or water, interests in airport  
36 hazards outside the boundaries of airports or landing fields, and other  
37 protection privileges, the acquisition or control of which is necessary  
38 to ensure safe approaches to the landing areas of the airports and  
39 landing fields and the safe and efficient operation of airports and  
40 landing fields.

41 (v) "Airport hazard" means any structure, object of natural growth,  
42 or use of land, which obstructs the air space required for the flight of



1 aircraft in landing or taking off at any airport or landing field or is  
2 otherwise hazardous to such landing or taking off.

3 (w) "CAB-certificated air carrier" means an air carrier which is  
4 operating under a valid certificate of public convenience and necessity  
5 issued by the Civil Aeronautics Board under Public Law 85-726, Title  
6 VI, Aug. 23, 1958, 72 Stat. 754, 49 U.S.C. 1371 as amended.

7 SECTION 102. IC 8-21-1-8, AS AMENDED BY P.L.2-2014,  
8 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2018]: Sec. 8. (a) The department shall encourage, foster, and  
10 assist in the development of aeronautics in this state and shall  
11 encourage the establishment of airports, landing fields, and other  
12 navigation facilities.

13 (b) The department shall cooperate with and assist the federal  
14 government, the political subdivisions of this state, and others engaged  
15 in aeronautics or the advancement of aeronautics and shall seek to  
16 coordinate the aeronautical activities of these bodies.

17 (c) All rules prescribed by the department concerning aeronautics  
18 shall be kept in conformity with, and limited to as nearly as may be, the  
19 then current federal legislation governing aeronautics and the  
20 regulations duly promulgated thereunder.

21 (d) The department shall develop and continuously update a  
22 proposed state airports system plan which will best serve the interests  
23 of the state and its political subdivisions. Such state airports system  
24 plan shall be coordinated with the national airport plan prepared by the  
25 federal agency fostering civil aviation.

26 (e) The department may publish and revise from time to time a state  
27 airways system plan, and maps, directories, or other materials deemed  
28 necessary may be sold by the department at a price which shall be fixed  
29 by the department. All money accruing from the sale of any such  
30 publication:

31 (1) shall be paid into the state treasury;

32 (2) shall be credited to the department; and

33 (3) is hereby appropriated to such department to be used for  
34 future publications by the department, without reversion to the  
35 general fund of the state at the end of any fiscal year. However,  
36 any time the balance in said fund exceeds ten thousand dollars  
37 (\$10,000), such excess shall revert to the general fund of the state.

38 (f) The department may offer the engineering or other technical  
39 advice of the department, without charge, to any municipality or person  
40 desiring them in connection with the construction, maintenance, or  
41 operation or proposed construction, maintenance, or operation of an  
42 airport or landing field.



1 (g) The department may recommend necessary legislation to  
2 advance the interests of the state in aeronautics and represent the state  
3 in aeronautical matters before federal agencies and other state agencies.

4 (h) The department shall have the power to approve or disapprove  
5 all purchases made by any municipality of any land to be used by said  
6 municipality for the establishment of any airport or landing field, and  
7 the establishment by any municipality of any airport or landing field.

8 (i) The department may participate as party plaintiff or defendant,  
9 or as intervener on behalf of the state or any municipality or citizen  
10 thereof in any controversy having to do with any claimed encroachment  
11 by the federal government or any foreign state upon any state or  
12 individual rights pertaining to aeronautics.

13 (j) Municipalities are authorized to cooperate with the department  
14 in the development of aeronautics and aeronautical facilities and  
15 services of other agencies of the state to the utmost extent possible, and  
16 such agencies are authorized and directed to make available such  
17 facilities and services.

18 (k) The department, or any employee designated by it, shall have the  
19 power to hold investigations, and hearings concerning matters covered  
20 by this chapter and orders and rules of the department, in accordance  
21 with IC 4-21.5. All hearings so conducted shall be open to the public.  
22 The reports of investigations or hearings, or any part ~~thereof~~, **of the**  
23 **investigations or hearings**, shall not be admitted in evidence or used  
24 for any purpose in any suit, action, or proceeding, growing out of any  
25 matter referred to in ~~said the~~ investigation, hearing, or report ~~thereof~~,  
26 **of the investigation or hearing**, except in case of criminal or other  
27 proceedings instituted in behalf of the department or this state under  
28 the provisions of this chapter and other laws of this state.

29 (l) The department may render advice in the acquisition,  
30 development, operation, or maintenance of airports owned, controlled,  
31 or operated, or to be owned, controlled, or operated, by municipalities  
32 in this state.

33 (m) The department may not grant any exclusive right for the use of  
34 any airway, airport, landing field, or other air navigation facility under  
35 its jurisdiction. This subsection shall not prevent the making of leases  
36 in accordance with other provisions of this chapter.

37 (n) Gifts or grants of money for aeronautical purposes may be  
38 received by the state and shall be deposited in an aviation fund.  
39 Disbursal of such funds shall be for aeronautical purposes only or for  
40 the purpose for which they were given or granted. Gifts or grants of  
41 property for aeronautical purposes may be received by the state and  
42 shall be used for the purpose given or granted. Gifts or grants of money



1 or property for aeronautical purposes must be administered in the same  
2 manner as other gifts and grants received by the state are administered.

3 (o) The department may adopt rules under IC 4-22-2 for the control  
4 of aircraft accident sites in Indiana. Until representatives of appropriate  
5 federal agencies arrive on the site of an aircraft accident, state and local  
6 law enforcement agencies and accident investigation agencies shall  
7 comply with any rules adopted by the department under this section.

8 (p) The department may, with written approval of the budget  
9 agency, purchase and operate aircraft forfeited under IC 34-24-1 (or  
10 IC 34-4-30.1 before its repeal). When the department acquires an  
11 aircraft, it shall pay all proper expenses of the proceedings for  
12 forfeiture and sale, including expenses of seizure, maintenance of  
13 custody, and advertising and court costs.

14 SECTION 103. IC 8-21-1-9 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. (a) The department  
16 is authorized to cooperate with the government of the United States,  
17 and any agency or department ~~thereof~~, **of the United States**, in the  
18 acquisition, construction, improvement, maintenance, and operation of  
19 airports and other air navigation facilities in this state, and to comply  
20 with the provisions of the laws of the United States and any regulations  
21 made ~~thereunder~~ **under the laws of the United States** for the  
22 expenditure of federal moneys upon such airports and other navigation  
23 facilities.

24 (b) The department may accept, receive, and receipt for federal  
25 money and other moneys, either public or private, for and in behalf of  
26 any municipality or person, for the acquisition, construction,  
27 improvement, maintenance, and operation of airports and other  
28 navigation facilities, where such work is to be done by such  
29 municipalities or persons aided by grants of aid from the United States,  
30 upon such terms and conditions as are or may be prescribed by the laws  
31 of the United States and any rules or regulations made thereunder.

32 (c) All moneys accepted for disbursement by the department in  
33 accordance with the provisions of this section shall be deposited in the  
34 state treasury, and, unless otherwise prescribed by the authority from  
35 which the money is received, kept in separate funds, designated  
36 according to the purposes for which the moneys were made available,  
37 and held by the state in trust for such purposes. The department is  
38 authorized, whether acting for this state or as the agent of any of its  
39 municipalities, or when requested by the United States government or  
40 any agency or department ~~thereof~~, **of the United States**, to disburse  
41 such moneys for the designated purposes, but this shall not preclude  
42 any other authorized method of disbursement.



1 SECTION 104. IC 8-21-2-4 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. The certificate of the  
 3 license ~~herein~~ required **by this chapter** shall be kept in the personal  
 4 possession of the licensee when he or she is operating aircraft within  
 5 this state and must be presented for inspection upon the demand of any  
 6 passenger, any peace officer of this state or any official, manager or  
 7 person in charge of any airport or landing field in this state, upon which  
 8 he or she shall land.

9 SECTION 105. IC 8-21-3-1, AS AMENDED BY P.L.102-2015,  
 10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2018]: Sec. 1. The following words and phrases when used in  
 12 this chapter shall, for the purpose of this chapter, unless a different  
 13 meaning appears from the context, have the following meanings:

14 (1) The singular shall include the plural; the masculine shall  
 15 include the feminine and neuter, as requisite.

16 (2) "Aircraft" means any contrivance ~~now known, or hereafter~~  
 17 ~~invented~~, used or designed for navigation of or flight in the air.

18 (3) "Aircraft accident" means any mishap involving an aircraft  
 19 resulting in injury or damage to such aircraft or to any person,  
 20 property, or thing.

21 (4) "Department" refers to the Indiana department of  
 22 transportation; and "state" or "this state" means the state of  
 23 Indiana.

24 (5) "Guest" means any person who rides in an aircraft for which  
 25 no charge is made for such ride or flight.

26 (6) "Insured" means the person in whose name there is issued an  
 27 aircraft liability policy (as defined in section 12 of this chapter)  
 28 and any other person insured under the terms of such policy.

29 (7) "Judgment" means any judgment, except a judgment rendered  
 30 against this state or any political subdivision ~~thereof of this state~~  
 31 or any municipality ~~therein, in this state~~, which shall have  
 32 become final by expiration without appeal of the time within  
 33 which appeal might have been perfected, or by final affirmation  
 34 on appeal, rendered by a court of competent jurisdiction of any  
 35 state or of the United States.

36 (8) "Operation of aircraft" or "operate aircraft" means the use of  
 37 aircraft for the purpose of air navigation, and includes the  
 38 navigation or piloting of aircraft. Any person who causes or  
 39 authorizes the operation of aircraft, whether with or without the  
 40 right of legal control (in the capacity of owner, lessee, or  
 41 otherwise) of the aircraft, including an aircraft otherwise  
 42 considered inventory, if it is operated in flight, shall be deemed to



- 1 be engaged in the operation of aircraft within the meaning of the  
 2 statutes of this state.
- 3 (9) "Operator" means any person who is in actual physical control  
 4 of an aircraft.
- 5 (10) "Owner" means any person in whose name the aircraft is  
 6 certificated, licensed, or registered by appropriate federal or state  
 7 authority.
- 8 (11) "Passenger" means any person:  
 9 (A) in, on or boarding an aircraft for the purpose of riding  
 10 ~~therein, in the aircraft;~~ or  
 11 (B) alighting ~~therefrom, from the aircraft~~ following a flight  
 12 or attempted flight ~~therein. of the aircraft.~~
- 13 (12) "Person" means any individual, firm, partnership,  
 14 corporation, company, limited liability company, association, joint  
 15 stock association, or body politic; and includes any trustee,  
 16 receiver, assignee, or other similar representative ~~thereof. of an~~  
 17 **entity described in this subdivision.**
- 18 (13) "Policy" or "insurance policy" means an aircraft liability  
 19 policy conforming to section 12 of this chapter.
- 20 (14) "Proof of financial responsibility" has the meaning set forth  
 21 in section 8 of this chapter.
- 22 SECTION 106. IC 8-21-3-6 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) Security  
 24 furnished in compliance with the requirements of this chapter shall be  
 25 placed by the department in the custody of the treasurer of state and  
 26 shall be applicable only to the payment of a judgment against the  
 27 depositor for damages arising out of the accident in question in an  
 28 action at law in a court of this state begun not later than one (1) year  
 29 after the date of such accident or, upon assignment of the depositor. All  
 30 such payments made out of the deposited security shall be made as  
 31 follows:
- 32 (1) Payment shall first be made to each of the judgment creditors  
 33 in the order of judgment entry and to each of the claimants who  
 34 have agreed to settle their claims, whose damages were evaluated  
 35 by the department, in an amount not greater than the amount fixed  
 36 in their respective evaluations.
- 37 (2) Whenever the department shall be given evidence, satisfactory  
 38 to it, that the amounts of all claims for damages against the  
 39 depositor arising out of such accident are fixed, either by  
 40 judgment or settlement agreement, payment shall be made out of  
 41 any balance remaining after the first distribution to each of those  
 42 persons whose judgments or settlement amounts have not been



1 fully paid but whose damages were evaluated by the department,  
 2 in proportion to the amounts of their respective evaluations unless  
 3 there is a sufficient amount to make payment in full.

4 (3) Any balance remaining after the first and second distributions  
 5 are completed shall be paid to those judgment creditors and those  
 6 claimants who have agreed to settle their claims but whose  
 7 damages were not evaluated, in proportion to the amounts of their  
 8 respective judgments or settlement amounts unless there is a  
 9 sufficient amount to make payment in full.

10 Such deposit, or any balance ~~thereof~~, **of the amount deposited**, shall  
 11 be returned to the depositor or his personal representative whenever  
 12 after the expiration of such year the department shall be given  
 13 evidence, satisfactory to it, that there is no such judgment unsatisfied  
 14 and that there is no pending action against the depositor for damages  
 15 arising out of such accident.

16 (b) Neither the action taken by the department pursuant to this  
 17 chapter, the findings, if any, of the department upon which such action  
 18 is based, nor the security filed by the owner or operator as provided in  
 19 this chapter shall be referred to in any way, nor be any evidence of the  
 20 negligence or due care of either party at the trial of any action at law to  
 21 recover damages.

22 (c) In lieu of deposit of security when required pursuant to this  
 23 chapter the aircraft owner or operator may, if the person who has  
 24 sustained bodily injury, including death, or damage to his property or  
 25 his legal representative consents, effect and deliver a consent judgment  
 26 or release for such amount and payable when and in such installments  
 27 as the judgment creditor or claimant may agree to. In the event the  
 28 judgment debtor fails to pay any installment as agreed, then upon  
 29 notice of such default, the department, the attorney-general, or the  
 30 prosecuting attorney may pursuant to section 5 of this chapter maintain  
 31 an action to enjoin such person from engaging in the operation of any  
 32 aircraft or causing to be operated any aircraft within this state until  
 33 such judgment is appropriately satisfied as required ~~herein~~: **under this**  
 34 **chapter**.

35 (d) Information regarding security taken under this section shall be  
 36 available to the person injured or the representative of any person  
 37 killed and their duly authorized agents or attorney.

38 SECTION 107. IC 8-21-9-18, AS AMENDED BY P.L.84-2016,  
 39 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2018]: Sec. 18. If the department finds it necessary to change  
 41 the location of any portion of any public road, railroad or public utility  
 42 facility, it shall cause the same to be reconstructed at such location as



1 the division of government having jurisdiction over such road,  
 2 highway, railroad or public utility facility shall deem most favorable  
 3 and of substantially the same type and in as good condition as the  
 4 original road, highway or railroad or public utility facility. The cost of  
 5 such reconstruction, relocation or removal and any damage incurred in  
 6 changing the location of any such road, highway, railroad or public  
 7 utility facility, shall be ascertained and paid by the department as a part  
 8 of the cost of such airport or airport facility. The department may  
 9 petition the circuit court, superior court, or probate court of the county  
 10 ~~wherein is situated any in which a~~ public road or part ~~thereof, of a~~  
 11 **public road is** affected by the location ~~therein~~ of any airport or airport  
 12 **facility in the county,** for the vacation or relocation of such road or any  
 13 **part thereof of the road** with the same force and effect as is now given  
 14 by existing laws to the inhabitants of any municipality or governmental  
 15 subdivision of the state. The proceedings upon such petition, whether  
 16 it be for the appointment of appraisers or otherwise, shall be the same  
 17 as provided by existing laws for similar proceedings upon such  
 18 petitions. In addition to the foregoing powers, the department and its  
 19 authorized agents and employees, after proper notice, may enter upon  
 20 any lands, waters and premises in the state for the purpose of making  
 21 surveys, soundings, drillings, and examinations as are necessary or  
 22 proper for the purposes of this chapter; and such entry shall not be  
 23 deemed a trespass, nor shall an entry for such purpose be deemed an  
 24 entry under any condemnation proceedings which may be then  
 25 pending; however, before entering upon the premises of any railroad,  
 26 notice shall be given to the superintendent of such railroad involved at  
 27 least five (5) days in advance of such entry. No survey, sounding,  
 28 drilling and examination shall be made between the rails or so close to  
 29 a railroad track as would render said track unusable. The department  
 30 may make reimbursement for any actual damage resulting to such  
 31 lands, waters and premises and to private property located in, on, along,  
 32 over or under such lands, waters and premises, as a result of such  
 33 activities. The State of Indiana, subject to the approval of the governor,  
 34 **hereby** consents to the use of lands owned by it, including lands lying  
 35 under water and riparian rights, which are necessary or proper for the  
 36 construction or operation of any airport or airport facility, provided  
 37 adequate compensation is made for such use. The department may also  
 38 make reasonable regulations for the installation, construction,  
 39 maintenance, repair, renewal, relocation and removal of tracks, pipes,  
 40 mains, conduits, cables, wires, towers, poles and other equipment and  
 41 appliances (~~herein~~ (called "public utility facilities" **in this section**)) of  
 42 any public utility in, on, along, over or under any airport or airport





1 facility. Whenever the department shall determine that it is necessary  
 2 that any such public utility facilities ~~which now are, or hereafter may~~  
 3 ~~be~~, located in, on, along, over or under any such airport or airport  
 4 facility should be relocated, or should be removed from such airport or  
 5 airport facility, the public utility owning or operating such facilities  
 6 shall relocate or remove the same in accordance with the order of the  
 7 department; however, the cost and expenses of such relocation or  
 8 removal including the cost of installing such facilities in a new location  
 9 or new locations and the cost of any lands, or any rights or interest in  
 10 lands, and any other rights, acquired to accomplish such relocations or  
 11 removal, shall be ascertained and paid by the department as a part of  
 12 the cost of such airport or airport facility, excepting, however, cases in  
 13 which such equipment or facilities are located within the limits of  
 14 existing highways or public thoroughfares being constructed,  
 15 reconstructed or improved under the provisions of this chapter. In case  
 16 of any such relocation or removal of facilities, the public utility owning  
 17 or operating the same, its successors or assigns, may maintain and  
 18 operate such facilities, with the necessary appurtenances, in the new  
 19 location or new locations, for as long a period, and upon the same  
 20 terms and conditions, as it had the right to maintain and operate such  
 21 facilities in their former location or locations subject, however, to the  
 22 state's right of regulation under its police powers.

23 SECTION 108. IC 8-21-9-22 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 22. Airport revenue  
 25 bonds issued under the provisions of this chapter shall not be deemed  
 26 to constitute a debt of the state or of any political subdivision ~~thereof~~  
 27 **of the state** or a pledge of the faith and credit of the state or of any  
 28 such political subdivision, but such bonds shall be payable solely from  
 29 the funds pledged for their payment as authorized under this chapter,  
 30 unless such bonds are refunded by refunding bonds, issued under this  
 31 chapter, which refunding bonds shall be payable solely from funds  
 32 pledged for their payment as authorized ~~herein~~ **under this chapter**.  
 33 All such revenue bonds shall contain on the face ~~thereof of the bonds~~  
 34 a statement to the effect that the bonds, as to both principal and  
 35 interest, are not an obligation of the State of Indiana, or of any political  
 36 subdivision ~~thereof, of the state~~, but are payable solely from revenues  
 37 pledged for their payment. All expenses incurred in carrying out this  
 38 chapter shall be payable solely from funds provided under the authority  
 39 of this chapter, and nothing in this chapter contained shall be construed  
 40 to authorize the department to incur indebtedness or liability on behalf  
 41 of or payable by the state or any political subdivision ~~thereof~~ **of the**  
 42 **state**.

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1 SECTION 109. IC 8-21-9-27 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 27. Any holder of  
 3 bonds issued under the provisions of this chapter or any of the coupons  
 4 appertaining thereto, and the trustee under any trust agreement, except  
 5 to the extent the rights ~~herein given~~ **given under this chapter** may be  
 6 restricted by the ~~authorizing~~ **authorizing** resolution or trust agreement,  
 7 may, either at law or in equity, by suit, action, mandamus or other  
 8 proceedings, protect and enforce any and all rights under the laws of  
 9 the state or granted ~~hereunder~~ **under this chapter** or under such trust  
 10 agreement, or the resolution authorizing the issuance of such bonds,  
 11 and may enforce and compel the performance of all duties required by  
 12 this chapter or by such trust agreement or resolution to be performed  
 13 by the department or by any officer ~~thereof~~, **of the department**,  
 14 including the fixing, charging and collecting of fees, tolls, rentals or  
 15 other charges for the use of the airport or airport facility or airport  
 16 facilities.

17 SECTION 110. IC 11-8-5-2, AS AMENDED BY P.L.81-2008,  
 18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2018]: Sec. 2. (a) The department may, under IC 4-22-2,  
 20 classify as confidential the following personal information maintained  
 21 on a person who has been committed to the department or who has  
 22 received correctional services from the department:

- 23 (1) Medical, psychiatric, or psychological data or opinion which  
 24 might adversely affect that person's emotional well-being.
- 25 (2) Information relating to a pending investigation of alleged  
 26 criminal activity or other misconduct.
- 27 (3) Information which, if disclosed, might result in physical harm  
 28 to that person or other persons.
- 29 (4) Sources of information obtained only upon a promise of  
 30 confidentiality.
- 31 (5) Information required by law or promulgated rule to be  
 32 maintained as confidential.

33 (b) The department may deny the person about whom the  
 34 information pertains and other persons access to information classified  
 35 as confidential under subsection (a). However, confidential information  
 36 shall be disclosed:

- 37 (1) upon the order of a court;
- 38 (2) to employees of the department who need the information in  
 39 the performance of their lawful duties;
- 40 (3) to other agencies in accord with ~~IC 4-1-6-2(m)~~ **IC 4-1-6-2(13)**  
 41 and IC 4-1-6-8.5;
- 42 (4) to the governor or the governor's designee;



- 1 (5) for research purposes in accord with IC 4-1-6-8.6(b);  
 2 (6) to the department of correction ombudsman bureau in accord  
 3 with IC 11-11-1.5;  
 4 (7) to a person who is or may be the victim of inmate fraud  
 5 (IC 35-43-5-20) if the commissioner determines that the interest  
 6 in disclosure overrides the interest to be served by nondisclosure;  
 7 or  
 8 (8) if the commissioner determines there exists a compelling  
 9 public interest as defined in IC 4-1-6-1, for disclosure which  
 10 overrides the interest to be served by nondisclosure.
- 11 (c) The department shall disclose information classified as  
 12 confidential under subsection (a)(1) to a physician, psychiatrist, or  
 13 psychologist designated in writing by the person about whom the  
 14 information pertains.
- 15 (d) The department may disclose confidential information to the  
 16 following:  
 17 (1) A provider of sex offender management, treatment, or  
 18 programming.  
 19 (2) A provider of mental health services.  
 20 (3) Any other service provider working with the department to  
 21 assist in the successful return of an offender to the community  
 22 following the offender's release from incarceration.
- 23 (e) This subsection does not prohibit the department from sharing  
 24 information available on the Indiana sex offender registry with another  
 25 person.
- 26 SECTION 111. IC 11-12-2-11 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. This chapter does  
 28 not limit or impair the statutory authority of any elected official,  
 29 including the county sheriff's authority over the county jail and persons  
 30 confined ~~therein~~: **in the jail**.
- 31 SECTION 112. IC 22-1-1-17 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 17. The commissioner  
 33 of labor and any officer or employee of the department of labor  
 34 designated by the commissioner, in the performance of any duty, or the  
 35 execution of any power prescribed by law, may administer oaths,  
 36 certify to official acts and records, and, where specifically ordered by  
 37 the governor, take and cause to be taken depositions of witnesses, issue  
 38 subpoenas, and compel the attendance of witnesses and the production  
 39 of papers, books, accounts, payrolls relating to the employment of  
 40 workers, documents, records, and testimony. In case of the failure of  
 41 any person to comply with any subpoena lawfully issued, or on the  
 42 refusal of any witness to produce evidence or to testify to any matter



1 regarding which ~~he~~ **the person** may be lawfully interrogated, it shall be  
 2 the duty of any circuit or superior court upon application of the  
 3 commissioner or any officer or employee of the department of labor  
 4 and a showing of the probable materiality of books, records, and  
 5 papers, or, in the case of a witness, that ~~he~~ **the witness** is believed to be  
 6 possessed of information material to the examination, to compel  
 7 obedience by attachment proceedings for contempt, as in the case of  
 8 disobedience of the requirements, of a subpoena issued from a court or  
 9 a refusal to testify ~~therein~~ **in the court**.

10 SECTION 113. IC 22-2-6-2, AS AMENDED BY P.L.193-2015,  
 11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2018]: Sec. 2. (a) Any assignment of the wages of an  
 13 employee is valid only if all of the following conditions are satisfied:

14 (1) The assignment is:

15 (A) in writing;

16 (B) signed by the employee personally;

17 (C) by its terms revocable at any time by the employee upon  
 18 written notice to the employer; and

19 (D) agreed to in writing by the employer.

20 (2) An executed copy of the assignment is delivered to the  
 21 employer within ten (10) days after its execution.

22 (3) The assignment is made for a purpose described in subsection  
 23 (b).

24 (b) A wage assignment under this section may be made for the  
 25 purpose of paying any of the following:

26 (1) Premium on a policy of insurance obtained for the employee  
 27 by the employer.

28 (2) Pledge or contribution of the employee to a charitable or  
 29 nonprofit organization.

30 (3) Purchase price of bonds or securities, issued or guaranteed by  
 31 the United States.

32 (4) Purchase price of shares of stock, or fractional interests  
 33 ~~therein~~ **in shares of stock**, of the employing company, or of a  
 34 company owning the majority of the issued and outstanding stock  
 35 of the employing company, whether purchased from such  
 36 company, in the open market or otherwise. However, if such  
 37 shares are to be purchased on installments pursuant to a written  
 38 purchase agreement, the employee has the right under the  
 39 purchase agreement at any time before completing purchase of  
 40 such shares to cancel said agreement and to have repaid promptly  
 41 the amount of all installment payments which theretofore have  
 42 been made.



- 1 (5) Dues to become owing by the employee to a labor  
 2 organization of which the employee is a member.
- 3 (6) Purchase price of merchandise, goods, or food offered by the  
 4 employer and sold to the employee, for the employee's benefit,  
 5 use, or consumption, at the written request of the employee.
- 6 (7) Amount of a loan made to the employee by the employer and  
 7 evidenced by a written instrument executed by the employee  
 8 subject to the amount limits set forth in section 4(c) of this  
 9 chapter.
- 10 (8) Contributions, assessments, or dues of the employee to a  
 11 hospital service or a surgical or medical expense plan or to an  
 12 employees' association, trust, or plan existing for the purpose of  
 13 paying pensions or other benefits to said employee or to others  
 14 designated by the employee.
- 15 (9) Payment to any credit union, nonprofit organizations, or  
 16 associations of employees of such employer organized under any  
 17 law of this state or of the United States.
- 18 (10) Payment to any person or organization regulated under the  
 19 Uniform Consumer Credit Code (IC 24-4.5) for deposit or credit  
 20 to the employee's account by electronic transfer or as otherwise  
 21 designated by the employee.
- 22 (11) Premiums on policies of insurance and annuities purchased  
 23 by the employee on the employee's life.
- 24 (12) The purchase price of shares or fractional interest in shares  
 25 in one (1) or more mutual funds.
- 26 (13) A judgment owed by the employee if the payment:  
 27 (A) is made in accordance with an agreement between the  
 28 employee and the creditor; and  
 29 (B) is not a garnishment under IC 34-25-3.
- 30 (14) The purchase of uniforms and equipment necessary to fulfill  
 31 the duties of employment. The total amount of wages assigned  
 32 may not exceed the lesser of:  
 33 (A) two thousand five hundred dollars (\$2,500) per year; or  
 34 (B) five percent (5%) of the employee's weekly disposable  
 35 earnings (as defined in IC 24-4.5-5-105(1)(a)).
- 36 (15) Reimbursement for education or employee skills training.  
 37 However, a wage assignment may not be made if the education or  
 38 employee skills training benefits were provided, in whole or in  
 39 part, through an economic development incentive from any  
 40 federal, state, or local program.
- 41 (16) An advance for:  
 42 (A) payroll; or



1 (B) vacation;  
2 pay.

