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# HOUSE BILL No. 1569

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-26-1-5; IC 6-3.5; IC 6-8.1-15-13; IC 24-5-22-10; IC 34-30-2-156; IC 35-45-5-4.7; IC 36-1-10-2; IC 36-7-4-405; IC 36-8; IC 36-9-13-3.5.

**Synopsis:** Emergency communication districts. Authorizes two or more units to adopt an ordinance establishing an emergency communications services district (district). Requires one of the units to contain a public safety answering point (PSAP). Requires all units to become a member of a district not later than July 1, 2015. Provides that a district may not contain more than one PSAP except under certain circumstances. Provides that the legislative body of the unit that provides emergency communications services to a district may certify a special assessment on property in the district for deposit in the district's emergency communications services fund. Specifies the purposes for which money in the fund may be spent. Allows a district to establish an emergency telephone notification system. Provides for the expiration on July 1, 2015, of the statutes concerning: (1) the local monthly enhanced emergency telephone system fee; (2) the statewide monthly wireless enhanced 911 fee; (3) the emergency telephone notification systems; (4) the establishment of a public safety communications system and computer facilities district in a county having a consolidated city; and (5) the establishment of a public safety communications systems district in certain other counties. Specifies that funds remaining in: (1) the wireless emergency telephone system fund; (2) a county wireless emergency telephone system fund; or (3) a county or municipal wireline emergency telephone system fund; on July 1, 2015, are transferred proportionately to the appropriate emergency communications services funds. Makes conforming amendments.

**Effective:** July 1, 2011; July 1, 2015.

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**Steuerwald, Foley, Behning,  
Thompson**

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January 20, 2011, read first time and referred to Committee on Veterans Affairs and Public Safety.



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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. 1569



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 5-26-1-5 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2011]: Sec. 5. As used in this article, "system"  
3 refers to the Indiana statewide wireless public safety voice and data  
4 communications system. The term does not include ~~the enhanced~~  
5 ~~emergency telephone~~ **an emergency communications service** system  
6 **operated by a district** under ~~IC 36-8-16-2~~. **IC 36-8-16.7.**

7 SECTION 2. IC 6-3.5-1.1-25, AS AMENDED BY P.L.146-2008,  
8 SECTION 332, IS AMENDED TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2011]: Sec. 25. (a) As used in this section,  
10 "public safety" refers to the following:

- 11 (1) A police and law enforcement system to preserve public peace  
12 and order.
- 13 (2) A firefighting and fire prevention system.
- 14 (3) Emergency ambulance services (as defined in  
15 IC 16-18-2-107).
- 16 (4) Emergency medical services (as defined in IC 16-18-2-110).
- 17 (5) Emergency action (as defined in IC 13-11-2-65).



- 1 (6) A probation department of a court.
- 2 (7) Confinement, supervision, services under a community
- 3 corrections program (as defined in IC 35-38-2.6-2), or other
- 4 correctional services for a person who has been:
  - 5 (A) diverted before a final hearing or trial under an agreement
  - 6 that is between the county prosecuting attorney and the person
  - 7 or the person's custodian, guardian, or parent and that provides
  - 8 for confinement, supervision, community corrections services,
  - 9 or other correctional services instead of a final action
  - 10 described in clause (B) or (C);
  - 11 (B) convicted of a crime; or
  - 12 (C) adjudicated as a delinquent child or a child in need of
  - 13 services.
- 14 (8) A juvenile detention facility under IC 31-31-8.
- 15 (9) A juvenile detention center under IC 31-31-9.
- 16 (10) A county jail.
- 17 (11) A communications system (as defined in IC 36-8-15-3
- 18 **(before its expiration on July 1, 2015))** or an **enhanced**
- 19 **emergency telephone emergency communications services**
- 20 **system (as defined in IC 36-8-16-2): operated by a district**
- 21 **under IC 36-8-16.7.**
- 22 (12) Medical and health expenses for jail inmates and other
- 23 confined persons.
- 24 (13) Pension payments for any of the following:
  - 25 (A) A member of the fire department (as defined in
  - 26 IC 36-8-1-8) or any other employee of a fire department.
  - 27 (B) A member of the police department (as defined in
  - 28 IC 36-8-1-9), a police chief hired under a waiver under
  - 29 IC 36-8-4-6.5, or any other employee hired by a police
  - 30 department.
  - 31 (C) A county sheriff or any other member of the office of the
  - 32 county sheriff.
  - 33 (D) Other personnel employed to provide a service described
  - 34 in this section.
- 35 (b) If a county council has imposed a tax rate of at least twenty-five
- 36 hundredths of one percent (0.25%) under section 24 of this chapter, a
- 37 tax rate of at least twenty-five hundredths of one percent (0.25%) under
- 38 section 26 of this chapter, or a total combined tax rate of at least
- 39 twenty-five hundredths of one percent (0.25%) under sections 24 and
- 40 26 of this chapter, the county council may also adopt an ordinance to
- 41 impose an additional tax rate under this section to provide funding for
- 42 public safety.

