

# HOUSE BILL No. 1329

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-21-3-12.2; IC 32-21-5.2; IC 36-1-4; IC 36-7-2-9.1.

**Synopsis:** Local government matters. Authorizes the solid waste management district of Vanderburgh County to make grants and loans for certain purposes. Prohibits a governmental entity from requiring that a Class 2 structure or a residential onsite sewage system be inspected in connection with or as a condition of the sale of or transfer of title to the property containing the Class 2 structure or residential onsite sewage system. Provides, for purposes of posting a license bond, that a political subdivision may not impose any requirement for the political subdivision to be identified as an obligee on the license bond other than the requirement in statute. Provides that an obligor may initiate a civil action against a political subdivision that does not recognize or does not allow an obligor to post a license bond that satisfies certain requirements and that, if the obligor prevails in the action, the obligor shall be awarded an amount equal to: (1) 300% of the cost of obtaining the license bond; (2) compensatory damages; and (3) reasonable attorney's fees. Provides that if a contractor: (1) has posted a license bond to obtain one license from a political subdivision; and (2) is required to obtain another license from the political subdivision to perform work that the contractor intends to perform; the contractor may not be required to post a second license bond as a condition of obtaining the second license if the type of work that the first license authorizes the contractor to perform is so closely related to the type of work that the second license will authorize the contractor to perform that both types of work are typically involved in a single residential construction project. Provides that a city, town, or county that requires a building permit for the construction of a Class 2  
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**Effective:** July 1, 2024.

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## Pressel

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January 10, 2024, read first time and referred to Committee on Local Government.

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Digest Continued

structure may provide for the inspection preceding the issuance or denial of the building permit to be conducted by: (1) an individual employed by the city, town, or county, or by another city, town, or county, as a building inspector; (2) a registered architect; (3) a registered professional engineer; (4) a certified building official; or (5) a licensed home inspector.



Introduced

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

# HOUSE BILL No. 1329



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 13-21-3-12.2, AS AMENDED BY P.L.104-2022,  
2 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2024]: Sec. 12.2. (a) This section applies to a county having  
4 a population of more than one hundred eighty thousand (180,000) and  
5 less than one hundred eighty-five thousand (185,000).  
6           (b) In addition to the powers granted to a district under section 12  
7 of this chapter, a district may make grants or loans of money, property,  
8 or services to **the following:**  
9           (1) A public or private program to plant or maintain trees in an  
10 area of the district that is a right-of-way, public property, or  
11 vacant property.  
12           (2) A **political subdivision located in the district for the**  
13 **purpose of repairing or maintaining municipal and county**  
14 **public roadways located within one (1) mile of any landfill**  
15 **located in the district.**



1           **(3) A political subdivision located in the district for**  
2           **emergency clean-up of trees and other debris resulting from**  
3           **a natural disaster or other casualty.**  
4           SECTION 2. IC 32-21-5.2 IS ADDED TO THE INDIANA CODE  
5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2024]:  
7           **Chapter 5.2. Prohibition Against Mandated Inspection of a**  
8           **Class 2 Structure or Residential Onsite Sewage System**  
9           **Sec. 1. As used in this chapter, "Class 2 structure" has the**  
10          **meaning set forth in IC 22-12-1-5.**  
11          **Sec. 2. As used in this chapter, "governmental entity" means**  
12          **any of the following:**  
13               **(1) The state.**  
14               **(2) A state agency.**  
15               **(3) A political subdivision.**  
16               **(4) A local building department.**  
17          **Sec. 3. As used in this chapter, "local building department"**  
18          **means, in any county, city, or town, the department, division,**  
19          **agency, section, or office that enforces the Indiana building code**  
20          **adopted by the fire prevention and building safety commission, as**  
21          **required by IC 36-7-2-9(1).**  
22          **Sec. 4. As used in this chapter, "political subdivision" means**  
23          **any of the following:**  
24               **(1) A county.**  
25               **(2) A city, town, township, or special taxing district.**  
26               **(3) A regional water, sewage, or solid waste district organized**  
27               **under:**  
28                       **(A) IC 13-26; or**  
29                       **(B) IC 13-3-2 (before its repeal).**  
30               **(4) A drainage board established by IC 36-9-27-4.**  
31               **(5) A local public improvement bond bank established under**  
32               **IC 5-1.4.**  
33               **(6) A not-for-profit public water utility described in**  
34               **IC 8-1-2-125(a).**  
35               **(7) A conservancy district established under IC 14-33.**  
36               **(8) A county onsite waste management district established**  
37               **under IC 36-11.**  
38               **(9) A drainage district established under IC 14-27-8.**  
39          **Sec. 5. (a) As used in this chapter, "residential onsite sewage**  
40          **system" means all equipment and devices necessary for proper**  
41          **conduction, collection, storage, treatment, and onsite disposal of**  
42          **sewage from:**