3 (c) The interest rate charged on amounts loaned or advanced to an  
4 employee and repaid under subsection (b) may not exceed the bank  
5 prime loan interest rate as reported by the Board of Governors of the  
6 Federal Reserve System or any successor rate, plus four percent (4%).

7 SECTION 114. IC 22-2-10-1 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. ~~Hereafter~~, When the  
9 property of any company, corporation, limited liability company, firm  
10 or person, engaged in any manufacturing, mechanical, agricultural or  
11 other business or employment, or in the construction of any work or  
12 building, shall be seized upon any mesne or final process of any court  
13 of the state, or where their business shall be suspended by the action of  
14 creditors or put into the hands of any assignee, receiver, or trustee, then  
15 in all such cases the debts owing to laborers or employees, which have  
16 accrued by reason of their labor or employment to an amount not  
17 exceeding six hundred dollars (\$600) to each employee, for work and  
18 labor performed within three (3) months next preceding the seizure of  
19 such property, shall be considered and treated as preferred debts and  
20 such laborers or employees shall be preferred creditors and shall be  
21 first paid in full, and if there be not sufficient to pay them in full then  
22 the same shall be paid to them pro rata, after paying costs; however, the  
23 term employees as used in this section shall include traveling salesmen,  
24 traveling agents and manufacturers' agents, whether they are employed  
25 under monthly or yearly contracts or otherwise.

26 SECTION 115. IC 22-2-12-2 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. Should said payment  
28 or refund made as provided in section 1 of this chapter be comprised  
29 in whole or in part of stock in any corporation, such corporation may  
30 accept said stock for transfer as directed by the employer, former  
31 employer, or the trustee making such payment or refund, and shall be  
32 entitled to treat the transferee as the owner of ~~said the~~ stock for all  
33 purposes unless and until the corporation has received at its home  
34 office written notice by or on behalf of some other person that ~~such the~~  
35 other person claims to be entitled to ~~such the~~ stock or to some interest  
36 ~~therein.~~ **in the stock.**

37 SECTION 116. IC 22-4-17-5, AS AMENDED BY P.L.171-2016,  
38 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2018]: Sec. 5. (a) The governor shall appoint a review board  
40 composed of three (3) members, not more than two (2) of whom shall  
41 be members of the same political party, with salaries to be fixed by the  
42 governor. The review board shall consist of the chairman and the two



1 (2) members who shall serve for terms of three (3) years. At least one  
 2 (1) member must be admitted to the practice of law in Indiana.

3 (b) Any claim pending before an administrative law judge, and all  
 4 proceedings ~~therein~~, **arising from that claim**, may be transferred to  
 5 and determined by the review board upon its own motion, at any time  
 6 before the administrative law judge announces a decision. If the review  
 7 board considers it advisable to procure additional evidence, it may  
 8 direct the taking of additional evidence within a time period it shall fix.  
 9 An employer that is a party to a claim transferred to the review board  
 10 under this subsection is entitled to receive notice in accordance with  
 11 section 6 of this chapter of the transfer or any other action to be taken  
 12 under this section before a determination is made or other action  
 13 concerning the claim is taken.

14 (c) Any proceeding so removed to the review board shall be heard  
 15 by a quorum of the review board in accordance with the requirements  
 16 of section 3 of this chapter. The review board shall notify the parties to  
 17 any claim of its decision, together with its reasons for the decision.

18 (d) Members of the review board, when acting as administrative law  
 19 judges, are subject to section 15 of this chapter.

20 (e) The review board may on the board's own motion affirm, modify,  
 21 set aside, remand, or reverse the findings, conclusions, or orders of an  
 22 administrative law judge on the basis of any of the following:

23 (1) Evidence previously submitted to the administrative law  
 24 judge.

25 (2) The record of the proceeding after the taking of additional  
 26 evidence as directed by the review board.

27 (3) A procedural error by the administrative law judge.

28 SECTION 117. IC 22-4-26-4 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. The commissioner,  
 30 through the treasurer of state acting as its fiscal agent, shall requisition  
 31 from time to time from the unemployment trust fund such amounts not  
 32 exceeding the amount standing to its account ~~therein in the~~  
 33 **unemployment trust fund** as it deems necessary for the payment of  
 34 benefits for a reasonable future period and for refunds, but for no other  
 35 purpose. Upon receipt thereof, the treasurer of state shall deposit such  
 36 money in the unemployment insurance benefit fund in a special benefit  
 37 account, and upon order of the commissioner, the auditor of state or the  
 38 auditor's duly authorized agent shall issue the auditor's warrants for the  
 39 payment of benefits and refunds by the treasurer of state. Any balance  
 40 of money so requisitioned which remains unclaimed or unpaid in the  
 41 special benefit account of the unemployment insurance benefit fund  
 42 after the expiration of the period for which such sums are requisitioned



1 shall either be deducted from estimates for, and may be utilized for the  
 2 payment of, benefits and refunds during succeeding periods, or in the  
 3 discretion of the commissioner shall be redeposited with the Secretary  
 4 of the Treasury of the United States to the credit of the unemployment  
 5 trust fund as provided in section 3 of this chapter.

6 SECTION 118. IC 22-4-27-1 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. The provisions of  
 8 IC 22-4-26-1, IC 22-4-26-2, IC 22-4-26-3, and IC 22-4-26-4, to the  
 9 extent that they relate to the unemployment trust fund, shall be  
 10 operative only so long as such unemployment trust fund continues to  
 11 exist and so long as the Secretary of the Treasury of the United States  
 12 continues to maintain for this state a separate book account of all funds  
 13 deposited ~~therein in the unemployment trust fund~~ by the state for  
 14 benefit purposes, together with the state's proportionate share of the  
 15 earnings of such unemployment trust fund, from which no other state  
 16 is permitted to make withdrawals. If and when such unemployment  
 17 trust fund ceases to exist or such separate book account is no longer  
 18 maintained, all money, properties, or securities ~~therein in the~~  
 19 **unemployment trust fund** belonging to the unemployment insurance  
 20 benefit fund of this state shall be transferred to the treasurer of the  
 21 unemployment insurance benefit fund who shall hold, invest, transfer,  
 22 sell, deposit, and release such money, properties, or securities in a  
 23 manner approved by the department in accordance with the provisions  
 24 of this article. The money shall be invested in the following readily  
 25 marketable classes of securities:

26 (1) Bonds or other interest bearing obligations of the United  
 27 States.

28 (2) Any bonds guaranteed as to principal and interest by the  
 29 United States government.

30 The treasurer of state shall dispose of securities or other properties  
 31 belonging to the unemployment insurance benefit fund under the  
 32 direction of the commissioner.

33 SECTION 119. IC 22-4-29-10 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 10. (a) The return by  
 35 the sheriff to the department of the warrants shall be made monthly on  
 36 or before the fifth day of the month. All money so returned to the  
 37 department shall be receipted for by the department and its  
 38 endorsement upon the check transmitted by the sheriff shall be  
 39 conclusive evidence of such payment by the sheriff and no other receipt  
 40 shall be necessary.

41 (b) If a warrant is not satisfied within the one hundred twenty (120)  
 42 days specified in section 8 of this chapter, nothing ~~herein in this~~





1 **chapter** shall operate to prevent the department from issuing  
 2 subsequent warrants upon the identical amount of the unpaid  
 3 assessment. Subsequent warrants shall not be recorded by the clerk,  
 4 and no fees shall be chargeable by the clerk. Upon any subsequent  
 5 warrant, the sheriff shall be entitled to a sum for mileage equal to that  
 6 sum per mile paid to state officers and employees, with the rate  
 7 changing each time the state government changes its rate per mile, but  
 8 shall not be entitled to any other fee if the same has been paid the  
 9 sheriff for services upon the original warrant, except that in case  
 10 collection is made in part or in full with respect to any such subsequent  
 11 warrant, the sheriff is entitled to the five percent (5%) or ten percent  
 12 (10%) as provided in section 9(b) of this chapter.

13 (c) In every instance in which the sheriff shall return any warrant  
 14 unsatisfied, the sheriff shall attach to the warrant a summary of all  
 15 relative information regarding the attempts to collect the warrant and  
 16 the reason the warrant is being returned unsatisfied.

17 SECTION 120. IC 22-4-31-5, AS AMENDED BY P.L.171-2016,  
 18 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2018]: Sec. 5. The collection of the whole or any part of the  
 20 amount of such assessment may be stayed for not exceeding sixty (60)  
 21 days, by filing with the department a bond in such amount, not  
 22 exceeding double the amount as to which the stay is desired, and with  
 23 such sureties as the department considers necessary, conditioned upon  
 24 payment of the amount which may finally be found to be due after  
 25 notice and opportunity to be heard as ~~herein~~ provided **in this chapter**.

26 SECTION 121. IC 22-4-32-9 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. (a) Any decision of  
 28 the liability administrative law judge shall be conclusive and binding  
 29 as to all questions of fact. An interested party to the dispute may,  
 30 within thirty (30) days after notice of intention to appeal as ~~herein~~  
 31 provided **in section 8 of this chapter**, appeal the decision to the  
 32 supreme court or the court of appeals solely for errors of law under the  
 33 same terms and conditions as govern appeals in ordinary civil actions.

34 (b) Any finding of fact, judgment, conclusion, or final order made  
 35 by a person with the authority to make findings of fact or law in an  
 36 action or proceeding under this article is not conclusive or binding and  
 37 shall not be used as evidence in a separate or subsequent action or  
 38 proceeding between an individual and the individual's present or prior  
 39 employer in an action or proceeding brought before an arbitrator, a  
 40 court, or a judge of this state or the United States regardless of whether  
 41 the prior action was between the same or related parties or involved the  
 42 same facts.



1 SECTION 122. IC 22-4-36-5 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. In the event of the  
 3 destruction of the central office of the department and the records and  
 4 equipment contained ~~therein, in the central office~~, the commissioner  
 5 shall at the direction of the governor institute such policies or  
 6 procedures without regard to any particular provision or provisions of  
 7 this article as will in the commissioner's judgment be possible to  
 8 perform and best suited to carry out the general intent and purposes of  
 9 this article during the emergency created by the destruction of ~~said the~~  
 10 central office.

11 SECTION 123. IC 22-4-37-1, AS AMENDED BY P.L.108-2006,  
 12 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2018]: Sec. 1. It is declared to be the purpose of this article to  
 14 secure to the state of Indiana and to employers and employees ~~therein~~  
 15 **in Indiana** all the rights and benefits which are conferred under the  
 16 provisions of 42 U.S.C. 501 through 504, 42 U.S.C. 1101 through  
 17 1109, 26 U.S.C. 3301 through 3311, and 29 U.S.C. 49 et seq., and the  
 18 amendments ~~thereto: to those statutes~~. Whenever the department shall  
 19 find it necessary, it shall have power to formulate rules after public  
 20 hearing and opportunity to be heard whereof due notice is given as is  
 21 provided in this article for the adoption of rules pursuant to IC 4-22-2,  
 22 and with the approval of the governor of Indiana, to adopt such rules as  
 23 shall effectuate the declared purposes of this article.

24 SECTION 124. IC 22-4-37-2, AS AMENDED BY P.L.171-2016,  
 25 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2018]: Sec. 2. (a) If at any time the governor of Indiana shall  
 27 find that the tax imposed by 42 U.S.C. 1101 through 1109, as amended,  
 28 has been amended or repealed by Congress or has been held  
 29 unconstitutional by the Supreme Court of the United States with the  
 30 result that no portion of the contributions required by this article may  
 31 be credited against such tax, or if this article is declared inoperative by  
 32 the supreme court of Indiana, the governor of Indiana shall publicly so  
 33 proclaim, and upon the date of such proclamation the provisions of this  
 34 article requiring the payment of contributions and benefits shall be  
 35 suspended for a period ending not later than the last day of the next  
 36 following regular or special session of the general assembly of the state  
 37 of Indiana. The department shall thereupon requisition from the  
 38 unemployment trust fund all ~~moneys therein~~ **money in the**  
 39 **unemployment trust fund** standing to its credit and shall direct the  
 40 treasurer of state of Indiana to deposit such moneys, together with any  
 41 other moneys in the fund, as a special fund in any banks or public  
 42 depositories in this state in which general funds of the state may be



1 deposited.

2 (b) Unless prior to the expiration of such period, the general  
3 assembly of the state of Indiana has made provision for an employment  
4 security law in this state and has directed that the funds so deposited  
5 shall be used for the payment of benefits in this state, the provisions of  
6 this article shall cease to be operative, and the department shall, under  
7 rules prescribed by the department, refund without interest to each  
8 person by whom contributions have been paid the person's pro rata  
9 share of the total contributions paid under this article.

10 SECTION 125. IC 22-6-1-6 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) No court of the  
12 state of Indiana shall have jurisdiction to issue a temporary or  
13 permanent injunction in any case involving or growing out of a labor  
14 dispute, as ~~herein~~ defined in **section 12 of this chapter**, except after  
15 hearing the testimony of witnesses in open court (with opportunity for  
16 cross-examination) in support of the allegations of a complaint made  
17 under oath, and testimony in opposition thereto, if offered, and except  
18 after findings of fact by the court, to the effect:

19 (1) that unlawful acts have been threatened and will be committed  
20 unless restrained or have been committed and will be continued  
21 unless restrained, but no injunction or temporary restraining order  
22 shall be issued on account of any threat or unlawful act excepting  
23 against the person or persons, association, or organization making  
24 the threat or committing the unlawful act or actually authorizing  
25 or ratifying the same after actual knowledge thereof;

26 (2) that substantial and irreparable injury to complainant's  
27 property will follow;

28 (3) that as to each item of relief granted injury will be inflicted  
29 upon complainant by the denial of relief than will be inflicted  
30 upon defendants by the granting of relief;

31 (4) that complainant has no adequate remedy at law; and

32 (5) that the public officer charged with the duty to protect  
33 complainant's property is unable or unwilling to furnish adequate  
34 protection.

35 (b) Such hearings shall be held after due and personal notice thereof  
36 has been given, in such manner as the court shall direct, to all known  
37 persons against whom relief is sought, and also to the chief of those  
38 public officers of the county and city within which the unlawful acts  
39 have been threatened or committed charged with the duty to protect  
40 complainant's property. However, if a complainant shall also allege  
41 that, unless a temporary restraining order shall be issued without  
42 notice, a substantial and irreparable injury to complainant's property



1 will be unavoidable, such a temporary restraining order may be issued  
 2 upon testimony under oath, sufficient, if sustained, to justify the court  
 3 in issuing a temporary injunction upon a hearing after notice.

4 (c) Such a temporary restraining order shall be effective for no  
 5 longer than five (5) days and shall become void at the expiration of said  
 6 five (5) days.

7 (d) No temporary restraining order or temporary injunction shall be  
 8 issued except on conditions that complainant shall first file an  
 9 undertaking with adequate security in an amount to be fixed by the  
 10 court sufficient to recompense those enjoined for any loss, expense, or  
 11 damage caused by the improvident or erroneous issuance of such order  
 12 or injunction, including all reasonable cost (together with a reasonable  
 13 attorney's fee) and expense of defense against the order or against the  
 14 granting of any injunctive relief sought in the same proceedings and  
 15 subsequently denied by the court.

16 (e) The undertaking ~~herein~~ mentioned **in subsection (d)** shall be  
 17 understood to signify an agreement entered into by the complainant and  
 18 the surety upon which the decree may be rendered in the same suit or  
 19 proceeding against said complainant and surety, upon a hearing to  
 20 assess damages of which hearing complainant and surety shall have  
 21 reasonable notice, the said complainant and surety submitting  
 22 themselves to the jurisdiction of the court for that purpose. But nothing  
 23 ~~herein~~ contained **in this section** shall deprive any party having a claim  
 24 or cause of action under or upon such undertaking from electing to  
 25 pursue **his the party's** ordinary remedy by suit at law or in equity.

26 SECTION 126. IC 22-6-1-12 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. When used in this  
 28 chapter and for the purpose of this chapter:

29 (a) A case shall be held to involve or grow out of a labor dispute  
 30 when the case involves persons who are engaged in the same industry,  
 31 trade, craft, or occupation, or have direct or indirect interests ~~therein~~;  
 32 **in the same industry, trade, craft, or occupation**, or who are  
 33 employees of the same employer, or who are members of the same or  
 34 an affiliated organization of employers or employees, whether such  
 35 dispute is:

36 (1) between one (1) or more employers or association of  
 37 employers and one (1) or more employees or association of  
 38 employees;

39 (2) between one (1) or more employers or association of  
 40 employers and one (1) or more employer or association of  
 41 employers; or

42 (3) between one (1) or more employees or association of



- 1 employees and one (1) or more employees or association of  
 2 employees;  
 3 or when the case involves any conflicting or competing interests in a  
 4 labor dispute (as defined in subsection (c)) of persons participating or  
 5 interested ~~therein in the labor dispute~~ (as defined in subsection (b)).  
 6 (b) A person or association shall be held to be a "person  
 7 participating or interested in a labor dispute" if relief is sought against  
 8 ~~him or it~~, **the person or association**, and if ~~he or it~~ **the person or**  
 9 **association** is engaged in the same industry, trade, craft, or occupation  
 10 in which ~~such~~ **the** dispute occurs, or has direct or indirect interest  
 11 ~~therein~~, **in the same industry, trade, craft, or occupation in which**  
 12 **the dispute occurs**, or is a member, officer, or agent of any association  
 13 composed in whole or in part of employers or employees engaged in  
 14 such industry, trade, craft, or occupation.  
 15 (c) The term "labor dispute" includes any controversy concerning  
 16 terms or conditions of employment or concerning the association or  
 17 representation of persons in negotiating, fixing, maintaining, changing,  
 18 or seeking to arrange terms or conditions of employment, regardless of  
 19 whether or not the disputants stand in the proximate relation of  
 20 employer and employee.  
 21 (d) The term "court of the state of Indiana" means any court of the  
 22 state of Indiana whose jurisdiction is conferred or defined or limited by  
 23 statute.  
 24 SECTION 127. IC 22-6-2-12, AS AMENDED BY P.L.84-2016,  
 25 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2018]: Sec. 12. (a) Either party to the dispute may within  
 27 fifteen (15) days from the date such order is filed with the clerk of the  
 28 court petition the circuit court, superior court, or probate court of any  
 29 county, in which the employer operates or has an office or place of  
 30 business, for a review of such order on the ground:  
 31 ~~(a)~~ **(1)** that the parties were not given reasonable opportunity to be  
 32 heard; ~~or~~  
 33 ~~(b)~~ **(2)** that the board of arbitration exceeded its powers; ~~or~~  
 34 ~~(c)~~ **(3)** that the order is unreasonable in that it is not supported by  
 35 the evidence; or  
 36 ~~(d)~~ **(4)** that the order was procured by fraud, collusion, or other  
 37 unlawful means or methods.  
 38 (b) A summons to the other party to the dispute shall be issued as  
 39 provided by law in other civil cases; and either party shall have the  
 40 same rights to a change of venue from the county, or to a change of  
 41 judge, as provided by law in other civil cases.  
 42 (c) The judge of the circuit court, superior court, or probate court,



1 without the intervention of a jury, shall hear the evidence adduced by  
 2 both parties with respect to the issue raised by such petition and may  
 3 reverse said order only if the judge finds that:

- 4 ~~(a)~~ **(1)** one (1) of the parties was not given reasonable opportunity  
 5 to be heard; ~~or~~
- 6 ~~(b)~~ **(2)** that the board of arbitration exceeded its powers; ~~or~~
- 7 ~~(c)~~ **(3)** that the order is unreasonable in that it is not supported by  
 8 the evidence; or
- 9 ~~(d)~~ **(4)** that the order was procured by fraud, collusion, or other  
 10 unlawful means or methods.

11 **(d)** The decision of the judge shall be final. If the court reverses said  
 12 order for one (1) of the reasons stated ~~herein, in this section~~, the clerk  
 13 of said court shall certify the court's decision to the governor, who may  
 14 either attempt further conciliation or may appoint another board of  
 15 arbitration, as ~~hereinabove~~ provided for **in this chapter**, in the event  
 16 that the parties do not prefer first to engage in further collective  
 17 bargaining in an attempt to settle such dispute.

18 SECTION 128. IC 22-7-2-1 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. Duly adopted  
 20 constitutions, by-laws, and other laws of labor organizations, except  
 21 when and to the extent that the provisions thereof may violate public  
 22 policy, are hereby declared to be valid and enforceable contracts as  
 23 between the members and officers of such labor organizations; and ~~said~~  
 24 **the** contracts, and all rights and privileges extended ~~thereby by~~ and  
 25 ~~therein~~ contained **in those contracts**, are ~~hereby~~ declared to be  
 26 enforceable in the courts of this state, by actions at law or in equity,  
 27 brought by any individual member or members of such labor  
 28 organization. ~~Provided~~, However, ~~That~~ such member or members of  
 29 such labor organization shall exhaust all rights, privileges and remedies  
 30 provided by the constitution, by-laws, or other laws of said labor  
 31 organization, before bringing any such action at law or in equity.

32 SECTION 129. IC 22-9-1-6, AS AMENDED BY P.L.136-2014,  
 33 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2018]: Sec. 6. (a) The commission shall establish and  
 35 maintain a permanent office in the city of Indianapolis.

36 (b) Except as it concerns judicial review, the commission may adopt  
 37 rules under IC 4-22-2 to implement this chapter.

38 (c) The commission shall formulate policies to effectuate the  
 39 purposes of this chapter and make recommendations to agencies and  
 40 officers of the state or local subdivisions thereof to effectuate such  
 41 policies. The several departments, commissions, divisions, authorities,  
 42 boards, bureaus, agencies, and officers of the state or any political



1 subdivision or agency thereof shall furnish the commission, upon its  
2 request, all records, papers, and information in their possession relating  
3 to any matter before the commission.

4 (d) The commission shall receive and investigate complaints  
5 alleging discriminatory practices. The commission shall not hold  
6 hearings in the absence of a complaint. All investigations of complaints  
7 shall be conducted by staff members of the civil rights commission or  
8 their agents.

9 (e) The commission may create such advisory agencies and  
10 conciliation councils, local or statewide, as will aid in effectuating the  
11 purposes of this chapter. The commission may itself, or it may  
12 empower these agencies and councils to:

13 (1) study the problems of discrimination in the areas covered by  
14 section 2 of this chapter when based on race, religion, color, sex,  
15 handicap, national origin, or ancestry; and

16 (2) foster through community effort, or otherwise, good will  
17 among the groups and elements of the population of the state.

18 These agencies and councils may make recommendation to the  
19 commission for the development of policies and procedures in general.  
20 Advisory agencies and conciliation councils created by the commission  
21 shall be composed of representative citizens serving without pay, but  
22 with reimbursement for reasonable and necessary actual expenses.

23 (f) The commission may issue such publications and such results of  
24 investigations and research as in its judgment will tend to promote  
25 good will and minimize or eliminate discrimination because of race,  
26 religion, color, sex, handicap, national origin, or ancestry.

27 (g) The commission shall prevent any person from discharging,  
28 expelling, or otherwise discriminating against any other person because  
29 the person filed a complaint, testified in any hearing before this  
30 commission, or in any way assisted the commission in any matter under  
31 its investigation.

32 (h) The commission may hold hearings, subpoena witnesses, compel  
33 their attendance, administer oaths, take the testimony of any person  
34 under oath, and require the production for examination of any books  
35 and papers relating to any matter under investigation or in question  
36 before the commission. The commission may make rules as to the  
37 issuance of subpoenas by individual commissioners. Contumacy or  
38 refusal to obey a subpoena issued under this section shall constitute a  
39 contempt. All hearings shall be held within Indiana at a location  
40 determined by the commission. A citation of contempt may be issued  
41 upon application by the commission to the circuit or superior court in  
42 the county in which the hearing is held or in which the witness resides



1 or transacts business.

2 (i) The commission may appoint administrative law judges other  
3 than commissioners, when an appointment is deemed necessary by a  
4 majority of the commission. The administrative law judges shall be  
5 members in good standing before the bar of Indiana and shall be  
6 appointed by the chairman of the commission. An administrative law  
7 judge appointed under this subsection shall have the same powers and  
8 duties as a commissioner sitting as an administrative law judge.  
9 However, the administrative law judge may not issue subpoenas.

10 (j) The commission shall state its findings of fact after a hearing  
11 and, if the commission finds a person has engaged in an unlawful  
12 discriminatory practice, shall cause to be served on this person an order  
13 requiring the person to cease and desist from the unlawful  
14 discriminatory practice and requiring the person to take further  
15 affirmative action as will effectuate the purposes of this chapter,  
16 including but not limited to the power:

17 (1) to restore complainant's losses incurred as a result of  
18 discriminatory treatment, as the commission may deem necessary  
19 to assure justice; however, except in discriminatory practices  
20 involving veterans, this specific provision when applied to orders  
21 pertaining to employment shall include only wages, salary, or  
22 commissions;

23 (2) to require the posting of notice setting forth the public policy  
24 of Indiana concerning civil rights and respondent's compliance  
25 with the policy in places of public accommodations;

26 (3) to require proof of compliance to be filed by respondent at  
27 periodic intervals; and

28 (4) to require a person who has been found to be in violation of  
29 this chapter and who is licensed by a state agency authorized to  
30 grant a license to show cause to the licensing agency why the  
31 person's license should not be revoked or suspended.

32 When an employer has been found to have committed a discriminatory  
33 practice in employment by failing to employ an applicant on the basis  
34 that the applicant is a veteran, the order to restore the veteran's losses  
35 may include placing the veteran in the employment position with the  
36 employer for which the veteran applied.

37 (k) Judicial review of a cease and desist order or other affirmative  
38 action as referred to in this chapter may be obtained under IC 22-9-8.  
39 If no proceeding to obtain judicial review is instituted within thirty (30)  
40 days from receipt of notice by a person that an order has been made by  
41 the commission, the commission, if it determines that the person upon  
42 whom the cease and desist order has been served is not complying or





1 is making no effort to comply, may obtain a decree of a court for the  
 2 enforcement of the order in circuit or superior court upon showing that  
 3 the person is subject to the commission's jurisdiction and resides or  
 4 transacts business within the county in which the petition for  
 5 enforcement is brought.

6 (l) If, upon all the evidence, the commission shall find that a person  
 7 has not engaged in any unlawful practice or violation of this chapter,  
 8 the commission shall state its findings of facts and shall issue and  
 9 cause to be served on the complainant an order dismissing the  
 10 complaint as to the person.

11 (m) The commission may furnish technical assistance requested by  
 12 persons subject to this chapter to further compliance with this chapter  
 13 or with an order issued ~~thereunder.~~ **under this chapter.**

14 (n) The commission shall promote the creation of local civil rights  
 15 agencies to cooperate with individuals, neighborhood associations, and  
 16 state, local, and other agencies, both public and private, including  
 17 agencies of the federal government and of other states.