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1 (c) A tax rate under this section may not exceed twenty-five  
2 hundredths of one percent (0.25%).

3 (d) If a county council adopts an ordinance to impose a tax rate  
4 under this section, the county auditor shall send a certified copy of the  
5 ordinance to the department and the department of local government  
6 finance by certified mail.

7 (e) A tax rate under this section is in addition to any other tax rates  
8 imposed under this chapter and does not affect the purposes for which  
9 other tax revenue under this chapter may be used.

10 (f) Except as provided in subsection (k), the county auditor shall  
11 distribute the portion of the certified distribution that is attributable to  
12 a tax rate under this section to the county and to each municipality in  
13 the county. The amount that shall be distributed to the county or  
14 municipality is equal to the result of:

15 (1) the portion of the certified distribution that is attributable to a  
16 tax rate under this section; multiplied by

17 (2) a fraction equal to:

18 (A) the attributed allocation amount (as defined in  
19 IC 6-3.5-1.1-15) of the county or municipality for the calendar  
20 year; divided by

21 (B) the sum of the attributed allocation amounts of the county  
22 and each municipality in the county for the calendar year.

23 The county auditor shall make the distributions required by this  
24 subsection not more than thirty (30) days after receiving the portion of  
25 the certified distribution that is attributable to a tax rate under this  
26 section. Tax revenue distributed to a county or municipality under this  
27 subsection must be deposited into a separate account or fund and may  
28 be appropriated by the county or municipality only for public safety  
29 purposes.

30 (g) The department of local government finance may not require a  
31 county or municipality receiving tax revenue under this section to  
32 reduce the county's or municipality's property tax levy for a particular  
33 year on account of the county's or municipality's receipt of the tax  
34 revenue.

35 (h) The tax rate under this section and the tax revenue attributable  
36 to the tax rate under this section shall not be considered for purposes  
37 of computing:

38 (1) the maximum income tax rate that may be imposed in a county  
39 under section 2 of this chapter or any other provision of this  
40 chapter;

41 (2) the maximum permissible property tax levy under STEP  
42 EIGHT of IC 6-1.1-18.5-3(b);

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- 1 (3) the total county tax levy under IC 6-1.1-21-2(g)(3),
- 2 IC 6-1.1-21-2(g)(4), or IC 6-1.1-21-2(g)(5) (before the repeal of
- 3 IC 6-1.1-21); or
- 4 (4) the credit under IC 6-1.1-20.6.

5 (i) The tax rate under this section may be imposed or rescinded at  
 6 the same time and in the same manner that the county may impose or  
 7 increase a tax rate under section 24 of this chapter.

8 (j) The department of local government finance and the department  
 9 of state revenue may take any actions necessary to carry out the  
 10 purposes of this section.

11 (k) Two (2) or more political subdivisions that are entitled to receive  
 12 a distribution under this section may adopt resolutions providing that  
 13 some part or all of those distributions shall instead be paid to one (1)  
 14 political subdivision in the county to carry out specific public safety  
 15 purposes specified in the resolutions.

16 SECTION 3. IC 6-3.5-6-18, AS AMENDED BY P.L.182-2009(ss),  
 17 SECTION 222, IS AMENDED TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2011]: Sec. 18. (a) The revenue a county  
 19 auditor receives under this chapter shall be used to:

- 20 (1) replace the amount, if any, of property tax revenue lost due to
- 21 the allowance of an increased homestead credit within the county;
- 22 (2) fund the operation of a public communications system and
- 23 computer facilities district as provided in an election, if any, made
- 24 by the county fiscal body under IC 36-8-15-19(b) (**before its**
- 25 **expiration on July 1, 2015**);
- 26 (3) fund the operation of a public transportation corporation as
- 27 provided in an election, if any, made by the county fiscal body
- 28 under IC 36-9-4-42;
- 29 (4) make payments permitted under IC 36-7-14-25.5 or
- 30 IC 36-7-15.1-17.5;
- 31 (5) make payments permitted under subsection (i);
- 32 (6) make distributions of distributive shares to the civil taxing
- 33 units of a county; and
- 34 (7) make the distributions permitted under sections 27, 28, 29, 30,
- 35 31, 32, and 33 of this chapter.