- 1           **(1) a one (1) or two (2) family dwelling;**  
 2           **(2) a residential outbuilding; or**  
 3           **(3) two (2) single family dwellings located on the same**  
 4           **property with a combined design daily flow of less than or**  
 5           **equal to seven hundred fifty (750) gallons per day.**

6           **(b) The term includes residential sewers, septic tanks, soil**  
 7           **absorption systems, temporary sewage holding tanks, and sanitary**  
 8           **vault privies.**

9           **(c) The term does not include a nonresidential onsite sewage**  
 10           **system, as defined in IC 16-18-2-253.2.**

11           **Sec. 6. As used in this chapter, "state agency" means an**  
 12           **authority, board, branch, commission, committee, department,**  
 13           **division, or other instrumentality of the executive, including the**  
 14           **administrative, department of state government.**

15           **Sec. 7. A governmental entity shall not require that a Class 2**  
 16           **structure be inspected:**

17           **(1) in connection with, or as a condition of:**

18           **(A) the sale of; or**

19           **(B) the transfer of title to;**

20           **a Class 2 structure; or**

21           **(2) as a prerequisite to the recording of a deed to the property**  
 22           **containing a Class 2 structure.**

23           **Sec. 8. A governmental entity shall not require that a residential**  
 24           **onsite sewage system be inspected or tested:**

25           **(1) in connection with, or as a condition of:**

26           **(A) the sale of; or**

27           **(B) the transfer of title to;**

28           **a property containing the residential onsite sewage system; or**

29           **(2) as a prerequisite to the recording of a deed to the property**  
 30           **containing the residential onsite sewage system.**

31           **SECTION 3. IC 36-1-4-22, AS ADDED BY P.L.123-2019,**  
 32           **SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**  
 33           **JULY 1, 2024]: Sec. 22. (a) As used in this section, "license bond"**  
 34           **refers to a surety bond required by a political subdivision as a condition**  
 35           **that the political subdivision issue a license or a permit to a person.**

36           **(b) If a political subdivision requires a person to post a license bond,**  
 37           **a surety bond posted by the person is considered sufficient if the**  
 38           **following conditions are satisfied:**

39           **(1) The bond is written by a surety company authorized to transact**  
 40           **business in Indiana.**

41           **(2) The obligation on the bond is for an amount that is at least the**  
 42           **amount required by the political subdivision for the issuance of**



1 the particular license or permit. A political subdivision may not  
 2 require the obligation on a license bond to be more than fifteen  
 3 thousand dollars (\$15,000).

4 (3) The obligee or obligees named on the bond are any of the  
 5 following:

6 (A) The political subdivision that requires the license bond.

7 (B) Specifically named political subdivisions in the county that  
 8 include the name of the political subdivision that requires the  
 9 license bond.

10 (C) All political subdivisions in the county in which the  
 11 political subdivision that requires the license bond is located.

12 (D) All political subdivisions of the same kind as the political  
 13 subdivision that requires the license bond located in the  
 14 county.

15 (4) The conditions of the bond otherwise comply with the  
 16 requirements of the ordinance that imposes the license bond  
 17 condition.

