



Reprinted
March 1, 2024

ENGROSSED HOUSE BILL No. 1329

DIGEST OF HB 1329 (Updated February 29, 2024 3:24 pm - DI 92)

Citations Affected: IC 13-21; IC 32-21; IC 36-1; IC 36-7.

Synopsis: Local government matters. Authorizes the solid waste management district of Vanderburgh County to make grants and loans for certain purposes. Provides that with certain exceptions a governmental entity is prohibited 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. Allows a governmental entity to require certain inspections of properties located in that part of St. Joseph County containing a designated sole source aquifer only if it has been more than 15 years since the property was last sold or transferred, or the Class 2 structure or system was constructed or installed. 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
(Continued next page)

Effective: July 1, 2024.

Pressel, Miller D

(SENATE SPONSORS — BALDWIN, ROGERS, BOHACEK)

January 10, 2024, read first time and referred to Committee on Local Government.
January 23, 2024, amended, reported — Do Pass.
January 25, 2024, read second time, ordered engrossed. Engrossed.
January 29, 2024, read third time, passed. Yeas 82, nays 14.

SENATE ACTION

February 5, 2024, read first time and referred to Committee on Local Government.
February 26, 2024, amended, reported favorably — Do Pass.
February 29, 2024, read second time, amended, ordered engrossed.

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on the license bond other than the requirement in statute. Provides that certain obligors 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 structure may provide for the inspection 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.



Reprinted
March 1, 2024

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.

ENGROSSED 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.**

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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. Except as provided in section 9 of this chapter, a
 16 governmental entity shall not require that a Class 2 structure be
 17 inspected:
 18 (1) in connection with, or as a condition of:
 19 (A) the sale of; or
 20 (B) the transfer of title to;
 21 a Class 2 structure; or
 22 (2) as a prerequisite to the recording of a deed to the property
 23 containing a Class 2 structure.
- 24 Sec. 8. Except as provided in section 9 of this chapter, a
 25 governmental entity shall not require that a residential onsite
 26 sewage system be inspected or tested:
 27 (1) in connection with, or as a condition of:
 28 (A) the sale of; or
 29 (B) the transfer of title to;
 30 a property containing the residential onsite sewage system; or
 31 (2) as a prerequisite to the recording of a deed to the property
 32 containing the residential onsite sewage system.
- 33 Sec. 9. (a) This section applies only to property located in that
 34 part of St. Joseph County containing a designated sole source
 35 aquifer.
 36 (b) This chapter only prohibits a governmental entity from
 37 requiring inspection of a Class 2 structure or residential onsite
 38 sewage system in connection with or as a condition of the sale,
 39 transfer of title, or recording of a deed occurring not more than
 40 fifteen (15) years after:
 41 (1) the last sale or transfer of title to the property; or
 42 (2) the Class 2 structure or residential onsite sewage system



1 **was built or installed on the property.**

2 **(c) The local health department may not charge a fee when a**
 3 **property is transferred.**

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

9 **The term does not refer to a performance bond.**

10 (b) If a political subdivision requires a person to post a license bond,
 11 a surety bond posted by the person is considered sufficient if the
 12 following conditions are satisfied:

13 (1) The bond is written by a surety company authorized to transact
 14 business in Indiana.

15 (2) The obligation on the bond is for an amount that is at least the
 16 amount required by the political subdivision for the issuance of
 17 the particular license or permit. A political subdivision may not
 18 require the obligation on a license bond to be more than fifteen
 19 thousand dollars (\$15,000).

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

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

23 (B) Specifically named political subdivisions in the county that
 24 include the name of the political subdivision that requires the
 25 license bond.

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

28 (D) All political subdivisions of the same kind as the political
 29 subdivision that requires the license bond located in the
 30 county.

31 (4) The conditions of the bond otherwise comply with the
 32 requirements of the ordinance that imposes the license bond
 33 condition.

34 (c) A person required to post a license bond satisfies the posting
 35 requirement if the person files a copy of the license bond with the
 36 political subdivision or appropriate agency of the political subdivision
 37 that requires the license bond. A political subdivision may not require
 38 that the person record the license bond. **In addition, a political**
 39 **subdivision may not impose any other requirement to identify the**
 40 **particular political subdivision as an obligee on the license bond**
 41 **other than what is required in subsection (b)(3).**

42 **(d) Nothing in this section may be construed to prohibit a**



1 political subdivision from requiring a person to meet registration
 2 requirements in order to ensure that the person meets professional
 3 standards or qualifications necessary for the person to perform the
 4 services for which the license bond is required.

5 (e) This subsection does not apply to a person that has had a
 6 license bond revoked by a political subdivision located in the same
 7 county as the political subdivision that is named an obligee on the
 8 licensee bond within one (1) year prior to the date the political
 9 subdivision refused to recognize the license bond that is subject to
 10 this subsection. If a license bond meets the requirements described
 11 in subsection (b) and a political subdivision that is named as an
 12 obligee on the license bond in the manner provided in subsection
 13 (b)(3) does not recognize or otherwise allow the obligor to post the
 14 license bond to obtain a license or permit, the obligor may initiate
 15 a civil action against the political subdivision. In a successful civil
 16 action against the political subdivision, the court shall award the
 17 obligor an amount equal to:

- 18 (1) three hundred percent (300%) of the cost of obtaining the
 19 license bond;
- 20 (2) damages compensating the obligor for the political
 21 subdivision's failure to recognize or otherwise allow the
 22 obligor to post the license bond; and
- 23 (3) reasonable attorney's fees.

