
HOUSE BILL No. 1439

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8-12.

Synopsis: Volunteer fire department fees. Provides that the total fees charged by a volunteer fire department for services provided as part of a single incident may not exceed \$500. Limits the total administrative fees charged by an agent of a volunteer fire department to 7% of the bill that the agent is processing. Provides that an agent that: (1) charges administrative fees that exceed 7% of a bill; (2) charges an unauthorized or excessive fee for volunteer fire department services; or (3) fails to send volunteer fire department bills to appropriate parties; commits a Class C misdemeanor.

Effective: July 1, 2011.

Borders

January 18, 2011, read first time and referred to Committee on Veterans Affairs and Public Safety.

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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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HOUSE BILL No. 1439

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:

1 SECTION 1. IC 36-8-12-16, AS AMENDED BY P.L.182-2009(ss),
2 SECTION 436, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2011]: Sec. 16. (a) A volunteer fire department
4 that provides service within a jurisdiction served by the department
5 may establish a schedule of charges for the services that the department
6 provides not to exceed the state fire marshal's recommended schedule
7 for services. **The total fees charged for services provided in a single**
8 **incident may not exceed five hundred dollars (\$500).** The volunteer
9 fire department or its agent may collect a service charge according to
10 this schedule from the owner of property that receives service if the
11 following conditions are met:

- 12 (1) At the following times, the department gives notice under
13 IC 5-3-1-4(d) in each political subdivision served by the
14 department of the amount of the service charge for each service
15 that the department provides:
16 (A) Before the schedule of service charges is initiated.
17 (B) When there is a change in the amount of a service charge.



- 1 (2) The property owner has not sent written notice to the
- 2 department to refuse service by the department to the owner's
- 3 property.
- 4 (3) The bill for payment of the service charge:
- 5 (A) is submitted to the property owner in writing within thirty
- 6 (30) days after the services are provided; and
- 7 (B) includes a copy of a fire incident report in the form
- 8 prescribed by the state fire marshal, if the service was
- 9 provided for an event that requires a fire incident report.
- 10 (4) Payment is remitted directly to the governmental unit
- 11 providing the service.
- 12 (b) A volunteer fire department shall use the revenue collected from
- 13 the fire service charges under this section:
- 14 (1) for the purchase of equipment, buildings, and property for
- 15 firefighting, fire protection, or other emergency services;
- 16 (2) for deposit in the township firefighting fund established under
- 17 IC 36-8-13-4; or
- 18 (3) to pay principal and interest on a loan made by the department
- 19 of homeland security established by IC 10-19-2-1 or a division of
- 20 the department for the purchase of new or used firefighting and
- 21 other emergency equipment or apparatus.
- 22 (c) Any administrative fees charged by a fire department's agent
- 23 must be paid only from fees that are collected and allowed by Indiana
- 24 law and the fire marshal's schedule of fees.
- 25 (d) An agent who processes fees on behalf of a fire department shall
- 26 send all bills, notices, and other related materials to both the fire
- 27 department and the person being billed for services.
- 28 (e) All fees allowed by Indiana law and the fire marshal's fee
- 29 schedule must be itemized separately from any other charges.
- 30 (f) If at least twenty-five percent (25%) of the money received by a
- 31 volunteer fire department for providing fire protection or emergency
- 32 services is received under one (1) or more contracts with one (1) or
- 33 more political subdivisions (as defined in IC 34-6-2-110), the
- 34 legislative body of a contracting political subdivision must approve the
- 35 schedule of service charges established under subsection (a) before the
- 36 schedule of service charges is initiated in that political subdivision.
- 37 (g) A volunteer fire department that:
- 38 (1) has contracted with a political subdivision to provide fire
- 39 protection or emergency services; and
- 40 (2) charges for services under this section;
- 41 must submit a report to the legislative body of the political subdivision
- 42 before April 1 of each year indicating the amount of service charges

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1 collected during the previous calendar year and how those funds have
2 been expended.

3 (h) The state fire marshal shall annually prepare and publish a
4 recommended schedule of service charges for fire protection services.

5 (i) The volunteer fire department or its agent may maintain a civil
6 action to recover an unpaid service charge under this section.

7 SECTION 2. IC 36-8-12-16.5 IS ADDED TO THE INDIANA
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2011]: **Sec. 16.5. (a) An agent of a fire**
10 **department that charges administrative fees under section 13 or 16**
11 **of this chapter may not charge an administrative fee that is greater**
12 **than seven percent (7%) of the total bill for services that the agent**
13 **is processing.**

14 (b) **An agent that:**
15 (1) **violates subsection (a);**
16 (2) **charges a fee for services provided by a volunteer fire**
17 **department that:**
18 (A) **is not authorized by law; or**
19 (B) **exceeds the state fire marshal's recommended schedule**
20 **for services; or**
21 (3) **violates section 13(d) or 16(d) of this chapter;**
22 **commits a Class C misdemeanor.**

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