18 (o) The commission may reduce the terms of conciliation agreed to  
 19 by the parties to writing (to be called a consent agreement) that the  
 20 parties and a majority of the commissioners shall sign. When signed,  
 21 the consent agreement shall have the same effect as a cease and desist  
 22 order issued under subsection (j). If the commission determines that a  
 23 party to the consent agreement is not complying with it, the  
 24 commission may obtain enforcement of the consent agreement in a  
 25 circuit or superior court upon showing that the party is not complying  
 26 with the consent agreement and the party is subject to the commission's  
 27 jurisdiction and resides or transacts business within the county in  
 28 which the petition for enforcement is brought.

29 (p) In lieu of investigating a complaint and holding a hearing under  
 30 this section, the commission may issue an order based on findings and  
 31 determinations by the federal Department of Housing and Urban  
 32 Development or the federal Equal Employment Opportunity  
 33 Commission concerning a complaint that has been filed with one (1) of  
 34 these federal agencies and with the commission. The commission shall  
 35 adopt by rule standards under which the commission may issue such an  
 36 order.

37 (q) Upon notice that a complaint is the subject of an action in a  
 38 federal court, the commission shall immediately cease investigation of  
 39 the complaint and may not conduct hearings or issue findings of fact or  
 40 orders concerning that complaint.

41 SECTION 130. IC 22-9-2-6 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. Every person shall



1 keep true and accurate records of the ages of all persons employed by  
 2 ~~him~~ **the person** as reported by each employee, and shall upon demand  
 3 furnish to the commissioner of labor, or ~~his~~ **to the** authorized  
 4 representative **of the commissioner of labor**, a true copy of any such  
 5 record, verified upon oath. Such record shall be open to investigation  
 6 by the commissioner at any reasonable time. If on all the testimony  
 7 taken, the commissioner of labor shall make a preliminary  
 8 determination that the employer has engaged in or is engaging in unfair  
 9 employment practices, the commissioner shall endeavor to eliminate  
 10 such unfair employment practices by informal methods of conference,  
 11 conciliation and persuasion. If voluntary compliance cannot be  
 12 obtained, the commissioner of labor shall be empowered to issue a  
 13 complaint stating the charges and giving not less than ten (10) days'  
 14 notice of hearing before the commissioner of labor at a place ~~therein~~  
 15 fixed **in the notice**. Any complaint issued pursuant to this section must  
 16 be so issued within four (4) months after the alleged unfair employment  
 17 practices were committed. The respondent shall have the right to file  
 18 an answer to such complaint and may appear at such hearing with or  
 19 without counsel to present evidence and to examine and cross-examine  
 20 witnesses. Upon the completion of testimony at such hearing, if  
 21 determination is made that unfair practices were committed, the  
 22 commissioner of labor shall state ~~his~~ **the commissioner's** findings of  
 23 fact and, if satisfied therewith, may issue ~~his~~ **the commissioner's**  
 24 finding that the employer has ceased to engage in unfair employment  
 25 practices.

26 SECTION 131. IC 23-2-2.5-32 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 32. Whenever it  
 28 appears to the commissioner that any person has engaged or is about to  
 29 engage in any act or practice constituting a violation of any provision  
 30 of this chapter or any rule **adopted** or order ~~hereunder~~, **issued under**  
 31 **this chapter**, ~~he~~ **the commissioner** may in ~~his~~ **the commissioner's**  
 32 discretion bring an action in the appropriate circuit or superior court to  
 33 enjoin the acts or practices, to enforce compliance with this chapter, or  
 34 to obtain any other appropriate remedy. Upon proper showing, a  
 35 permanent or preliminary injunction, restraining order, declaratory  
 36 judgment or other appropriate remedy shall be granted and, in addition  
 37 to and independent of any other remedy granted ~~herein~~, **in this section**,  
 38 a receiver or conservator may be appointed for the defendant or the  
 39 defendant's assets. The court may not require the commissioner to post  
 40 a bond.

41 SECTION 132. IC 23-2-2.5-49 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 49. Nothing in this



1 chapter shall be construed to relieve corporations or other business  
 2 organizations from making reports ~~now or hereafter~~ required by law to  
 3 be made to the secretary of state, or any other state officer, or paying  
 4 the fees ~~now or hereafter~~ to be paid by corporations or other business  
 5 organizations. This chapter shall not be construed to repeal any law  
 6 now in force regulating the organization of corporations or other  
 7 business organizations in Indiana, or the admission of any foreign  
 8 corporation but the provisions of this chapter shall be construed to be  
 9 additional to any provisions regulating the organization of a  
 10 corporation or other business organization under the laws of Indiana,  
 11 or the admission of a foreign corporation to do business in Indiana.

12 SECTION 133. IC 23-5-1-11, AS AMENDED BY P.L.119-2015,  
 13 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2018]: Sec. 11. (a) Any business trust, domestic or foreign,  
 15 which has obtained authority under this chapter to transact business in  
 16 Indiana may surrender its said authority at any time by:

17 (1) filing in the office of the secretary of state a file-marked copy  
 18 of a resolution duly adopted by its trustees declaring its intention  
 19 to withdraw, accompanied by a withdrawal fee of thirteen dollars  
 20 (\$13);

21 (2) recording a copy ~~thereof~~ **of the resolution described in**  
 22 **subdivision (1)** in the office of the county recorder of the county  
 23 in which the principal office of said business trust in this state is  
 24 located; and

25 (3) filing all biennial reports and paying all fees required by  
 26 section 10.1 of this chapter and not ~~theretofore~~ **previously** filed  
 27 and paid.

28 (b) During a period of five (5) years following the effective date of  
 29 such withdrawal, the business trust shall nevertheless be entitled to  
 30 convey and dispose of its property and assets in this state, settle and  
 31 close out its business in this state, and perform any other act or acts  
 32 pertinent to the liquidation of its business, property, and assets in this  
 33 state, and to prosecute and defend all suits filed prior to the expiration  
 34 of said five (5) year period involving causes of action prior to the  
 35 effective date of such withdrawal or arising out of any action or  
 36 transactions occurring during said five (5) year period in the course of  
 37 the liquidation of its business, property, or assets. The withdrawal of a  
 38 business trust as provided in this section shall have no effect upon any  
 39 suit filed by or against it prior to the expiration of said five (5) year  
 40 period until such suit has been finally determined or otherwise finally  
 41 concluded and all judgments, orders, and decrees entered ~~therein in the~~  
 42 **suit** have been fully executed, even though such final determination,



1 conclusion, or execution occurs after the expiration of said five (5) year  
2 period.

3 (c) With respect to a foreign business trust, withdrawal under this  
4 section shall not affect its written consent to be sued in the courts of  
5 this state, or the jurisdiction over public foreign business trusts of the  
6 courts of this state, with respect to any cause of action which arose  
7 prior to the effective date of its withdrawal.

8 SECTION 134. IC 23-5-2-1 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. Any number of  
10 persons not less than ten (10) may voluntarily associate themselves by  
11 written articles, to be signed and acknowledged by them before some  
12 disinterested person authorized by law to take acknowledgment of  
13 deeds, specifying ~~therein in the written articles~~ the objects of the  
14 organization, the corporate name they may adopt, the amount of capital  
15 stock and numbers of shares into which the same shall be divided, the  
16 names and number of the officers to be elected to manage the business  
17 and prudential concerns of such association, the manner of their  
18 election, the name and place of residence of each member or  
19 stockholder, and, (if a stock capital is subscribed), the amount and  
20 number of shares subscribed by each.

21 SECTION 135. IC 23-5-2-3 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. Every such  
23 association shall file their articles of incorporation in the recorder's  
24 office of the county in which such association may be formed; and,  
25 upon the expense of filing and recording being paid, the recorder shall  
26 record the same in the miscellaneous book of records in ~~his the~~  
27 **recorder's** office, and such records, or a certified copy thereof, as  
28 against the subscribers of such articles of incorporation, shall be  
29 conclusive evidence of the matters and things ~~therein~~ recited **in the**  
30 **records**. Such articles may be amended from time to time in such  
31 manner as may be prescribed in the original articles of association; and  
32 amendments so made shall go into effect when filed and recorded in  
33 the recorder's office of such county. ~~Provided, However, That~~ no such  
34 amendments shall be allowed or made which shall change the objects  
35 of any such association as defined in the original articles of association,  
36 nor add another and different object than those originally specified as  
37 ~~herein~~ required **by this section**.

38 SECTION 136. IC 23-10-2-1 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. Any persons,  
40 congregation, society, church or any grand or subordinate lodge of Free  
41 Masons, or Odd Fellows, or Knights of Pythias, or any grand or  
42 subordinate chapter, council or encampment of Free Masons, or Odd



1 fellows, or Knights of Pythias, or any temple or division of the Sons or  
 2 Daughters of Temperance, and any voluntary association for religious,  
 3 educational, scientific or benevolent purposes may take by purchase,  
 4 grant or devise lots or tracts of land not exceeding one hundred sixty  
 5 (160) acres, upon which to erect buildings for religious worship or for  
 6 such other purposes as will best attain the objects of said several  
 7 organizations, and, for that purpose, may elect not less than three (3)  
 8 nor more than nine (9) trustees, who shall possess the power and  
 9 perform the duties ~~herein~~ **named in this chapter.**

10 SECTION 137. IC 23-10-2-3 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. Notice of the first  
 12 election of trustees shall be given at least ten (10) days ~~previous thereto~~  
 13 **before the election** by publication in a newspaper of the county, if any  
 14 be published ~~therein; in the county~~, otherwise by posting such notices  
 15 in three (3) public places in the township where such election is to take  
 16 place, one (1) of which notices shall be posted at the place where the  
 17 proposed election is to be held. Such notice shall state the time, place  
 18 and object of such election; and the same shall be held at the usual  
 19 place of worship or meeting of such society, if any there be. ~~Provided;~~  
 20 ~~That However,~~ at any subsequent election of such trustees, no such  
 21 notice shall be necessary where such lodge or society shall, in its rules,  
 22 by-laws or constitution, provide and fix the time and place for the  
 23 election of its trustees.

24 SECTION 138. IC 23-10-2-11 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. The trustees chosen  
 26 as ~~herein~~ **provided in this chapter**, after record of their election or  
 27 appointment is made in the recorder's office of the proper county, shall  
 28 have power and authority, as such trustees, to receive conveyances of  
 29 lands, whether the same be by purchase, gift or otherwise, and to hold  
 30 the same to their successors, as such trustees, in perpetuity, for the sole  
 31 and exclusive benefit of such society and for the uses declared in such  
 32 conveyance or grant.

33 SECTION 139. IC 23-10-2-14 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 14. When any society  
 35 within the meaning of this chapter shall have been dissolved from any  
 36 cause, a majority of the persons interested ~~therein in the society~~ may  
 37 revive the same, within five (5) years after such dissolution, by electing  
 38 a new board of trustees, and making record of such election in the  
 39 recorder's office of the proper county, as provided in this chapter. And  
 40 whenever, from any cause, any church or religious society holding and  
 41 possessing property within the meaning of this chapter shall have been  
 42 dissolved, the annual or quarterly conference, or other ecclesiastical



1 body to which such church or religious society is directly subordinate,  
 2 shall have power to appoint trustees, in accordance with the customs  
 3 and usages of said church, to take charge and control of the property of  
 4 said church or society until it shall be revived as contemplated by this  
 5 chapter.

6 SECTION 140. IC 24-1-2-11 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. Any person or  
 8 officer, agent, or employee of a corporation may be examined as a  
 9 witness or a party as in other cases, in any civil action instituted under  
 10 the provisions of this chapter and required to disclose all the facts  
 11 relevant to the case in ~~his~~ **the person's, officer's, agent's, or**  
 12 **employee's** knowledge as provided in this chapter, but the testimony  
 13 of such witness or party or any answer to any question propounded to  
 14 ~~him~~ **the witness or party** in such examination shall not be used against  
 15 such witness or party in any criminal prosecution except in case of  
 16 perjury committed by ~~him~~ **therein; the witness or party during the**  
 17 **testimony or examination;** and ~~he~~ **the witness or party** shall not be  
 18 liable to trial by indictment or affidavit or to punishment for any  
 19 offense inquired about. ~~provided;~~ However, that such exemption shall  
 20 be personal to such witness and shall not exempt or render immune the  
 21 corporation of which such witness shall be an officer, agent, or  
 22 employee, and such corporation shall be as liable for any violation of  
 23 this chapter as if such officer, agent, or employee had not so testified.

24 SECTION 141. IC 24-2-2-4 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. The attorney general,  
 26 prosecuting attorney or any citizen of any county where any person,  
 27 firm, limited liability company, corporation, or association shall be  
 28 engaged in the violation of the provisions of this chapter may, in  
 29 accordance with the laws of the state of Indiana governing injunctions,  
 30 maintain an action in the name of the state of Indiana to enjoin such  
 31 person, firm, limited liability company, corporation, or association from  
 32 continuing operations in violation of the provisions of this chapter. Any  
 33 person having been so enjoined who shall violate such injunction shall  
 34 be punished for contempt of court; however, such injunction shall not  
 35 relieve any such person, firm, limited liability company, corporation,  
 36 or association from criminal prosecution ~~therefor~~ **for the violation** as  
 37 provided for in this chapter, but such remedy by injunction shall be in  
 38 addition to any remedy provided for the criminal prosecution of such  
 39 offense. The relator shall not be liable for any costs. In case judgment  
 40 is rendered in favor of the plaintiff in any action brought for injunctive  
 41 relief under the provisions of this chapter, the court rendering the same  
 42 shall also render judgment for reasonable attorney's fees in such action



1 in favor of the plaintiff and against the defendant ~~therein~~, **in the action**,  
 2 and when collected such fees shall be paid to the attorney or attorneys  
 3 of the plaintiff, which if paid to the attorney general or to any  
 4 prosecuting attorney shall be additional to any compensation allowed  
 5 by law.

6 SECTION 142. IC 24-4-2-4 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. The redeemable  
 8 value of such stamps, trading stamps, cash discount stamp, check,  
 9 ticket, coupon or other similar device, printed or legibly written on the  
 10 face of said stamp as ~~herein~~ provided **in this section** shall be the same,  
 11 whether redeemed in merchandise or in lawful money of the United  
 12 States, and the redemption of such stamps as ~~hereinabove mentioned~~  
 13 **described in this section** shall be in lawful money of the United States  
 14 or in merchandise of equal value thereto, at the option of the holder of  
 15 said stamps.

16 SECTION 143. IC 24-6-1-1 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) The avoirdupois  
 18 weight of beef or pork in each barrel shall be two hundred (200)  
 19 pounds; and of flour in each barrel, one hundred and ninety-six (196)  
 20 pounds; of sorghum molasses, eleven (11) pounds per gallon; of maple  
 21 molasses, eleven (11) pounds per gallon; of hay, straw, ice, coal or  
 22 coke, two thousand (2,000) pounds shall be given and taken for a ton.  
 23 A bushel of the respective articles ~~hereinafter mentioned~~ **described in**  
 24 **this section** shall mean the amount of weight, avoirdupois, in this  
 25 section specified, as follows:

- 26 Of wheat, sixty (60) pounds;
- 27 Of oats, thirty-two (32) pounds;
- 28 Of buckwheat, fifty (50) pounds;
- 29 Of popcorn, fifty-six (56) pounds;
- 30 Of cornmeal, fifty (50) pounds;
- 31 Of shelled corn, fifty-six (56) pounds;
- 32 Of corn in the ear until December 1, seventy (70) pounds; corn in  
 33 the ear after December 1, sixty-eight (68) pounds;
- 34 Of rye, fifty-six (56) pounds;
- 35 Of barley, forty-eight (48) pounds;
- 36 Of malt rye, thirty-five (35) pounds;
- 37 Of flax seed, fifty-six (56) pounds;
- 38 Of kaffir corn, fifty-six (56) pounds;
- 39 Of rough rice, forty-five (45) pounds;
- 40 Of beans, sixty (60) pounds;
- 41 Of cow peas, sixty (60) pounds;
- 42 Of soy soja beans, sixty (60) pounds;



- 1 Of clover seed, sixty (60) pounds;
- 2 Of hemp seed, forty-four (44) pounds;
- 3 Of sorghum seed, fifty (50) pounds;
- 4 Of blue grass seed, fourteen (14) pounds;
- 5 Of orchard grass seed, fourteen (14) pounds;
- 6 Of timothy seed, forty-five (45) pounds;
- 7 Of millet, fifty (50) pounds;
- 8 Of herds-grass seed, forty-five (45) pounds;
- 9 Of rape seed, fifty (50) pounds;
- 10 Of red top grass seed, fourteen (14) pounds;
- 11 Of alfalfa seed, sixty (60) pounds;
- 12 Of peaches, forty-eight (48) pounds;
- 13 Of dried peaches, thirty-three (33) pounds;
- 14 Of apples, forty-two (42) pounds;
- 15 Of dried apples, twenty-five (25) pounds;
- 16 Of quinces, forty-eight (48) pounds;
- 17 Of pears, fifty (50) pounds;
- 18 Of onions, fifty-seven (57) pounds;
- 19 Of beets, sixty (60) pounds;
- 20 Of carrots, fifty (50) pounds;
- 21 Of parsnips, fifty-five (55) pounds;
- 22 Of turnips, fifty-five (55) pounds;
- 23 Of tomatoes, sixty (60) pounds;
- 24 Of cucumbers, forty-eight (48) pounds;
- 25 Of potatoes, sixty (60) pounds;
- 26 Of sweet potatoes, fifty (50) pounds;
- 27 Of cranberries, thirty-three (33) pounds;
- 28 Of gooseberries, forty (40) pounds;
- 29 Of hickory nuts, fifty (50) pounds;
- 30 Of walnuts, fifty (50) pounds;
- 31 Of middlings, coarse, thirty (30) pounds;
- 32 Of bran, twenty (20) pounds;
- 33 Of coal, mineral, eighty (80) pounds;
- 34 Of charcoal, twenty (20) pounds;
- 35 Of coke, forty (40) pounds;
- 36 Of coarse salt, fifty (50) pounds;
- 37 Of fine salt, fifty-five (55) pounds.
- 38 (b) A person who buys or sells any of the articles or commodities
- 39 enumerated in this section at a measure or fraction ~~thereof~~ **of a**
- 40 **measure** differing in the weight from the standard ~~herein~~ **prescribed in**
- 41 **this section** commits a Class B misdemeanor.
- 42 SECTION 144. IC 25-11-1-3, AS AMENDED BY P.L.85-2012,





1 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 2 JULY 1, 2018]: Sec. 3. (a) Any person desiring to conduct a collection  
 3 agency shall make an application to the secretary of state upon such  
 4 forms as may be prescribed by the secretary of state. Such application  
 5 shall include the following:

- 6 (1) If the applicant is an individual:  
 7 (A) the individual's name;  
 8 (B) the individual's residence address;  
 9 (C) the address of each location from which the individual  
 10 carries out the activities of the collection agency; and  
 11 (D) a statement that the individual satisfies the qualifications  
 12 set forth in section 4 of this chapter.  
 13 (2) If the applicant is a partnership:  
 14 (A) the name of each partner;  
 15 (B) the business address of the partnership;  
 16 (C) the residence address of at least one (1) of the partners;  
 17 (D) the address of each location from which the partnership  
 18 carries out the activities of the collection agency; and  
 19 (E) a statement that each partner in the partnership satisfies the  
 20 qualifications set forth in section 4 of this chapter.  
 21 (3) If the applicant is a limited liability company:  
 22 (A) the date and place of organization;  
 23 (B) the name of the limited liability company;  
 24 (C) the business address of the limited liability company;  
 25 (D) the residence address of at least one (1) of the managers or  
 26 members of the limited liability company; and  
 27 (E) a statement that each of the managers and members in the  
 28 limited liability company satisfies the qualifications set forth  
 29 in section 4 of this chapter.  
 30 (4) If the applicant is a corporation:  
 31 (A) the date and place of incorporation;  
 32 (B) the name of the corporation;  
 33 (C) the business address of the corporation;  
 34 (D) the residence address of at least one (1) of the officers of  
 35 the corporation; and  
 36 (E) a statement that each of the officers of the corporation  
 37 satisfies the qualifications set forth in section 4 of this chapter.

38 The application shall be duly sworn to before an officer qualified to  
 39 administer oaths. The application shall set forth ~~therein~~ **in the**  
 40 **application** any other verified information which will assist the  
 41 secretary of state in determining the qualifications of the applicant to  
 42 meet the requirements of a collection agency as ~~hereinunder~~ set forth



1 **in this chapter.**

2 (b) Every original and renewal application of any person desiring to  
3 conduct a collection agency shall be accompanied by a fee of one  
4 hundred dollars (\$100) plus an additional fee of thirty dollars (\$30) for  
5 each branch office operated by the applicant whether as sole owner,  
6 partnership, limited liability company, or corporation.

7 (c) Any person desiring to secure a renewal of a collection agency  
8 license shall make a renewal application to the secretary of state not  
9 later than January 1 of the year following the year in which the person's  
10 license expires under section 5 of this chapter. The application shall be  
11 made on such forms as the secretary of state may prescribe. Such  
12 application shall contain ~~therein~~ **in the application** verified  
13 information that will assist the secretary of state in determining  
14 whether or not the applicant is in default, or is in violation of any of the  
15 provisions of this chapter, and whether or not the applicant has at all  
16 times complied with the requirements of this chapter in the operation  
17 of the applicant's collection agency.

18 (d) Each renewal application shall be accompanied by the renewal  
19 fee and an additional fee of thirty dollars (\$30) for each branch office  
20 maintained and operated by the applicant.

21 (e) Every original and renewal application shall be accompanied by  
22 the following:

23 (1) A corporate surety bond in the sum of five thousand dollars  
24 (\$5,000) for each office the applicant operates in the state of  
25 Indiana. All bonds shall run to the people of the state of Indiana  
26 and shall be furnished by a surety company authorized to do  
27 business in this state. All bonds shall be conditioned upon the  
28 faithful accounting of all money collected upon accounts  
29 entrusted to such person and shall be continuous in form and shall  
30 remain in full force and effect and run continuously with the  
31 license period and any renewal thereof. All bonds shall further be  
32 conditioned upon the provision that the applicant shall, within  
33 sixty (60) days from the date of the collection of any claim, render  
34 an account of and pay to the client, for whom collection has been  
35 made, the proceeds of such collection less the charges for  
36 collection agreed upon by and between the applicant and the  
37 client. All bonds shall be filed in the office of the secretary of  
38 state and shall be approved by the secretary of state before being  
39 filed. All bonds filed and approved shall be for the use and benefit  
40 of all persons damaged by the wrongful conversion of any money  
41 by such person, and any individual so injured or aggrieved may  
42 bring an action upon such bond. The surety company may notify



1 the secretary of state and principal of its desire to terminate its  
 2 liability under any bond furnished. Thirty (30) days after receipt  
 3 of such notice by the secretary of state, the secretary of state shall  
 4 thereupon require the principal to file a new bond or discontinue  
 5 all operations. If a new bond is filed by the principal all liability  
 6 under any previous bond shall thereupon cease and terminate. If  
 7 a new bond shall not be filed within the thirty (30) day period  
 8 above specified the secretary of state shall, after expiration of the  
 9 period, revoke the principal's license.

10 (2) Any applicant who is a nonresident of the state of Indiana  
 11 shall also submit a statement appointing an agent or attorney  
 12 resident herein, upon whom all legal process against the applicant  
 13 may be served. The statement shall contain a stipulation that the  
 14 applicant agrees that service of legal process upon such agent or  
 15 attorney shall be valid service upon the applicant.

16 (f) Subject to subsection (g), the secretary of state may designate a  
 17 multistate automated licensing system and repository, established and  
 18 operated by a third party, to serve as the sole entity responsible for:

19 (1) processing applications for:

20 (A) licenses under this chapter; and

21 (B) renewals of licenses under this chapter; and

22 (2) performing other services that the secretary of state  
 23 determines are necessary for the orderly administration of the  
 24 secretary of state's licensing system under this chapter.

25 The secretary of state may take any action necessary to participate in  
 26 a multistate automated licensing system and repository.

27 (g) The secretary of state's authority to designate a multistate  
 28 automated licensing system and repository under subsection (f) is  
 29 subject to the following:

30 (1) The secretary of state may not require any person that is not  
 31 required to be licensed under this chapter, or any employee or  
 32 agent of a person that is not required to be licensed under this  
 33 chapter, to:

34 (A) submit information to; or

35 (B) participate in;

36 the multistate automated licensing system and repository.

37 (2) The secretary of state may require a person required under this  
 38 chapter to submit information to the multistate automated  
 39 licensing system and repository to pay a processing fee considered  
 40 reasonable by the secretary of state.

41 SECTION 145. IC 25-16-1-17 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 17. For the purpose of

**HB 1031—LS 6106/DI 107**



1 enforcing this chapter and the rules and regulations ~~issued thereunder,~~  
 2 **adopted under this chapter**, the department of state revenue, or any  
 3 of its duly authorized agents, may enter any employment agency or  
 4 place of business of any employment agent and inspect the register,  
 5 books, cards or other records of such employment agent. The  
 6 department or any of its duly authorized agents, shall have the power  
 7 and authority of sheriffs, and other peace officers, to make arrests for  
 8 violations of the provisions of this chapter and to serve any process or  
 9 notice throughout the state.

10 SECTION 146. IC 26-3-4-2 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. It shall be unlawful  
 12 for any corporation, firm, limited liability company, or person, their  
 13 agents or employees, to issue, sell, pledge, assign or transfer, in this  
 14 state, any receipt, certificate or other written instrument for goods,  
 15 wares or merchandise claimed to be stored or deposited in any  
 16 warehouse, public or private, in any other state, knowing that there is  
 17 no such warehouse located at the place named in such receipt,  
 18 certificate or other written instrument, or if there be a warehouse at  
 19 such place, knowing that there are no goods, wares or merchandise  
 20 stored or deposited ~~therein in the warehouse~~ as specified in such  
 21 report, certificate or other written instrument.

22 SECTION 147. IC 27-1-3-5 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. Copies of all  
 24 certificates, documents, reports, or other papers lawfully received and  
 25 filed by the department pursuant to this article or any other law of this  
 26 state, when duly certified by the commissioner or any deputy and  
 27 authenticated by the official seal of the department, shall be taken and  
 28 received in all courts and places as prima facie evidence of the facts  
 29 ~~therein~~ stated **in the certificates, documents, reports, or other**  
 30 **papers**, and a certificate from the commissioner under the official seal  
 31 of the department as to the existence or nonexistence of the facts  
 32 relating to any insurance company which would not appear from a  
 33 certified copy of any paper lawfully filed with the department shall be  
 34 taken and received in all courts and places as prima facie evidence of  
 35 the existence or nonexistence of the facts ~~therein~~ stated **in the**  
 36 **certificate from the commissioner.**

37 SECTION 148. IC 27-1-3-20, AS AMENDED BY P.L.158-2013,  
 38 SECTION 296, IS AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2018]: Sec. 20. (a) The commissioner may issue  
 40 a certificate of authority to any company when it shall have complied  
 41 with the requirements of the laws of this state so as to entitle it to do  
 42 business ~~herein~~ **in Indiana**. The certificate shall be issued under the



1 seal of the department authorizing and empowering the company to  
2 make the kind or kinds of insurance specified in the certificate. No  
3 certificate of authority shall be issued until the commissioner has found  
4 that:

- 5 (1) the company has submitted a sound plan of operation; and  
6 (2) the general character and experience of the incorporators,  
7 directors, and proposed officers is such as to assure reasonable  
8 promise of a successful operation, based on the fact that such  
9 persons are of known good character and that there is no good  
10 reason to believe that they are affiliated, directly or indirectly,  
11 through ownership, control, management, reinsurance  
12 transactions, or other insurance or business relations with any  
13 person or persons known to have been involved in the improper  
14 manipulation of assets, accounts, or reinsurance.

