



January 25, 2023

---

---

## SENATE BILL No. 114

---

DIGEST OF SB 114 (Updated January 24, 2023 1:33 pm - DI 140)

**Citations Affected:** IC 32-30.

**Synopsis:** Receivership for past due utility bills. Amends the Indiana Code provision that sets forth the cases in which a receiver may be appointed by a court to include the appointment of a receiver upon the request of a utility if the owner of a multifamily residential property with more than four units has incurred utility bills that are at least: (1) 90 days past due; or (2) 60 days past due if a payment plan has been entered into. Specifies that these provisions do not apply in a case in which a tenant fails to pay a utility for services billed directly to the tenant by the utility.

**Effective:** July 1, 2023.

---

---

### Koch

---

---

January 9, 2023, read first time and referred to Committee on Rules and Legislative Procedure.

January 24, 2023, amended; reassigned to Committee on Utilities.

---

---

SB 114—LS 6071/DI 13





January 25, 2023

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

## SENATE BILL No. 114

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

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

- 1 SECTION 1. IC 32-30-5-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. A receiver may be  
3 appointed by the court in the following cases:  
4 (1) In an action by a vendor to vacate a fraudulent purchase of  
5 property or by a creditor to subject any property or fund to the  
6 creditor's claim.  
7 (2) In actions between partners or persons jointly interested in any  
8 property or fund.  
9 (3) In all actions when it is shown that the property, fund or rent,  
10 and profits in controversy are in danger of being lost, removed, or  
11 materially injured.  
12 (4) In actions in which a mortgagee seeks to foreclose a mortgage.  
13 However, upon motion by the mortgagee, the court shall appoint  
14 a receiver if, at the time the motion is filed, the property is not  
15 occupied by the owner as the owner's principal residence and:  
16 (A) it appears that the property is in danger of being lost,  
17 removed, or materially injured;

SB 114—LS 6071/DI 13



- 1 (B) it appears that the property may not be sufficient to  
 2 discharge the mortgaged debt;  
 3 (C) either the mortgagor or the owner of the property has  
 4 agreed in the mortgage or in some other writing to the  
 5 appointment of a receiver;  
 6 (D) a person not personally liable for the debt secured by the  
 7 mortgage has, or is entitled to, possession of all or a portion of  
 8 the property;  
 9 (E) the owner of the property is not personally liable for the  
 10 debt secured by the mortgage; or  
 11 (F) all or any portion of the property is being, or is intended to  
 12 be, leased for any purpose.
- 13 (5) When a corporation, **professional corporation, nonprofit**  
 14 **corporation, limited liability company, partnership, or**  
 15 **another legal entity described in IC 23:**  
 16 (A) has been dissolved;  
 17 (B) is insolvent;  
 18 (C) is in imminent danger of insolvency; or  
 19 (D) has forfeited its corporate rights.
- 20 (6) To protect or preserve, during the time allowed for  
 21 redemption, any real estate or interest in real estate sold on  
 22 execution or order of sale, and to secure rents and profits to the  
 23 person entitled to the rents and profits.
- 24 (7) **Upon request by a utility providing utility service to a**  
 25 **multifamily residential property with more than four (4)**  
 26 **dwelling units when the property owner has failed to pay:**  
 27 (A) **invoiced utility bills for a period greater than ninety**  
 28 **(90) days from the due date of the initial outstanding**  
 29 **invoice; or**  
 30 (B) **amounts due under a curative payment plan for a**  
 31 **period of at least sixty (60) days from the initial due date**  
 32 **prescribed under the payment plan;**  
 33 **notwithstanding any other right the utility has to secure**  
 34 **payment. As used in this subdivision, "utility" includes a**  
 35 **public utility (as defined in IC 8-1-2-1(a)), a municipally**  
 36 **owned utility (as defined in IC 8-1-2-1(h)), and a department**  
 37 **of public utilities established under IC 8-1-11.1. This**  
 38 **subdivision does not apply to a situation in which a tenant**  
 39 **fails to pay a utility for utility service billed directly by the**  
 40 **utility to the tenant.**
- 41 (7) (8) In other cases as may be provided by law or where, in the  
 42 discretion of the court, it may be necessary to secure ample justice



1 to the parties.



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 114, 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:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Utilities.

(Reference is to SB 114 as introduced.)

BRAY, Chairperson