24 SECTION 4. IC 36-1-4-22.1 IS ADDED TO THE INDIANA CODE
 25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 26 1, 2024]: Sec. 22.1. (a) The following definitions apply throughout
 27 this section:

- 28 (1) "Contractor" means a person that enters into a contract
 29 requiring the person to perform one (1) or more tasks in a
 30 residential construction project or a similar project.
- 31 (2) "License bond" refers to a surety bond required by a
 32 political subdivision as a condition that the political
 33 subdivision issue a license or a permit to a person. The term
 34 does not refer to a performance bond.
- 35 (3) "Political subdivision" includes an agency, office, or
 36 department of the political subdivision.
- 37 (4) "Residential onsite sewage system" has the meaning set
 38 forth in IC 16-41-25-0.4(a).

39 (b) If a contractor:

- 40 (1) has posted a license bond to obtain one (1) license or
 41 registration from a political subdivision; and
- 42 (2) is required to obtain another license or registration from



- 1 the political subdivision to perform work that the contractor
2 intends to perform;
- 3 the contractor may not be required to post a second license bond
4 as a condition of obtaining the second license or registration if the
5 type of work that the first license or registration authorizes the
6 contractor to perform is so closely related to the type of work that
7 the second license or registration will authorize the contractor to
8 perform that both types of work are typically involved in a single
9 residential construction project.
- 10 (c) Under subsection (b), a contractor that has posted a license
11 bond to obtain an excavator's license or registration from a
12 political subdivision may not be required to post a second license
13 bond to obtain a license or registration from the political
14 subdivision as a residential onsite sewage system installer.
- 15 SECTION 5. IC 36-7-2-9.1 IS ADDED TO THE INDIANA CODE
16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
17 1, 2024]: Sec. 9.1. (a) This section applies only to a Class 2 structure
18 for which a building permit is issued by a city, town, or county
19 after June 30, 2024.
- 20 (b) This section does not apply to:
- 21 (1) a manufactured housing community; or
22 (2) a mobile home community;
- 23 that is licensed, permitted, and inspected by the Indiana
24 department of health or a local board of health.
- 25 (c) As used in this section, "Class 2 structure" has the meaning
26 set forth in IC 22-12-1-5.
- 27 (d) A city, town, or county that requires a building permit for
28 the construction of a Class 2 structure may provide for the
29 inspection to be conducted by:
- 30 (1) an individual who is employed by the city, town, or county
31 as a building inspector;
- 32 (2) an individual who is employed by another city, town, or
33 county as a building inspector; or
34 (3) a qualified individual who is:
- 35 (A) an architect registered under IC 25-4-1;
- 36 (B) a professional engineer registered under IC 25-31-1;
- 37 (C) a certified building official; or
38 (D) a home inspector licensed under IC 25-20.2.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1329, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, between lines 25 and 26, begin a new paragraph and insert:

"(d) Nothing in this section may be construed to prohibit a political subdivision from requiring a person to meet registration requirements in order to ensure that the person meets professional standards or qualifications necessary for the person to perform the services for which the license bond is required."

Page 4, line 26, delete "(d)" and insert **"(e) This subdivision does not apply to a person that has had a license bond revoked by a political subdivision located in the same county as the political subdivision that is named an obligee on the licensee bond within one (1) year prior to date the political subdivision refused to recognize the license bond that is subject to this subsection."**

Page 6, line 1, delete "preceding the issuance or denial of the building permit".

and when so amended that said bill do pass.

(Reference is to HB 1329 as introduced.)

MAY

Committee Vote: yeas 8, nays 2.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred House Bill No. 1329, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 15, after "7." delete "A" and insert **"Except as provided in section 9 of this chapter, a"**.

Page 3, line 23, after "8." delete "A" and insert **"Except as provided in section 9 of this chapter, a"**.

Page 3, between lines 30 and 31, begin a new paragraph and insert:

"Sec. 9. (a) This section applies only to a county that has:

(1) a sole source aquifer; and

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(2) an advisory board that:

(A) is established by an ordinance adopted not later than December 31, 2023; and

(B) provides oversight to the local health department.

(b) This chapter only prohibits a governmental entity from requiring inspection of a Class 2 structure or residential onsite sewage system in connection with or as a condition of the sale, transfer of title, or recording of a deed occurring not more than fifteen (15) years after:

(1) the last sale or transfer of title to the property; or

(2) the Class 2 structure or residential onsite sewage system was built or installed on the property.

(c) The local health department may not charge a fee when a property is transferred."

Page 3, line 35, after "person." insert "**The term does not refer to a performance bond.**".

Page 4, line 31, delete "subdivision" and insert "**subsection**".

Page 4, line 34, after "to" insert "**the**".

Page 5, line 10, delete "As used in this section:" and insert "**The following definitions apply throughout this section:**

(1) "Contractor" means a person that enters into a contract requiring the person to perform one (1) or more tasks in a residential construction project or a similar project.

(2) "License bond" refers to a surety bond required by a political subdivision as a condition that the political subdivision issue a license or a permit to a person. The term does not refer to a performance bond.

(3) "Political subdivision" includes an agency, office, or department of the political subdivision.

(4) "Residential onsite sewage system" has the meaning set forth in IC 16-41-25-0.4(a)."

Page 5, delete lines 11 through 20.

and when so amended that said bill do pass.

(Reference is to HB 1329 as printed January 23, 2024.)

BUCK, Chairperson

Committee Vote: Yeas 10, Nays 0.



SENATE MOTION

Madam President: I move that Engrossed House Bill 1329 be amended to read as follows:

Page 3, delete lines 33 through 38, begin a new paragraph and insert:

"Sec. 9. (a) This section applies only to property located in that part of St. Joseph County containing a designated sole source aquifer."

(Reference is to EHB 1329 Digest Correction as printed February 27, 2024.)

ROGERS