15 No certificate of authority shall be denied, however, under subdivision  
16 (1) or (2) until notice, hearing, and right of appeal has been given as  
17 provided in IC 4-21.5.

18 (b) Every company possessing a certificate of authority shall notify  
19 the commissioner of the election or appointment of every new director  
20 or principal officer, within thirty (30) days thereafter. If in the  
21 commissioner's opinion such a new principal officer or director does  
22 not meet the standards set forth in this section, the commissioner shall  
23 request that the company effect the removal of such persons from  
24 office. If such removal is not accomplished as promptly as under the  
25 circumstances and in the opinion of the commissioner is possible, then  
26 upon notice to both the company and such principal officer or director  
27 and after notice, hearing, and right of appeal pursuant to IC 4-21.5, and  
28 after a finding that such person is incompetent or untrustworthy or of  
29 known bad character, the commissioner may order the removal of such  
30 person from office and may, unless such removal is promptly  
31 accomplished, suspend the company's certificate of authority until there  
32 is compliance with such order.

33 (c) No company shall transact any business of insurance or hold  
34 itself out as a company in the business of insurance in Indiana until it  
35 shall have received a certificate of authority as prescribed in this  
36 section.

37 (d) No company shall make, issue, deliver, sell, or advertise any  
38 kind or kinds of insurance not specified in the company's certificate of  
39 authority.

40 (e) Notwithstanding IC 27-1-2-4, a director or officer of a company  
41 who knowingly, intentionally, or recklessly violates subsection (c) or  
42 (d) commits a Level 6 felony.



1 (f) The commissioner shall impose a civil penalty of not more than  
 2 twenty-five thousand dollars (\$25,000) on a director or officer of a  
 3 company that violates subsection (c) or (d). The amount imposed must  
 4 be proportionate to the costs incurred by the department of insurance,  
 5 other governmental entities, and the courts in regulating the activity of  
 6 the director, officer, or company who violates subsection (c) or (d). A  
 7 civil penalty imposed under this subsection may be enforced in the  
 8 same manner as a civil judgment.

9 SECTION 149. IC 27-1-6-13 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 13. Any company  
 11 organized under this article shall not transact any business or incur any  
 12 indebtedness until:

13 (a) one (1) of the triplicate copies of the articles of incorporation,  
 14 bearing the approval of the department and the attorney general  
 15 and the endorsement of the approval of the secretary of state, as  
 16 provided in section 10 of this chapter has been filed for record  
 17 with the county recorder of the county in which the principal  
 18 office is located; and

19 (b) a certified copy of the permit for completion of organization,  
 20 issued pursuant to section 11 of this chapter, shall be filed for  
 21 record with the county recorder of the county in which the  
 22 principal office is located, which certified copy shall be evidence  
 23 only that the company has been authorized to proceed in the  
 24 completion of its organization.

25 If a company transacts any business or incurs any indebtedness in  
 26 violation of this section, the officers who participated ~~therein in the~~  
 27 **transaction of business or incurring the indebtedness** and the  
 28 directors, except those who dissented ~~therefrom from transacting the~~  
 29 **business or incurring the indebtedness** and caused their dissent to be  
 30 filed at the time in the principal office of the company or who, being  
 31 absent, filed their dissent upon learning of the action, shall be severally  
 32 liable for the debts or liabilities of the company so incurred or arising  
 33 ~~therefrom. from transacting the business or incurring the~~  
 34 **indebtedness.**

35 SECTION 150. IC 27-1-6-18 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 18. When the  
 37 provisions of sections 2 through 17 of this chapter have been complied  
 38 with, and the department has made an investigation and examination  
 39 as required in section 17 **of this chapter**, then the commissioner may  
 40 issue a certificate of authority under IC 27-1-3-20, which shall license  
 41 the company to transact only the kind or kinds of insurance specified  
 42 in its articles of incorporation. The company shall file a certified copy



1 of such certificate of authority for record with the county recorder of  
2 the county ~~wherein~~ **where** the principal office is located, which  
3 certified copy shall be evidence only that the company is authorized  
4 and licensed to transact the class or classes of insurance set out ~~therein~~.  
5 **in the certificate of authority.**

6 SECTION 151. IC 27-1-7-2 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) Every corporation  
8 has the capacity to act that is possessed by natural persons, but has the  
9 authority to perform only those acts that are necessary, convenient, or  
10 expedient to accomplish the purposes for which it is formed and that  
11 are not repugnant to law.

12 (b) Subject to any limitations or restrictions imposed by law or the  
13 articles of incorporation, each corporation has the following general  
14 rights, privileges, and powers:

15 (1) To continue as a corporation, under its corporate name, for the  
16 period set forth in its articles of incorporation.

17 (2) To sue and be sued in its corporate name.

18 (3) To have a corporate seal and to alter the same at pleasure.

19 (4) To acquire, own, hold, lease, mortgage, pledge, convey, or  
20 otherwise dispose of property, real and personal, tangible and  
21 intangible.

22 (5) To acquire, subscribe for, own, hold, vote, mortgage, lend,  
23 pledge, convey, or otherwise dispose of, and to guarantee or  
24 otherwise deal in and with, shares or other interests in, or  
25 obligations of, any entity, including itself, except as otherwise  
26 prohibited or limited by this article.

27 (6) To be a promoter, partner, member, associate, or manager of  
28 any partnership, joint venture, trust, or other entity.

29 (7) To borrow money, and to issue its notes or debentures to  
30 evidence such borrowings, but any debentures so issued shall be  
31 subordinate to the rights of policyholders, members, or creditors  
32 of such corporations.

33 (8) To conduct business in this state and elsewhere; to have one  
34 (1) or more offices out of this state; to acquire, own, hold and use,  
35 and to lease, mortgage, pledge, sell, convey, or otherwise dispose  
36 of property, real and personal, tangible and intangible, out of this  
37 state.

38 (9) To appoint such officers and agents as the business of the  
39 corporation may require, and to define their duties and fix their  
40 compensation.

41 (10) To lend money, invest and reinvest its funds, and receive and  
42 hold real estate and personal property as security for repayment,



- 1           except as otherwise limited in this title.
- 2           (11) To pay pensions and establish and administer pension plans,
- 3           pension trusts, profit sharing plans, share bonus plans, share
- 4           option plans, welfare plans, qualified and nonqualified retirement
- 5           plans, and benefit or incentive plans for any or all of its current or
- 6           former directors, officers, employees, and agents.
- 7           (12) To make donations for the public welfare or for charitable,
- 8           scientific, or education purposes.
- 9           (13) To make bylaws for the government and regulation of its
- 10          affairs.
- 11          (14) To cease doing business and to dissolve and surrender its
- 12          corporate franchise and authority and license to transact an
- 13          insurance business in this state.
- 14          (15) To do all acts and things necessary, convenient, or expedient
- 15          to carry out the purposes for which it is formed.
- 16          (16) To become a member of any federal home loan bank; to
- 17          purchase stock ~~therein~~, **in a federal home loan bank**, to borrow
- 18          money or obtain advances from any such bank and to transfer,
- 19          assign, and pledge property to or with such bank as security for
- 20          the payment of such loans or advances, to do and perform all acts
- 21          required of members of a federal home loan bank, and to possess
- 22          and exercise all rights, powers, and privileges conferred upon
- 23          such members under the provisions of the act of Congress entitled
- 24          Federal Home Loan Bank Act.
- 25          (c) No corporation shall, by any implication or construction, be
- 26          deemed to possess the power of carrying on the business of receiving
- 27          deposits of money, bullion, or foreign coins, or receiving deposits of
- 28          securities or other personal property from any person or corporation or
- 29          acting as a safe deposit company, or of issuing bills, notes, or other
- 30          evidences of debt for circulation as money.
- 31          (d) A corporation that is a stock company may establish one (1) or
- 32          more procedures by which it regulates transactions that would, when
- 33          consummated, result in a change of control of such corporation.
- 34          (e) For purposes of this section "control" means:
- 35                (1) for any corporation having one hundred (100) or more
- 36                shareholders, the beneficial ownership, or the direct or indirect
- 37                power to direct the voting, of no less than ten percent (10%) of the
- 38                voting shares of a corporation's outstanding voting shares; or
- 39                (2) for any corporation having fewer than one hundred (100)
- 40                shareholders, the beneficial ownership, or the direct or indirect
- 41                power to direct the voting, of no less than fifty percent (50%) of
- 42                the voting shares of the corporation's outstanding voting shares.





1 (f) A procedure established under this section may be adopted:  
 2 (1) in a corporation's original articles of incorporation or bylaws;  
 3 (2) by amending the articles of incorporation; or  
 4 (3) notwithstanding that a vote of the shareholders would  
 5 otherwise be required by any other provision of this article or the  
 6 articles of incorporation for the adoption or implementation of all  
 7 or any portion of the procedure, by amending the bylaws.

8 SECTION 152. IC 27-1-7-8 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) Except as  
 10 otherwise provided in the articles of incorporation or in this section,  
 11 every shareholder in a stock insurance company shall have the right, at  
 12 every shareholders' meeting, to one (1) vote for each share of stock  
 13 standing in ~~his~~ **the shareholder's** name on the books of the  
 14 corporation. No share shall be voted at any meeting:  
 15 (1) which shall have been transferred on the books of the  
 16 corporation within such number of days, not exceeding fifty (50),  
 17 next preceding the date of such meeting as the board of directors  
 18 shall determine, or, in the absence of such determination, within  
 19 ten (10) days next preceding the date of such meeting; or  
 20 (2) which belongs to the corporation that issued it.

21 (b) Shares standing in the name of a corporation, other than the  
 22 issuing corporation, may be voted by such officer, agent or proxy as the  
 23 board of directors of such corporation may appoint or as the by-laws of  
 24 such corporation may prescribe.

25 (c) Shares held by fiduciaries may be voted by the fiduciaries in  
 26 such manner as the instrument or order appointing such fiduciaries may  
 27 direct. In the absence of such direction, or the inability of the  
 28 fiduciaries to act in accordance therewith, the following provisions  
 29 shall apply:  
 30 (1) Where shares are held jointly by three (3) or more fiduciaries,  
 31 such shares shall be voted in accordance with the will of the  
 32 majority.  
 33 (2) Where the fiduciaries, or a majority of them, can not agree, or  
 34 where they are equally divided upon the question of voting such  
 35 shares, any court having general equity jurisdiction may, upon  
 36 petition filed by any of such fiduciaries, or by any party in  
 37 interest, direct the voting of such shares as it may deem to be for  
 38 the best interest of the beneficiaries, and such shares shall be  
 39 voted in accordance with such direction.

40 (d) Unless otherwise provided in the agreement of pledge, or in the  
 41 by-laws of the corporation, shares that are pledged may be voted by the  
 42 shareholder pledging such shares until the shares shall have been



1 transferred to the pledgee on the books of the corporation, and  
2 thereafter such shares may be voted by the pledgee.

3 (e) Shares issued and held in the names of two (2) or more persons  
4 shall be voted in accordance with the will of the majority, and if a  
5 majority of them can not agree, or if they are equally divided as to the  
6 voting of such shares, the shares shall be divided equally between or  
7 among such persons for voting purposes.

8 (f) A shareholder, including any fiduciary, may vote either in person  
9 or by proxy executed in writing by the shareholder or a duly authorized  
10 attorney in fact. Unless a longer time is expressly provided ~~therein; no~~  
11 **in the proxy, a proxy shall be is not** valid after eleven (11) months  
12 from the date of its execution.

13 SECTION 153. IC 27-1-7-21 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 21. (a) The maximum  
15 premium shall be expressed in the policy of a mutual company and  
16 shall be solely a cash premium without contingent premium but no  
17 such company other than a life insurance company shall issue any  
18 policy providing limits of liability for any one (1) risk under any one  
19 (1) line of insurance in an amount exceeding five percent (5%) of its  
20 surplus, including contingent reserves, if any, until and unless it either  
21 possesses a surplus, including contingent reserves, if any, of at least  
22 four hundred thousand dollars (\$400,000), or has reinsured in a  
23 reinsurer (or reinsurers) admitted to do business in this state and  
24 authorized to make such kind or kinds of reinsurance in this state all of  
25 such liability in excess of such amount or such greater amount as the  
26 commissioner may authorize and such reinsurance contract or contracts  
27 shall have been submitted to and approved by the commissioner. Such  
28 reinsurance contract or contracts shall be in such form as to enable the  
29 insured under such policy or the holder of a judgment against the  
30 insured for which such company is liable under such policy to maintain  
31 an action on such reinsurance contract or contracts against such  
32 reinsured company jointly with the reinsurer and, upon recovering  
33 judgment, to have recovery against such reinsurer or reinsurers for  
34 payment to the extent to which it or they may be liable under such  
35 reinsurance contract (or contracts) and in discharge thereof. In no event  
36 shall the unreinsured liability assumed under this section on any one  
37 (1) risk exceed the amount otherwise authorized by this article to be  
38 written upon any one (1) risk.

39 (b) Any determination of permissible limits of liability and amount  
40 of surplus pursuant to the provisions of subsection (a) shall be made as  
41 of December 31 immediately preceding except that in the case of a  
42 newly formed company such determination shall be made as of the date



1 it receives the certificate of the department authorizing it to commence  
2 business.

3 (c) Any reinsurance contract submitted to and approved by the  
4 commissioner in accordance with the requirements of this section shall  
5 continue in full force and effect until notice of its termination or  
6 amendment has been filed with the commissioner, and in the case of an  
7 amendment has been approved by ~~him~~ **the commissioner**.

8 (d) Subsection (a) shall apply only to companies organized under  
9 this article after July 26, 1967, except that any company in existence on  
10 July 26, 1967, under any of the insurance statutes of this state and to  
11 which subsection (a) would otherwise apply may, by appropriate action  
12 of its policyholders and board of directors, elect to comply with  
13 subsection (a).

14 (e) This section shall not affect nor invalidate any policy of any  
15 mutual insurance company in existence on July 26, 1967, issued  
16 pursuant to Acts 1935, c.162, s.98. Any such policy issued on or after  
17 July 26, 1967, by a mutual insurance company in existence on July 26,  
18 1967, and the rights and obligations ~~thereunder~~ **under the policy** shall  
19 continue to be subject to the provisions of Acts 1935, c.162, s.98 until  
20 such company has exercised the right of election provided in this  
21 section and has complied with the provisions of this section.

22 SECTION 154. IC 27-1-7-22 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 22. No domestic  
24 insurance corporation shall make any disbursement of one hundred  
25 dollars (\$100) or more unless the same be evidenced by a voucher  
26 signed by or on behalf of the person, firm, limited liability company, or  
27 corporation receiving the money and correctly describing the  
28 consideration for the payment, and if the same be for services and  
29 disbursements, setting forth the services rendered and an itemized  
30 statement of the disbursements made, and if it be in connection with  
31 any matter pending before any legislative or public body or before any  
32 department or officer of any government, correctly describing in  
33 addition the nature of the matter and of the interest of such corporation  
34 ~~therein; in the matter~~, or, if such a voucher can not be obtained, by an  
35 affidavit stating the reasons ~~therefor~~ **the voucher cannot be obtained**  
36 and setting forth the particulars above mentioned.

37 SECTION 155. IC 27-1-8-4 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. Upon the proposal  
39 and adoption of any amendment to the articles of incorporation, there  
40 shall be executed articles of amendment setting forth the following:

41 (a) The amendment so adopted;

42 (b) The manner of its adoption and the vote by which it was



1 adopted;

2 (c) In the case of a stock corporation;

3 (1) If the total authorized amount or number of shares is increased

4 by such amendment, a statement of the shares ~~theretofore~~ authorized

5 **before the amendment** and a statement of the additional shares

6 authorized by the amendment;

7 (2) If the total authorized amount or number of shares is reduced by

8 such amendment, a statement of the shares ~~theretofore~~ authorized

9 **before the amendment** and the amount ~~thereof~~ **of the shares** that has

10 been issued, and a statement of the reduction authorized by the

11 amendment and the manner in which the reduction shall be effected;

12 and

13 (3) If any change is made in the shares without increasing or

14 reducing the total authorized amount or number of shares, a statement

15 of the shares ~~theretofore~~ authorized **before the amendment** and the

16 amount ~~thereof~~ **of the shares** that has been issued, and a statement of

17 the change to be made by the amendment and the manner in which the

18 change shall be effected.

19 SECTION 156. IC 27-1-8-11 IS AMENDED TO READ AS

20 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. (a) A corporation

21 whose articles of incorporation have been amended in accordance with

22 the provisions of this chapter shall not exercise any power, right, or

23 authority conferred by, or take any action pursuant to, such amendment

24 until:

25 (1) the corporation shall have filed one (1) of the triplicate copies

26 of the articles of amendment, bearing the endorsement of the

27 approval of the secretary of state as provided in section 8 of this

28 chapter, for record in the office of the county recorder of the

29 county in which the articles of incorporation of such corporation

30 were or should have been filed for record as provided in

31 IC 27-1-6-13; and

32 (2) the company shall have filed a certified copy of such amended

33 certificate of authority for record with the county recorder of the

34 county wherein the principal office is located, which certified

35 copy shall be evidence only that the company is authorized and

36 licensed to transact the kind or kinds of insurance set out ~~therein~~;

37 **in the amended certificate of authority**, for the period stated

38 ~~therein~~ **in the amended certificate of authority**.

39 (b) If a corporation exercises any such power, right, or authority, or

40 takes any such action, in violation of this section, the officers and

41 directors who participated ~~therein~~ **in the exercise or action in**

42 **violation of this section** shall be severally liable for any debts or



1 liabilities of the corporation incurred ~~thereby~~ **because of the exercise**  
2 **or action** or arising ~~therefrom~~ **from the exercise or action.**  
3 SECTION 157. IC 27-1-8-12 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. A company may  
5 amend its articles by providing for a decrease of its capital stock to an  
6 amount not less than the minimum capital required for the kind or  
7 kinds of insurance ~~theretofore~~ transacted by the company **before the**  
8 **amendment of the company's articles of incorporation.** The  
9 department shall not approve or issue its certified copy of such  
10 amendment to the company if it shall be of the opinion that the interests  
11 of policyholders or creditors may be prejudiced thereby. No  
12 distribution of the assets of the company shall be made to shareholders  
13 upon any such decrease of capital which shall reduce the surplus of its  
14 assets over its liabilities, including capital, to less than the minimum  
15 surplus required by this article. Upon any such amendment so  
16 decreasing the capital, such company may require each shareholder to  
17 return ~~his~~ **the shareholder's** certificate of stock and accept a new  
18 certificate for such proportion of the amount of its original stock as the  
19 reduced capital shall bear to the original capital.  
20 SECTION 158. IC 27-1-9-6 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. The surviving or new  
22 corporation ~~as the case may be,~~ resulting from a merger or  
23 consolidation, shall within ten (10) days after ~~such the~~ merger or  
24 consolidation ~~has become~~ **becomes** effective, ~~as hereinabove provided,~~  
25 file for record with:  
26 (1) the county recorder of each county in which the principal  
27 office of any of the corporations parties to the agreement is  
28 located; and  
29 (2) ~~of~~ each county in this state in which any of ~~such the~~  
30 corporations ~~shall~~ have real property at the time of ~~such the~~  
31 merger or consolidation;  
32 the title ~~to which that~~ will be transferred by the merger or  
33 consolidation, a certified copy of the certificate of merger or certificate  
34 of consolidation and incorporation, ~~as the case may be,~~ accompanied  
35 by one (1) of the copies of the articles of merger or articles of  
36 consolidation, bearing the indorsement of the approval of the secretary  
37 of state. ~~as the case may be.~~  
38 SECTION 159. IC 27-1-11-6 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) The corporation  
40 shall then file a certified copy of the articles of reorganization with the  
41 department and present to the department its certificate of authority  
42 issued or renewed under IC 27-1-6-18 for cancellation. The department



1 shall file the certified copy of articles of reorganization and shall cancel  
 2 the said certificate of authority and endorse the cancellation thereon,  
 3 and issue a new certificate of authority to the corporation under the  
 4 provisions of IC 27-1-6-18.

5 (b) The corporation shall then file for record with the county  
 6 recorder of the county in which the principal office of the corporation  
 7 is located, one (1) of the triplicate copies of the articles of  
 8 reorganization bearing the endorsement of the approval of the secretary  
 9 of state as provided for in section 5 of this chapter.

10 (c) A corporation which is reorganized in accordance with the  
 11 provisions of this chapter shall not exercise any new power, right, or  
 12 authority conferred by, or take any action pursuant to, such  
 13 reorganization until subsections (a) and (b) have been complied with.  
 14 If a corporation exercises any such new power, right, or authority or  
 15 takes any such action in violation of this section, the officers and  
 16 directors who participated ~~therein~~ **in the exercise or action in**  
 17 **violation of this section** shall be severally liable for any debts or  
 18 liabilities of the corporation incurred ~~thereby~~ **by the exercise or action**  
 19 **or arising therefrom. from the exercise or action.**

20 SECTION 160. IC 27-1-12-6 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) No policy of life  
 22 insurance, other than industrial insurance, group life insurance or  
 23 reinsurance, bearing a date of issue which is the same as or later than  
 24 a transition date to be selected by the company pursuant to section 12  
 25 of this chapter, such transition date in no event to be later than January  
 26 1, 1948, shall be delivered or issued for delivery in this state or issued  
 27 by a company organized under the laws of this state unless the same  
 28 shall provide the following:

29 (1) That all premiums shall be payable in advance, either at the  
 30 home office of the company, or to an agent of the company, upon  
 31 delivery of a receipt signed by one (1) or more of the officers who  
 32 shall be designated in the policy.

33 (2) For a grace period of not less than thirty (30) days for the  
 34 payment of every premium after the first premium, which may be  
 35 subject to an interest charge, during which period the insurance  
 36 shall continue in force; provided, that if the insured shall die  
 37 within such period of grace the unpaid premium for the current  
 38 policy year may be deducted in any settlement under the policy.

39 (3) That the policy, together with the application therefor, a copy  
 40 of which application shall be attached to the policy and made a  
 41 part thereof, shall constitute the entire contract between the  
 42 parties and shall be incontestable after it shall have been in force



- 1 during the lifetime of the insured for two (2) years from its date,  
2 or, at the option of the company after it shall have been in force  
3 for two (2) years from its date, except for nonpayment of  
4 premiums, and except for violation of the conditions of the policy  
5 relating to naval and military service in time of war, and at the  
6 option of the company provisions relative to benefits in the event  
7 of total and permanent disability and provisions which grant  
8 additional insurance specifically against death by accident may  
9 also be excepted.
- 10 (4) That if the age of the insured and/or beneficiary, if that age  
11 enters into the determination of the premiums charged or benefits  
12 promised, has been misstated, the amount payable under the  
13 policy shall be such as the premium would have purchased at the  
14 correct age of the insured and/or beneficiary.
- 15 (5) That all statements made by the insured in the application  
16 shall, in the absence of fraud, be deemed representations and not  
17 warranties.
- 18 (6) That, in the case of participating policies, the policy shall  
19 participate in the surplus of the company as apportioned by the  
20 board of directors of the company, and that, beginning not later  
21 than the end of the fifth policy year, the company will determine  
22 and account for the portion of the divisible surplus so ascertained  
23 accruing on the policy, and that the owner of the policy shall have  
24 the right to have the current dividends arising from such  
25 participation paid in cash, and that at periods of not more than  
26 five (5) years, such accounting and payment at the option of the  
27 policyholder shall be had. The owner of the policy may elect to  
28 take any of the other dividend options in the policy. If the owner  
29 of the policy shall not elect any of the other dividend options  
30 provided in the policy, the apportioned dividends shall be held to  
31 the credit of the policy and be payable in cash at maturity of the  
32 policy or be withdrawable in cash at any anniversary of its date;  
33 provided, however, that if the policy shall contain a provision for  
34 an apportionment of the surplus at the end of the first policy year  
35 and annually thereafter, then and in that event, said policy may  
36 provide that each dividend shall be paid subject to the payment of  
37 the premium of the next ensuing year.
- 38 (7) Nonforfeiture provisions in accordance with the requirements  
39 of section 7 of this chapter.
- 40 (8) That the company, at any time while the policy is in force, will  
41 loan, on the execution of a proper assignment of the policy, and  
42 on the sole security thereof, at a specified rate of interest (payable



1 in advance if the company so elects), a sum, which, together with  
 2 the sum of:  
 3 (A) previously existing indebtedness, if any, including interest  
 4 thereon to the end of the current policy year; and  
 5 (B) interest to the end of the current policy year on the amount  
 6 newly loaned;  
 7 is equal to or, at the option of the insured, less than the cash  
 8 surrender value at the end of the current policy year as provided  
 9 for by the policy in accordance with the terms of section 7 of this  
 10 chapter; provided, that the company may, as a condition precedent  
 11 to the making of such loan, and at its own option, require the  
 12 payment of the unpaid balance, if any, of the premium or  
 13 premiums for the current policy year, and may require the  
 14 payment of interest in advance on the total loan to the end of the  
 15 current policy year. The policy may provide that, if interest on the  
 16 loan is not paid when due, it shall be added to the existing loan  
 17 and become a part thereof and bear interest at the same rate as the  
 18 loan. It shall further be stipulated in the policy that failure to  
 19 repay any such loan or pay interest thereon shall not void the  
 20 policy unless such total indebtedness to the company shall equal  
 21 or exceed such cash surrender value at the time of such failure,  
 22 nor until thirty (30) days after notice shall have been mailed by  
 23 the company to the last known address of the insured and to the  
 24 assignee, if any, if such assignee has notified the company of ~~his~~  
 25 **the assignee's** address. No condition other than as provided in  
 26 this subdivision shall be exacted as prerequisite to any such loan.  
 27 The company shall reserve the right to defer the granting of any  
 28 loan, except when made to pay premiums on a policy or policies  
 29 issued by it, for six (6) months after application therefor is made.  
 30 The provisions of this subdivision shall not be required in term  
 31 policies nor shall they apply to paid-up insurance issued or  
 32 granted in exchange for lapsed or surrendered policies.  
 33 (9) That, should there have been default in premium payment and  
 34 the value of the policy applied to the extension of the insurance,  
 35 and such insurance be in force and the original policy not  
 36 surrendered to the company and canceled, the policy may be  
 37 reinstated within three (3) years from the due date of the premium  
 38 in default, upon evidence of insurability satisfactory to the  
 39 company and payment of arrears of premiums with interest.  
 40 (10) That when a policy shall become a claim by the death of the  
 41 insured, settlement shall be made upon receipt of due proof of  
 42 death and of the interest of the claimant and not later than two (2)





1 months after receipt of such proof.

2 (11) A title on the face and on the back of the policy describing  
3 the same.

4 (b) Any of the provisions of subsection (a) not applicable to single  
5 premium policies shall to that extent not be incorporated ~~therein~~ **in a**  
6 **single premium policy**. The provisions of subsection (a) shall not  
7 apply to policies issued on substandard, underaverage, or impaired  
8 risks. Any policy may be issued or delivered in this state which in the  
9 opinion of the department contains provisions on any one (1) or more  
10 of the several requirements of subsection (a) more favorable to the  
11 policyholder than those required in subsection (a).

