SENATE BILL No. 572

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8-23.

Synopsis: Fees for toll road emergency services. Provides that a paid or volunteer fire department may impose a service charge on the operator of a toll road project for certain fire or other emergency protection services that the department provides on the project.

Effective: July 1, 2011.

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January 20, 2011, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.

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Introduced

First Regular Session 117th General Assembly (2011)

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.

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SENATE BILL No. 572

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

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

SECTION 1. IC 36-8-23 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 23. Service Fees for Fire or Other Emergency Protection Services

Sec. 1. As used in this chapter, "fire department" means a paid or volunteer fire department.

Sec. 2. As used in this chapter, "fire or other emergency protection services" includes the following:

(1) An initial response by a fire department with one (1) or more of the following:

(A) A fire engine.

(B) A fire truck.

(C) A fire rescue unit.

(D) A fire apparatus.

(E) Another emergency response vehicle.

(2) In a response described in subdivision (1), the use of one

(1) or more of the following:

(A) Expendable materials, including absorption materials.

(B) Emulsifiers.

(C) Other agents used in cleanup operations.

(3) The collection of one (1) or more of the following resulting from a spill:

(A) Debris.

(B) Chemicals.

(C) Fuel.

(D) Contaminated materials.

Sec. 3. As used in this chapter, "operator" has the meaning set forth in IC 8-15.5-2-5.

Sec. 4. As used in this chapter, "toll road project" has the meaning set forth in IC 8-15-2-4(4).

Sec. 5. A fire department that provides fire or other emergency protection services on a toll road project may establish a schedule of charges for the services. The charges:

(1) must be reasonable;

(2) may not exceed the state fire marshal's recommended schedule for services, if applicable; and

(3) may not duplicate charges that the fire department already collects from other sources.

Sec. 6. A fire department or its agent may collect a service charge according to the schedule established under section 5 of this chapter from the operator of a toll road project for fire or other emergency protection services provided on the toll road project if the following conditions are met:

(1) The fire department has not collected a service charge from the operator under IC 36-8-12-16, IC 36-8-12.2, or any other law for the same fire or other emergency protection services.

(2) The fire department has not charged or collected a service charge from another individual or entity for the same fire or other emergency protection services.

(3) At the following times, the fire department gives written notice to the operator of the amount of the service charge for each service that the fire department provides:

(A) Before the schedule of service charges is initiated.

(B) When there is a change in the amount of a service charge.

(4) The bill for payment of the service charge:

(A) is submitted to the operator in writing not later than

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thirty (30) days after the services are provided; and

(B) includes a copy of a fire incident report in the form prescribed by the state fire marshal, if the service was provided for an event that requires a fire incident report.

Sec. 7. A fire department shall use the revenue collected from service charges under this chapter for the payment of costs, including operational costs and salaries, attributable to providing fire or other emergency protection services.

Sec. 8. A fire department or its agent may maintain a civil action to recover an unpaid service charge under this chapter.

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