

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 2007 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1042

AN ACT to amend the Indiana Code concerning trade regulation.

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

SECTION 1. IC 23-1-55 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 55. Intention to Sell Sexually Explicit Materials

Sec. 1. This chapter does not apply to a person who sells sexually explicit materials on June 30, 2008, unless the person changes the person's business location after June 30, 2008.

Sec. 2. A person (as defined in IC 35-41-1-22) that intends to offer for sale or sell sexually explicit materials shall register with the secretary of state the intent to offer for sale or sell sexually explicit materials and provide a statement detailing the types of materials that the person intends to offer for sale or sell.

Sec. 3. (a) As used in this section, "local officials of the county" refer to all of the following:

- (1) The county executive.**
- (2) If a person described in section 2 of this chapter intends to locate in a municipality, the executive of the municipality.**
- (3) A local entity that supervises a zoning board in the county.**

(b) After receiving a registration described in section 2 of this chapter, the secretary of state shall notify the local officials of the county in which a person described in section 2 of this chapter intends to offer for sale or sell sexually explicit materials of

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the registration filed under section 2 of this chapter.

SECTION 2. IC 23-18-12-3, AS AMENDED BY P.L.60-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) Except as provided in subsection (e), the secretary of state shall collect the following fees when the documents described in this section are delivered for filing:

Document	Fee
(1) Articles of organization	\$90
(2) Application for use of indistinguishable name	\$20
(3) Application for reservation of name	\$20
(4) Application for renewal of reservation	\$20
(5) Notice of transfer or cancellation of reservation	\$20
(6) Application of registered name	\$30
(7) Application for renewal of registered name	\$30
(8) Certificate of change of registered agent's business address	No Fee
(9) Certificate of resignation of agent	No Fee
(10) Articles of amendment	\$30
(11) Restatement of articles of organization	\$30
(12) Articles of dissolution	\$30
(13) Application for certificate of authority	\$90
(14) Application for amended certificate of authority	\$30
(15) Application for certificate of withdrawal	\$30
(16) Application for reinstatement following administrative dissolution	\$30
(17) Articles of correction	\$30
(18) Certificate of change of registered agent	No Fee
(19) Application for certificate of existence or authorization	\$15
(20) Biennial report filed in writing, including by facsimile	\$30
(21) Biennial report filed by electronic medium	\$20
(22) Articles of merger involving a	

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domestic limited liability company \$90

(23) Any other document required or permitted to be filed under this article \$30

(24) Registration of intent to sell sexually explicit materials, products, or services \$250

(b) The fee set forth in subsection (a)(20) for filing a biennial report is fifteen dollars (\$15) per year, to be paid biennially.

(c) The secretary of state shall collect a fee of \$10 each time process is served on the secretary of state under this article. If the party to a proceeding causing service of process prevails in the proceeding, that party is entitled to recover this fee as costs from the nonprevailing party.

(d) The secretary of state shall collect the following fees for copying and certifying the copy of any filed documents relating to a domestic or foreign limited liability company:

- (1) One dollar (\$1) per page for copying.
- (2) Fifteen dollars (\$15) for certification stamp.

(e) If the document described in subsection (a)(1) or (a)(13) is filed by electronic means as prescribed by the secretary of state, the secretary of state shall collect a filing fee of seventy-five dollars (\$75).

SECTION 3. IC 24-4-16.4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 16.4. Sexually Explicit Materials

Sec. 1. As used in this chapter, "person" has the meaning set forth in IC 35-41-1-22.

Sec. 2. (a) As used in this chapter, "sexually explicit materials" means a product or service:

- (1) that is harmful to minors (as described in IC 35-49-2-2), even if the product or service is not intended to be used by or offered to a minor; or
- (2) that is designed for use in, marketed primarily for, or provides for:
 - (A) the stimulation of the human genital organs; or
 - (B) masochism or a masochistic experience, sadism or a sadistic experience, sexual bondage, or sexual domination.

(b) The term does not include:

- (1) birth control or contraceptive devices; or
- (2) services, programs, products, or materials provided by a:
 - (A) communications service provider (as defined in IC 8-1-32.6-3);
 - (B) physician; or

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(C) public or nonpublic school.

Sec. 3. A person or an employee or agent of a person may not offer for sale or sell sexually explicit materials unless a registration and statement are properly filed as described in IC 23-1-55-1.

Sec. 4. A person or an employee or agent of a person who knowingly or intentionally offers for sale or sells sexually explicit materials in violation of this chapter commits unregistered sale of sexually explicit materials, a Class B misdemeanor.

SECTION 4. [EFFECTIVE JULY 1, 2008] IC 24-4-16.4-4, as added by this act, applies to offenses committed after June 30, 2008.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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HEA 1042 — Concur+