36 (b) The county auditor shall retain from the payments of the county's  
 37 certified distribution, an amount equal to the revenue lost, if any, due  
 38 to the increase of the homestead credit within the county. This money  
 39 shall be distributed to the civil taxing units and school corporations of  
 40 the county as though they were property tax collections and in such a  
 41 manner that no civil taxing unit or school corporation shall suffer a net  
 42 revenue loss due to the allowance of an increased homestead credit.

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1 (c) The county auditor shall retain:  
 2 (1) the amount, if any, specified by the county fiscal body for a  
 3 particular calendar year under subsection (i), IC 36-7-14-25.5,  
 4 IC 36-7-15.1-17.5, IC 36-8-15-19(b) **(before its expiration on**  
 5 **July 1, 2015)**, and IC 36-9-4-42 from the county's certified  
 6 distribution for that same calendar year; and  
 7 (2) the amount of an additional tax rate imposed under section 27,  
 8 28, 29, 30, 31, 32, or 33 of this chapter.  
 9 The county auditor shall distribute amounts retained under this  
 10 subsection to the county.  
 11 (d) All certified distribution revenues that are not retained and  
 12 distributed under subsections (b) and (c) shall be distributed to the civil  
 13 taxing units of the county as distributive shares.  
 14 (e) The amount of distributive shares that each civil taxing unit in  
 15 a county is entitled to receive during a month equals the product of the  
 16 following:  
 17 (1) The amount of revenue that is to be distributed as distributive  
 18 shares during that month; multiplied by  
 19 (2) A fraction. The numerator of the fraction equals the allocation  
 20 amount for the civil taxing unit for the calendar year in which the  
 21 month falls. The denominator of the fraction equals the sum of the  
 22 allocation amounts of all the civil taxing units of the county for  
 23 the calendar year in which the month falls.  
 24 (f) The department of local government finance shall provide each  
 25 county auditor with the fractional amount of distributive shares that  
 26 each civil taxing unit in the auditor's county is entitled to receive  
 27 monthly under this section.  
 28 (g) Notwithstanding subsection (e), if a civil taxing unit of an  
 29 adopting county does not impose a property tax levy that is first due  
 30 and payable in a calendar year in which distributive shares are being  
 31 distributed under this section, that civil taxing unit is entitled to receive  
 32 a part of the revenue to be distributed as distributive shares under this  
 33 section within the county. The fractional amount such a civil taxing  
 34 unit is entitled to receive each month during that calendar year equals  
 35 the product of the following:  
 36 (1) The amount to be distributed as distributive shares during that  
 37 month; multiplied by  
 38 (2) A fraction. The numerator of the fraction equals the budget of  
 39 that civil taxing unit for that calendar year. The denominator of  
 40 the fraction equals the aggregate budgets of all civil taxing units  
 41 of that county for that calendar year.  
 42 (h) If for a calendar year a civil taxing unit is allocated a part of a

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1 county's distributive shares by subsection (g), then the formula used in  
2 subsection (e) to determine all other civil taxing units' distributive  
3 shares shall be changed each month for that same year by reducing the  
4 amount to be distributed as distributive shares under subsection (e) by  
5 the amount of distributive shares allocated under subsection (g) for that  
6 same month. The department of local government finance shall make  
7 any adjustments required by this subsection and provide them to the  
8 appropriate county auditors.

9 (i) Notwithstanding any other law, a county fiscal body may pledge  
10 revenues received under this chapter (other than revenues attributable  
11 to a tax rate imposed under section 30, 31, or 32 of this chapter) to the  
12 payment of bonds or lease rentals to finance a qualified economic  
13 development tax project under IC 36-7-27 in that county or in any other  
14 county if the county fiscal body determines that the project will  
15 promote significant opportunities for the gainful employment or  
16 retention of employment of the county's residents.

17 SECTION 4. IC 6-3.5-6-31, AS AMENDED BY P.L.146-2008,  
18 SECTION 342, IS AMENDED TO READ AS FOLLOWS  
19 [EFFECTIVE JULY 1, 2011]: Sec. 31. (a) As used in this section,  
20 "public safety" refers to the following:

- 21 (1) A police and law enforcement system to preserve public peace  
22 and order.
- 23 (2) A firefighting and fire prevention system.
- 24 (3) Emergency ambulance services (as defined in  
25 IC 16-18-2-107).
- 26 (4) Emergency medical services (as defined in IC 16-18-2-110).
- 27 (5) Emergency action (as defined in IC 13-11-2-65).
- 28 (6) A probation department of a court.
- 29 (7) Confinement, supervision, services under a community  
30 corrections program (as defined in IC 35-38-2.6-2), or other  
31 correctional services for a person who has been:
  - 32 (A) diverted before a final hearing or trial under an agreement  
33 that is between the county prosecuting attorney and the person  
34 or the person's custodian, guardian, or parent and that provides  
35 for confinement, supervision, community corrections services,  
36 or other correctional services instead of a final action  
37 described in clause (B) or (C);
  - 38 (B) convicted of a crime; or
  - 39 (C) adjudicated as a delinquent child or a child in need of  
40 services.
- 41 (8) A juvenile detention facility under IC 31-31-8.
- 42 (9) A juvenile detention center under IC 31-31-9.

