



March 28, 2017

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# ENGROSSED

## SENATE BILL No. 455

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DIGEST OF SB 455 (Updated March 28, 2017 1:40 pm - DI 113)

**Citations Affected:** IC 6-1.1; IC 9-14; IC 16-41; IC 33-37.

**Synopsis:** Tax administration of mobile homes. Establishes an optional procedure by which a county treasurer may sell a mobile home assessed as personal property at auction to the highest bidder in order to satisfy the amount owed by the owner for delinquent personal property taxes, penalties, and collection expenses attributable to the mobile home. Modifies the definition of "inventory" under the property tax code to also include certain mobile homes or manufactured homes that are held for lease by the owner of a mobile home community. Modifies the definition of the "owner" of tangible property in the property tax code to provide that the term means the owner designated as the grantee, buyer, or other equivalent term in the title document or a bureau of motor vehicles affidavit of sale or disposal, if a title document is ordinarily issued to an owner for that type of property. Specifies that a person owning a mobile home assessed as personal property on the assessment date of a year is liable for the taxes imposed for that year on the property. Requires a person to furnish certain information to the assessor within 30 days after the person places or  
(Continued next page)

**Effective:** Upon passage; June 30, 2017; July 1, 2017; January 1, 2018.

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## Head, Hershman

(HOUSE SPONSOR — ENGLEMAN)

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January 12, 2017, read first time and referred to Committee on Tax and Fiscal Policy.  
February 7, 2017, amended, reported favorably — Do Pass.  
February 14, 2017, read second time, ordered engrossed. Engrossed.  
February 16, 2017, read third time, passed. Yeas 47, nays 1.

HOUSE ACTION

February 28, 2017, read first time and referred to Committee on Ways and Means.  
March 28, 2017, amended, reported — Do Pass.

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ES 455—LS 7194/DI 113



## Digest Continued

allows a mobile home to be placed on land the person owns, possesses, or controls. Requires a person that operates a mobile home community to furnish certain information to the assessor within 30 days after: (1) the person places or allows a mobile home to be placed in the mobile home community; (2) a sale or lease of a mobile home previously held as inventory occurs; or (3) the status of a mobile home is changed to inventory. Provides that a county treasurer may not issue a permit to move or transfer the title to a mobile home unless the person requesting the permit has a state issued title, a court order, or a bureau of motor vehicles affidavit of sale or disposal. Requires a person who is engaged to move a mobile home to visibly display the moving permit while the mobile home is in transit. Requires the bureau of motor vehicles to retain any record that relates to a certificate of title for a manufactured home or a mobile home for at least 20 years from the date the record is created. Effective January 1, 2020, changes the information that the operator of a mobile home community must enter in the mobile home register of the mobile home community for each mobile home placed in the mobile home community. Provides with respect to civil, criminal, infraction, and ordinance violation actions that the \$5 document storage fee becomes \$2 on July 1, 2022, instead of July 1, 2017. Provides that a clerk of a court may not collect certain fees for small claims actions or civil actions filed through the Indiana electronic filing system adopted by the Indiana supreme court.

**ES 455—LS 7194/DI 113**



March 28, 2017

First Regular Session 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.

## ENGROSSED SENATE BILL No. 455

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A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

- 1           SECTION 1. IC 6-1.1-1-8.4, AS AMENDED BY P.L. 182-2009(ss),  
2 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JANUARY 1, 2018]: Sec. 8.4. (a) "Inventory" means:  
4           (1) materials held for processing or for use in production;  
5           (2) finished or partially finished goods of a manufacturer or  
6           processor; and  
7           (3) property held for sale in the ordinary course of trade or  
8           business.  
9           (b) The term includes:  
10           (1) items that qualify as inventory under 50 IAC 4.2-5-1 (as  
11           effective December 31, 2008); and  
12           (2) subject to subsection (c), a mobile home or manufactured  
13           home that:  
14           (A) does not qualify as real property;  
15           (B) is located in a mobile home community;  
16           (C) is unoccupied; and  
17           (D) is owned and held for sale **or lease** by the owner of the

ES 455—LS 7194/DI 113



1 mobile home community.

2 (c) Subsection (b)(2) applies regardless of whether the mobile home  
3 that is held for sale **or lease** is new or was previously owned.

4 SECTION 2. IC 6-1.1-1-9, AS AMENDED BY P.L.101-2008,  
5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JANUARY 1, 2018]: Sec. 9. (a) For purposes of this article, the  
7 "owner" of tangible property shall be determined by using the rules  
8 contained in this section.

9 (b) Except as otherwise provided in this section, the holder of the  
10 legal title to personal property, or the legal title in fee to real property,  
11 is:

- 12 (1) the owner of that property, **if a title document is not**  
13 **ordinarily issued to an owner for that type of property; or**  
14 **(2) the owner of that property who is designated as the**  
15 **grantee, buyer, or other equivalent term in the title document**  
16 **or bureau of motor vehicles affidavit of sale or disposal, if a**  
17 **title document is ordinarily issued to an owner for that type**  
18 **of property.**

19 (c) When title to tangible property passes on the assessment date of  
20 any year, only the person obtaining title is the owner of that property on  
21 the assessment date.

22 (d) When the mortgagee of real property is in possession of the  
23 mortgaged premises, the mortgagee is the owner of that property.

24 (e) When personal property is security for a debt and the debtor is  
25 in possession of the property, the debtor is the owner of that property.

26 (f) When a life tenant of real property is in possession of the real  
27 property, the life tenant is the owner of that property.

28 (g) When the grantor of a qualified personal residence trust created  
29 under United States Treasury Regulation 25.2702-5(c)(2) is:

- 30 (1) in possession of the real property transferred to the trust; and  
31 (2) entitled to occupy the real property rent free under the terms  
32 of the trust;

33 the grantor is the owner of that real property.

34 SECTION 3. IC 6-1.1-2-4 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JANUARY 1, 2018]: Sec. 4. (a) The owner  
36 of any real property on the assessment date of a year is liable for the  
37 taxes imposed for that year on the property, unless a person holding,  
38 possessing, controlling, or occupying any real property on the  
39 assessment date of a year is liable for the taxes imposed for that year on  
40 the property under a memorandum of lease or other contract with the  
41 owner that is recorded with the county recorder before January 1, 1998.

42 (b) **Except for a mobile home assessed as personal property, a**



1 person holding, possessing, controlling, or occupying any personal  
 2 property on the assessment date of a year is liable for the taxes imposed  
 3 for that year on the property unless:

- 4 (1) the person establishes that the property is being assessed and  
 5 taxed in the name of the owner; or  
 6 (2) the owner is liable for the taxes under a contract with that  
 7 person.

8 **A person owning a mobile home assessed as personal property on**  
 9 **the assessment date of a year is liable for the taxes imposed for that**  
 10 **year on the property.** When a person other than the owner pays any  
 11 property taxes, as required by this section, that person may recover the  
 12 amount paid from the owner, unless the parties have agreed to other  
 13 terms in a contract.

14 (b) An owner on the assessment date of a year of real property that  
 15 has an improvement or appurtenance that is:

- 16 (1) assessed as real property; and  
 17 (2) owned, held, possessed, controlled, or occupied on the  
 18 assessment date of a year by a person other than the owner of the  
 19 land;

20 is jointly liable for the taxes imposed for the year on the improvement  
 21 or appurtenance with the person holding, possessing, controlling, or  
 22 occupying the improvement or appurtenance on the assessment date.

23 (c) An improvement or appurtenance to land that, on the assessment  
 24 date of a year, is held, possessed, controlled, or occupied by a different  
 25 person than the owner of the land may be listed and assessed separately  
 26 from the land only if the improvement or appurtenance is held,  
 27 possessed, controlled, or occupied under a memorandum of lease or  
 28 other contract that is recorded with the county recorder before January  
 29 1, 1998.

30 SECTION 4. IC 6-1.1-7-3, AS AMENDED BY P.L.146-2008,  
 31 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JANUARY 1, 2018]: Sec. 3. (a) A person who ~~permits~~ **places a mobile**  
 33 **home or allows** a mobile home to be placed on any land which the  
 34 person owns, possesses, or controls shall report that fact to the assessor  
 35 of the township in which the land is located, or the county assessor if  
 36 there is no township assessor for the township, within ~~ten (10)~~ **thirty**  
 37 **(30)** days after the mobile home is placed on the land.

38 (b) **This subsection applies to a person that operates a mobile**  
 39 **home community. In addition to the requirements of subsection (a),**  
 40 **if a person to whom this subsection applies places a mobile home**  
 41 **or allows a mobile home to be placed in the mobile home**  
 42 **community, if a sale or lease of a mobile home previously held as**



1 inventory occurs, or if the status of a mobile home is changed to  
 2 inventory, the person shall furnish the following information and  
 3 other items to the assessor of the township in which the mobile  
 4 home community is located, or the county assessor if there is no  
 5 township assessor for the township, within thirty (30) days after  
 6 the mobile home is placed in the mobile home community, the sale  
 7 or lease of the mobile home occurs, or the change in status of the  
 8 mobile home to inventory occurs:

9 (1) If applicable, notice of the sale or lease of the mobile home  
 10 or the change in status of the mobile home to inventory.

11 (2) The name of the owner of the mobile home at the time the  
 12 entry is made, as shown on the title to the mobile home.

