SENATE ENROLLED ACT No. 114

AN ACT to amend the Indiana Code concerning utilities.

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

SECTION 1. IC 32-30-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. **(a) As used in this section, "utility" means a utility, however organized, that:**
(1) provides electric, gas, water, or wastewater retail utility service to customers in Indiana; or
(2) is owned, operated, or held in trust by a consolidated city.
(b) A receiver may be appointed by the court in the following cases:
(1) In an action by a vendor to vacate a fraudulent purchase of property or by a creditor to subject any property or fund to the creditor's claim.
(2) In actions between partners or persons jointly interested in any property or fund.
(3) In all actions when it is shown that the property, fund or rent, and profits in controversy are in danger of being lost, removed, or materially injured.
(4) In actions in which a mortgagee seeks to foreclose a mortgage. However, upon motion by the mortgagee, the court shall appoint a receiver if, at the time the motion is filed, the property is not occupied by the owner as the owner's principal residence and:
    (A) it appears that the property is in danger of being lost, removed, or materially injured;
    (B) it appears that the property may not be sufficient to

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discharge the mortgaged debt;

(C) either the mortgagor or the owner of the property has agreed in the mortgage or in some other writing to the appointment of a receiver;

(D) a person not personally liable for the debt secured by the mortgage has, or is entitled to, possession of all or a portion of the property;

(E) the owner of the property is not personally liable for the debt secured by the mortgage; or

(F) all or any portion of the property is being, or is intended to be, leased for any purpose.

(5) When a corporation, **professional corporation, nonprofit corporation, limited liability company, partnership, or another legal entity described in IC 23:**

(A) has been dissolved;

(B) is insolvent;

(C) is in imminent danger of insolvency; or

(D) has forfeited its corporate rights.

(6) To protect or preserve, during the time allowed for redemption, any real estate or interest in real estate sold on execution or order of sale, and to secure rents and profits to the person entitled to the rents and profits.

(7) Upon request by a utility providing utility service to a multifamily residential property with more than four (4) dwelling units when the property owner has failed to pay:

(A) invoiced utility bills for a period greater than ninety (90) days from the due date of the initial outstanding invoice; or

(B) amounts due under a curative payment plan for a period of at least sixty (60) days from the initial due date prescribed under the payment plan;

notwithstanding any other right the utility has to secure payment.

(7) **(8)** In other cases as may be provided by law or where, in the discretion of the court, it may be necessary to secure ample justice to the parties.

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: _____   Time: _____

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