12 SECTION 161. IC 27-1-12-11, AS AMENDED BY P.L.129-2014,  
13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2018]: Sec. 11. (a) After the department has ascertained the  
15 net reserve value of all policies under IC 27-1-12.8-18 or the reserve  
16 liabilities under IC 27-1-12.8 of any life insurance company organized  
17 and doing business in this state, the department shall notify said  
18 company of the amount or amounts thereof. Within sixty (60) days after  
19 the date of such notification, the officers of such company shall deposit  
20 with the department, solely for the security and benefit of all its  
21 policyholders, assets in an amount, invested in accordance with section  
22 2 of this chapter (except paragraph 20 of section 2(b) of this chapter)  
23 which together with the assets already deposited with the department  
24 and such additional assets as may be deposited by said company with  
25 other states or governments, pursuant to the requirements of the laws  
26 of such other states or governments in which said company is doing  
27 business, shall be not less than the lesser of the amount of such reserve  
28 value or reserve liabilities or the amount provided under subsection (f).  
29 No life insurance company organized under this article or any other law  
30 of this state shall be required to make such deposit until the amount  
31 prescribed by this subsection exceeds the amount deposited by said  
32 company under IC 27-1-6-14 or IC 27-1-6-15. Investments in real  
33 estate shall be deposited in the form of satisfactory evidences of  
34 ownership. The deposit requirement in relation to policy loans and  
35 bank deposits shall be considered fulfilled by the inclusion of such item  
36 in the company's annual statement, but subject to the right of the  
37 company at any time, and the obligation of the company on demand of  
38 the department, to file with the department a certificate as to the  
39 amount of such item.

40 (b) If the department in the course of the year ascertains that the net  
41 reserve value of a company's policies under IC 27-1-12.8-18 or its  
42 reserve liabilities under IC 27-1-12.8 exceeds such company's deposits



1 as required by subsection (a), it may require such company within sixty  
2 (60) days to increase its deposit to the required amount.

3 (c) Nothing in this article shall prevent the deposit of bonds,  
4 mortgages, or other securities which meet the investment requirements  
5 of a foreign or alien state or country, to an amount not exceeding the  
6 amount of the reserves on policies issued to residents of, and to  
7 corporations doing business in, such state or country. If, pursuant to the  
8 law of a foreign or alien state or country in which an Indiana life  
9 insurance company is doing business, securities belonging to such a  
10 company are required to be deposited within the boundaries of such  
11 foreign or alien state or country, credit for the amount of such deposit,  
12 not exceeding the amount of the reserves on policies issued to residents  
13 of, and to corporations doing business in, such foreign or alien state or  
14 country, may be taken by the company as an offset against its deposits  
15 required under this article.

16 (d) If, pursuant to the law of a foreign or alien state or country, a life  
17 insurance company domiciled ~~therein in the foreign or alien state or~~  
18 **country** is not permitted a reserve credit for reserves maintained by a  
19 reinsurer foreign to such a state or country, except on the condition that  
20 the amount of such reserve be deposited with the insurance supervisory  
21 official of such state or country, a deposit credit for the amount of such  
22 reserves so deposited shall be allowed a domestic life insurance  
23 company accepting reinsurance from companies domiciled in such  
24 state or country.

25 (e) Any deposit of assets with the department pursuant to any law  
26 superseded by this chapter shall, prior to the first deposit date  
27 contemplated in subsection (a), be continued with the department and  
28 otherwise be subject to this section.

29 (f) The amount of the deposit, except as otherwise provided in  
30 subsection (a), shall be one million dollars (\$1,000,000) excluding  
31 policy loans and bank deposits, or such greater amount as the  
32 department deems necessary to protect the interests of the  
33 policyholders of a particular company by an order to the company to  
34 deposit additional amounts under this section.

35 SECTION 162. IC 27-1-12-29 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 29. (a) As used in this  
37 section, "premium" includes any deposit or contribution.

38 (b) Except as provided in subsection (c), no policy of group  
39 insurance nor the proceeds thereof, when paid to any employee or  
40 employees, shall be liable to attachment, garnishment, or other process,  
41 or to be seized, taken, appropriated, or applied to any legal or equitable  
42 process or operation of law, to pay any debt or liability of such



1 employee, or ~~his the employee's~~ beneficiary, or any other person who  
 2 may have a right ~~thereunder~~; **under the policy**, either before or after  
 3 payment, nor shall the proceeds thereof, where not payable to a named  
 4 beneficiary, constitute a part of the estate of the employee for the  
 5 payment of ~~his the employee's~~ debts.

6 (c) A premium paid for an individual life insurance policy that  
 7 names as a beneficiary, or is legally assigned to, a spouse, child, or  
 8 relative who is dependent upon the policy owner is not exempt from the  
 9 claims of the creditors of the policy owner if the premium is paid:

10 (1) not more than one (1) year before the date of the filing of a  
 11 voluntary or involuntary bankruptcy petition by; or

12 (2) to defraud the creditors of;

13 the policy owner.

14 (d) The insurer issuing the policy is discharged from all liability by  
 15 payment of the proceeds and avails of the policy (as defined in section  
 16 14(b) of this chapter) in accordance with the terms of the policy unless,  
 17 before payment, the insurer has received at the insurer's home office,  
 18 written notice by or on behalf of a creditor of the policy owner that  
 19 specifies the amount claimed against the policy owner.

20 SECTION 163. IC 27-1-12-31, AS AMENDED BY P.L.276-2013,  
 21 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2018]: Sec. 31. Any life insurance company may issue life or  
 23 endowment insurance, with or without annuities, upon the group plan  
 24 as defined in this chapter, with special rates of premiums less than the  
 25 usual rates of premiums for such policies, and may value such policies  
 26 on any accepted table of mortality and interest assumption adopted by  
 27 the company for that purpose, provided, that in no case shall such  
 28 standard be lower than the American Men Table of Mortality (ultimate)  
 29 with interest assumption at three and one-half percent (3 1/2%) in the  
 30 case of policies issued before the transition date selected by the  
 31 company pursuant to section 12 of this chapter, nor lower than the  
 32 standard prescribed in IC 27-1-12.8 in the case of policies issued on  
 33 and after such transition date. All policies of group insurance shall be  
 34 segregated by the company into a separate class, the mortality  
 35 experience kept separate, and the number of policies, amount of  
 36 insurance, reserves, premiums, and payments to policyholders  
 37 ~~thereunder~~; **under the policies**, together with the mortality table and  
 38 interest assumption adopted by the company shall be reported  
 39 separately in the company's annual financial statement.

40 SECTION 164. IC 27-1-13-10 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 10. Any insurance  
 42 rating bureau which files any rating plan, manual, classifications, rules



1 or rates for fire, marine or inland marine and allied risks insurance with  
 2 the insurance department of the state of Indiana for its members or  
 3 subscribers shall as a condition precedent to the filing of an application  
 4 to act as a rating bureau in the state of Indiana, establish in its  
 5 constitution or by-laws the right of domestic insurers organized and  
 6 operating under the laws of the state of Indiana, who are members of  
 7 such rating bureau, to have representation on the board of directors,  
 8 board of governors or any other governing body whatsoever,  
 9 controlling said rating bureau, in an amount of not less than  
 10 **thirty-three and one-third percent** (33 1/3%) of all of the voting  
 11 members of such governing body. The constitution and by-laws of said  
 12 rating bureau shall also contain the condition that all meetings of the  
 13 governing body of said rating bureau shall be held either in Chicago,  
 14 Illinois or in Indianapolis, Indiana. ~~Provided;~~ However, ~~That nothing~~  
 15 ~~contained herein shall~~ **this section does not** limit the representation of  
 16 such domestic insurers on said governing body. Indiana representatives  
 17 on such governing body shall be nominated by special meeting of the  
 18 Indiana members of such rating bureau at least **ten** (10) days preceding  
 19 the election of representatives on the governing body of such rating  
 20 bureau. The insurance commissioner of the state of Indiana shall have  
 21 no right to approve any such rating bureau as a rating bureau in the  
 22 state of Indiana until the aforesaid conditions are met by such bureau.

23 SECTION 165. IC 27-1-18-2, AS AMENDED BY P.L.81-2012,  
 24 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2018]: Sec. 2. (a) Every insurance company not organized  
 26 under the laws of this state, and each domestic company electing to be  
 27 taxed under this section, and doing business within this state shall, on  
 28 or before March 1 of each year, report to the department, under the oath  
 29 of the president and secretary, the gross amount of all premiums  
 30 received by it on policies of insurance covering risks within this state,  
 31 or in the case of marine or transportation risks, on policies made,  
 32 written, or renewed within this state during the twelve (12) month  
 33 period ending on December 31 of the preceding calendar year. From  
 34 the amount of gross premiums described in this subsection shall be  
 35 deducted:

- 36 (1) considerations received for reinsurance of risks within this
- 37 state from companies authorized to transact an insurance business
- 38 in this state;
- 39 (2) the amount of dividends paid or credited to resident insureds,
- 40 or used to reduce current premiums of resident insureds;
- 41 (3) the amount of premiums actually returned to residents on
- 42 account of applications not accepted or on account of policies not



1 delivered; and

2 (4) the amount of unearned premiums returned on account of the  
3 cancellation of policies covering risks within the state.

4 (b) A domestic company shall be taxed under this section only in  
5 each calendar year with respect to which it files a notice of election.  
6 The notice of election shall be filed with the insurance commissioner  
7 and the commissioner of the department of state revenue on or before  
8 November 30 in each year and shall state that the domestic company  
9 elects to submit to the tax imposed by this section with respect to the  
10 calendar year commencing January 1 next following the filing of the  
11 notice. The exemption from license fees, privilege, or other taxes  
12 accorded by this section to insurance companies not organized under  
13 the laws of this state and doing business within this state which are  
14 taxed under this chapter shall be applicable to each domestic company  
15 in each calendar year with respect to which it is taxed under this  
16 section. In each calendar year with respect to which a domestic  
17 company has not elected to be taxed under this section it shall be taxed  
18 without regard to this section.

19 (c) For the privilege of doing business in this state, every insurance  
20 company required to file the report provided in this section shall pay  
21 into the treasury of this state an amount equal to the excess, if any, of  
22 the gross premiums over the allowable deductions multiplied by one  
23 and three-tenths percent (1.3%).

24 (d) Payments of the tax imposed by this section shall be made on a  
25 quarterly estimated basis. The amounts of the quarterly installments  
26 shall be computed on the basis of the total estimated tax liability for the  
27 current calendar year and the installments shall be due and payable on  
28 or before April 15, June 15, September 15, and December 15, of the  
29 current calendar year.

30 (e) Any balance due shall be paid in the next succeeding calendar  
31 year at the time designated for the filing of the annual report with the  
32 department.

33 (f) Any overpayment of the estimated tax during the preceding  
34 calendar year shall be allowed as a credit against the liability for the  
35 first installment of the current calendar year.

36 (g) In the event a company subject to taxation under this section  
37 fails to make any quarterly payment in an amount equal to at least:

38 (1) twenty-five percent (25%) of the total tax paid during the  
39 preceding calendar year; or

40 (2) twenty per cent (20%) of the actual tax for the current  
41 calendar year;

42 the company shall be liable, in addition to the amount due, for interest



1 in the amount of one percent (1%) of the amount due and unpaid for  
 2 each month or part of a month that the amount due, together with  
 3 interest, remains unpaid. This interest penalty shall be exclusive of and  
 4 in addition to any other fee, assessment, or charge made by the  
 5 department.

6 (h) The taxes under this article shall be in lieu of all license fees or  
 7 privilege or other tax levied or assessed by this state or by any  
 8 municipality, county, or other political subdivision of this state. No  
 9 municipality, county, or other political subdivision of this state shall  
 10 impose any license fee or privilege or other tax upon any insurance  
 11 company or any of its agents for the privilege of doing an insurance  
 12 business ~~therein~~, **in the municipality, county, or other political**  
 13 **subdivision**, except the tax authorized by IC 22-12-6-5. However, the  
 14 taxes authorized under IC 22-12-6-5 shall be credited against the taxes  
 15 provided under this chapter. This section shall not be construed to  
 16 prohibit the levy and collection of state, county, or municipal taxes  
 17 upon real and tangible personal property of such company, or to  
 18 prohibit the levy of any retaliatory tax, fine, penalty, or fee provided by  
 19 law. However, all insurance companies, foreign or domestic, paying  
 20 taxes in this state predicated in part on their premium income from  
 21 policies sold and premiums received in Indiana, shall have the same  
 22 rights and privileges from further taxation and shall be given the same  
 23 credits wherever applicable, as those set out for those companies  
 24 paying only a tax on premiums as set out in this section.

25 (i) Any insurance company failing or refusing, for more than thirty  
 26 (30) days, to render an accurate account of its premium receipts as  
 27 provided in this section and pay the tax due thereon shall be subject to  
 28 a penalty of one hundred dollars (\$100) for each additional day such  
 29 report and payment shall be delayed, not to exceed a maximum penalty  
 30 of ten thousand dollars (\$10,000). The penalty may be ordered by the  
 31 commissioner after a hearing under IC 4-21.5-3. The commissioner  
 32 may revoke all authority of such defaulting company to do business  
 33 within this state, or suspend such authority during the period of such  
 34 default, in the discretion of the commissioner.

35 SECTION 166. IC 27-1-18-4, AS AMENDED BY P.L.11-2011,  
 36 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2018]: Sec. 4. (a) Any foreign or alien corporation admitted  
 38 to do business in this state may alter or enlarge the character of the  
 39 business which it is authorized to transact in this state under its articles  
 40 of incorporation or association, and any amendments thereof filed with  
 41 the department as provided in section 3 of this chapter, by procuring an  
 42 amended certificate of authority from the department in the manner



1 provided in subsection (b).

2 (b) Whenever a foreign or alien corporation desires to procure such  
3 amended certificate, it shall present to the department at its office,  
4 accompanied by the fees prescribed by law, an application for an  
5 amended certificate of authority, setting forth the change desired in the  
6 kind or kinds of insurance business under its articles of incorporation  
7 or association which it intends to thereafter carry on in this state; the  
8 application shall be filed in the form prescribed by the department by  
9 the president or a vice president and the secretary or an assistant  
10 secretary of the corporation, and verified by the oaths of the officers  
11 signing the same.

12 (c) Upon the presentation of such application, accompanied by the  
13 corporation's certificate of authority, the department, if it finds that it  
14 conforms to law and that the foreign or alien company has fulfilled the  
15 requirements set forth in subsection (b) and in section 3 of this chapter,  
16 may endorse its approval upon the application, and, in case of the  
17 approval of such application and when all fees required by law shall  
18 have been paid, shall file one (1) copy of the application in its office,  
19 cancel the certificate of authority presented with the application, and  
20 issue to the corporation a new certificate of authority, which certificate  
21 shall set forth the kind or kinds of business that the corporation is  
22 authorized thereafter to transact in this state, which shall be  
23 accompanied by one (1) copy of the application bearing the  
24 endorsement of the approval of the department.

25 (d) Upon the issuance of the new certificate of authority by the  
26 department, the corporation ~~therein~~ named **in the certificate of**  
27 **authority** shall have authority thereafter to transact in this state the  
28 kind or kinds of insurance business set forth in such certificate, subject  
29 to the terms and conditions prescribed in this article.

30 SECTION 167. IC 27-1-20-8, AS AMENDED BY P.L.11-2011,  
31 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JULY 1, 2018]: Sec. 8. (a) The definitions set forth in this subsection  
33 apply throughout this section:

34 (1) "Broker dealer" means an entity that:

35 (A) is registered with and subject to the jurisdiction of the  
36 Securities and Exchange Commission;

37 (B) maintains membership in the Securities Investor Protection  
38 Corporation; and

39 (C) has a tangible net worth of at least two hundred fifty  
40 million dollars (\$250,000,000).

41 (2) "Clearing corporation" means a corporation as defined in  
42 IC 26-1-8.1-102 except that with respect to securities issued by



1 institutions organized or existing under the laws of any foreign  
2 country or securities used to meet the deposit requirements  
3 pursuant to the laws of a foreign country as a condition of doing  
4 business ~~therein~~ **in the foreign country.** "Clearing corporation"  
5 may include a corporation organized or existing under the laws of  
6 any foreign country and which is legally qualified under such  
7 laws to effect transactions in securities by computerized book  
8 entry.

9 (3) "Direct participant" means a bank, trust company, or safety  
10 deposit company approved by the commissioner which maintains  
11 an account in its name in a clearing corporation and through  
12 which an insurance company participates in a clearing  
13 corporation.

14 (4) "Federal Reserve book-entry system" means the computerized  
15 systems sponsored by the United States Department of the  
16 Treasury and certain agencies and instrumentalities of the United  
17 States for holding and transferring securities of the United States  
18 government and such agencies and instrumentalities, respectively,  
19 in Federal Reserve Banks through banks which are members of  
20 the Federal Reserve System, or which otherwise have access to  
21 such computerized systems.

22 (5) "Member bank" means a national bank, state bank, or trust  
23 company which is a member of the Federal Reserve System and  
24 through which an insurance company participates in the Federal  
25 Reserve book-entry system.

26 (6) "Securities" means instruments meeting the definition set forth  
27 in IC 26-1-8.1-102.

28 (b) Notwithstanding any other provision of law, a domestic  
29 insurance company may deposit or arrange for the safekeeping of  
30 securities held in or purchased for its general account and its separate  
31 accounts in a clearing corporation or the Federal Reserve book-entry  
32 system. When securities are deposited with a clearing corporation,  
33 certificates representing securities of the same class of the same issuer  
34 may be merged and held in bulk in the name of the nominee of such  
35 clearing corporation with any other securities deposited with such  
36 clearing corporation by any person, regardless of the ownership of such  
37 securities, and certificates representing securities of small  
38 denominations may be merged into one (1) or more certificates of  
39 larger denominations. The records of any member bank or broker  
40 dealer through which an insurance company holds securities in the  
41 Federal Reserve book-entry system, and the records of any custodian  
42 through which an insurance company holds securities in a clearing





1 corporation, shall at all times show that such securities are held for  
2 such insurance company and for which accounts thereof. Ownership of,  
3 and other interests in, such securities may be transferred by  
4 bookkeeping entry on the books of such clearing corporation or in the  
5 Federal Reserve book-entry system without, in either case, physical  
6 delivery of certificates representing such securities.

7 (c) Any Indiana law requiring an insurance company operating  
8 under the laws of Indiana to deposit assets with the department shall be  
9 deemed complied with if such deposit is made pursuant to a written  
10 agreement between the insurance company and any bank, trust  
11 company or a safety deposit company and approved by the  
12 commissioner which limits withdrawals to those sanctioned and  
13 approved by the department. Deposits so made shall be credited by the  
14 department as deposits in its possession on the basis of the insurance  
15 company's affidavit describing such deposits as to amount and nature.

16 (d) Notwithstanding any other provisions of law, securities eligible  
17 for deposit under the insurance law of this state relating to deposit of  
18 securities by an insurance company as a condition of commencing or  
19 continuing to do an insurance business in this state may be deposited  
20 with a clearing corporation or held in the Federal Reserve book-entry  
21 system. Securities deposited with a clearing corporation or held in the  
22 Federal Reserve book-entry system and used to meet the deposit  
23 requirements under the insurance laws of this state shall be under the  
24 control of the commissioner and shall not be withdrawn by the  
25 insurance company without the approval of the commissioner. Any  
26 insurance company holding such securities in such manner shall  
27 provide to the commissioner evidence issued by its custodian or a  
28 member bank through which such insurance company has deposited  
29 securities with a clearing corporation or held in the Federal Reserve  
30 book-entry system, respectively, in order to establish that the securities  
31 are actually recorded in an account in the name of the custodian or  
32 other direct participant or member bank and evidence that the records  
33 of the custodian, other participant, or member bank reflect that such  
34 securities are held subject to the order of the commissioner.

35 (e) The commissioner of insurance is authorized to promulgate rules  
36 and regulations governing the deposit by insurance companies of  
37 securities with clearing corporations and in the Federal Reserve  
38 book-entry system.

39 SECTION 168. IC 27-1-20-22 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 22. Whenever any  
41 provision of this article requires that there shall be filed any verified  
42 account, report, or other paper by any person, firm, or corporation, such



1 account, report, or other paper shall be executed by the person or  
 2 persons filing such account, report, or other paper or by the president  
 3 or such other officer as may be designated by the board of directors of  
 4 any corporation filing such account, report, or other paper, and the truth  
 5 of the matters ~~therein~~ **stated in the account, report, or other paper**  
 6 shall be sworn to under oath by such person or by such president or  
 7 other officer, before a notary public or other officer duly qualified to  
 8 administer oaths.

9 SECTION 169. IC 27-1-22-7 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) When a filing or  
 11 deviation involving a rate adjustment depends upon a change in the  
 12 relationship between the proposed rates and the anticipated production  
 13 expense portion thereof from the relationship anticipated under any  
 14 rates previously filed and currently in effect for the company or rating  
 15 organization involved, such filing or deviation shall be subject to the  
 16 provisions of subsection (b).

17 (b) Each filing or deviation subject to this section shall be on file for  
 18 a waiting period of twenty (20) days before it becomes effective. If  
 19 within such waiting period or after hearing as provided in this section,  
 20 the commissioner finds that the filing or deviation does not meet the  
 21 requirements of this chapter, the commissioner shall send to the insurer  
 22 or rating organization which made the filing or to the insurer which  
 23 filed the deviation written notice of disapproval specifying ~~therein in~~  
 24 **the notice** in what respects the filing or deviation fails to meet the  
 25 requirements of this chapter and stating that the same shall not become  
 26 effective. Such filing or deviation shall be deemed to meet the  
 27 requirements of this act unless disapproved:

28 (1) within such waiting period; or

29 (2) if a hearing has been called and written notice thereof given  
 30 by the commissioner during such waiting period, then within ten  
 31 (10) days after the date of commencement of such hearing.

32 Upon the commissioner's own motion, or upon timely written request  
 33 by any insurance producer or broker of the company or companies to  
 34 which such filing or deviation is applicable, if such request is in good  
 35 faith and states reasonable grounds, the commissioner may at any time  
 36 within the waiting period call a hearing upon not less than ten (10) nor  
 37 more than fifteen (15) days written notice to the company or rating  
 38 organization making the filing or to the company filing the deviation.  
 39 Within ten (10) days after the commencement of such hearing, the  
 40 commissioner shall in writing either approve such filing or deviation  
 41 or shall disapprove the same as provided in this section.

42 SECTION 170. IC 27-1-23-8, AS AMENDED BY P.L.84-2016,



1 SECTION 117, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) Whenever it appears to the  
 3 commissioner that any person has committed or is about to commit a  
 4 violation of this chapter or of any rule or order issued by the  
 5 commissioner ~~hereunder~~, **under this chapter**, the commissioner may  
 6 apply to the circuit court, superior court, or probate court for the county  
 7 in which such person resides or, in the case of a corporation or other  
 8 entity, has its principal office, or if such person has no such residence  
 9 or office in this state then to the circuit court or superior court of  
 10 Marion County, for an order enjoining such person from violating or  
 11 continuing to violate this chapter or any such rule or order, and for such  
 12 other equitable relief as the nature of the case and the interests of  
 13 policyholders or the public may require.

14 (b) No security which is the subject of any agreement or  
 15 arrangement regarding acquisition, or which is acquired or to be  
 16 acquired, in contravention of the provisions of this chapter or of any  
 17 rule or order issued by the commissioner ~~hereunder~~ **under this chapter**  
 18 may be voted at any shareholders' meeting, or may be counted for  
 19 quorum purposes, and any action of shareholders requiring the  
 20 affirmative vote of a percentage of shares may be taken as though such  
 21 securities were not issued and outstanding; but no action taken at any  
 22 such meeting shall be invalidated by the voting of such securities,  
 23 unless the action would materially affect control of a domestic insurer  
 24 or any corporation controlling such insurer or unless the courts of this  
 25 state have so ordered. If a domestic insurer, any corporation controlling  
 26 such insurer or the commissioner has reason to believe that any security  
 27 of the domestic insurer or any corporation controlling such insurer has  
 28 been or is about to be acquired in contravention of the provisions of  
 29 this chapter or of any rule or order issued by the commissioner  
 30 ~~hereunder~~ **under this chapter**, the domestic insurer, any corporation  
 31 controlling such insurer or the commissioner may apply to the circuit  
 32 court or superior court of Marion County or to the circuit court,  
 33 superior court, or probate court of the county in which the domestic  
 34 insurer or corporation controlling such insurer has its principal place  
 35 of business to enjoin any offer, request, invitation, agreement or  
 36 acquisition commenced, entered into, or consummated in contravention  
 37 of this chapter or any rule or order issued by the commissioner under  
 38 this chapter, to enjoin the voting of any security so acquired, to void  
 39 any vote of such security already cast at any meeting of shareholders,  
 40 and for such other equitable relief as the nature of the case and the  
 41 interests of the domestic insurer's policyholders or the public may  
 42 require.



1 (c) In any case where a person has acquired or is proposing to  
 2 acquire securities in violation of this chapter or any rule or order issued  
 3 by the commissioner ~~hereunder~~ **under this chapter**, the circuit court  
 4 or superior court of Marion County or the circuit court, superior court,  
 5 or probate court of the county in which the domestic insurer or any  
 6 corporation controlling such insurer has its principal place of business  
 7 may, on such notice as the court deems appropriate, upon the  
 8 application of the domestic insurer, any corporation controlling such  
 9 insurer or the commissioner, seize or sequester any such securities  
 10 owned directly or indirectly by such person, and issue such orders with  
 11 respect thereto as may be appropriate to effectuate the provisions of  
 12 this chapter. Notwithstanding any other provision of law, for the  
 13 purposes of this chapter the situs of the ownership of the securities of  
 14 domestic insurers and corporations controlling such insurers shall be  
 15 deemed to be in this state.

16 (d) Violation of this chapter or any rule or order issued by the  
 17 commissioner under this chapter shall be deemed to be irreparable  
 18 harm for the purpose of obtaining any form of equitable relief.

19 SECTION 171. IC 27-2-3-1 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. No domestic life  
 21 insurance corporation shall make any disbursements unless the same  
 22 be evidenced by a voucher signed by or on behalf of the person, firm,  
 23 limited liability company, or corporation receiving the money and  
 24 correctly describing the consideration for the payment, and, if the same  
 25 be for services and disbursements, setting forth the services rendered  
 26 and an itemized statement of the disbursements made, and if it be in  
 27 connection with any matter pending before any legislative or public  
 28 body or before any department or officer of any government, correctly  
 29 describing, in addition, the nature of the matter and of the interest of  
 30 such corporation ~~therein~~, **in the matter**, or, if such a voucher ~~can not~~  
 31 **cannot** be obtained, by an affidavit stating the reasons ~~therefor~~ **the**  
 32 **voucher cannot be obtained** and setting forth the particulars ~~above~~  
 33 mentioned **in this section**.