13 (3) The vehicle identification number of the mobile home.

14 (4) A copy of the title held by the owner of the mobile home at  
 15 the time the entry is made, or, if no title exists:

16 (A) a petition filed with a court requesting an order by the  
 17 court for the title of the mobile home; or

18 (B) a bureau of motor vehicles affidavit of sale or disposal.

19 (5) A copy of the most recent permit issued to the owner of the  
 20 mobile home or issued under section 10 of this chapter, if  
 21 applicable.

22 (c) The ~~ten (10)~~ **thirty (30)** day period specified in subsections (a)  
 23 and (b) commences the day after the day that the mobile home is  
 24 placed upon the land.

25 SECTION 5. IC 6-1.1-7-10, AS AMENDED BY P.L.198-2016,  
 26 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JANUARY 1, 2018]: Sec. 10. (a) This section does not apply to a  
 28 mobile home that is offered for sale at auction under IC 9-22-1.5,  
 29 **IC 9-22-1.7, or IC 6-1.1-23.5** for the transfer resulting from the  
 30 auction.

31 (b) A mobile home may not be moved from one (1) location to  
 32 another unless the owner **or the owner's agent** obtains a permit to  
 33 move the mobile home from the county treasurer.

34 (c) The bureau of motor vehicles may not:

35 (1) transfer the title to a mobile home; or

36 (2) change names in any manner on the title to a mobile home;  
 37 unless the owner **or the owner's agent** holds a valid permit to transfer  
 38 the title that was issued by the county treasurer **and includes the**  
 39 **county treasurer's embossed seal.**

40 (d) A county treasurer shall issue a permit which is required to  
 41 either move, or transfer the title to, a mobile home if the taxes, special  
 42 assessments, interest, penalties, judgments, and costs that are due and



1 payable on the mobile home have been paid **and the person**  
 2 **requesting the permit has a state issued title, a court order, or a**  
 3 **bureau of motor vehicles affidavit of sale or disposal.** The county  
 4 treasurer shall issue the permit not later than two (2) business days  
 5 (excluding weekends and holidays) after the date the completed permit  
 6 application is received by the county treasurer. The permit shall state  
 7 the date it is issued.

8 (e) After issuing a permit to move a mobile home under subsection  
 9 (d), a county treasurer shall notify the township assessor of the  
 10 township to which the mobile home will be moved, or the county  
 11 assessor if there is no township assessor for the township, that the  
 12 permit to move the mobile home has been issued.

13 (f) A permit to move, or transfer title to, a mobile home that is  
 14 issued under this section expires ninety (90) days after the date the  
 15 permit is issued. The permit is invalid after the permit expires. If the  
 16 owner wishes to move, or transfer title to, the mobile home after the  
 17 permit has expired, the owner **or the owner's agent** must obtain a new  
 18 permit under this section.

19 (g) **A county treasurer is not liable for the county treasurer's**  
 20 **good faith efforts to collect taxes that are due and payable for a**  
 21 **mobile home. Good faith efforts include the refusal to issue a**  
 22 **permit under subsection (d) until all property taxes that are due**  
 23 **and payable for a mobile home are paid to the county treasurer.**

24 SECTION 6. IC 6-1.1-7-11, AS AMENDED BY P.L.198-2016,  
 25 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JANUARY 1, 2018]: Sec. 11. (a) A person who is engaged to move a  
 27 mobile home may not provide that service unless the owner presents  
 28 the mover with a permit to move the mobile home and the permit is  
 29 dated not more than ninety (90) days before the date of the proposed  
 30 move. The mover shall ~~retain possession of~~ **visibly display** the permit  
 31 while the mobile home is in transit.

32 (b) The mover shall return the permit to the owner of the mobile  
 33 home when the move is completed.

34 SECTION 7. IC 6-1.1-7-15, AS ADDED BY P.L.182-2009(ss),  
 35 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 UPON PASSAGE]: Sec. 15. (a) This section applies to a mobile home  
 37 or manufactured home:

38 (1) that has deteriorated to a degree that it can no longer provide  
 39 suitable protection from the elements as to be used as a primary  
 40 place of residence;

41 (2) that has little or no value as a structure to be rehabilitated for  
 42 use as a primary place of residence;



1 (3) on which personal property tax liability has been imposed in  
 2 an amount that exceeds the estimated resale value of the mobile  
 3 home or manufactured home; and

4 (4) that has been abandoned in a mobile home community  
 5 licensed under IC 16-41-27.

6 (b) The holder of:

7 (1) the title; ~~or~~ or

8 (2) **a bureau of motor vehicles affidavit of sale or disposal;**

9 **for a mobile home or manufactured home described in subsection (a)**  
 10 **may submit a written request to the county assessor for the county**  
 11 **where the mobile home or manufactured home is located requesting**  
 12 **that personal property tax liability imposed on the mobile home or**  
 13 **manufactured home be waived. If the county assessor determines that**  
 14 **the property that is the subject of the request meets the requirements in**  
 15 **subsection (a), the county assessor shall send to the applicant a letter**  
 16 **that waives the property taxes, special assessments, interest, penalties,**  
 17 **and costs assessed against the property under this article, subject to**  
 18 **compliance with subsection (c). The county assessor shall deliver a**  
 19 **copy of the letter to the county auditor and the county treasurer.**

20 (c) Upon receipt of a letter waiving property taxes imposed on a  
 21 mobile home or manufactured home, the holder of the title of the  
 22 property that is the subject of a letter issued under subsection (b) shall:

23 (1) deliver a signed statement to the county assessor stating that  
 24 the mobile home or manufactured home:

25 (A) will be dismantled or destroyed either at its present site or  
 26 at a remote site; and

27 (B) will not be used again as a dwelling or other shelter; and

28 (2) dismantle or destroy the mobile home or manufactured home  
 29 and not use the mobile home or manufactured home as a structure  
 30 after the issuance date of the letter waiving property taxes.

31 (d) The county auditor shall remove from the tax duplicate the  
 32 property taxes, special assessments, interest, penalties, and costs for  
 33 which a waiver is granted under this section.

34 SECTION 8. IC 6-1.1-23-0.1 IS ADDED TO THE INDIANA  
 35 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
 36 **[EFFECTIVE JULY 1, 2017]: Sec. 0.1. After December 31, 2017, a**  
 37 **county treasurer may collect delinquent property taxes, penalties,**  
 38 **and collection expenses that are attributable to a mobile home**  
 39 **assessed as personal property by using the procedures of this**  
 40 **chapter or IC 6-1.1-23.5. However, after a county treasurer has**  
 41 **initiated an action under this chapter or IC 6-1.1-23.5 to collect the**  
 42 **delinquent property taxes, penalties, and collection expenses owed**





1 by a taxpayer for a mobile home assessed as personal property, the  
 2 county treasurer shall continue to use the procedures of the  
 3 chapter under which the action was initiated until the delinquent  
 4 property taxes, penalties, and collection expenses are paid in full or  
 5 the mobile home is sold or otherwise disposed of.

6 SECTION 9. IC 6-1.1-23.5 IS ADDED TO THE INDIANA CODE  
 7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 8 JANUARY 1, 2018]:

9 **Chapter 23.5. Collection of Delinquent Personal Property Taxes**  
 10 **Attributable to a Mobile Home**

11 **Sec. 1. Subject to IC 6-1.1-23-0.1, a county treasurer may elect**  
 12 **to use the procedures of this chapter to collect delinquent personal**  
 13 **property taxes, penalties, and collection expenses that are**  
 14 **attributable to a mobile home assessed as personal property.**

15 **Sec. 2. The following definitions apply throughout this chapter:**

16 (1) "County executive" means the following:

17 (A) In a county not containing a consolidated city, the  
 18 county executive or the county executive's designee.

19 (B) In a county containing a consolidated city, the  
 20 executive of the consolidated city.

21 (2) "Substantial property interest of record" means title to or  
 22 an interest in a mobile home possessed by a person as  
 23 evidenced by the certificate of title issued by the bureau of  
 24 motor vehicles.

25 (3) "Tentative auction list" refers to a list prepared by a  
 26 county treasurer under section 4 of this chapter and amended  
 27 from time to time in the manner prescribed by this chapter.

28 **Sec. 3. (a) With respect to the collection of delinquent personal**  
 29 **property taxes under this chapter, the county treasurer shall**  
 30 **charge the following collection expenses to each delinquent**  
 31 **taxpayer:**

32 (1) For making a demand:

33 (A) by registered or certified mail, eight dollars (\$8); or

34 (B) by some means other than registered or certified mail,  
 35 five dollars (\$5).

36 (2) For selling personal property, ten percent (10%) of the  
 37 sale price.

38 (3) For advertising a sale, the legal rates for advertising.

39 (4) For transfer and storage of personal property, the actual  
 40 expense incurred.