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- 1 (10) A county jail.
- 2 (11) A communications system (as defined in IC 36-8-15-3)
- 3 **(before its expiration on July 1, 2015) or an enhanced**
- 4 **emergency telephone emergency communications services**
- 5 **system (as defined in IC 36-8-16-2), operated by a district**
- 6 **under IC 36-8-16.7.**
- 7 (12) Medical and health expenses for jail inmates and other
- 8 confined persons.
- 9 (13) Pension payments for any of the following:
  - 10 (A) A member of the fire department (as defined in
  - 11 IC 36-8-1-8) or any other employee of a fire department.
  - 12 (B) A member of the police department (as defined in
  - 13 IC 36-8-1-9), a police chief hired under a waiver under
  - 14 IC 36-8-4-6.5, or any other employee hired by a police
  - 15 department.
  - 16 (C) A county sheriff or any other member of the office of the
  - 17 county sheriff.
  - 18 (D) Other personnel employed to provide a service described
  - 19 in this section.
- 20 (b) The county income tax council may adopt an ordinance to
- 21 impose an additional tax rate under this section to provide funding for
- 22 public safety if:
  - 23 (1) the county income tax council has imposed a tax rate under
  - 24 section 30 of this chapter, in the case of a county containing a
  - 25 consolidated city; or
  - 26 (2) the county income tax council has imposed a tax rate of at
  - 27 least twenty-five hundredths of one percent (0.25%) under section
  - 28 30 of this chapter, a tax rate of at least twenty-five hundredths of
  - 29 one percent (0.25%) under section 32 of this chapter, or a total
  - 30 combined tax rate of at least twenty-five hundredths of one
  - 31 percent (0.25%) under sections 30 and 32 of this chapter, in the
  - 32 case of a county other than a county containing a consolidated
  - 33 city.
- 34 (c) A tax rate under this section may not exceed the following:
  - 35 (1) Five-tenths of one percent (0.5%), in the case of a county
  - 36 containing a consolidated city.
  - 37 (2) Twenty-five hundredths of one percent (0.25%), in the case of
  - 38 a county other than a county containing a consolidated city.
- 39 (d) If a county income tax council adopts an ordinance to impose a
- 40 tax rate under this section, the county auditor shall send a certified
- 41 copy of the ordinance to the department and the department of local
- 42 government finance by certified mail.

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1 (e) A tax rate under this section is in addition to any other tax rates  
 2 imposed under this chapter and does not affect the purposes for which  
 3 other tax revenue under this chapter may be used.

4 (f) Except as provided in subsection (l), the county auditor shall  
 5 distribute the portion of the certified distribution that is attributable to  
 6 a tax rate under this section to the county and to each municipality in  
 7 the county. The amount that shall be distributed to the county or  
 8 municipality is equal to the result of:

9 (1) the portion of the certified distribution that is attributable to a  
 10 tax rate under this section; multiplied by

11 (2) a fraction equal to:

12 (A) the total property taxes being collected in the county by  
 13 the county or municipality for the calendar year; divided by

14 (B) the sum of the total property taxes being collected in the  
 15 county by the county and each municipality in the county for  
 16 the calendar year.

17 The county auditor shall make the distributions required by this  
 18 subsection not more than thirty (30) days after receiving the portion of  
 19 the certified distribution that is attributable to a tax rate under this  
 20 section. Tax revenue distributed to a county or municipality under this  
 21 subsection must be deposited into a separate account or fund and may  
 22 be appropriated by the county or municipality only for public safety  
 23 purposes.

24 (g) The department of local government finance may not require a  
 25 county or municipality receiving tax revenue under this section to  
 26 reduce the county's or municipality's property tax levy for a particular  
 27 year on account of the county's or municipality's receipt of the tax  
 28 revenue.