34 SECTION 172. IC 27-3-2-1 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. Any insurance  
 36 company organized and doing business under the laws of this state on  
 37 what is known as the assessment plan, and having more than one  
 38 thousand (1,000) members, and a reserve fund of not less than one  
 39 hundred thousand dollars (\$100,000), is ~~hereby~~ authorized, subject to  
 40 the limitations ~~hereinafter contained~~, **set forth in this chapter**, to issue  
 41 stock in shares of fifty dollars ~~(\$50.00)~~ **(\$50)** each, to an amount of not  
 42 less than one hundred thousand (100,000) nor more than five hundred



1 thousand dollars (\$500,000), and to receive subscriptions ~~therefor~~ **for**  
 2 **the stock.**

3 SECTION 173. IC 27-3-2-4 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. When all the stock  
 5 shall have been subscribed to as ~~aforsaid~~, **provided in this chapter**,  
 6 the stockholders shall adopt by-laws for the government of such  
 7 company not inconsistent with the laws of the state of Indiana, naming  
 8 ~~therein in the by-laws~~ the number of directors, which shall not be less  
 9 than seven (7) nor more than thirteen (13), who shall manage the  
 10 affairs of said company, and shall at once elect the new directors for the  
 11 ensuing year, a majority of whom ~~shall~~ constitute a quorum for the  
 12 transaction of business.

13 SECTION 174. IC 27-4-4-1 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) The purpose of  
 15 this chapter is to subject certain insurers to the jurisdiction of courts of  
 16 this state in suits by or on behalf of the insureds or beneficiaries under  
 17 insurance contracts.

18 (b) The general assembly declares that it is a subject of concern that  
 19 many residents of this state hold policies of insurance issued or  
 20 delivered in this state by insurers while not authorized to do business  
 21 in this state, thus presenting to such residents the often insuperable  
 22 obstacle of resorting to distant forums for the purpose of asserting legal  
 23 rights under such policies. In furtherance of such state interest, the  
 24 general assembly provides in this chapter a method of substituted  
 25 service of process upon such insurers and declares that in so doing it  
 26 exercises its power to protect its residents and to define, for the purpose  
 27 of this chapter, what constitutes doing business in this state, and also  
 28 exercises powers and privileges available to the state by virtue of 15  
 29 U.S.C. 1011 et seq., which declares that the business of insurance and  
 30 every person engaged ~~therein shall be in the business of insurance~~ **is**  
 31 subject to the laws of the several states.

32 SECTION 175. IC 27-4-4-3 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) Any of the  
 34 following acts in this state, effected by mail, or otherwise, by an  
 35 unauthorized foreign or alien insurer:

- 36 (1) the issuance or delivery of contracts of insurance to residents  
 37 of this state or to corporations authorized to do business ~~therein~~;  
 38 **in this state;**  
 39 (2) the solicitation of applications for such contracts;  
 40 (3) the collection of premiums, membership fees, assessments or  
 41 other considerations for such contracts; or  
 42 (4) any other transaction of insurance business;



1 is equivalent to and shall constitute an appointment by such insurer of  
 2 the insurance commissioner of the state of Indiana and ~~his the~~  
 3 **commissioner's** successor or successors in office, to be its true and  
 4 lawful attorney, upon whom may be served all lawful process in any  
 5 action, suit, or proceeding instituted by or on behalf of an insured or  
 6 beneficiary arising out of any such contract of insurance, and any such  
 7 act shall be signification of its agreement that such service of process  
 8 is of the same legal force and validity as personal service of process in  
 9 this state upon such insurer.

10 (b) Such service of process **under subsection (a)** shall be made by  
 11 delivering to and leaving with the insurance commissioner of the state  
 12 of Indiana, or in ~~his the commissioner's~~ office, two (2) copies ~~thereof~~  
 13 **of the process** and the payment to ~~him the commissioner~~ at the time  
 14 of such service a fee as required under IC 27-1-3-15. The insurance  
 15 commissioner shall forthwith mail by registered mail one (1) of the  
 16 copies of such process to the defendant at its last known principal place  
 17 of business, and shall keep a record of all process so served upon ~~him.~~  
 18 **Such the defendant.** The service of process is sufficient, **provided if**  
 19 notice of such service and a copy of the process are sent within ten (10)  
 20 days thereafter by registered mail by plaintiff or plaintiff's attorney to  
 21 the defendant at its last known principal place of business, and the  
 22 defendant's receipt, or receipt issued by the post office with which the  
 23 letter is registered, showing the name of the sender of the letter and the  
 24 name and address of the person to whom the letter is addressed, and the  
 25 affidavit of the plaintiff or plaintiff's attorney showing a compliance  
 26 ~~herewith~~ **with this section** are filed with the clerk of the court in which  
 27 such action is pending on or before the date the defendant is required  
 28 to appear, or within ~~such any~~ further time as the court may allow.

29 (c) Service of process in any such action, suit, or proceeding shall  
 30 in addition to the manner provided in subsection (b) ~~of this section~~ be  
 31 valid if served upon any person within this state who, in this state on  
 32 behalf of such insurer, is:

- 33 (1) soliciting insurance; ~~or~~
- 34 (2) making, issuing, or delivering any contract of insurance; or
- 35 (3) collecting or receiving any premium, membership fee,  
 36 assessment or other consideration for insurance;

37 and a copy of such process is sent within ten (10) days ~~thereafter~~ **after**  
 38 **the date of service under subsection (b)** by registered mail by the  
 39 plaintiff or plaintiff's attorney to the defendant at the last known  
 40 principal place of business of the defendant, and the defendant's  
 41 receipt, or the receipt issued by the post office with which the letter is  
 42 registered, showing the name of the sender of the letter and the name



1 and address of the person to whom the letter is addressed, and the  
 2 affidavit of the plaintiff or plaintiff's attorney showing a compliance  
 3 ~~herewith~~ **with this section** are filed with the clerk of the court in which  
 4 such action is pending on or before the date the defendant is required  
 5 to appear, or within such further time as the court may allow.

6 (d) No plaintiff or complainant shall be entitled to a judgment by  
 7 default under this section until the expiration of thirty (30) days from  
 8 the date of the filing of the affidavit of compliance.

9 (e) Nothing in this section shall limit or abridge the right to serve  
 10 any process, notice, or demand upon any insurer in any other manner  
 11 ~~now or hereafter~~ permitted by law.

12 SECTION 176. IC 27-4-4-4 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) Before any  
 14 unauthorized foreign or alien insurer shall file or cause to be filed any  
 15 pleading in any action, suit, or proceeding instituted against it, such  
 16 unauthorized insurer shall:

17 (1) deposit, with the clerk of the court in which such action, suit,  
 18 or proceeding is pending, cash or securities, or file with such  
 19 clerk a bond with good and sufficient sureties, to be approved by  
 20 the court, in an amount to be fixed by the court sufficient to  
 21 secure the payment of any final judgment which may be rendered  
 22 in such action; or

23 (2) procure a certificate of authority to transact the business of  
 24 insurance in this state.

25 (b) The court in any action, suit, or proceeding, in which service is  
 26 made in the manner provided in section 3 of this chapter may, in its  
 27 discretion, order such postponement as may be necessary to afford the  
 28 defendant reasonable opportunity to comply with the provisions of  
 29 subsection (a) and to defend such action.

30 (c) Nothing in subsection (a) is to be construed to prevent an  
 31 unauthorized foreign or alien insurer from filing a motion to quash a  
 32 writ or to set aside service made in the manner provided in section 3 of  
 33 this chapter on the ground either:

34 (1) that such unauthorized insurer has not done any of the acts  
 35 enumerated in section 3(a) of this chapter; or

36 (2) that the person on whom service was made pursuant to section  
 37 3(c) of this chapter was not doing any of the acts ~~therein~~  
 38 enumerated **in section 3(c) of this chapter**.

39 SECTION 177. IC 27-4-4-5 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. In any action against  
 41 an unauthorized foreign or alien insurer upon a contract of insurance  
 42 issued or delivered in this state to a resident ~~thereof~~ **of this state** or to



1 a corporation authorized to do business ~~therein~~, **in this state**, if the  
 2 insurer has failed for thirty (30) days after demand prior to the  
 3 commencement of the action to make payment in accordance with the  
 4 terms of the contract, and it appears to the court that ~~such the~~ refusal  
 5 was vexatious and without reasonable cause, the court may allow to the  
 6 plaintiff a reasonable attorney fee and include such fee in any judgment  
 7 that may be rendered in ~~such the~~ action. Such fee shall not exceed  
 8 twelve and one-half ~~per cent~~ **percent** (12 1/2%) of the amount which  
 9 the court or jury finds the plaintiff is entitled to recover against the  
 10 insurer, but in no event shall such fee be less than twenty-five dollars  
 11 ~~(\$25.00)~~: **(\$25)**. Failure of an insurer to defend any such action shall be  
 12 deemed prima facie evidence that its failure to make payment was  
 13 vexatious and without reasonable cause.

14 SECTION 178. IC 27-4-5-1 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. The purpose of this  
 16 chapter is to subject certain insurers to the jurisdiction of the insurance  
 17 commissioner and the courts of this state in suits by or on behalf of the  
 18 state. The general assembly declares that it is concerned with the  
 19 protection of residents of this state against acts by insurers not  
 20 authorized to do an insurance business in this state, by the maintenance  
 21 of fair and honest insurance markets, by protecting authorized insurers  
 22 which are subject to regulation from unfair competition by  
 23 unauthorized insurers, and by protecting against the evasion of the  
 24 insurance regulatory laws of this state. In furtherance of such state  
 25 interest, the general assembly provides methods in this chapter for  
 26 substituted service of process upon such insurers in any proceeding,  
 27 suit, or action in any court and substituted service of any notice, order,  
 28 pleading, or process upon such insurers in any proceeding by the  
 29 commissioner of insurance to enforce or effect full compliance with  
 30 this title. In so doing, the state exercises its powers to protect residents  
 31 of this state and to define what constitutes transacting an insurance  
 32 business in this state, and also exercises powers and privileges  
 33 available to this state by virtue of 15 U.S.C. 1011 through 1015, as  
 34 amended, which declares that the business of insurance and every  
 35 person engaged ~~therein in the business of insurance~~ shall be subject  
 36 to the laws of the several states.

37 SECTION 179. IC 27-4-5-3 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. Whenever the  
 39 commissioner believes, from evidence satisfactory to the  
 40 commissioner, that any insurer is violating or about to violate the  
 41 provisions of section 2 of this chapter, the commissioner may cause a  
 42 complaint to be filed in the circuit or superior court to enjoin and





1       restrain such insurer from continuing such violation or engaging  
 2 ~~therein in the violation~~ or doing any act in furtherance ~~thereof. of the~~  
 3 **violation.** The court shall have jurisdiction of the proceeding and shall  
 4 have the power to make and enter an order or judgment awarding ~~such~~  
 5 preliminary or final injunctive relief as in its judgment is proper.

6       SECTION 180. IC 27-4-5-6 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) The attorney  
 8 general upon request of the commissioner may proceed in the courts of  
 9 this state or any reciprocal state to enforce an order or decision in any  
 10 court proceeding or in any administrative proceeding before the  
 11 commissioner of insurance.

12       (b) The following definitions apply throughout this section:

13       (1) "Reciprocal state" means any state or territory of the United  
 14 States the laws of which contain procedures substantially similar  
 15 to those specified in this section for the enforcement of decrees or  
 16 orders in equity issued by courts located in other states or  
 17 territories of the United States, against any insurer incorporated  
 18 or authorized to do business in said state or territory.

19       (2) "Foreign decree" means any decree or order in equity of a  
 20 court located in a reciprocal state, including a court of the United  
 21 States located ~~therein, in a reciprocal state~~, against any insurer  
 22 incorporated or authorized to do business in this state.

23       (3) "Qualified party" means a state regulatory agency acting in its  
 24 capacity to enforce the insurance laws of its state.

25       (c) The insurance commissioner of this state shall determine which  
 26 states and territories qualify as reciprocal states and shall maintain at  
 27 all times an up-to-date list of such states.

28       (d) A copy of any foreign decree authenticated in accordance with  
 29 the statutes of this state may be filed in the office of the clerk of any  
 30 circuit or superior court of this state. The clerk, upon verifying with the  
 31 insurance commissioner that the decree or order qualifies as a "foreign  
 32 decree", shall treat the foreign decree in the same manner as a decree  
 33 of a circuit or superior court of this state. A foreign decree so filed has  
 34 the same effect and shall be deemed as a decree of a circuit or superior  
 35 court of this state, and is subject to the same procedures, defenses and  
 36 proceedings for reopening, vacating, or staying as a decree of a circuit  
 37 or superior court of this state and may be enforced or satisfied in like  
 38 manner.

39       (e) At the time of the filing of the foreign decree, the attorney  
 40 general shall make and file with the clerk of the court an affidavit  
 41 setting forth the name and last known post office address of the  
 42 defendant.



1 (f) Promptly upon the filing of the foreign decree and the affidavit,  
 2 the clerk shall mail notice of the filing of the foreign decree to the  
 3 defendant at the address given and to the insurance commissioner of  
 4 this state and shall make a note of the mailing in the docket. In  
 5 addition, the attorney general may mail a notice of the filing of the  
 6 foreign decree to the defendant and to the insurance commissioner of  
 7 this state and may file proof of mailing with the clerk. Lack of mailing  
 8 notice of filing by the clerk shall not affect the enforcement  
 9 proceedings if proof of mailing by the attorney general has been filed.

10 (g) No execution or other process for enforcement of a foreign  
 11 decree filed under this section shall issue until ~~30~~ **thirty (30)** days after  
 12 the date the decree is filed.

13 (h) If the defendant shows the circuit or superior court that an  
 14 appeal from the foreign decree is pending or will be taken, or that a  
 15 stay of execution has been granted, the court shall stay enforcement of  
 16 the foreign decree until the appeal is concluded, the time for appeal  
 17 expires, or the stay of execution expires or is vacated, upon proof that  
 18 the defendant has furnished the security for the satisfaction of the  
 19 decree required by the state in which it was rendered.

20 (i) If the defendant shows the circuit or superior court any ground  
 21 upon which enforcement of a decree of any circuit or superior court of  
 22 this state would be stayed, the court shall stay enforcement of the  
 23 foreign decree for an appropriate period, upon requiring the same  
 24 security for satisfaction of the decree which is required in this state.

25 (j) Any person filing a foreign decree shall pay to the clerk of court  
 26 six dollars (\$6). Fees for docketing, transcription, or other enforcement  
 27 proceedings shall be as provided for decrees of the circuit or superior  
 28 court.

29 SECTION 181. IC 27-4-6-1 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) The purpose of  
 31 this chapter is to subject to the jurisdiction of the insurance  
 32 commissioner of this state and to the jurisdiction of the courts of this  
 33 state insurers, not authorized to transact business in this state, which  
 34 place in or send into this state any false advertising designed to induce  
 35 residents of this state to purchase insurance from insurers not  
 36 authorized to transact business in this state. The legislature declares it  
 37 is in the interest of the citizens of this state who purchase insurance  
 38 from insurers which solicit insurance business in this state in the  
 39 manner set forth in the preceding sentence that such insurers be subject  
 40 to the provisions of this chapter. In furtherance of such state interest,  
 41 the legislature provides in this chapter a method of substituted service  
 42 of process upon such insurers and declares that in so doing, it exercises



1 its power to protect its residents and also exercises powers and  
 2 privileges available to the state by virtue of 15 U.S.C. 1011 et seq.,  
 3 which declares that the business of insurance and every person engaged  
 4 **therein in the business of insurance** shall be subject to the laws of the  
 5 several states. The authority provided in this chapter **is** to be in addition  
 6 to any other powers of this state.

7 (b) The provisions of this chapter shall be liberally construed.

8 SECTION 182. IC 27-4-6-5 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) Any of the  
 10 following acts in this state, effected by mail or otherwise, by any such  
 11 unauthorized foreign or alien insurer:

- 12 (1) the issuance or delivery of contracts of insurance to residents  
 13 of this state;  
 14 (2) the solicitation of applications for such contracts;  
 15 (3) the collection of premiums, membership fees, assessments or  
 16 other considerations for such contracts; or  
 17 (4) any other transaction of insurance business;

18 is equivalent to and shall constitute an appointment by such insurer of  
 19 the commissioner of insurance, and **his the commissioner's** successor  
 20 or successors in office, to be its true and lawful attorney, upon whom  
 21 may be served all statements of charges, notices and lawful process in  
 22 any proceeding instituted in respect to the misrepresentations set forth  
 23 in section 3 of this chapter under ~~the provisions of~~ IC 27-4-1 or in any  
 24 action, suit, or proceeding for the recovery of any penalty ~~therein~~  
 25 provided **in IC 27-4-1**, and any such act shall be signification of its  
 26 agreement that ~~such the~~ service of statement of charges, notices, or  
 27 process is of the same legal force and validity as personal service of  
 28 such statement of charges, notices, or process in this state, upon such  
 29 insurer.

30 (b) Service of a statement of charges and notices under IC 27-4-1  
 31 shall be made by any deputy or employee of the department of  
 32 insurance delivering to and leaving with the commissioner or some  
 33 person in apparent charge of **his the commissioner's** office, two (2)  
 34 copies ~~thereof: of the statement of charges and notices.~~ Service of  
 35 process issued by any court in any action, suit, or proceeding to collect  
 36 any penalty under IC 27-4-1 shall be made by delivering and leaving  
 37 with the commissioner, or some person in apparent charge of **his the**  
 38 **commissioner's** office, two (2) copies ~~thereof: of the process.~~ The  
 39 commissioner shall forthwith cause to be mailed by registered mail one  
 40 (1) of the copies of such statement of charges, notices, or process to the  
 41 defendant at its last known principal place of business, and shall keep  
 42 a record of all statements of charges, notices, and process so served.



1 Such service of statement of charges, notices, or process shall be  
 2 sufficient provided they shall have been so mailed and the defendant's  
 3 receipt or receipt issued by the post office with which the letter is  
 4 registered, showing the name of the sender of the letter and the name  
 5 and address of the person to whom the letter is addressed, and the  
 6 affidavit of the person mailing such letter showing a compliance with  
 7 this section are filed with the commissioner in the case of any  
 8 statement of charges or notices, or with the clerk of the court in which  
 9 such action is pending in the case of any process, on or before the date  
 10 the defendant is required to appear or within such further time as may  
 11 be allowed.

12 (c) Service of statement of charges, notices, and process in any such  
 13 proceeding, action, or suit shall, in addition to the manner provided in  
 14 subsection (b), be valid if served upon any person within this state who  
 15 on behalf of such insurer is:

16 (1) soliciting insurance;

17 (2) making, issuing, or delivering any contract of insurance; or

18 (3) collecting or receiving in this state any premium for insurance;

19 and a copy of such statement of charges, notices, or process is sent  
 20 within ten (10) days ~~thereafter~~ **after the date of the service of the**  
 21 **statement of charges, notices, or process** by registered mail by or on  
 22 behalf of the commissioner to the defendant at the last known principal  
 23 place of business of the defendant, and the defendant's receipt, or the  
 24 receipt issued by the post office with which the letter is registered,  
 25 showing the name of the sender of the letter, the name and address of  
 26 the person to whom the letter is addressed, and the affidavit of the  
 27 person mailing the same showing a compliance with this section are  
 28 filed with the commissioner in the case of any statement of charges or  
 29 notices, or with the clerk of the court in which such action is pending  
 30 in the case of any process, on or before the date the defendant is  
 31 required to appear or within such further time as the court may allow.

32 (d) No cease or desist order or judgment by default or a judgment  
 33 by confession under this section shall be entered until the expiration of  
 34 thirty (30) days from the date of the filing of the affidavit of  
 35 compliance.

36 (e) Service of process and notice under the provisions of this chapter  
 37 shall be in addition to all other methods of service provided by law, and  
 38 nothing in this chapter shall limit or prohibit the right to serve any  
 39 statement of charges, notices, or process upon any insurer in any other  
 40 manner permitted by law.

41 SECTION 183. IC 27-6-6-2 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. Such contracts may

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1 be executed by an attorney, agent or other representative, ~~herein~~  
 2 designated **in this chapter as "attorney"**, duly authorized and acting for  
 3 ~~such~~ subscribers **as described in section 1 of this chapter**. The office  
 4 or offices of such attorney may be maintained at such place or places  
 5 as may be designated by the subscribers in the power of attorney.

6 SECTION 184. IC 27-6-6-8 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. Any corporation ~~now~~  
 8 ~~or hereafter~~ organized under the laws of this state, shall, in addition to  
 9 the rights, powers and franchises specified in its articles of  
 10 incorporation, have full power and authority, as a subscriber, to  
 11 exchange insurance contracts of the kind and character ~~herein~~  
 12 mentioned **in this chapter**. The right to exchange such contracts is  
 13 ~~hereby~~ declared to be incidental to the purposes for which such  
 14 corporations are organized and as much granted as the rights and  
 15 powers expressly conferred.

16 SECTION 185. IC 27-6-6-14 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 14. Except as ~~herein~~  
 18 provided **in this chapter**, no law of this state relating to insurance shall  
 19 apply to the exchange of indemnity contracts described ~~herein~~; **in this**  
 20 **chapter**, unless they are specifically mentioned ~~therein~~; **in the**  
 21 **indemnity contract**.

22 SECTION 186. IC 27-6-10-14, AS AMENDED BY P.L.81-2012,  
 23 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2018]: Sec. 14. (a) An asset or a reduction from liability for  
 25 the reinsurance ceded by a domestic insurer to an assuming insurer not  
 26 meeting the requirements of section 8, 9, 10, 11, 11.5, 12, 13, 13.3,  
 27 13.6, or 13.8 of this chapter shall be allowed in an amount not  
 28 exceeding the liabilities carried by the ceding insurer.

29 (b) The reduction permitted under subsection (a) shall be in the  
 30 amount of funds held by or on behalf of the ceding insurer, including  
 31 funds held in trust for the ceding insurer, under a reinsurance contract  
 32 with the assuming insurer as security for the payment of obligations  
 33 ~~thereunder~~; **under the reinsurance contract**. The security must be  
 34 held:

- 35 (1) in the United States subject to withdrawal solely by, and under
- 36 the exclusive control of, the ceding insurer; or
- 37 (2) in the case of a trust, in a qualified United States financial
- 38 institution (as defined in section 6 of this chapter).

39 (c) The security described under subsection (b) may be in the  
 40 following forms:

- 41 (1) Cash.
- 42 (2) Securities listed by the Securities Valuation Office of the



1 National Association of Insurance Commissioners, including  
 2 securities that are considered exempt from filing (as defined by  
 3 the Purposes and Procedures Manual of the Securities Valuation  
 4 Office), and qualifying as admitted assets.

- 5 (3) Clean, irrevocable, unconditional letters of credit:  
 6 (A) issued or confirmed by a qualified United States financial  
 7 institution (as defined in section 5 of this chapter);  
 8 (B) effective not later than December 31 in the year for which  
 9 the filing is being made; and  
 10 (C) in the possession of or in trust for the ceding insurer on or  
 11 before the filing date of the ceding insurer's annual statement.

12 Letters of credit that meet applicable standards of issuer  
 13 acceptability as of the dates of their issuance (or confirmation)  
 14 shall, notwithstanding the issuing (or confirming) institution's  
 15 subsequent failure to meet applicable standards of issuer  
 16 acceptability, continue to be acceptable as security until the  
 17 earlier of their expiration, extension, renewal, modification, or  
 18 amendment.

- 19 (4) Any other form of security acceptable to the commissioner.

20 SECTION 187. IC 27-7-3-15 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 15. The department  
 22 shall collect the charges, fees and taxes provided for in this section, and  
 23 give proper acquittances ~~therefor~~, **for the collection**, and on or before  
 24 the end of every calendar month shall pay into the state treasury the  
 25 amounts collected by it during such month, as ~~hereinafter provided~~:  
 26 **follows:**

27 Fees. Domestic Companies: Every ~~such~~ domestic company shall pay  
 28 to the department the following stipulated fees: For filing annual  
 29 statement, twenty dollars ~~(\$20.00)~~; **(\$20)**; for license to such company,  
 30 and for each renewal ~~thereof~~, **of the license**, five dollars ~~(\$5.00)~~; **(\$5)**;  
 31 **and** for affixing seal or certifying to any paper, one dollar ~~(\$1.00)~~; **(\$1)**.  
 32 The department may require payment of fees on or before the first day  
 33 of the month next after the same are chargeable.

34 Fees. Foreign Companies: Every such foreign company shall pay to  
 35 the department the following stipulated fees: For filing annual  
 36 statement, twenty dollars ~~(\$20.00)~~; **(\$20)**; for license to such company,  
 37 and for each annual renewal ~~thereof~~, **of the license**, five dollars  
 38 ~~(\$5.00)~~; **(\$5)**; for filing withdrawal and cancellation of certificate,  
 39 twenty dollars ~~(\$20.00)~~; **(\$20)**; **and** for affixing seal or certifying to any  
 40 paper, one dollar ~~(\$1.00)~~; **(\$1)**.

41 SECTION 188. IC 27-7-6-2, AS AMENDED BY P.L.146-2015,  
 42 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2018]: Sec. 2. "Automobile insurance policy" means a policy  
 2 delivered or issued for delivery in this state or covering a motor vehicle  
 3 required to be registered in this state providing coverage for bodily  
 4 injury and property damage liability, medical payments, and uninsured  
 5 motorists or any combination thereof; of these coverages, and insuring  
 6 as the named insured a natural person or more than one (1) natural  
 7 persons related to each other, resident of the same household, and  
 8 under which the insured vehicles therein designated in the policy are  
 9 as:

10 (a) (1) a motor vehicle of the private passenger or station wagon  
 11 type that is not used as a public or livery conveyance for  
 12 passengers, nor rented to others; or

13 (b) (2) any other four-wheel motor vehicle with a load capacity of  
 14 one thousand five hundred (1,500) pounds or less which is not  
 15 used in the occupation, profession, or business of the insured;  
 16 provided, however, that this chapter shall not apply:

17 (1) (A) to any policy issued under an automobile assigned risk  
 18 plan; or

19 (2) (B) to any policy covering garage, automobile sales  
 20 agency, repair shop, service station, or public parking place  
 21 operation hazards.

22 "Automobile liability coverage" includes only coverage of bodily  
 23 injury and property damage liability, medical payments and uninsured  
 24 motorists coverage.

25 "Policy" shall be deemed to mean a policy providing automobile  
 26 liability coverage.

27 SECTION 189. IC 27-7-9-9.5, AS AMENDED BY P.L.101-2016,  
 28 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2018]: Sec. 9.5. (a) The commissioner shall provide insurers  
 30 with assistance from one (1) or more individuals with technical  
 31 expertise in mine subsidence for the purpose of assisting with the  
 32 adjusting of claims under coverage issued under this chapter. If the  
 33 commissioner considers it necessary in order to comply with this  
 34 section, the commissioner may:

- 35 (1) expand the staff of the department of insurance; or
- 36 (2) enter into contracts providing for the services of persons with  
 37 the necessary technical expertise to provide assistance to insurers  
 38 in the determination of subsidence events.

39 (b) The adjustment of a claim against a policy that includes mine  
 40 subsidence coverage under this chapter is the sole responsibility of the  
 41 insurer until the insurer makes a preliminary determination that the loss  
 42 may involve mine subsidence. Upon such a determination, those



1 persons retained by the commissioner as set out in subsection (a) shall  
 2 assist the commissioner and insurer in determining the existence of a  
 3 mine subsidence event and the costs ~~therein of the event~~ shall be paid  
 4 from the fund established by section 7 of this chapter.