41 (5) Other reasonable expenses of collection, including:

42 (A) title search expenses;



- 1           **(B) uniform commercial code search expenses; and**  
 2           **(C) reasonable attorney's fees or court costs incurred:**  
 3           **(i) in the collection process;**  
 4           **(ii) due to a court order; or**  
 5           **(iii) due to an order of the treasurer.**

6           **(b) The fees collected under this section are the property of the**  
 7 **county and shall be deposited in the county general fund. The**  
 8 **collection expenses incurred in connection with the levy upon and**  
 9 **sale of personal property shall be paid from the county general**  
 10 **fund without prior appropriation.**

11           **Sec. 4. Annually, after May 10 and before August 1, each county**  
 12 **treasurer shall prepare a tentative auction list of taxpayers who:**

- 13           **(1) own a mobile home assessed as personal property that is**  
 14 **located in the county; and**  
 15           **(2) owe delinquent personal property taxes attributable to the**  
 16 **mobile home that:**  
 17           **(A) were first due and payable before January 1 of the**  
 18 **year in which the tentative auction list is being prepared;**  
 19           **(B) exceed twenty-five dollars (\$25); and**  
 20           **(C) the county treasurer elects to collect using the**  
 21 **procedures of this chapter.**

22           **Sec. 5. (a) After a county treasurer prepares the tentative**  
 23 **auction list under section 4 of this chapter, the county treasurer**  
 24 **shall serve a written demand upon each taxpayer on the list. The**  
 25 **written demand may be served upon the taxpayer:**

- 26           **(1) by certified mail;**  
 27           **(2) in person by the county treasurer or the county treasurer's**  
 28 **agent; or**  
 29           **(3) by proof of certificate of mailing.**

30           **(b) A written demand issued under subsection (a) must include**  
 31 **the following:**

- 32           **(1) A statement that the taxpayer is delinquent in the payment**  
 33 **of personal property taxes that are attributable to a mobile**  
 34 **home assessed as personal property.**  
 35           **(2) The amount of the delinquent taxes.**  
 36           **(3) The penalties due on the delinquent taxes.**  
 37           **(4) The collection expenses that the taxpayer owes.**  
 38           **(5) A statement that if the sum of the delinquent taxes,**  
 39 **penalties, and collection expenses are not paid within sixty**  
 40 **(60) days after the date the demand is made, the county**  
 41 **treasurer may seek a judgment against the taxpayer in a court**  
 42 **with jurisdiction.**



1           **(6) A statement that if a judgment is entered against the**  
 2 **taxpayer for failure to pay delinquent personal property**  
 3 **taxes, penalties, and collection expenses attributable to a**  
 4 **mobile home assessed as personal property, the county**  
 5 **treasurer may offer the taxpayer's mobile home for sale at**  
 6 **auction to the highest bidder to satisfy the total amount due**  
 7 **plus the additional collection expenses incurred unless the**  
 8 **taxpayer:**

9           **(A) pays in full the taxpayer's delinquent personal**  
 10 **property taxes, penalties, and collection expenses that are**  
 11 **attributable to the taxpayer's mobile home; or**

12           **(B) enters into an installment agreement with the county**  
 13 **treasurer to pay the taxpayer's delinquent personal**  
 14 **property taxes, penalties, and collection expenses that are**  
 15 **attributable to the taxpayer's mobile home;**

16 **before the auction is held.**

17           **(7) A statement of the tentative date on which the county**  
 18 **treasurer expects to conduct the auction.**

19           **Sec. 6. A county treasurer may enter into an agreement with a**  
 20 **taxpayer on the tentative auction list under section 4 of this chapter**  
 21 **that allows the taxpayer to pay the taxpayer's delinquent personal**  
 22 **property taxes, penalties, and collection expenses in installments.**

23           **Sec. 7. If a taxpayer:**

24           **(1) pays in full the taxpayer's delinquent personal property**  
 25 **taxes, penalties, and collection expenses that are attributable**  
 26 **to the taxpayer's mobile home; or**

27           **(2) enters into an agreement with the county treasurer under**  
 28 **section 6 of this chapter;**

29 **before the mobile home is sold at auction under section 15 of this**  
 30 **chapter, the county treasurer shall remove the corresponding entry**  
 31 **for that taxpayer and mobile home from the tentative auction list**  
 32 **under section 4 of this chapter or, if a judgment has already been**  
 33 **obtained under section 14 of this chapter, withdraw the taxpayer's**  
 34 **mobile home from the auction to be conducted under section 15 of**  
 35 **this chapter.**

36           **Sec. 8. (a) Each year, the county executive or the county**  
 37 **executive's designee may:**

38           **(1) after January 1; and**

39           **(2) not later than sixty (60) days after the county treasurer**  
 40 **issues a written demand under section 5 of this chapter;**

41 **certify to the county treasurer that a mobile home is not suitable**  
 42 **for tax sale. The certification must identify the names and**



1 addresses of each person with a substantial property interest of  
 2 record. When making the application for judgment under section  
 3 13 of this chapter, the county treasurer shall include a list of the  
 4 mobile homes certified as not suitable for tax sale and the names  
 5 and addresses of each person with a substantial property interest  
 6 of record in the certified mobile homes that was provided to the  
 7 county treasurer with the certification.

8 (b) Not later than ten (10) days after making the certification as  
 9 provided in subsection (a), the county executive or the county  
 10 executive's designee shall provide a notice to each person with a  
 11 substantial property interest of record in the mobile home, stating  
 12 the following:

- 13 (1) The make and model of the mobile home.
- 14 (2) The street address, if any, or a common description of the  
 15 real property at which the mobile home was last known to be  
 16 located.
- 17 (3) That the mobile home has been certified as not suitable for  
 18 tax sale.
- 19 (4) That the court will hear and determine the issue before the  
 20 tax sale.
- 21 (5) That if the court determines that the mobile home is not  
 22 suitable for tax sale, the mobile home will not be offered for  
 23 sale at the tax sale.

24 Sec. 9. (a) At least sixty (60) days after the date on which the  
 25 written demands are issued by a county treasurer under section 5  
 26 of this chapter, the county treasurer shall prepare a notice in  
 27 accordance with this section that declares the county treasurer's  
 28 intention to sell the mobile homes on the tentative auction list  
 29 under section 4 of this chapter.

30 (b) The notice required by subsection (a) must contain the  
 31 following:

- 32 (1) A list of mobile homes eligible for sale under this chapter.
- 33 (2) A statement that the mobile homes included in the list will  
 34 be sold at public auction to the highest bidder.
- 35 (3) A statement, for informational purposes only, of the last  
 36 known location of each mobile home by street address, if any,  
 37 and lot number, if any.
- 38 (4) A statement that the county does not warrant the accuracy  
 39 of the street address and lot number at which the mobile  
 40 home was last known to be located.
- 41 (5) A statement indicating:  
 42 (A) the name of the owner of each mobile home with a



- 1           single owner; or  
2           **(B) the name of at least one (1) of the owners of each**  
3           **mobile home with multiple owners.**  
4           **(6) A statement of the procedure to be followed for obtaining**  
5           **or objecting to a judgment and order of sale, which must**  
6           **include the following:**  
7           **(A) A statement:**  
8               **(i) that the county treasurer will apply on or after a date**  
9               **designated in the notice for a court judgment against the**  
10              **mobile homes for an amount that is not less than the**  
11              **amount of the delinquent personal property taxes,**  
12              **penalties, and collection expenses attributable to the**  
13              **mobile homes, and for an order to sell the mobile homes**  
14              **at public auction to the highest bidder.**  
15           **(B) A statement that any defense to the application for**  
16           **judgment must be:**  
17               **(i) filed with the court; and**  
18               **(ii) served on the county treasurer;**  
19           **before the date designated as the earliest date on which the**  
20           **application for judgment may be filed.**  
21           **(C) A statement that the county treasurer is entitled to**  
22           **receive all pleadings, motions, petitions, and other filings**  
23           **related to the defense to the application for judgment.**  
24           **(D) A statement that the court will set a date for a hearing**  
25           **at least seven (7) days before the advertised public auction**  
26           **date and that the court will determine any defenses to the**  
27           **application for judgment at the hearing.**  
28           **(7) A statement that the sale will be conducted at a place**  
29           **designated in the notice and that the sale will continue until all**  
30           **mobile homes have been offered for sale.**  
31           **(8) A statement that the sale will take place at the times and**  
32           **dates designated in the notice. Whenever the public auction is**  
33           **to be conducted as an electronic sale, the notice must include**  
34           **a statement indicating that the public auction will be**  
35           **conducted as an electronic sale and a description of the**  
36           **procedures that must be followed to participate in the**  
37           **electronic sale.**  
38           **(9) A statement that if the mobile home is sold for an amount**  
39           **that exceeds the sum of the delinquent personal property**  
40           **taxes, penalties, and collection expenses attributable to the**  
41           **mobile home, the owner of record of the mobile home who is**  
42           **divested of ownership at the time the mobile home is sold may**



1           **have a right to the amount of the sales price minus the amount**  
 2           **remaining after the delinquent property taxes, penalties, and**  
 3           **collection expenses are paid.**

4           **Sec. 10. (a) After preparing the notice described under section**  
 5           **9 of this chapter, the county treasurer shall do the following:**

6           **(1) Post a copy of the notice at a public place of posting in the**  
 7           **county courthouse or in another public county building at**  
 8           **least thirty (30) days before the earliest date on which the**  
 9           **application for judgment may be made.**

10           **(2) Publish the notice once in accordance with IC 5-3-1-4 at**  
 11           **least thirty (30) days before the earliest date on which the**  
 12           **application for judgment may be made. The expenses of this**  
 13           **publication shall be paid out of the county general fund**  
 14           **without prior appropriation.**