18 (c) A person required to post a license bond satisfies the posting  
 19 requirement if the person files a copy of the license bond with the  
 20 political subdivision or appropriate agency of the political subdivision  
 21 that requires the license bond. A political subdivision may not require  
 22 that the person record the license bond. **In addition, a political**  
 23 **subdivision may not impose any other requirement to identify the**  
 24 **particular political subdivision as an obligee on the license bond**  
 25 **other than what is required in subsection (b)(3).**

26 (d) **If a license bond meets the requirements described in**  
 27 **subsection (b) and a political subdivision that is named as an**  
 28 **obligee on the license bond in the manner provided in subsection**  
 29 **(b)(3) does not recognize or otherwise allow the obligor to post the**  
 30 **license bond to obtain a license or permit, the obligor may initiate**  
 31 **a civil action against the political subdivision. In a successful civil**  
 32 **action against the political subdivision, the court shall award the**  
 33 **obligor an amount equal to:**

34 (1) **three hundred percent (300%) of the cost of obtaining the**  
 35 **license bond;**

36 (2) **damages compensating the obligor for the political**  
 37 **subdivision's failure to recognize or otherwise allow the**  
 38 **obligor to post the license bond; and**

39 (3) **reasonable attorney's fees.**

40 SECTION 4. IC 36-1-4-22.1 IS ADDED TO THE INDIANA CODE  
 41 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 42 1, 2024]: **Sec. 22.1. (a) As used in this section:**



- 1 (1) "contractor" means a person that enters into a contract
- 2 requiring the person to perform one (1) or more tasks in a
- 3 residential construction project or a similar project;
- 4 (2) "license bond" refers to a surety bond required by a
- 5 political subdivision as a condition that the political
- 6 subdivision issue a license or a permit to a person;
- 7 (3) "political subdivision" includes an agency, office, or
- 8 department of the political subdivision; and
- 9 (4) "residential onsite sewage system" has the meaning set
- 10 forth in IC 16-41-25-0.4(a).

11 (b) If a contractor:

- 12 (1) has posted a license bond to obtain one (1) license or
- 13 registration from a political subdivision; and
- 14 (2) is required to obtain another license or registration from
- 15 the political subdivision to perform work that the contractor
- 16 intends to perform;

17 the contractor may not be required to post a second license bond  
18 as a condition of obtaining the second license or registration if the  
19 type of work that the first license or registration authorizes the  
20 contractor to perform is so closely related to the type of work that  
21 the second license or registration will authorize the contractor to  
22 perform that both types of work are typically involved in a single  
23 residential construction project.

24 (c) Under subsection (b), a contractor that has posted a license  
25 bond to obtain an excavator's license or registration from a  
26 political subdivision may not be required to post a second license  
27 bond to obtain a license or registration from the political  
28 subdivision as a residential onsite sewage system installer.

29 SECTION 5. IC 36-7-2-9.1 IS ADDED TO THE INDIANA CODE  
30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
31 1, 2024]: Sec. 9.1. (a) This section applies only to a Class 2 structure  
32 for which a building permit is issued by a city, town, or county  
33 after June 30, 2024.

34 (b) This section does not apply to:

- 35 (1) a manufactured housing community; or
- 36 (2) a mobile home community;
- 37 that is licensed, permitted, and inspected by the Indiana
- 38 department of health or a local board of health.

39 (c) As used in this section, "Class 2 structure" has the meaning  
40 set forth in IC 22-12-1-5.

41 (d) A city, town, or county that requires a building permit for  
42 the construction of a Class 2 structure may provide for the



- 1     **inspection preceding the issuance or denial of the building permit**
- 2     **to be conducted by:**
- 3         **(1) an individual who is employed by the city, town, or county**
- 4         **as a building inspector;**
- 5         **(2) an individual who is employed by another city, town, or**
- 6         **county as a building inspector; or**
- 7         **(3) a qualified individual who is:**
- 8             **(A) an architect registered under IC 25-4-1;**
- 9             **(B) a professional engineer registered under IC 25-31-1;**
- 10            **(C) a certified building official; or**
- 11            **(D) a home inspector licensed under IC 25-20.2.**

