

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 2010 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1200

AN ACT to amend the Indiana Code concerning environmental law.

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

SECTION 1. IC 13-19-6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 6. Liability Limitation for Certain Surficial Activities

Sec. 1. (a) Subject to subsection (b) and except as provided under existing defenses and exemptions to liability contained in the environmental management laws, a person who:

- (1) owns or otherwise legally possesses real property that is not more than one (1) acre in size; and**
- (2) installs only:**

(A) pavement or another hard surface; or

(B) landscaping and other surficial plantings;

on the surface of the real property does not incur any additional liability for those paving or landscaping activities under the environmental management laws for costs or damages associated with the presence of a hazardous substance, a contaminant, petroleum, or a petroleum product that is located beneath the surface of the real property.

(b) Paving or landscaping activities on real property described in subsection (a)(2) may not:

- (1) impede the effectiveness or integrity of any institutional control employed on the real property in connection with a**

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response action at the real property;

(2) violate a land use restriction established or relied on in connection with a response action at the real property;

(3) result in a release of a hazardous substance, a contaminant, petroleum, or a petroleum product at the real property; or

(4) exacerbate existing contamination at the real property.

SECTION 2. IC 34-30-2-51.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 51.2. IC 13-19-6 (Concerning persons who engage in certain surficial activities).**

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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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