15           **(3) Publish a notice twice in accordance with IC 5-3-1-4 at the**  
 16           **following times stating that the complete listing of mobile**  
 17           **homes eligible for sale at auction under this chapter is**  
 18           **available on the Internet web site of the county government or**  
 19           **the county government's contractor:**

20           **(A) The first time at least seven (7) days after the**  
 21           **publication of the notice required under subdivision (2).**

22           **(B) The second time at least seven (7) days after the**  
 23           **publication of the notice required under clause (A).**

24           **(4) At least thirty (30) days before the earliest date on which**  
 25           **the application for judgment may be made, mail a copy of the**  
 26           **notice described under section 9 of this chapter by certified**  
 27           **mail, return receipt requested, to any party having a**  
 28           **substantial property interest of record.**

29           **(b) The notices mailed under this section are considered**  
 30           **sufficient notice of the intended application for judgment and of**  
 31           **the sale of mobile homes under the order of the court.**

32           **(c) For mobile homes that are not sold when initially offered for**  
 33           **sale under this chapter, the county treasurer may omit the**  
 34           **descriptions of the mobile homes specified in section 9(b)(1) and**  
 35           **9(b)(3) of this chapter for those mobile homes when they are for**  
 36           **sale at a subsequent auction if:**

37           **(1) the county treasurer includes in the notice a statement that**  
 38           **descriptions of those mobile homes are available on the**  
 39           **Internet web site of the county government or the county**  
 40           **government's contractor and the information may be**  
 41           **obtained in an alternative form from the county treasurer**  
 42           **upon request; and**



1           (2) the descriptions of those mobile homes eligible for sale a  
 2           second or subsequent time are made available on the Internet  
 3           web site of the county government or the county government's  
 4           contractor and may be obtained from the county treasurer in  
 5           an alternative form upon request in accordance with section  
 6           11 of this chapter.

7           **Sec. 11. (a)** This section applies to a request for information in  
 8           an alternative form under this chapter in those circumstances in  
 9           which a county treasurer may omit descriptions of mobile homes  
 10          from a published notice of sale under this chapter if the county  
 11          treasurer makes the information available on the Internet web site  
 12          of the county government or the county government's contractor  
 13          and in an alternative form upon request.

14          **(b)** A person who requests information in an alternative form  
 15          concerning descriptions of mobile homes to which this section  
 16          applies may specify whether the person prefers to receive the  
 17          information in an electronic format, on a digital storage medium,  
 18          or in printed form. A county treasurer who has a duty under this  
 19          chapter to make the information available in an alternative form  
 20          upon request shall furnish the information in the alternative form  
 21          specified by the requesting person.

22          **Sec. 12. (a)** At least twenty-one (21) days before the earliest date  
 23          on which the application for judgment and order for sale of mobile  
 24          homes eligible for sale may be made, the county treasurer shall  
 25          send a notice of the sale by certified mail, return receipt requested,  
 26          and by first class mail to:

27           (1) the owner of record of the mobile home with a single  
 28           owner; or

29           (2) at least one (1) of the owners, as of the date that the  
 30           tentative auction list is initially prepared under section 4 of  
 31           this chapter, of a mobile home with multiple owners;

32          at the last address of the owner for the property as indicated in the  
 33          records of the assessor of the township in which the mobile home  
 34          community is located, or the county assessor if there is no township  
 35          assessor for the township, on the date that the tentative auction list  
 36          is initially prepared under section 4 of this chapter. If both notices  
 37          are returned, the county treasurer shall take an additional  
 38          reasonable step to notify the property owner, if the county  
 39          treasurer determines that an additional reasonable step to notify  
 40          the property owner is practical. The county treasurer shall prepare  
 41          the notice in the form prescribed by the department of local  
 42          government finance. The notice must set forth the make and model



1 of the mobile home and a street address, if any, or other common  
2 description of the property other than a legal description where the  
3 mobile home was last known to be located. The notice must include  
4 the statement set forth in section 5(b)(6) of this chapter. The county  
5 treasurer must present proof of this mailing to the court along with  
6 the application for judgment and order for sale.

7 (b) Failure by an owner to receive or accept the notice required  
8 by this section does not affect the validity of the judgment and  
9 order for sale.

10 (c) The notice required under this section is considered  
11 sufficient if the notice is mailed to the address or addresses  
12 required by this section.

13 Sec. 13. (a) On the day on which the application for judgment  
14 and order for sale is made, the county treasurer shall correct the  
15 tentative auction list under section 4 of this chapter, removing  
16 mobile homes for which all delinquencies have been paid or  
17 installment agreements have been entered into, and shall make and  
18 subscribe an affidavit in substantially the following form:

19 State of Indiana )  
20 ) ss  
21 County of \_\_\_\_\_ )  
22 I, \_\_\_\_\_, treasurer of the county of \_\_\_\_\_, do  
23 solemnly affirm that the foregoing is a true and correct list of the  
24 mobile homes assessed as personal property within the county of  
25 \_\_\_\_\_ upon which have remained delinquent uncollected  
26 taxes, penalties, and costs, as required by law for the time periods  
27 set forth, to the best of my knowledge and belief.

28 \_\_\_\_\_  
29 County Treasurer  
30 Dated \_\_\_\_\_  
31 I, \_\_\_\_\_, treasurer of the county of \_\_\_\_\_, do  
32 solemnly affirm that notice of the application for judgment and  
33 order for sale was mailed via certified mail, return receipt  
34 requested, to the owners on the foregoing list, and publication  
35 made, as required by law.

36 \_\_\_\_\_  
37 County Treasurer  
38 Dated \_\_\_\_\_

39 (b) Annually, each county treasurer shall make application for  
40 judgment and order for sale. The county treasurer shall make the  
41 application as one (1) cause of action to a court with jurisdiction.  
42 The application must include the names of at least one (1) of the





1 owners of each mobile home, the dates of mailing of the notice  
 2 required by section 12 of this chapter, as applicable, the dates of  
 3 publication required by section 10 of this chapter, and the affidavit  
 4 and corrected tentative auction list as provided in subsection (a).

5 (c) Any objection to the application for judgment and order of  
 6 sale shall be filed with the court on or before the earliest date on  
 7 which the application may be made as set forth in the notice  
 8 required under section 9 of this chapter. The county treasurer for  
 9 the county where the mobile home is located is entitled to receive  
 10 all pleadings, motions, petitions, and other filings related to an  
 11 objection to the application for judgment and order of sale.

12 Sec. 14. (a) At least fifteen (15) days before the advertised date  
 13 of the auction, the court shall examine the list of mobile homes as  
 14 provided under section 13 of this chapter. At least three (3) days  
 15 before the advertised date of the tax sale, the court shall enter  
 16 judgment for those taxes, penalties, and costs that appear to be  
 17 due. This judgment is considered a judgment against each taxpayer  
 18 for the taxpayer's delinquent personal property taxes, penalties,  
 19 and collection expenses that are attributable to the taxpayer's  
 20 mobile home. The affidavit provided under section 13 of this  
 21 chapter is prima facie evidence of delinquency for purposes of  
 22 proceedings under this section. The court shall also direct the clerk  
 23 to prepare and enter an order for the sale of those mobile homes  
 24 against which judgment is entered.

25 (b) If written objections are timely filed, the court shall conduct  
 26 a hearing on the written objections at least seven (7) days before  
 27 the advertised date of the auction. At the hearing, the court shall  
 28 hear any defense offered by any person interested in any of the  
 29 mobile homes to the entry of judgment against the person, hear  
 30 and determine the matter in a summary manner, without  
 31 pleadings, and enter its judgment. The court shall enter a judgment  
 32 under this subsection at least three (3) days before the advertised  
 33 date of the auction. The objection must be in writing, and no  
 34 person may offer any defense unless the writing specifying the  
 35 objection is accompanied by an original or a duplicate tax receipt  
 36 or other supporting documentation. At least seven (7) days before  
 37 the date set for the hearing, notice of the date, time, and place of  
 38 the hearing shall be provided by the court to the following:

39 (1) Any person filing a defense to the application for judgment  
 40 and order of sale.