5 SECTION 190. IC 27-8-1-1 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. Any number of  
 7 persons not less than five (5) nor more than thirteen (13), citizens of the  
 8 United States, one (1) or more of whom shall be bona fide citizens and  
 9 voters of this state, may associate themselves together as a body  
 10 corporate for the purpose of organizing a corporation, association, or  
 11 society to transact the business of life insurance on the assessment  
 12 plan, subject to the conditions and restrictions ~~hereinafter~~ provided **in**  
 13 **this chapter.**

14 SECTION 191. IC 27-8-1-4 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. Before the charter is  
 16 granted to ~~any~~ such a corporation, it shall file its statement, sworn to by  
 17 at least two (2) of its executive officers, with the proper state officers,  
 18 showing that application has been made for not less than two hundred  
 19 thousand dollars (\$200,000) insurance by not less than one hundred  
 20 (100) persons, and that the amount of the first assessment on each  
 21 policy or certificate has been deposited in the bank to the credit of the  
 22 mortuary fund; and it shall be lawful for any corporation, association,  
 23 or society, or its agents, to solicit and secure business to that amount,  
 24 for the purpose ~~herein~~ provided **in this chapter**, before its charter shall  
 25 have been granted.

26 SECTION 192. IC 27-8-1-13 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 13. Any corporation,  
 28 association, or society, organized under the laws of any other state or  
 29 government to insure lives on the assessment plan, or any corporation  
 30 carrying on the business of life or accident insurance on the assessment  
 31 plan, shall be licensed by the auditor of state, upon the payment to the  
 32 auditor of state of a fee of twenty-five dollars (~~\$25.00~~); **(\$25)**, to do  
 33 business in this state. However, the corporation or association shall first  
 34 deposit with the auditor of state a certified copy of its charter or articles  
 35 of incorporation, a copy of its statement of business for the preceding  
 36 year, with the names and residence of its officers, sworn to by the  
 37 president and secretary, or like officers, showing a detailed account of  
 38 expenses and income, the amount of insurance in force, its assets and  
 39 liabilities in detail, and setting forth that it has the ability to pay its  
 40 policies or certificates to the full limit named ~~therein~~; **in the policies**  
 41 **or certificates**; a certificate from the insurance commissioner or from  
 42 a judge or clerk of a court of record of its home state, certifying that





1 corporations or associations insuring life in the assessment plan, and  
 2 paying policies in full, or providing accident indemnities, and chartered  
 3 under the laws of this state are legally entitled to do business in its  
 4 home state; a copy of its policy or certificate of membership,  
 5 application and by-laws, which must show that death losses are, in the  
 6 main, provided for by assessment upon the surviving members; and it  
 7 shall legally designate an individual resident of Indiana, a corporate  
 8 resident of Indiana, or an authorized Indiana insurer as its agent or  
 9 attorney in fact, residing in this state, upon whom service of process for  
 10 said company or association may be made, and the agent or attorney in  
 11 fact shall immediately notify any corporation or association thus  
 12 served.

13 SECTION 193. IC 27-8-2-1 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. Every policy or  
 15 certificate ~~hereafter~~ issued by any insurance corporation of this state  
 16 doing business on the assessment plan, or any insurance corporation of  
 17 any other state authorized to do an assessment insurance business in  
 18 this state, and providing a payment to be made upon a contingency of  
 19 death, sickness, disability or accident, shall specify the exact sum of  
 20 money which it promises to pay upon each contingency insured against,  
 21 and the number of days after satisfactory proof of the happening of  
 22 such contingency at which such payment shall be made, and upon the  
 23 occurrence of such contingency, unless the contract shall have been  
 24 voided for fraud or breach of its conditions, the corporation shall be  
 25 obligated to the beneficiary for such payment at the time and to the  
 26 amount specified in the policy or certificate.

27 SECTION 194. IC 27-8-3-15 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 15. No such  
 29 corporation, association, or society, organized under the laws of this  
 30 state, shall transfer its risks to, or reinsure them in any other  
 31 corporation, association, or society unless the contract of transfer or  
 32 reinsurance is first submitted to and approved by a two-thirds (2/3) vote  
 33 of a meeting of the insured, called to consider the same, of which  
 34 meeting, a written or printed notice shall be mailed to each member,  
 35 certificate **holder**, or policyholder, at least thirty (30) days before the  
 36 day fixed for such meeting. If such transfer or reinsurance shall be  
 37 approved, every member, certificate **holder** or policyholder of the  
 38 corporation, association, or society, who shall file with the secretary  
 39 ~~thereof~~, **of the corporation, association, or society**, within ten (10)  
 40 days after the meeting, a written notice of ~~his~~ **the member's,**  
 41 **certificate holder's, or policyholder's** preference to be transferred to  
 42 some other corporation, association, or society, than that named in the



1 contract, shall be accorded all the rights and privileges, if any, in aid of  
 2 such transfer as would have been accorded under the terms of such  
 3 contract had ~~he~~ **the member, certificate holder, or policyholder** been  
 4 transferred to the corporation, association, or society named. ~~therein.~~  
 5 No such corporation, association, or society, organized under the laws  
 6 of this state, shall transfer its risks or assets, or any part ~~thereof,~~ **of its**  
 7 **risks or assets**, to, or reinsure its risks, or any part ~~thereof,~~ **of its risks**  
 8 **or assets**, in any insurance corporation, association, or society of any  
 9 other state or country, which is not at the time of such transfer or  
 10 reinsurance authorized to do business in this state under the laws  
 11 ~~thereof.~~ **of this state.**

12 SECTION 195. IC 27-8-3-23 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 23. (a) As used in this  
 14 section, "premium" includes any deposit or contribution.

15 (b) The money or benefit provided or rendered by any corporation,  
 16 association, or society authorized to do business under this chapter  
 17 shall not be liable to attachment by garnishee or other process, and  
 18 shall not be seized, taken, appropriated, or applied by any legal or  
 19 equitable process, nor by any operation of law, to pay any debt or  
 20 liability of a policy or certificate holder or any beneficiary named  
 21 ~~therein.~~ **in the policy or certificate.**

22 (c) A premium paid for an individual life insurance policy that  
 23 names as a beneficiary, or is legally assigned to, a spouse, child, or  
 24 relative who is dependent upon the policy owner is not exempt from the  
 25 claims of the creditors of the policy owner if the premium is paid:

- 26 (1) not more than one (1) year before the date of the filing of a  
 27 voluntary or involuntary bankruptcy petition by; or  
 28 (2) to defraud the creditors of;

29 the policy owner.

30 (d) The insurer issuing the policy is discharged from all liability by  
 31 payment of the proceeds and avails of the policy (as defined in  
 32 IC 27-1-12-14(b)) in accordance with the terms of the policy unless,  
 33 before payment, the insurer has received at the insurer's home office,  
 34 written notice by or on behalf of a creditor of the policy owner that  
 35 specifies the amount claimed against the policy owner.

36 SECTION 196. IC 27-8-4-6 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) All credit life  
 38 insurance and credit accident and health insurance shall be evidenced  
 39 by an individual policy, or in the case of group insurance by a  
 40 certificate of insurance, which individual policy of group certificate of  
 41 insurance shall be delivered to the debtor.

42 (b) Each individual policy or group certificate of credit life



1 insurance or credit accident and health insurance shall, in addition to  
 2 other requirements of law, set forth:  
 3 (1) the name and home office address of the insurer;  
 4 (2) the name or names of the debtor or in the case of a certificate  
 5 under a group policy, the identity by name or otherwise of the  
 6 debtor;  
 7 (3) the premium or amount of payment, if any, by the debtor  
 8 separately for credit life insurance and credit accident and health  
 9 insurance;  
 10 (4) a description of the coverage, including the amount and term  
 11 ~~thereof; of the coverage;~~  
 12 (5) any exceptions, limitations, and restrictions; and  
 13 (6) that the benefits shall be paid to the creditor to reduce or  
 14 extinguish the unpaid indebtedness and, wherever the amount of  
 15 insurance may exceed the unpaid indebtedness, that any such  
 16 excess shall be payable to a beneficiary, other than the creditor,  
 17 named by the debtor or to ~~his~~ **the debtor's** estate.  
 18 (c) Said individual policy or group certificate of insurance shall be  
 19 delivered to the insured debtor at the time the indebtedness is incurred  
 20 except as provided in this chapter.  
 21 (d) If said individual policy or group certificate of insurance is not  
 22 delivered to the debtor at the time the indebtedness is incurred, a copy  
 23 of the application for such policy or a notice of proposed insurance,  
 24 signed by the debtor and setting forth:  
 25 (1) the name and home office address of the insurer;  
 26 (2) the name or names of the debtor;  
 27 (3) the premium or amount of payment by the debtor, if any,  
 28 separately for credit life insurance and credit accident and health  
 29 insurance; and  
 30 (4) the amount, term, and a brief description of the coverage  
 31 provided;  
 32 shall be delivered to the debtor at the time such indebtedness is  
 33 incurred. The copy of the application for, or notice of proposed  
 34 insurance, shall also refer exclusively to insurance coverage, and shall  
 35 be separate and apart from the loan, sale, or other credit statement of  
 36 account, instrument, or agreement, unless the information required by  
 37 this subsection is prominently set forth ~~therein:~~ **in the loan, sale, or**  
 38 **other credit statement of account, instrument, or agreement.** Upon  
 39 acceptance of the insurance by the insurer and within thirty (30) days  
 40 of the date upon which the indebtedness is incurred, the insurer shall  
 41 cause the individual policy or group certificate of insurance to be  
 42 delivered to the debtor. Said application or notice of proposed



1 insurance shall state that upon acceptance by the insurer, the insurance  
2 shall become effective as provided in section 5 of this chapter.

3 (e) If the named insurer does not accept the risk, then and in such  
4 event the debtor shall receive a policy or certificate of insurance, if one  
5 (1) can be obtained from another insurer, setting forth the name and  
6 home office address of the substituted insurer and the amount of the  
7 premium to be charged, and if the amount of premium is less than that  
8 set forth in the notice of proposed insurance an appropriate refund shall  
9 be made.

10 SECTION 197. IC 27-8-4-9 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. All policies of credit  
12 life insurance and credit accident and health insurance shall be  
13 delivered or issued for delivery in this state only by an insurer  
14 authorized to do an insurance business ~~therein~~, **in this state**, and shall  
15 be issued only through holders of licenses issued by the commissioner.

16 SECTION 198. IC 27-8-5-2, AS AMENDED BY P.L.117-2015,  
17 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2018]: Sec. 2. (a) No individual policy of accident and  
19 sickness insurance shall be delivered or issued for delivery to any  
20 person in this state unless it complies with each of the following:

21 (1) The entire money and other considerations for the policy are  
22 expressed in the policy.

23 (2) The time at which the insurance takes effect and terminates is  
24 expressed in the policy.

25 (3) The policy purports to insure only one (1) person, except that  
26 a policy must insure, originally or by subsequent amendment,  
27 upon the application of any member of a family who shall be  
28 deemed the policyholder and who is at least eighteen (18) years  
29 of age, any two (2) or more eligible members of that family,  
30 including husband, wife, dependent children, or any children who  
31 are less than twenty-six (26) years of age, and any other person  
32 dependent upon the policyholder.

33 (4) The style, arrangement, and overall appearance of the policy  
34 give no undue prominence to any portion of the text, and unless  
35 every printed portion of the text of the policy and of any  
36 endorsements or attached papers is plainly printed in lightface  
37 type of a style in general use, the size of which shall be uniform  
38 and not less than ten point with a lower-case unspaced alphabet  
39 length not less than one hundred ~~and~~ twenty point (the "text" shall  
40 include all printed matter except the name and address of the  
41 insurer, name or title of the policy, the brief description if any,  
42 and captions and subcaptions).



- 1 (5) The exceptions and reductions of indemnity are set forth in the  
 2 policy and, except those which are set forth in section 3 of this  
 3 chapter, are printed, at the insurer's option, either included with  
 4 the benefit provision to which they apply, or under an appropriate  
 5 caption such as "EXCEPTIONS", or "EXCEPTIONS AND  
 6 REDUCTIONS", provided that if an exception or reduction  
 7 specifically applies only to a particular benefit of the policy, a  
 8 statement of such exception or reduction shall be included with  
 9 the benefit provision to which it applies.
- 10 (6) Each such form of the policy, including riders and  
 11 endorsements, shall be identified by a form number in the lower  
 12 left-hand corner of the first page of the policy.
- 13 (7) The policy contains no provision purporting to make any  
 14 portion of the charter, rules, constitution, or bylaws of the insurer  
 15 a part of the policy unless such portion is set forth in full in the  
 16 policy, except in the case of the incorporation of or reference to  
 17 a statement of rates or classification of risks, or short-rate table  
 18 filed with the commissioner.
- 19 (8) If an individual accident and sickness insurance policy or  
 20 hospital service plan contract or medical service plan contract  
 21 provides that hospital or medical expense coverage of a  
 22 dependent child terminates upon attainment of the limiting age for  
 23 dependent children specified in such policy or contract, the policy  
 24 or contract must also provide that attainment of such limiting age  
 25 does not operate to terminate the hospital and medical coverage  
 26 of such child while the child is and continues to be both:
- 27 (A) incapable of self-sustaining employment by reason of  
 28 mental, intellectual, or physical disability; and  
 29 (B) chiefly dependent upon the policyholder for support and  
 30 maintenance.
- 31 Proof of such incapacity and dependency must be furnished to the  
 32 insurer by the policyholder within thirty-one (31) days of the  
 33 child's attainment of the limiting age. The insurer may require at  
 34 reasonable intervals during the two (2) years following the child's  
 35 attainment of the limiting age subsequent proof of the child's  
 36 disability and dependency. After such two (2) year period, the  
 37 insurer may require subsequent proof not more than once each  
 38 year. The foregoing provision shall not require an insurer to  
 39 insure a dependent who is a child who has a mental, intellectual,  
 40 or physical disability where such dependent does not satisfy the  
 41 conditions of the policy provisions as may be stated in the policy  
 42 or contract required for coverage ~~thereunder~~ **under the policy or**



1           **contract** to take effect. In any such case the terms of the policy or  
 2           contract shall apply with regard to the coverage or exclusion from  
 3           coverage of such dependent. This subsection applies only to  
 4           policies or contracts delivered or issued for delivery in this state  
 5           more than one hundred twenty (120) days after August 18, 1969.

6           (b) If any policy is issued by an insurer domiciled in this state for  
 7           delivery to a person residing in another state, and if the official having  
 8           responsibility for the administration of the insurance laws of such other  
 9           state shall have advised the commissioner that any such policy is not  
 10          subject to approval or disapproval by such official, the commissioner  
 11          may by ruling require that such policy meet the standards set forth in  
 12          subsection (a) and in section 3 of this chapter.

13          (c) An insurer may issue a policy described in this section in  
 14          electronic or paper form. However, the insurer shall:

15               (1) inform the insured that the insured may request the policy in  
 16               paper form; and

17               (2) issue the policy in paper form upon the request of the insured.

18          SECTION 199. IC 27-8-5-5 IS AMENDED TO READ AS  
 19          FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) The insured shall  
 20          not be bound by any statement made in an application for a policy  
 21          unless a copy of such application is attached to or endorsed on the  
 22          policy when issued as a part ~~thereof.~~ **of the policy.** If any such policy  
 23          delivered or issued for delivery to any person in this state shall be  
 24          reinstated or renewed, and the insured or the beneficiary or assignee of  
 25          such policy shall make written request to the insurer for a copy of the  
 26          application, if any, for such reinstatement or renewal, the insurer shall  
 27          within fifteen (15) days after the receipt of such request at its home  
 28          office or any branch office of the insurer, deliver or mail to the person  
 29          making such request, a copy of such application. If such copy shall not  
 30          be so delivered or mailed, the insurer shall be precluded from  
 31          introducing such application as evidence in any action or proceeding  
 32          based upon or involving such policy or its reinstatement or renewal.

33          (b) No alteration of any written application for any such policy shall  
 34          be made by any person other than the applicant without ~~his~~ **the**  
 35          **applicant's** written consent, except that insertions may be made by the  
 36          insurer, for administrative purposes only, in such manner as to indicate  
 37          clearly that such insertions are not to be ascribed to the applicant.

38          (c) The falsity of any statement in the application for any policy  
 39          covered by this chapter may not bar the right to recovery ~~thereunder~~  
 40          **under the policy** unless such false statement materially affected either  
 41          the acceptance of the risk or the hazard assumed by the insurer.

42          SECTION 200. IC 27-8-5-6 IS AMENDED TO READ AS

**HB 1031—LS 6106/DI 107**



1 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. The  
 2 acknowledgment by any insurer of the receipt of notice given under any  
 3 policy covered by this chapter, or the furnishing of forms for filing  
 4 proofs of loss, or the acceptance of such proofs, or the investigation of  
 5 any claim ~~thereunder~~ **under the policy** shall not operate as a waiver of  
 6 any of the rights of the insurer in defense of any claim arising under  
 7 such policy.

8 SECTION 201. IC 27-8-5-15 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 15. (a) No policy of  
 10 blanket accident and sickness insurance shall be delivered or issued for  
 11 delivery in this state unless it conforms to the requirements of this  
 12 section.

13 (1) A policy may be issued to any common carrier or to any  
 14 operator, owner or lessee of a means of transportation, who or  
 15 which shall be deemed the policyholder, covering a group of  
 16 persons who may become passengers defined by reference to their  
 17 travel status on such common carrier or such means of  
 18 transportation.

19 (2) A policy may be issued to an employer, who shall be deemed  
 20 the policyholder, covering any group of employees, dependents or  
 21 guests, defined by reference to specified hazards incident to an  
 22 activity or activities or operations of the policyholder.

23 (3) A policy may be issued to a college, school, or other  
 24 institution of learning, a school district or districts, or school  
 25 jurisdictional unit, or to the head, principal, or governing board of  
 26 any such educational unit, who or which shall be deemed the  
 27 policyholder, covering students, teachers, or employees.

28 (4) A policy may be issued to any religious, charitable,  
 29 recreational, educational, or civic organization, or branch ~~thereof~~;  
 30 **of such an organization**, which shall be deemed the  
 31 policyholder, covering any group of members or participants  
 32 defined by reference to specified hazards incident to any activity  
 33 or activities or operations sponsored or supervised by such  
 34 policyholder.

35 (5) A policy may be issued to a sports team, camp, or sponsor  
 36 ~~thereof~~, **of a sports team or camp**, which shall be deemed the  
 37 policyholder, covering members, campers, employees, officials,  
 38 or supervisors.

39 (6) A policy may be issued to any volunteer fire department, first  
 40 aid, emergency management, or other such volunteer  
 41 organization, which shall be deemed the policyholder, covering  
 42 any group of members or participants defined by reference to



1 specified hazards incident to an activity or activities or operations  
2 sponsored or supervised by such policyholder.  
3 (7) A policy may be issued to a newspaper or other publisher,  
4 which shall be deemed the policyholder, covering its carriers.  
5 (8) A policy may be issued to an association, including a labor  
6 union, which shall have a constitution and bylaws and which has  
7 been organized and is maintained in good faith for purposes other  
8 than that of obtaining insurance, which shall be deemed the  
9 policyholder, covering any group of members or participants  
10 defined by reference to specified hazards incident to an activity  
11 or activities or operations sponsored or supervised by such  
12 policyholder.  
13 (9) A policy may be issued to cover any other risk or class of risks  
14 which, in the discretion of the commissioner, may be properly  
15 eligible for blanket accident and sickness insurance. The  
16 discretion of the commissioner may be exercised on an individual  
17 risk basis or class of risks, or both.  
18 (b) Each such policy shall contain in substance provisions which in  
19 the opinion of the commissioner are not less favorable to the  
20 policyholder and the individual insured than the following:  
21 (1) A provision that the policy, including endorsements and a  
22 copy of the application, if any, of the policyholder and the persons  
23 insured shall constitute the entire contract between the parties,  
24 and that any statement made by the policyholder or by a person  
25 insured shall in absence of fraud, be deemed a misrepresentation  
26 and not a warranty, and that no such statements shall be used in  
27 defense to a claim under the policy, unless contained in a written  
28 application. Such a person, ~~his~~ **the person's** beneficiary, or **the**  
29 **person's** assignee shall have the right to make written request to  
30 the insurer for a copy of such application and the insurer shall,  
31 within fifteen (15) days after the receipt of such request at its  
32 home office or any branch office of the insurer, deliver or mail to  
33 the person making such request a copy of such application. If such  
34 copy shall not be so delivered or mailed, the insurer shall be  
35 precluded from introducing such application as evidence in any  
36 action based upon or involving any statements contained ~~therein.~~  
37 **in the application.**  
38 (2) A provision that written notice of sickness or of injury must be  
39 given to the insurer within twenty (20) days after the date when  
40 such sickness or injury occurred. Failure to give notice within  
41 such time shall not invalidate nor reduce any claim if it is shown  
42 not to have been reasonably possible to give such notice and that





- 1 notice was given as soon as was reasonably possible.
- 2 (3) A provision that the insurer will furnish either to the claimant  
3 or to the policyholder for delivery to the claimant such forms as  
4 are usually furnished by it for filing proof of loss. If such forms  
5 are not furnished before the expiration of fifteen (15) days after  
6 giving of such notice, the claimant shall be deemed to have  
7 complied with the requirements of the policy as to proof of loss  
8 upon submitting, within the time fixed in the policy for filing  
9 proof of loss, written proof covering the occurrence, the character,  
10 and the extent of the loss for which claim is made.
- 11 (4) A provision that in the case of claim for loss of time for  
12 disability, written proof of such loss must be furnished to the  
13 insurer within ninety (90) days after the commencement of the  
14 period for which the insurer is liable and that subsequent written  
15 proofs of the continuance of such disability must be furnished to  
16 the insurer at such intervals as the insurer may reasonably require,  
17 and that in the case of claim for any other loss, written proof of  
18 such loss must be furnished to the insurer within ninety (90) days  
19 after the date of such loss. Failure to furnish such proof within  
20 such time shall not invalidate nor reduce any claim if it shall be  
21 shown not to have been reasonably possible to furnish such proof  
22 and that such proof was furnished as soon as was reasonably  
23 possible.
- 24 (5) A provision that all benefits payable under the policy other  
25 than benefits for loss of time will be payable:
- 26 (A) immediately upon receipt of due written proof of such  
27 loss; or
- 28 (B) in accordance with IC 27-8-5.7;
- 29 whichever is more favorable to the policyholder, and that, subject  
30 to due proof of loss, all accrued benefits payable under the policy  
31 for loss of time will be paid not less frequently than monthly  
32 during the continuance of the period for which the insurer is  
33 liable, and that any balance remaining unpaid at the termination  
34 of such period will be paid immediately upon receipt of such  
35 proof.
- 36 (6) A provision that the insurer at its own expense, shall have the  
37 right and opportunity to examine the person of the injured or sick  
38 individual when and so often as it may reasonably require during  
39 the pendency of claim under the policy and also the right and  
40 opportunity to make an autopsy where it is not prohibited by law.
- 41 (7) A provision that no action at law or in equity shall be brought  
42 to recover under the policy prior to the expiration of sixty (60)



1 days after written proof of loss has been furnished in accordance  
 2 with the requirements of the policy and that no such action shall  
 3 be brought after the expiration of three (3) years after the time  
 4 written proof of loss is required to be furnished.

5 The insurer may omit from a policy any portion of any of the above  
 6 provisions which is not applicable to that policy. An individual  
 7 application need not be required from a person covered under a blanket  
 8 accident and sickness policy, nor shall it be necessary for the insurer to  
 9 furnish each person a certificate.

10 (c) All benefits under any blanket accident and sickness policy shall  
 11 be payable to the person insured, or to the insured's designated  
 12 beneficiary or beneficiaries, or to the insured's estate, except that if the  
 13 person insured be a minor or otherwise not competent to give a valid  
 14 release, such benefits may be made payable to the insured's parent,  
 15 guardian, or other person actually supporting the insured. However, the  
 16 policy may provide in substance that all or any portion of any benefits  
 17 provided by any such policy on account of hospital, nursing, medical,  
 18 or surgical services may, at the option of the insurer and unless the  
 19 insured requests otherwise in writing not later than the time of filing  
 20 proofs of such loss, be paid directly to the hospital or person rendering  
 21 such services; but, the policy may not require that the service be  
 22 rendered by a particular hospital or person. Payment so made shall  
 23 discharge the insurer's obligations with respect to the amount of  
 24 insurance so paid.

25 (d) This section applies only to policies delivered or issued for  
 26 delivery in Indiana after August 19, 1975.

27 SECTION 202. IC 27-8-19.8-5 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) As used in this  
 29 chapter, "viatical settlement provider" means a person, other than a  
 30 viator, that:

- 31 (1) enters into a viatical settlement contract with a viator; or  
 32 (2) obtains financing for the purchase, acquisition, transfer, or  
 33 other assignment of one (1) or more viatical settlement contracts,  
 34 viaticated policies, or interests ~~therein~~, **in such a contract or**  
 35 **policy**, or otherwise sells, assigns, transfers, pledges,  
 36 hypothecates, or disposes of one (1) or more viatical settlement  
 37 contracts, viaticated policies, or interests ~~therein~~. **in such a**  
 38 **contract or policy.**

39 (b) The term does not include any of the following:

- 40 (1) A bank, savings bank, savings association, credit union, or  
 41 other licensed lending institution that takes an assignment of a life  
 42 insurance policy as collateral for a loan.



1 (2) The issuer of a life insurance policy that makes a policy loan,  
 2 permits surrender of the policy, or pays other policy benefits,  
 3 including accelerated benefits, in accordance with the terms of the  
 4 policy.

5 SECTION 203. IC 27-11-4-4 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. No preliminary  
 7 certificate of authority granted under this section shall be valid after  
 8 one (1) year from its date or after a further period, not exceeding one  
 9 (1) year, as may be authorized by the commissioner upon cause shown,  
 10 unless the five hundred (500) applicants required in this chapter have  
 11 been secured and the organization has been completed as provided. The  
 12 articles of incorporation and all other proceedings ~~thereunder~~ **under**  
 13 **the articles of incorporation** shall become null and void in one (1)  
 14 year from the date of the preliminary certificate of authority or at the  
 15 expiration of the extended period, unless the society has completed its  
 16 organization and received a certificate of authority to do business in  
 17 Indiana.

18 SECTION 204. IC 27-11-5-4 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) A domestic  
 20 society may consolidate or merge with any other society by complying  
 21 with this section. It shall file with the commissioner:

22 (1) a certified copy of the written contract containing in full the  
 23 terms and conditions of the consolidation or merger;

24 (2) a sworn statement by the president and secretary or  
 25 corresponding officers of each society showing the financial  
 26 condition of the society on a date fixed by the commissioner, but  
 27 not earlier than December 31 next preceding the date of the  
 28 contract;

29 (3) a certificate of the officers, verified by their respective oaths,  
 30 that the consolidation or merger has been approved by a  
 31 two-thirds (2/3) vote of the supreme governing body of each  
 32 society, the vote being conducted at a regular or special meeting  
 33 of each body, or, if the society's laws permit, by mail; and

34 (4) evidence that, at least sixty (60) days before the action of the  
 35 supreme governing body of each society, the text of the contract  
 36 has been furnished to all members of each society either by mail  
 37 or by publication in full in the official publication of each society.

