

# HOUSE BILL No. 1307

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-1-3-8.

**Synopsis:** Preemption of certain local ordinances. Preempts the ability of a unit to license, register, or certify a person generally to practice the person's profession or occupation within the unit, whether or not the person's profession or occupation is licensed, registered, or certified under the Indiana Code. Provides that the preemption does not apply to an ordinance or regulation that requires a person to obtain permits or other approvals to undertake particular instances of the practice of the person's profession or occupation.

**Effective:** July 1, 2017.

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## Gutwein

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January 10, 2017, read first time and referred to Select Committee on Government Reduction.

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First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

## HOUSE BILL No. 1307

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

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

- 1 SECTION 1. IC 36-1-3-8, AS AMENDED BY P.L.189-2016,  
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2017]: Sec. 8. (a) Subject to subsection (b), a unit does not  
4 have the following:  
5 (1) The power to condition or limit its civil liability, except as  
6 expressly granted by statute.  
7 (2) The power to prescribe the law governing civil actions  
8 between private persons.  
9 (3) The power to impose duties on another political subdivision,  
10 except as expressly granted by statute.  
11 (4) The power to impose a tax, except as expressly granted by  
12 statute.  
13 (5) The power to impose a license fee greater than that reasonably  
14 related to the administrative cost of exercising a regulatory power.  
15 (6) The power to impose a service charge or user fee greater than  
16 that reasonably related to reasonable and just rates and charges  
17 for services.



- 1 (7) The power to regulate conduct that is regulated by a state  
2 agency, except as expressly granted by statute.
- 3 (8) The power to prescribe a penalty for conduct constituting a  
4 crime or infraction under statute.
- 5 (9) The power to prescribe a penalty of imprisonment for an  
6 ordinance violation.
- 7 (10) The power to prescribe a penalty of a fine as follows:  
8 (A) More than ten thousand dollars (\$10,000) for the violation  
9 of an ordinance or a regulation concerning air emissions  
10 adopted by a county that has received approval to establish an  
11 air permit program under IC 13-17-12-6.  
12 (B) For a violation of any other ordinance:  
13 (i) more than two thousand five hundred dollars (\$2,500) for  
14 a first violation of the ordinance; and  
15 (ii) except as provided in subsection (c), more than seven  
16 thousand five hundred dollars (\$7,500) for a second or  
17 subsequent violation of the ordinance.
- 18 (11) The power to invest money, except as expressly granted by  
19 statute.
- 20 (12) The power to order or conduct an election, except as  
21 expressly granted by statute.
- 22 (13) The power to adopt or enforce an ordinance described in  
23 section 8.5 of this chapter.
- 24 (14) The power to take any action prohibited by section 8.6 of this  
25 chapter.
- 26 (15) The power to dissolve a political subdivision, except:  
27 (A) as expressly granted by statute; or  
28 (B) if IC 36-1-8-17.7 applies to the political subdivision, in  
29 accordance with the procedure set forth in IC 36-1-8-17.7.
- 30 **(16) The power to license, register, or certify a person**  
31 **generally to practice the person's profession or occupation**  
32 **within the unit. This subdivision applies whether or not the**  
33 **person's profession or occupation is licensed, registered, or**  
34 **certified under the Indiana Code. This subdivision does not**  
35 **apply to an ordinance or regulation that requires a person to**  
36 **obtain permits or other approvals to undertake particular**  
37 **instances of the practice of the person's profession or**  
38 **occupation.**
- 39 (b) A township does not have the following, except as expressly  
40 granted by statute:  
41 (1) The power to require a license or impose a license fee.  
42 (2) The power to impose a service charge or user fee.



- 1           (3) The power to prescribe a penalty.
- 2           (c) Subsection (a)(10)(B)(ii) does not apply to the violation of an
- 3 ordinance that regulates traffic or parking.