41 (2) Any person with a substantial property interest of record  
 42 in a property certified not suitable for tax sale under section



- 1           **8 of this chapter.**
- 2           **(c) If judgment is entered in favor of the respondent under these**
- 3 **proceedings or if judgment is not entered for any particular mobile**
- 4 **home because of an unresolved objection made under subsection**
- 5 **(b), the court shall remove that mobile home from the tentative**
- 6 **auction list prepared under section 4 of this chapter.**
- 7           **(d) A judgment and order for sale must contain the final listing**
- 8 **of affected mobile homes and the name of at least one (1) of the**
- 9 **owners of each mobile home, and must state in substantially the**
- 10 **following form:**
- 11           **"Whereas, notice has been given of the intended application**
- 12 **for a judgment against the owners of these mobile homes, and**
- 13 **no sufficient defense has been made or cause has been shown**
- 14 **why judgment should not be entered against the owners of**
- 15 **these mobile homes for taxes, and personal property penalties,**
- 16 **and costs due and unpaid on them, therefore it is considered**
- 17 **by the court that judgment is hereby entered against the**
- 18 **owners of the below listed mobile homes in favor of the state**
- 19 **of Indiana for the amount of taxes, penalties, and costs due**
- 20 **severally on them; and it is ordered by the court that the**
- 21 **several mobile homes be sold as the law directs. Payments for**
- 22 **taxes, penalties, and costs made after this judgment but before**
- 23 **the sale shall reduce the judgment accordingly."**
- 24           **(e) Except as provided in section 7 of this chapter, the order of**
- 25 **the court constitutes the list of mobile homes that shall be offered**
- 26 **for sale under section 15 of this chapter.**
- 27           **(f) The court that enters judgment under this section shall retain**
- 28 **exclusive continuing supervisory jurisdiction over all matters and**
- 29 **claims relating to the auction.**
- 30           **(g) No error or informality in the proceedings of any of the**
- 31 **officers connected with the assessment, levying, or collection of the**
- 32 **taxes that does not affect the substantial justice of the tax itself**
- 33 **shall invalidate or in any manner affect the tax or the assessment,**
- 34 **levying, or collection of the tax.**
- 35           **(h) Any irregularity, informality, omission, or defective act of**
- 36 **one (1) or more officers connected with the assessment or levying**
- 37 **of the taxes may be, in the discretion of the court, corrected,**
- 38 **supplied, and made to conform to law by the court, or by the**
- 39 **officer (in the presence of the court).**
- 40           **(i) At the hearing required by subsection (b), the court shall**
- 41 **hear and determine whether properties certified by the county**
- 42 **executive under section 8 of this chapter are not suitable for tax**



1 sale. The court shall determine a property to be not suitable for tax  
2 sale if the property:

- 3 (1) contains hazardous waste or another environmental  
4 hazard;  
5 (2) has deteriorated to the extent that it can no longer provide  
6 suitable protection from the elements and can no longer be  
7 used as a primary place of residence; or  
8 (3) has little or no value as a structure to be rehabilitated for  
9 use as a primary place of residence.

10 for which the cost of abatement, remediation, or rehabilitation  
11 would exceed the fair market value of the mobile home. If such a  
12 determination is made, the owner of the real property on which the  
13 mobile home is placed may proceed on behalf of and in place of the  
14 title owner under IC 6-1.1-7-15.

15 (j) The judgment and order for sale described in subsection (d)  
16 must also identify any mobile homes that the court determines are  
17 not suitable for tax sale. Judgment shall be entered against these  
18 properties as provided in this section, but an order for the sale of  
19 these properties may not be entered. As to these properties, the  
20 judgment and order shall state in substantially the following form:

21 "Whereas, this court having entered judgment against the  
22 owners of these mobile homes, and the court having found  
23 that these properties are not suitable for tax sale, it is ordered  
24 that, notwithstanding the aforementioned judgment and  
25 order, the following tracts shall not be offered for sale under  
26 IC 6-1.1-23.5-15."

27 Sec. 15. (a) Except as provided in section 7 of this chapter, the  
28 county treasurer shall, at the time and place designated in the  
29 notice, sell at public auction to the highest bidder each mobile  
30 home that is specified in the order for sale. The county treasurer  
31 shall keep a record of all sales in the form prescribed by the state  
32 board of accounts. The proceeds of the sale shall be paid into the  
33 county treasury and applied as follows:

- 34 (1) First, to the collection expenses.  
35 (2) Second, to the payment of the delinquent taxes and  
36 penalties.  
37 (3) Third, to the payment of other tax delinquencies of the  
38 taxpayer in the order provided in subsection (b).  
39 (4) Fourth, to the payment of amounts owed to creditors  
40 having a security interest in the mobile home.  
41 (5) Fifth, to the payments of any amounts owed to the owner  
42 of a mobile home community under IC 16-41-27-29.



- 1           **(6) Sixth, any balance remaining shall be paid to the mobile**
- 2           **home sale surplus fund.**
- 3           **(b) Any surplus funds to be applied to the other delinquent taxes**
- 4           **of a taxpayer under subsection (a)(3) shall be applied as follows:**
- 5           **(1) First, to the payment of delinquent personal property taxes**
- 6           **owed in the county by the taxpayer.**
- 7           **(2) Second, to the payment of delinquent real property taxes**
- 8           **owed in the county by the taxpayer.**
- 9           **(3) Third, to the payment of delinquent personal property**
- 10           **taxes owed by the taxpayer and certified from another county.**
- 11           **(c) The:**
- 12           **(1) owner of record of a mobile home assessed as personal**
- 13           **property at the time the mobile home was placed on the**
- 14           **tentative auction list under section 4 of this chapter, if the**
- 15           **owner of record at the time the mobile home was placed on**
- 16           **the tentative auction list retained ownership of the mobile**
- 17           **home until the mobile home was sold under this chapter; or**
- 18           **(2) purchaser under this chapter of the mobile home assessed**
- 19           **as personal property or the purchaser's assignee, if the owner**
- 20           **of record at the time the mobile home was placed on the**
- 21           **tentative auction list sold the mobile home to a person other**
- 22           **than the purchaser under this chapter before the sale of the**
- 23           **mobile home under this chapter;**
- 24           **may file a verified claim for money that is deposited in the mobile**
- 25           **home sale surplus fund. If the claim is approved by the county**
- 26           **auditor and the county treasurer, the county auditor shall issue a**
- 27           **warrant to the claimant for the amount due.**
- 28           **(d) If the person who claims money deposited in the mobile**
- 29           **home sale surplus fund under subsection (a) is a person other than**
- 30           **a person described in subsection (c), the county auditor may issue**
- 31           **a warrant to the person only as directed by the court having**
- 32           **jurisdiction over the sale of the mobile home assessed as personal**
- 33           **property for which the surplus claim is made.**
- 34           **(e) A court may direct the issuance of a warrant only:**
- 35           **(1) on petition by the claimant; and**
- 36           **(2) within three (3) years after the date of sale under this**
- 37           **chapter of the mobile home assessed as personal property.**
- 38           **(f) If an amount applied to taxes under this section is later paid**
- 39           **out of the county general fund to the purchaser or the purchaser's**
- 40           **successor due to the invalidity of the sale, all the taxes shall be**
- 41           **reinstated and recharged to the tax duplicate and collected in the**
- 42           **same manner as if the mobile home assessed as personal property**



1 had not been offered for sale.

2 (g) When a refund is made to any purchaser or purchaser's  
3 successor by reason of the invalidity of a sale, the county auditor  
4 shall, at the December settlement immediately following the  
5 refund, deduct the amount of the refund from the gross collections  
6 in the taxing district in which the land lies and shall pay that  
7 amount into the county general fund.

8 **Sec. 16.** If a person who purchases a mobile home assessed as  
9 personal property in a sale under this chapter fails to pay the bid,  
10 the county treasurer shall offer the mobile home for sale again. A  
11 purchaser who fails to pay the bid shall pay a civil penalty in an  
12 amount equal to twenty-five percent (25%) of the bid. The  
13 prosecuting attorney of the county in which the sale was conducted  
14 shall initiate an action in the name of the treasurer of state to  
15 recover the civil penalty. A civil penalty collected under this section  
16 shall be deposited in the county general fund.

17 **Sec. 17.** If a mobile home assessed as personal property is  
18 offered for sale under this chapter and an amount is received that  
19 is less than the sum of delinquent property taxes, penalties, and  
20 collection expenses that are attributable to the mobile home, the  
21 county treasurer shall:

- 22 (1) prepare the information in the form of a court order; and  
23 (2) present the information to the court described in section  
24 14(f) of this chapter;

25 for the court's authorization to remove the unpaid amounts from  
26 the tax duplicate.

27 **Sec. 18. (a)** Whenever:

- 28 (1) a mobile home assessed as personal property is offered for  
29 sale under this chapter; and  
30 (2) no bid is received;

31 the county auditor shall prepare a certified statement of the actual  
32 collection costs incurred by the county.

33 (b) The county auditor shall place the amount specified in the  
34 certified statement prepared under subsection (a) on the tax  
35 duplicate of the mobile home assessed as personal property that is  
36 offered but not sold at the sale. The amount shall be collected as  
37 personal property taxes are collected and paid into the county  
38 general fund.

39 **Sec. 19. (a)** This section applies to the following:

40 (1) A person who:

- 41 (A) owns a fee interest, a life estate interest, or the  
42 equitable interest of a contract purchaser in an unsafe



- 1 building or unsafe premises; and  
 2 (B) is subject to an order issued under IC 36-7-9-5(a)(2),  
 3 IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5)  
 4 regarding which the conditions set forth in  
 5 IC 36-7-9-10(a)(1) through IC 36-7-9-10(a)(4) exist.
- 6 (2) A person who:  
 7 (A) owns a fee interest, a life estate interest, or the  
 8 equitable interest of a contract purchaser in an unsafe  
 9 building or unsafe premises; and  
 10 (B) is subject to an order issued under IC 36-7-9-5(a),  
 11 other than an order issued under IC 36-7-9-5(a)(2),  
 12 IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5),  
 13 regarding which the conditions set forth in  
 14 IC 36-7-9-10(b)(1) through IC 36-7-9-10(b)(4) exist.
- 15 (3) A person who is the defendant in a court action brought  
 16 under IC 36-7-9-18, IC 36-7-9-19, IC 36-7-9-20, IC 36-7-9-21,  
 17 or IC 36-7-9-22 that has resulted in a judgment in favor of the  
 18 plaintiff and the unsafe condition that caused the action to be  
 19 brought has not been corrected.
- 20 (4) A person who has any of the following relationships to a  
 21 person, partnership, corporation, or legal entity described in  
 22 subdivision (1), (2), or (3):  
 23 (A) A partner of a partnership.  
 24 (B) An officer or majority stockholder of a corporation.  
 25 (C) The person who directs the activities or has a majority  
 26 ownership in a legal entity other than a partnership or  
 27 corporation.
- 28 (5) A person who owes:  
 29 (A) delinquent taxes;  
 30 (B) special assessments;  
 31 (C) penalties;  
 32 (D) interest; or  
 33 (E) costs directly attributable to a previous tax sale;  
 34 on a mobile home assessed as personal property that is on the  
 35 tentative auction list.
- 36 (6) A person who owns a fee interest, a life estate interest, or  
 37 the equitable interest of a contract purchaser in a vacant or  
 38 abandoned structure subject to an enforcement order under  
 39 IC 32-30-6, IC 32-30-7, IC 32-30-8, or IC 36-7-9, or a court  
 40 order under IC 36-7-37.
- 41 (7) A person who is an agent of the person described in this  
 42 subsection.