38 (b) If the commissioner finds that:

39 (1) the contract is in conformity with this section;

40 (2) the financial statements are correct; and

41 (3) the consolidation or merger is just and equitable to the  
 42 members of each society;



1 the commissioner shall approve the contract and issue a certificate to  
 2 that effect. Upon approval, the contract shall be in full force and effect  
 3 unless any society that is a party to the contract is incorporated under  
 4 the laws of any other state or territory. In that event, the consolidation  
 5 or merger shall not become effective unless and until it has been  
 6 approved as provided by the laws of the state or territory and a  
 7 certificate of approval has been filed with the commissioner or, if the  
 8 laws of the state or territory contain no such provision, then the  
 9 consolidation or merger shall not become effective unless and until it  
 10 has been approved by the commissioner of that state or territory and a  
 11 certificate of approval has been filed with the commissioner of this  
 12 state.

13 (c) Upon the consolidation or merger becoming effective, all the  
 14 rights, franchises, and interests of the consolidated or merged societies  
 15 in and to every species of property, real, personal, or mixed, and things  
 16 in action ~~thereunto~~ belonging **to the consolidated or merged societies**  
 17 shall be vested in the society resulting from or remaining after the  
 18 consolidation or merger without any other instrument, except that  
 19 conveyances of real property may be evidenced by proper deeds, and  
 20 the title to any real estate or interest ~~therein~~ **in any real estate**, vested  
 21 under the laws of this state in any of the societies consolidated or  
 22 merged, shall not revert or be in any way impaired by reason of the  
 23 consolidation or merger, but shall vest absolutely in the society  
 24 resulting from or remaining after the consolidation or merger.

25 (d) The affidavit of any officer of the society or of anyone  
 26 authorized by it to mail any notice or document, stating that the notice  
 27 or document has been duly addressed and mailed, is prima facie  
 28 evidence that the notice or document has been furnished the  
 29 addressees.

30 SECTION 205. IC 27-11-7-2 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) All assets shall  
 32 be held, invested, and disbursed for the use and benefit of the society,  
 33 and no member or beneficiary shall have or acquire individual rights  
 34 in the assets or become entitled to any apportionment on the surrender  
 35 of any part of the assets, except as provided in the benefit contract.

36 (b) A society may create, maintain, invest, disburse, and apply any  
 37 special fund or funds necessary to carry out any purpose permitted by  
 38 the laws of the society.

39 (c) A society may, pursuant to resolution of its supreme governing  
 40 body, establish and operate one (1) or more separate accounts and issue  
 41 contracts on a variable basis, subject to the provisions of law regulating  
 42 life insurers establishing accounts and issuing contracts. To the extent



1 the society considers it necessary in order to comply with any  
 2 applicable federal or state laws or any rules issued ~~thereunder~~, **under**  
 3 **the applicable federal or state laws**, the society may:

4 (1) adopt special procedures for the conduct of the business and  
 5 affairs of a separate account;

6 (2) for persons having beneficial interest ~~therein~~, **in the account**,  
 7 provide special voting and other rights, including without  
 8 limitation special rights and procedures relating to investment  
 9 policy, investment advisory services, selection of certified public  
 10 accountants, and selection of a committee to manage the business  
 11 and affairs of the account; and

12 (3) issue contracts on a variable basis to which IC 27-11-6-5 and  
 13 IC 27-11-6-7 shall not apply.

14 SECTION 206. IC 27-11-7-3 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. Except as provided  
 16 in this article, societies shall be governed by this article and by  
 17 IC 27-1-2, IC 27-1-3, and IC 27-9, and shall be exempt from all other  
 18 provisions of this title unless they be expressly designated ~~therein~~, **in**  
 19 **this title** or unless it is specifically made applicable by this article.

20 SECTION 207. IC 27-11-8-5 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. No foreign or alien  
 22 society shall transact business in Indiana without a license issued by  
 23 the commissioner. Any society desiring admission to Indiana shall  
 24 comply substantially with the requirements and limitations of this  
 25 article applicable to domestic societies. Any society may be licensed to  
 26 transact business in Indiana upon filing with the commissioner:

27 (1) a certified copy of its articles of incorporation;

28 (2) a copy of its bylaws, certified by its secretary or corresponding  
 29 officer;

30 (3) a power of attorney to the commissioner as prescribed in  
 31 IC 27-11-9-1;

32 (4) a statement of its business under oath of its president and  
 33 secretary or corresponding officers in a form prescribed by the  
 34 commissioner, verified by an examination made by the  
 35 supervising insurance official of its home state or other state,  
 36 territory, province, or country and satisfactory to the  
 37 commissioner;

38 (5) certification from the proper official of its home state,  
 39 territory, province, or country that the society is legally  
 40 incorporated and licensed to transact business ~~therein~~, **in that**  
 41 **state, territory, province, or country**;

42 (6) copies of its certificate forms; and



1           (7) such other information as the commissioner considers  
 2           necessary;  
 3           and upon a showing that its assets are invested in accordance with this  
 4           chapter.

5           SECTION 208. IC 28-1-2-30 IS AMENDED TO READ AS  
 6           FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 30. Except as otherwise  
 7           provided, a member of the department or the director or deputy,  
 8           assistant, or any other person having access to any such information  
 9           may not disclose to any person, other than officially to the department,  
 10          by the report made to it, or to the board of directors, partners, or  
 11          owners, or in compliance with the order of a court, the names of the  
 12          depositors or shareholders in any financial institution, or the amount of  
 13          money on deposit ~~therein~~ **in any financial institution** at any time in  
 14          favor of any depositor, or any other information concerning the affairs  
 15          of any such financial institution.

16          SECTION 209. IC 28-1-9-7 IS AMENDED TO READ AS  
 17          FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. If, at the time of  
 18          liquidation such corporation shall hold any property, real or personal,  
 19          in trust for any individual or corporation under or by virtue of any trust  
 20          instrument, the agent shall convey, assign, and deliver such property to  
 21          the successor trustee named in the trust instrument under which such  
 22          property is held, or if no successor trustee be named ~~therein~~, **in the**  
 23          **trust instrument**, to such individual or to a bank or trust company or  
 24          corporate fiduciary that is qualified to exercise trust powers as may be  
 25          designated in writing by the beneficiaries of such trust, or if no such  
 26          designation is made after written notice to the beneficiaries, or if the  
 27          beneficiaries are otherwise incompetent to designate a successor  
 28          trustee, then to such individual or to such bank or trust company or  
 29          corporate fiduciary that is qualified to exercise trust powers as may be  
 30          appointed by the circuit, probate, or other court having jurisdiction of  
 31          trusts in the county where the principal office of such corporation is  
 32          located. No person eighteen (18) years of age or older shall be deemed  
 33          incompetent by virtue of ~~his~~ **the person's** age to name a successor  
 34          trustee. If any such corporation, at the time of liquidation, shall be  
 35          acting as administrator, executor, guardian, receiver or in any other  
 36          fiduciary capacity under the appointment of any court, the agent shall  
 37          convey, assign, and deliver all of the property of such trust and all of  
 38          such trust business, to such individual or to such bank or trust company  
 39          or corporate fiduciary that is qualified to execute trusts, as may be  
 40          appointed by the court having jurisdiction of such trust, upon the order  
 41          and direction of such court.

42          SECTION 210. IC 28-1-9-13, AS AMENDED BY P.L.216-2013,



1 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2018]: Sec. 13. Upon the completion of the dissolution, the  
3 corporation shall execute and file ~~in the manner hereinafter provided,~~  
4 articles of dissolution, setting forth the following:

- 5 ~~(a)~~ **(1)** The name of the corporation.  
6 ~~(b)~~ **(2)** The place where its principal office is located.  
7 ~~(c)~~ **(3)** The date of the meeting of the shareholders at which the  
8 dissolution was authorized and a copy of the notices of ~~such the~~  
9 meeting.  
10 ~~(d)~~ **(4)** A copy of the resolution of the shareholders authorizing  
11 the dissolution.  
12 ~~(e)~~ **(5)** The manner of the resolution's adoption and the vote by  
13 which adopted.  
14 ~~(f)~~ **(6)** A copy of the notice published. ~~as hereinabove provided.~~  
15 ~~(g)~~ **(7)** The names and addresses of the then existing directors and  
16 officers of the corporation.  
17 ~~(h)~~ **(8)** A copy of the order of the department authorizing the  
18 dissolution of ~~such the~~ corporation.  
19 ~~(i)~~ **(9)** A brief summary showing the manner in which the  
20 corporate debts and liabilities were disposed of or paid.  
21 ~~(j)~~ **(10)** A complete itemized list, in a format approved by the  
22 director of the department, of all the corporate assets and property  
23 distributed to the corporation's shareholders and any other  
24 information required by the director of the department.

25 SECTION 211. IC 28-1-15-4 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. Any bank or trust  
27 company which shall fail to prepare and submit any statement of  
28 condition required by the department, and any bank or trust company  
29 which shall violate any order of the department with respect to such  
30 statement or statements, shall be subject to a penalty of one hundred  
31 dollars (\$100) for each day that shall elapse after the date fixed by the  
32 department for compliance with the terms of its notice concerning  
33 statements of condition. The penalty ~~herein~~ prescribed **under this**  
34 **section** may be recovered in any court of competent jurisdiction, in an  
35 action by the state of Indiana, on the relation of "The Department of  
36 Financial Institutions" and when so recovered, such penalty shall be  
37 paid into the general fund of the state treasury.

38 SECTION 212. IC 28-1-23-5 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. Wherever any  
40 provision of this article requires that there shall be filed any verified  
41 account, report, or other paper by any person, firm, limited liability  
42 company, or corporation, such account, report, or other paper shall be



1 executed by the person or persons filing such account, report, or other  
 2 paper or by the president or such other officer as may be designated by  
 3 the board of directors of any corporation filing such account, report, or  
 4 other paper, and the truth of the matters ~~therein~~ stated **in the account,**  
 5 **report, or other paper** shall be sworn to under oath by such person or  
 6 by such president or other officer before a notary public or other officer  
 7 duly qualified to administer oaths.

8 SECTION 213. IC 28-5-1-12 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. Any certificates of  
 10 indebtedness or investment issued by any such company pursuant to  
 11 the provisions of this chapter may be issued as fully paid or to be paid  
 12 for in installments by the purchaser. All of the terms and conditions  
 13 upon which any such certificate of indebtedness or investment is issued  
 14 shall be clearly stated ~~therein in the certificate of indebtedness or~~  
 15 **investment** and any such company may by contract provide that it shall  
 16 not be required to pay on such certificates of indebtedness or  
 17 investment any amount exceeding its net receipts of the previous  
 18 calendar month, in which event such certificates must be redeemed in  
 19 the order in which they are presented for redemption or as otherwise  
 20 prescribed by special regulation of the department.

21 (a) Fully paid certificates shall be payable at a date certain not less  
 22 than ninety (90) days subsequent to the date of issue thereof, except  
 23 that the company may pay such certificates prior to the maturity date  
 24 whenever its reserve balance equals or exceeds the amount provided in  
 25 section 13 of this chapter. Such company may at any time redeem any  
 26 of such certificates upon thirty (30) days notice in writing to the holder  
 27 thereof prior to such redemption. If such certificate is not presented for  
 28 payment by the holder thereof at maturity, such certificate shall be  
 29 payable thereafter only upon at least thirty (30) days notice in writing  
 30 given by the holder thereof to the company issuing the same, except  
 31 that any such company may waive such notice whenever its reserve  
 32 balance equals or exceeds the amount provided in section 13 of this  
 33 chapter.

34 (b) Installment certificates shall be payable only after ninety (90)  
 35 days notice in writing given by the holder of the certificate to the  
 36 company issuing the same, except that any such company may waive  
 37 the notice whenever its reserve balance equals or exceeds the amount  
 38 provided in section 13 of this chapter. The company may at any time  
 39 redeem any of the certificates upon thirty (30) days notice in writing to  
 40 the holder of the certificate prior to such redemption.

41 (c) Subject to subsection (b), a company may permit the holder of  
 42 any installment certificate of indebtedness or investment to make





1 withdrawals from the certificate by negotiable or transferable  
 2 instruments or orders, if the certificate is held by the type or category  
 3 of holder permitted to hold a similar account with a financial institution  
 4 controlled under 12 U.S.C. 3502.

5 (d) A company may require the owner of any installment certificate  
 6 of indebtedness or investment which is subject to withdrawal by  
 7 negotiable or transferable instruments or orders to maintain a minimum  
 8 balance in that certificate of indebtedness or investment and may  
 9 charge fees that are reasonable and competitive if the balance in the  
 10 certificate of indebtedness or investment falls below a minimum  
 11 required balance. Interest paid on certificates of investment or  
 12 indebtedness subject to withdrawal by negotiable or transferable  
 13 instruments or orders may not exceed the maximum rate allowable for  
 14 those financial institutions whose interest rates are controlled under 12  
 15 U.S.C. 3502.

16 SECTION 214. IC 28-5-1-13 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 13. Every company  
 18 issuing any such certificates of indebtedness or investment shall at all  
 19 times maintain a reserve balance equal to at least three percent (3%) of  
 20 the total amount paid in on all of its outstanding certificates of  
 21 indebtedness or investment, which said reserve balance shall consist of  
 22 cash on hand or on demand deposit with a solvent and going bank or  
 23 trust company. If at any time such reserve balance shall be reduced  
 24 below the amount ~~herein~~ prescribed **in this section**, such company  
 25 shall not issue any additional certificates of indebtedness or investment  
 26 nor make any new loans or pay any dividends until such reserve  
 27 balance shall have been fully restored to the amount ~~herein~~ prescribed  
 28 **in this section**. All of the officers and such of the directors as  
 29 participate in violating any of the provisions of this section shall be  
 30 jointly and severally liable to the holder or holders of any certificates  
 31 of indebtedness or investment issued when such reserve balance is  
 32 below the amount ~~herein~~ prescribed **in this section** for any loss  
 33 suffered or sustained by them accruing by reason of such violation. Any  
 34 such company which maintains federal deposit insurance as authorized  
 35 in section 6(a)(17) of this chapter and which maintains the reserves  
 36 required by the Federal Reserve Act shall be considered to have  
 37 complied fully with this section.

38 SECTION 215. IC 28-7-5-16, AS AMENDED BY P.L.149-2016,  
 39 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2018]: Sec. 16. (a) The licensee shall keep and use in the  
 41 licensee's business such books, accounts, and records as will enable the  
 42 department to determine whether the licensee is complying with this



1 chapter and with the rules adopted by the department under this  
 2 chapter. Every licensee shall preserve such books, accounts, and  
 3 records, including cards used in the card system for at least two (2)  
 4 years after making the final entry on any loan recorded ~~therein~~ **in its**  
 5 **books, accounts, and records.** The books and records of the licensee  
 6 shall be kept so that the pawnbroking business transacted in Indiana  
 7 may be readily separated and distinguished from the business of the  
 8 licensee transacted elsewhere and from any other business in which the  
 9 licensee may be engaged. To determine whether the licensee is  
 10 complying with this chapter and with rules adopted by the department  
 11 under this chapter, the department may examine the books, accounts,  
 12 and records required to be kept by the licensee under this subsection.  
 13 If the department examines the books, accounts, and records of the  
 14 licensee under this subsection, the licensee shall pay all reasonably  
 15 incurred costs of the examination in accordance with the fee schedule  
 16 adopted under IC 28-11-3-5. Any costs required to be paid under this  
 17 section shall be paid not later than sixty (60) days after the person  
 18 receives a notice from the department of the costs being assessed. The  
 19 department may impose a fee, in an amount fixed by the department  
 20 under IC 28-11-3-5, for each day that the assessed costs are not paid,  
 21 beginning on the first day after the sixty (60) day period described in  
 22 this subsection.

23 (b) If a pawnbroker, in the conduct of the business, purchases a  
 24 article from a seller, the purchase shall be evidenced by a bill of sale  
 25 properly signed by the seller. All bills of sale must be in duplicate and  
 26 must recite the following separate items:

- 27 (1) Date of bill of sale.
- 28 (2) Amount of consideration.
- 29 (3) Name of pawnbroker.
- 30 (4) Description of each article sold. However, if multiple articles  
 31 of a similar nature that do not contain an identification or serial  
 32 number (such as precious metals, gemstones, musical recordings,  
 33 video recordings, books, or hand tools) are delivered together in  
 34 one (1) transaction, the description of the articles is adequate if  
 35 the description contains the quantity of the articles delivered and  
 36 a physical description of the type of articles delivered, including  
 37 any other unique identifying marks, numbers, names, letters, or  
 38 special features.
- 39 (5) Signature of seller.
- 40 (6) Address of seller.
- 41 (7) Date of birth of the seller.
- 42 (8) The type of government issued identification used to verify the



1 identity of the seller, together with the name of the governmental  
 2 agency that issued the identification, and the identification  
 3 number present on the government issued identification.

4 (c) The original copy of the bill of sale shall be retained by the  
 5 pawnbroker. The second copy shall be delivered to the seller by the  
 6 pawnbroker at the time of sale. The heading on all bill of sale forms  
 7 must be in boldface type.

8 (d) If a pawnbroker, in the conduct of the business, purchases  
 9 precious metal (as defined in IC 24-4-19-6) from a seller, the  
 10 pawnbroker shall, for at least ten (10) calendar days after the date the  
 11 pawnbroker purchases the precious metal, retain the precious metal:

- 12 (1) at the pawnbroker's permanent place of business where the  
 13 pawnbroker purchased the precious metal; and  
 14 (2) separate from other precious metal.

15 (e) Each licensee shall maintain a record of control indicating the  
 16 number of accounts and dollar value of all outstanding pawnbroking  
 17 receivables.

18 (f) If a licensee contracts with an outside vendor to provide a service  
 19 that would otherwise be undertaken internally by the licensee and be  
 20 subject to the department's routine examination procedures, the person  
 21 that provides the service to the licensee shall, at the request of the  
 22 director, submit to an examination by the department. If the director  
 23 determines that an examination under this subsection is necessary or  
 24 desirable, the examination may be made at the expense of the person  
 25 to be examined. If the person to be examined under this subsection  
 26 refuses to permit the examination to be made, the director may order  
 27 any licensee that receives services from the person refusing the  
 28 examination to:

- 29 (1) discontinue receiving one (1) or more services from the  
 30 person; or  
 31 (2) otherwise cease conducting business with the person.

32 SECTION 216. IC 28-8-4-51 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 51. (a) If, after notice  
 34 and a hearing, the director finds that an authorized delegate of a  
 35 licensee or a director, an officer, an employee, or a controlling person  
 36 of the authorized delegate:

- 37 (1) has violated any provision of this chapter or order issued  
 38 under this chapter;  
 39 (2) has engaged or participated in any unsafe or unsound act with  
 40 respect to the business of:  
 41 (A) selling or issuing payment instruments of the licensee; or  
 42 (B) money transmission;



1 (3) has made or caused to be made in an application or report  
 2 filed with the director or in any proceeding before the director,  
 3 any statement that was at the time and in the circumstances under  
 4 which it was made, false or misleading with respect to any  
 5 material fact; or

6 (4) has omitted to state in an application or report filed with the  
 7 director a material fact that is required to be stated ~~therein~~; **in the**  
 8 **application or report;**

9 the director may issue an order suspending or barring such authorized  
 10 delegate from becoming or continuing to be an authorized delegate of  
 11 a licensee during the period for which such order is in effect.

12 (b) Upon issuance of an order under subsection (a), the licensee  
 13 shall terminate the licensee's relationship with the authorized delegate  
 14 according to the terms of the order.

15 (c) Any authorized delegate to whom an order is issued under this  
 16 section may apply to the director to modify or rescind the order. The  
 17 director shall not grant such application unless the director finds that  
 18 it is in the public interest to do so and that it is reasonable to believe  
 19 that the person will, if and when the person is permitted to resume  
 20 being an authorized delegate of a licensee, comply with all applicable  
 21 provisions of this chapter and of any regulation and order issued under  
 22 this chapter.

23 (d) The right of an authorized delegate to whom an order is issued  
 24 under this section to petition for judicial review of an order shall not be  
 25 affected by the failure of the authorized delegate to apply to the director  
 26 to modify or rescind the order.

27 SECTION 217. IC 29-1-5-8 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. If after making a will  
 29 the testator is divorced, all provisions in the will in favor of the  
 30 testator's spouse ~~so divorced~~ are ~~thereby~~ revoked. Annulment of the  
 31 testator's marriage shall have the same effect as a divorce. ~~as~~  
 32 ~~hereinabove provided.~~ With this exception, no written will, nor any part  
 33 ~~thereof, of the will,~~ can be revoked by any change in the circumstances  
 34 or condition of the testator.

35 SECTION 218. IC 29-1-6-2 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. If, in any will  
 37 admitted to probate in any of the courts of this state, there is a provision  
 38 or provisions providing that if any beneficiary ~~thereunder~~ **under the**  
 39 **will** shall take any proceeding to contest such will or to prevent the  
 40 admission ~~thereof of the will~~ to probate, or provisions to that effect,  
 41 such beneficiary shall thereby forfeit any benefit which said will made  
 42 for said beneficiary, such provision or provisions shall be void and of



1 no force or effect.

2 SECTION 219. IC 29-1-10-8 IS AMENDED TO READ AS

3 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. When a successor

4 personal representative or an administrator with the will annexed is

5 appointed, ~~he the person~~ shall have all the rights and powers of ~~his the~~

6 **person's** predecessor or of the executor designated in the will, except

7 that ~~he the person~~ shall not exercise powers given in the will which by

8 its terms are personal to the executor ~~therein~~ **designated in the will.**

9 SECTION 220. IC 29-1-13-13 IS AMENDED TO READ AS

10 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 13. If at the time of ~~his~~

11 death the decedent was obligated by the terms of any contract to further

12 performance ~~thereunder,~~ **under the contract, his the decedent's**

13 personal representative may, if it appears feasible and in the best

14 interests of the estate, proceed to carry out the terms of such contract.

15 In the event that the performance of such contract shall necessitate the

16 expenditure of funds of the estate, or shall require the utilization of

17 assets other than property which is itself the subject matter of such

18 contract, such personal representative shall request and receive

19 instructions from the court regarding the performance ~~thereof.~~ **of the**

20 **contract.**

21 SECTION 221. IC 29-1-17-15.1, AS AMENDED BY P.L.79-2017,

22 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

23 JULY 1, 2018]: Sec. 15.1. (a) Whenever any person has died leaving

24 property or any interest ~~therein in property~~ and no general

25 administration has been commenced on the person's estate in this state,

26 nor has any will been offered for probate in this state, within five (5)

27 months after the person's death, any person claiming an interest in such

28 property as heir or through an heir may file a petition in any court

29 which would be of proper venue for the administration of such

30 decedent's estate, to determine the heirs of said decedent and their

31 respective interests as heirs in the estate.

32 (b) The petition shall state:

33 (1) The name, age, domicile and date of death of the decedent;

34 (2) The names, ages and residence addresses of the heirs, so far

35 as known or can with reasonable diligence be ascertained;

36 (3) The names and residence addresses of any persons claiming

37 any interest in such property through an heir, so far as known or

38 can by reasonable diligence be ascertained;

39 (4) A particular description of the property with respect to which

40 such determination is sought;

41 (5) The net value of the estate.

42 (c) Upon the filing of the petition, the court shall fix the time for the



1 hearing, thereof, notice of which shall be given to:

2 (1) All persons known or believed to claim any interest in the  
3 property as heir or through an heir of the decedent;

4 (2) All persons who may at the date of the filing of the petition be  
5 shown by the records of conveyances of the county in which any  
6 real property described in such petition is located to claim any  
7 interest therein through the heirs of the decedent; and

8 (3) Any unknown heirs of the decedent.

9 Such notice shall be given by publication and, in addition personal  
10 notice by registered mail shall be given to every such person whose  
11 address is known to the petitioner. Upon satisfactory proofs the court  
12 shall make a decree determining the heirs of said decedent and their  
13 respective interests as heirs in said property.

14 (d) A certified copy of the decree shall be recorded at the expense  
15 of the petitioner in each county in which any real property described  
16 ~~therein in the decree~~ is situated except the county in which the decree  
17 is entered, and shall be conclusive evidence of the facts determined  
18 ~~therein in the decree~~ as against all parties to the proceedings.

19 SECTION 222. IC 29-2-12-3 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. The personal  
21 representative of decedent's estate or the person paying the federal  
22 estate tax imposed upon said estate by said United States revenue code  
23 shall be entitled to recover such tax so paid proportionately from each  
24 such person, heir, or beneficiary as is ~~hereinafter~~ provided **in this**  
25 **chapter.**

26 SECTION 223. IC 30-1-8-1 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. The words and  
28 phrases used in this chapter shall be construed as follows:

29 (a) "Fiduciary" shall mean a bank or trust company undertaking to  
30 act alone or jointly with others primarily for the benefit of another in all  
31 matters connected with its undertaking and includes trustee, executor,  
32 administrator, personal representative, registrar of stocks and bonds,  
33 guardian of estates, assignee, receiver, managing agent and any other  
34 similar capacity.

35 (b) "Regulations" shall mean the regulations promulgated by the  
36 board of governors of the federal reserve system and the comptroller of  
37 currency in conformity with the federal Internal Revenue Code, as such  
38 regulations now exist or as they may be ~~hereafter~~ amended.

39 (c) "Participating interest" shall mean a proportionate undivided  
40 interest in all assets of the common trust fund for the time being,  
41 acquired by a fiduciary for cash, or in exchange for other assets.

42 (d) Words imputing the masculine gender shall be applied to and



1 include all persons and corporations.  
2 SECTION 224. IC 30-2-9-4 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. The amount or  
4 amounts deposited or invested, with interest or dividends ~~thereon~~, **on**  
5 **the amount or amounts**, if any, shall not be withdrawn until the death  
6 of the person or persons for whose funeral or burial such funds were  
7 paid, unless sooner withdrawn and repaid to the person who originally  
8 paid the money under or in connection with said agreement or series of  
9 agreements or to ~~his or her~~ **the person's** legal representative. ~~Provided;~~  
10 ~~That~~ **However:**  
11 (1) if the agreement or series of agreements provides for forfeiture  
12 and retention of any or all such payments by reason of default in  
13 payment upon and according to the terms ~~thereof~~, **of the**  
14 **agreement or series of agreements**, then upon any such default  
15 and forfeiture the trustee may withdraw such deposits or  
16 investments; ~~Provided; further; That and~~  
17 (2) nothing ~~herein contained in this section~~ shall prohibit the  
18 change of depository by the trustee and the transfer of trust funds  
19 from one (1) depository to another.  
20 This section applies only to trust funds that include payments under  
21 section 1(a) of this chapter.  
22 SECTION 225. IC 30-2-9-6 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. It shall be unlawful  
24 for any such agreement or agreements to provide for forfeiture and  
25 retention of payments upon any such agreement or series of agreements  
26 as and for liquidated damages for default ~~therein of the agreement or~~  
27 **series of agreements** in excess of **ten percent (10%)** of the payments  
28 made or ~~\$35.00~~, **thirty-five dollars (\$35)**, whichever sum is ~~the~~ larger.  
29 SECTION 226. IC 30-2-9-8 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. If any part or parts  
31 of this chapter shall be held unconstitutional, the remaining provisions  
32 shall be given full force and effect as completely as if the part held  
33 unconstitutional had not been included ~~herein~~, **in this chapter**, if such  
34 remaining part or parts can then be administered for the purpose of  
35 licensing and regulating payments for future use in connection with the  
36 disposition of a dead human body, as provided for in this chapter.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1031, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1031 as introduced.)

STEUERWALD

Committee Vote: Yeas 11, Nays 0