1           **(b) A person subject to this section may not purchase a mobile**  
 2 **home assessed as personal property that is offered for sale under**  
 3 **this chapter. However, this section does not prohibit a person from**  
 4 **bidding on a mobile home assessed as personal property that is**  
 5 **owned by the person and offered for sale under this chapter.**

6           **(c) The county treasurer shall require each person who will be**  
 7 **bidding at a sale conducted under this chapter to sign a statement**  
 8 **in a form substantially similar to the following:**

9           **"Indiana law prohibits a person who owes delinquent taxes,**  
 10 **special assessments, penalties, interest, or costs directly**  
 11 **attributable to a mobile home assessed as personal property**  
 12 **that was acquired in a previous sale under IC 6-1.1-23.5 from**  
 13 **purchasing a mobile home assessed as personal property at a**  
 14 **tax sale. I hereby affirm under the penalties for perjury that**  
 15 **I do not owe delinquent taxes, special assessments, penalties,**  
 16 **interest, costs directly attributable to a mobile home assessed**  
 17 **as personal property that was acquired in a previous tax sale,**  
 18 **amounts from a final adjudication in favor of a political**  
 19 **subdivision, any civil penalties imposed for the violation of a**  
 20 **building code or county ordinance, or any civil penalties**  
 21 **imposed by a county health department. Further, I hereby**  
 22 **acknowledge that any successful bid I make in violation of this**  
 23 **statement is subject to forfeiture. In the event of forfeiture,**  
 24 **the amount by which my bid exceeds the minimum bid on the**  
 25 **mobile home assessed as personal property, if any, shall be**  
 26 **applied to the delinquent taxes, special assessments, penalties,**  
 27 **interest, costs, judgments, or civil penalties I owe."**

28           **(d) If a person purchases a mobile home assessed as personal**  
 29 **property that the person was not eligible to purchase under this**  
 30 **section, the sale of the property is subject to forfeiture. If the**  
 31 **county treasurer determines or is notified not more than six (6)**  
 32 **months after the date of the sale that the sale of the property**  
 33 **should be forfeited, the county treasurer shall:**

34           **(1) notify the person in writing that the sale is subject to**  
 35 **forfeiture if the person does not pay the amounts that the**  
 36 **person owes within thirty (30) days of the notice;**

37           **(2) if the person does not pay the amounts that the person**  
 38 **owes within thirty (30) days after the notice, apply the surplus**  
 39 **amount of the person's bid to the person's delinquent taxes,**  
 40 **special assessments, penalties, and interest; and**

41           **(3) remit the amounts owed from a final adjudication or civil**  
 42 **penalties in favor of a political subdivision to the appropriate**



1           **political subdivision.**

2           **(e) A county treasurer may decline to forfeit a sale under this**  
 3 **section because of inadvertence or mistake, lack of actual**  
 4 **knowledge by the bidder, substantial harm to other parties with**  
 5 **interests in the mobile home assessed as personal property, or**  
 6 **other substantial reasons. If the treasurer declines to forfeit a sale,**  
 7 **the treasurer shall:**

8           **(1) prepare a written statement explaining the reasons for**  
 9 **declining to forfeit the sale; and**

10          **(2) retain the written statement as an official record.**

11 **Sec. 20. (a) This section applies to the following:**

12          **(1) A business association that:**

13           **(A) has not obtained a certificate of authority from, or**  
 14 **registered with, the secretary of state in accordance with**  
 15 **the procedures described in IC 23, as applicable; or**

16           **(B) has obtained a certificate of authority from, or**  
 17 **registered with, the secretary of state in accordance with**  
 18 **the procedures described in IC 23, as applicable, but is not**  
 19 **in good standing in Indiana as determined by the secretary**  
 20 **of state.**

21          **(2) A person who is an agent of a person described in this**  
 22 **subsection.**

23          **(b) As used in this section, "business association" means a**  
 24 **corporation, professional corporation, nonprofit corporation,**  
 25 **limited liability company, partnership, or limited partnership.**

26          **(c) A person subject to this section may not purchase a mobile**  
 27 **home assessed as personal property that is offered for sale under**  
 28 **this chapter. However, this section does not prohibit a person from**  
 29 **bidding on a mobile home assessed as personal property that is**  
 30 **owned by the person and offered for sale under this chapter.**

31          **(d) If a person purchases a mobile home assessed as personal**  
 32 **property that the person was not eligible to purchase under this**  
 33 **section, the sale of the property is subject to forfeiture. If the**  
 34 **county treasurer determines or is notified not more than six (6)**  
 35 **months after the date of the sale that the sale of the property**  
 36 **should be forfeited under this section, the county treasurer shall:**

37           **(1) notify the person in writing that the sale is subject to**  
 38 **forfeiture within thirty (30) days after the notice if:**

39           **(A) the person does not obtain a certificate of authority**  
 40 **from, or register with, the secretary of state in accordance**  
 41 **with the procedures described in IC 23, as applicable; or**

42           **(B) the person does not otherwise cure the noncompliance**





- 1           that is the basis of the person's failure to be in good  
2           standing in Indiana as determined by the secretary of  
3           state; and
- 4           (2) if the person does not meet the conditions described in  
5           subdivision (1) within thirty (30) days after the notice, refund  
6           the surplus amount of the person's bid to the person.
- 7           (e) A county treasurer may decline to forfeit a sale under this  
8           section because of inadvertence or mistake, lack of actual  
9           knowledge by the bidder, substantial harm to other parties with  
10          interests in the tract or item of real property, or other substantial  
11          reasons. If the treasurer declines to forfeit a sale, the treasurer  
12          shall:
- 13          (1) prepare a written statement explaining the reasons for  
14          declining to forfeit the sale; and
- 15          (2) retain the written statement as an official record.
- 16          **Sec. 21. Duties of a county treasurer or county auditor under**  
17          **this chapter that are the responsibility of the respective officer**  
18          **regarding the conduct of a tax sale may not be performed under**  
19          **contract or by another person or entity (except staff persons),**  
20          **unless consented to in writing by the respective officers.**
- 21          SECTION 10. IC 9-14-12-9, AS ADDED BY P.L.198-2016,  
22          SECTION 192, IS AMENDED TO READ AS FOLLOWS  
23          [EFFECTIVE JULY 1, 2017]: Sec. 9. (a) **Subject to subsection (b),**  
24          the bureau may destroy or otherwise dispose of any records of the  
25          bureau:
- 26          (1) in accordance with the bureau's record retention schedule; or  
27          (2) with permission from the Indiana archives and record  
28          administration under IC 5-15-5.1-14.
- 29          **(b) The bureau shall retain any record described in section 2(1)**  
30          **of this chapter that relates to a certificate of title for a**  
31          **manufactured home or a mobile home for at least twenty (20) years**  
32          **from the date the record is created.**
- 33          SECTION 11. IC 16-41-27-31, AS AMENDED BY P.L.203-2013,  
34          SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35          JANUARY 1, 2018]: Sec. 31. (a) Each mobile home community  
36          operator shall maintain a register open for inspection by the township  
37          assessor or county assessor responsible for assessing mobile homes and  
38          manufactured homes located in the mobile home community under  
39          IC 6-1.1-7 and by the state department or the state department's  
40          representatives.
- 41          **(b) This subsection applies to entries made in a register**  
42          **described in subsection (a) before January 1, 2020. The register**



1 must contain the following for each mobile home and manufactured  
2 home in a mobile home community:

3 (1) The names and ages of all occupants.

4 (2) The name of the owner of the mobile home or manufactured  
5 home.

6 **(c) This subsection applies to entries made in a register**  
7 **described in subsection (a) after December 31, 2019. The register**  
8 **must contain the following for each mobile home and**  
9 **manufactured home in a mobile home community:**

10 (1) **The name of the owner of the mobile home or**  
11 **manufactured home at the time the entry is made, as shown**  
12 **on the title to the mobile home or manufactured home.**

13 (2) **The vehicle identification number of the mobile home or**  
14 **manufactured home.**

15 (3) **Beginning after September 30, 2020, a copy of the title held**  
16 **by the owner of the mobile home or manufactured home at**  
17 **the time the entry is made.**

18 SECTION 12. IC 33-37-4-6, AS AMENDED BY P.L.136-2012,  
19 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JUNE 30, 2017]: Sec. 6. (a) For each small claims action, the clerk  
21 shall collect the following fees:

22 (1) From the party filing the action:

23 (A) a small claims costs fee of thirty-five dollars (\$35);

24 (B) a small claims service fee of ten dollars (\$10) for each  
25 named defendant that is not a garnishee defendant; and

26 (C) if the party has named more than three (3) garnishees or  
27 garnishee defendants, a small claims garnishee service fee of  
28 ten dollars (\$10) for each garnishee or garnishee defendant in  
29 excess of three (3).

30 (2) From any party adding a defendant that is not a garnishee  
31 defendant, a small claims service fee of ten dollars (\$10) for each  
32 defendant that is not a garnishee defendant added in the action.

33 (3) From any party adding a garnishee or garnishee defendant, a  
34 small claims garnishee service fee of ten dollars (\$10) for each  
35 garnishee or garnishee defendant added to the action. However,  
36 a clerk may not collect a small claims garnishee service fee for the  
37 first three (3) garnishees named in the action.

38 However, a clerk may not collect a small claims costs fee, small claims  
39 service fee, or small claims garnishee service fee for a small claims  
40 action filed by or on behalf of the attorney general.

41 **(b) A clerk may not collect a fee under subsection (a)(1)(B),**  
42 **(a)(1)(C), (a)(2), or (a)(3) for a small claims action filed through the**



1 **Indiana electronic filing system adopted by the Indiana supreme**  
 2 **court.**

3 ~~(b)~~ (c) In addition to a small claims costs fee, small claims service  
 4 fee, and small claims garnishee service fee collected under this section,  
 5 the clerk shall collect the following fees, if they are required under  
 6 IC 33-37-5:

7 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or  
 8 IC 33-37-5-4).

9 (2) A document storage fee (IC 33-37-5-20).

10 (3) An automated record keeping fee (IC 33-37-5-21).

11 (4) A public defense administration fee (IC 33-37-5-21.2).

12 (5) A judicial insurance adjustment fee (IC 33-37-5-25).

13 (6) A judicial salaries fee (IC 33-37-5-26).

14 (7) A court administration fee (IC 33-37-5-27).

15 (8) Before ~~July 1, 2017~~, **July 1, 2022**, a pro bono legal services  
 16 fee (IC 33-37-5-31).

17 SECTION 13. IC 33-37-5-20, AS AMENDED BY P.L.213-2015,  
 18 SECTION 257, IS AMENDED TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2017]: Sec. 20. (a) This section applies to all  
 20 civil, criminal, infraction, and ordinance violation actions.

21 (b) The clerk shall collect a document storage fee of:

22 (1) five dollars (\$5), after June 30, 2015, and before July 1, ~~2017~~;  
 23 **2022**; and

24 (2) two dollars (\$2), after June 30, ~~2017~~ **2022**.

25 ~~(c) This subsection applies to a document storage fee collected after~~  
 26 ~~June 30, 2015, and before July 1, 2017. For a county not operating~~  
 27 ~~under the state's automated judicial system, three dollars (\$3) of the~~  
 28 ~~document storage fee may be used for purposes of the county's case~~  
 29 ~~management system.~~

30 SECTION 14. IC 33-37-5-28, AS AMENDED BY P.L.174-2006,  
 31 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2017]: Sec. 28. (a) Except as provided in subsection (c), this  
 33 section applies to a civil action in which the clerk is required to collect  
 34 a civil costs fee under IC 33-37-4-4(a).

35 (b) The clerk shall collect the following:

36 (1) From the party filing the civil action, a service fee of ten  
 37 dollars (\$10) for each additional defendant that is not a garnishee  
 38 defendant named other than the first named defendant.

39 (2) From any party adding a defendant that is not a garnishee  
 40 defendant, a service fee of ten dollars (\$10) for each defendant  
 41 that is not a garnishee defendant added in the civil action.

42 (3) From a party that has named more than three (3) garnishees or



1 garnishee defendants, a garnishee service fee of ten dollars (\$10)  
2 for each garnishee or garnishee defendant in excess of three (3).  
3 (4) From a party adding a garnishee or garnishee defendant, a  
4 garnishee service fee of ten dollars (\$10) for each garnishee or  
5 garnishee defendant added to the action. However, a clerk may  
6 not collect a garnishee service fee for the first three (3) garnishees  
7 or garnishee defendants named in the action.  
8 (c) This section does not apply to an action in which service is made  
9 by publication in accordance with Indiana Trial Rule 4.13 **or to an**  
10 **action filed through the Indiana electronic filing system adopted by**  
11 **the Indiana supreme court.**  
12 SECTION 15. **An emergency is declared for this act.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill No. 455, 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 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-1-8.4, AS AMENDED BY P.L.182-2009(ss), SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2018]: Sec. 8.4. (a) "Inventory" means:

- (1) materials held for processing or for use in production;
- (2) finished or partially finished goods of a manufacturer or processor; and
- (3) property held for sale in the ordinary course of trade or business.

(b) The term includes:

- (1) items that qualify as inventory under 50 IAC 4.2-5-1 (as effective December 31, 2008); and
- (2) subject to subsection (c), a mobile home or manufactured home that:
  - (A) does not qualify as real property;
  - (B) is located in a mobile home community;
  - (C) is unoccupied; and
  - (D) is owned and held for sale **or lease** by the owner of the mobile home community.

(c) Subsection (b)(2) applies regardless of whether the mobile home that is held for sale **or lease** is new or was previously owned."

Page 2, delete lines 1 through 3.

Page 2, line 15, after "document" delete "," and insert "**or bureau of motor vehicles affidavit of sale or disposal**".

Page 2, delete lines 33 through 42, begin a new paragraph and insert:

"SECTION 3. IC 6-1.1-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2018]: Sec. 4. (a) The owner of any real property on the assessment date of a year is liable for the taxes imposed for that year on the property, unless a person holding, possessing, controlling, or occupying any real property on the assessment date of a year is liable for the taxes imposed for that year on the property under a memorandum of lease or other contract with the owner that is recorded with the county recorder before January 1, 1998.

(b) **Except for a mobile home assessed as personal property, a**



person holding, possessing, controlling, or occupying any personal property on the assessment date of a year is liable for the taxes imposed for that year on the property unless:

- (1) the person establishes that the property is being assessed and taxed in the name of the owner; or
- (2) the owner is liable for the taxes under a contract with that person.

**A person owning a mobile home assessed as personal property on the assessment date of a year is liable for the taxes imposed for that year on the property.** When a person other than the owner pays any property taxes, as required by this section, that person may recover the amount paid from the owner, unless the parties have agreed to other terms in a contract.

(b) An owner on the assessment date of a year of real property that has an improvement or appurtenance that is:

- (1) assessed as real property; and
- (2) owned, held, possessed, controlled, or occupied on the assessment date of a year by a person other than the owner of the land;

is jointly liable for the taxes imposed for the year on the improvement or appurtenance with the person holding, possessing, controlling, or occupying the improvement or appurtenance on the assessment date.

(c) An improvement or appurtenance to land that, on the assessment date of a year, is held, possessed, controlled, or occupied by a different person than the owner of the land may be listed and assessed separately from the land only if the improvement or appurtenance is held, possessed, controlled, or occupied under a memorandum of lease or other contract that is recorded with the county recorder before January 1, 1998."

Page 3, delete lines 1 through 25.

Page 3, line 28, after "permits" insert "**places a mobile home or**".

Page 3, line 32, strike "ten (10)" and insert "**thirty (30)**".

Page 3, delete lines 34 through 42, begin a new paragraph and insert:

**"(b) This subsection applies to a person that operates a mobile home community. In addition to the requirements of subsection (a), if a person to whom this subsection applies places a mobile home or allows a mobile home to be placed in the mobile home community, if a sale or lease of a mobile home previously held as inventory occurs, or if the status of a mobile home is changed to inventory, the person shall furnish the following information and other items to the assessor of the township in which the mobile**



home community is located, or the county assessor if there is no township assessor for the township, within thirty (30) days after the mobile home is placed in the mobile home community, the sale or lease of the mobile home occurs, or the change in status of the mobile home to inventory occurs:

**(1) If applicable, notice of the sale or lease of the mobile home or the change in status of the mobile home to inventory."**

Page 4, line 1, delete "(1)" and insert "**(2)**".

Page 4, line 3, delete "(2)" and insert "**(3)**".

Page 4, line 4, delete "(3)" and insert "**(4)**".

Page 4, line 5, after "made" delete "." and insert ", or, if no title exists:

**(A) a petition filed with a court requesting an order by the court for the title of the mobile home; or**

**(B) a bureau of motor vehicles affidavit of sale or disposal."**

Page 4, line 6, delete "(4)" and insert "**(5)**".

Page 4, line 9, strike "ten (10)" and insert "**thirty (30)**".

Page 4, line 15, after "IC 9-22-1.5" insert ", IC 9-22-1.7, or IC 6-1.1-23.5".

Page 4, line 18, after "owner" insert "**or the owner's agent**".

Page 4, line 23, after "owner" insert "**or the owner's agent**".

Page 4, line 30, after "title" delete "or" and insert ", a".

Page 4, line 30, after "order" delete "." and insert ", or a bureau of motor vehicles affidavit of sale or disposal."

Page 5, line 2, after "owner" insert "**or the owner's agent**".

Page 7, line 29, delete "will" and insert "**may**".

Page 7, line 35, delete "will" and insert "**may**".

Page 11, line 16, delete "creditor who annually requests, by certified" and insert "**party having a substantial property interest of record**".

Page 11, delete line 17.

Page 12, line 10, delete "The department of local".

Page 12, delete lines 11 through 13.

Page 14, line 40, delete "provided" and insert "**prepared**".

Page 14, line 40, delete "13" and insert "4".

Page 15, line 38, delete "or".

Page 15, delete line 39, begin a new line block indented and insert:

**"(2) has deteriorated to the extent that it can no longer provide suitable protection from the elements and can no longer be used as a primary place of residence; or**

**(3) has little or no value as a structure to be rehabilitated for**



**use as a primary place of residence."**

Page 15, line 40, delete "or" and insert ",".

Page 15, line 40, after "remediation" insert ", or rehabilitation".

Page 15, line 41, after "home." insert **"If such a determination is made, the owner of the real property on which the mobile home is placed may proceed on behalf of and in place of the title owner under IC 6-1.1-7-15."**

Page 16, between lines 23 and 24, begin a new line block indented and insert:

**"(4) Fourth, to the payments of any amounts owed to the owner of a mobile home community under IC 16-41-27-29."**

Page 16, line 24, delete "(4) Fourth," and insert **"(5) Fifth,"**.

Page 22, line 11, delete "2018." and insert **"2020."**

Page 22, line 18, delete "2017." and insert **"2019."**

Page 22, delete line 21.

Page 22, line 22, delete "(2)" and insert **"(1)"**.

Page 22, line 25, delete "(3)" and insert **"(2)"**.

Page 22, line 27, delete "(4) A" and insert **"(3) Beginning after September 30, 2020, a"**.

Page 22, line 29, delete "(5)" and insert **"(4)"**.

and when so amended that said bill do pass.

(Reference is to SB 455 as introduced.)

HERSHMAN, Chairperson

Committee Vote: Yeas 12, Nays 0.

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#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 455, 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:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Page 5, between lines 33 and 34, begin a new paragraph and insert:

**"SECTION 7. IC 6-1.1-7-15, AS ADDED BY P.L.182-2009(ss), SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) This section applies to a mobile home**

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or manufactured home:

- (1) that has deteriorated to a degree that it can no longer provide suitable protection from the elements as to be used as a primary place of residence;
- (2) that has little or no value as a structure to be rehabilitated for use as a primary place of residence;
- (3) on which personal property tax liability has been imposed in an amount that exceeds the estimated resale value of the mobile home or manufactured home; and
- (4) that has been abandoned in a mobile home community licensed under IC 16-41-27.

(b) The holder of:

(1) the title; ~~or~~ **or**

(2) **a bureau of motor vehicles affidavit of sale or disposal;**

**for** a mobile home or manufactured home described in subsection (a) may submit a written request to the county assessor for the county where the mobile home or manufactured home is located requesting that personal property tax liability imposed on the mobile home or manufactured home be waived. If the county assessor determines that the property that is the subject of the request meets the requirements in subsection (a), the county assessor shall send to the applicant a letter that waives the property taxes, special assessments, interest, penalties, and costs assessed against the property under this article, subject to compliance with subsection (c). The county assessor shall deliver a copy of the letter to the county auditor and the county treasurer.

(c) Upon receipt of a letter waiving property taxes imposed on a mobile home or manufactured home, the holder of the title of the property that is the subject of a letter issued under subsection (b) shall:

- (1) deliver a signed statement to the county assessor stating that the mobile home or manufactured home:
  - (A) will be dismantled or destroyed either at its present site or at a remote site; and
  - (B) will not be used again as a dwelling or other shelter; and
- (2) dismantle or destroy the mobile home or manufactured home and not use the mobile home or manufactured home as a structure after the issuance date of the letter waiving property taxes.

(d) The county auditor shall remove from the tax duplicate the property taxes, special assessments, interest, penalties, and costs for which a waiver is granted under this section."

Page 6, line 22, delete "and:" and insert "**as evidenced by the certificate of title issued by the bureau of motor vehicles.**".

Page 6, delete lines 23 through 27.



Page 11, line 28, delete "the county".

Page 11, line 29, delete "treasurer shall".

Page 16, after line 42, begin a new line block indented and insert:

**"(4) Fourth, to the payment of amounts owed to creditors having a security interest in the mobile home."**

Page 17, line 1, delete "(4) Fourth," and insert "(5) Fifth,".

Page 17, line 3, delete "(5) Fifth," and insert "(6) Sixth,".

Page 18, line 16, delete "state treasurer" and insert "**treasurer of state**".

Page 22, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 9. IC 9-14-12-9, AS ADDED BY P.L.198-2016, SECTION 192, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. **(a) Subject to subsection (b)**, the bureau may destroy or otherwise dispose of any records of the bureau:

- (1) in accordance with the bureau's record retention schedule; or
- (2) with permission from the Indiana archives and record administration under IC 5-15-5.1-14.

**(b) The bureau shall retain any record described in section 2(1) of this chapter that relates to a certificate of title for a manufactured home or a mobile home for at least twenty (20) years from the date the record is created."**

Page 23, delete lines 8 through 10, begin a new paragraph and insert:

"SECTION 10. IC 33-37-4-6, AS AMENDED BY P.L.136-2012, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2017]: Sec. 6. (a) For each small claims action, the clerk shall collect the following fees:

- (1) From the party filing the action:
  - (A) a small claims costs fee of thirty-five dollars (\$35);
  - (B) a small claims service fee of ten dollars (\$10) for each named defendant that is not a garnishee defendant; and
  - (C) if the party has named more than three (3) garnishees or garnishee defendants, a small claims garnishee service fee of ten dollars (\$10) for each garnishee or garnishee defendant in excess of three (3).
- (2) From any party adding a defendant that is not a garnishee defendant, a small claims service fee of ten dollars (\$10) for each defendant that is not a garnishee defendant added in the action.
- (3) From any party adding a garnishee or garnishee defendant, a small claims garnishee service fee of ten dollars (\$10) for each garnishee or garnishee defendant added to the action. However,



a clerk may not collect a small claims garnishee service fee for the first three (3) garnishees named in the action.

However, a clerk may not collect a small claims costs fee, small claims service fee, or small claims garnishee service fee for a small claims action filed by or on behalf of the attorney general.

**(b) A clerk may not collect a fee under subsection (a)(1)(B), (a)(1)(C), (a)(2), or (a)(3) for a small claims action filed through the Indiana electronic filing system adopted by the Indiana supreme court.**

~~(b)~~ **(c)** In addition to a small claims costs fee, small claims service fee, and small claims garnishee service fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A document storage fee (IC 33-37-5-20).
- (3) An automated record keeping fee (IC 33-37-5-21).
- (4) A public defense administration fee (IC 33-37-5-21.2).
- (5) A judicial insurance adjustment fee (IC 33-37-5-25).
- (6) A judicial salaries fee (IC 33-37-5-26).
- (7) A court administration fee (IC 33-37-5-27).
- (8) Before ~~July 1, 2017~~; **July 1, 2022**, a pro bono legal services fee (IC 33-37-5-31).

SECTION 11. IC 33-37-5-20, AS AMENDED BY P.L.213-2015, SECTION 257, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 20. (a) This section applies to all civil, criminal, infraction, and ordinance violation actions.

(b) The clerk shall collect a document storage fee of:

- (1) five dollars (\$5), after June 30, 2015, and before July 1, ~~2017~~; **2022**; and
- (2) two dollars (\$2), after June 30, ~~2017~~; **2022**.

~~(c) This subsection applies to a document storage fee collected after June 30, 2015, and before July 1, 2017. For a county not operating under the state's automated judicial system, three dollars (\$3) of the document storage fee may be used for purposes of the county's case management system.~~

SECTION 12. IC 33-37-5-28, AS AMENDED BY P.L.174-2006, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 28. (a) Except as provided in subsection (c), this section applies to a civil action in which the clerk is required to collect a civil costs fee under IC 33-37-4-4(a).

(b) The clerk shall collect the following:

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(1) From the party filing the civil action, a service fee of ten dollars (\$10) for each additional defendant that is not a garnishee defendant named other than the first named defendant.

(2) From any party adding a defendant that is not a garnishee defendant, a service fee of ten dollars (\$10) for each defendant that is not a garnishee defendant added in the civil action.

(3) From a party that has named more than three (3) garnishees or garnishee defendants, a garnishee service fee of ten dollars (\$10) for each garnishee or garnishee defendant in excess of three (3).

(4) From a party adding a garnishee or garnishee defendant, a garnishee service fee of ten dollars (\$10) for each garnishee or garnishee defendant added to the action. However, a clerk may not collect a garnishee service fee for the first three (3) garnishees or garnishee defendants named in the action.

(c) This section does not apply to an action in which service is made by publication in accordance with Indiana Trial Rule 4.13 **or to an action filed through the Indiana electronic filing system adopted by the Indiana supreme court.**

**SECTION 13. An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 455 as printed February 8, 2017.)

BROWN T

Committee Vote: yeas 18, nays 0.