29 (h) The tax rate under this section and the tax revenue attributable  
 30 to the tax rate under this section shall not be considered for purposes  
 31 of computing:

32 (1) the maximum income tax rate that may be imposed in a county  
 33 under section 8 or 9 of this chapter or any other provision of this  
 34 chapter;

35 (2) the maximum permissible property tax levy under STEP  
 36 EIGHT of IC 6-1.1-18.5-3(b);

37 (3) the total county tax levy under IC 6-1.1-21-2(g)(3),  
 38 IC 6-1.1-21-2(g)(4), or IC 6-1.1-21-2(g)(5) (before the repeal of  
 39 IC 6-1.1-21); or

40 (4) the credit under IC 6-1.1-20.6.

41 (i) The tax rate under this section may be imposed or rescinded at  
 42 the same time and in the same manner that the county may impose or

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increase a tax rate under section 30 of this chapter.

(j) The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.

(k) Notwithstanding any other provision, in Lake County the county council (and not the county income tax council) is the entity authorized to take actions concerning the additional tax rate under this section.

(l) Two (2) or more political subdivisions that are entitled to receive a distribution under this section may adopt resolutions providing that some part or all of those distributions shall instead be paid to one (1) political subdivision in the county to carry out specific public safety purposes specified in the resolutions.

SECTION 5. IC 6-8.1-15-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. (a) Except as provided by section 20 of this chapter, this chapter applies to:

- (1) the gross retail tax imposed on mobile telecommunications service under IC 6-2.5-4-6; **and**
- ~~(2) the monthly emergency wireless enhanced 911 fee imposed on mobile telecommunications service under IC 36-8-16.5; and~~
- ~~(3)~~ **(2)** any other tax, charge, or fee levied by the state or a taxing jurisdiction within Indiana as a fixed charge for each customer or measured by gross amounts charged to customers for mobile telecommunications service, regardless of whether the tax, charge, or fee is imposed on the vendor or customer of the service and regardless of the terminology used to describe the tax, charge, or fee;

on bills for mobile telecommunications service issued to customers after July 31, 2002.

(b) This chapter does not apply to:

- (1) any tax, charge, or fee levied upon or measured by the net income, capital stock, net worth, or property value of the provider of mobile telecommunications service;
- (2) any tax, charge, or fee that is applied to an equitably apportioned amount that is not determined on a transactional basis;
- (3) any tax, charge, or fee that:
  - (A) represents compensation for a mobile telecommunications service provider's use of public rights-of-way or other public property; and
  - (B) is not levied by the taxing jurisdiction as a fixed charge for each customer or measured by gross amounts charged to customers for mobile telecommunication service;

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- 1 (4) any generally applicable business and occupation tax that is
- 2 imposed by the state, is applied to gross receipts or gross
- 3 proceeds, is the legal liability of the home service provider, and
- 4 that statutorily allows the home service provider to elect to use the
- 5 sourcing method required in this section; or
- 6 (5) the determination of the taxing situs of:
  - 7 (A) prepaid telephone calling service; or
  - 8 (B) air-ground radiotelephone service as defined in Section
  - 9 22.99 of Title 47 of the Code of Federal Regulations as in
  - 10 effect June 1, 1999.

11 SECTION 6. IC 24-5-22-10 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) The following  
 13 have a right of action against a person who initiates or assists the  
 14 transmission of a commercial electronic mail message that violates this  
 15 chapter:

- 16 (1) A person who receives the commercial electronic mail
- 17 message.
- 18 (2) An interactive computer service that handles or retransmits
- 19 the commercial electronic mail message.
- 20 (b) This chapter does not provide a right of action against:
  - 21 (1) an interactive computer service;
  - 22 (2) a telephone company; or
  - 23 (3) a CMRS provider (as defined by ~~IC 36-8-16.5-6~~; **in**
  - 24 **IC 36-8-16.7-4**);

25 whose equipment is used to transport, handle, or retransmit a  
 26 commercial electronic mail message that violates this chapter.

27 (c) It is a defense to an action under this section if the defendant  
 28 shows by a preponderance of the evidence that the violation of this  
 29 chapter resulted from a good faith error and occurred notwithstanding  
 30 the maintenance of procedures reasonably adopted to avoid violations  
 31 of this chapter.

32 (d) If the plaintiff prevails in an action filed under this section, the  
 33 plaintiff is entitled to the following:

- 34 (1) An injunction to enjoin future violations of this chapter.
- 35 (2) Compensatory damages equal to any actual damage proven by
- 36 the plaintiff to have resulted from the initiation of the commercial
- 37 electronic mail message. If the plaintiff does not prove actual
- 38 damage, the plaintiff is entitled to presumptive damages of five
- 39 hundred dollars (\$500) for each commercial electronic mail
- 40 message that violates this chapter and that is sent by the
- 41 defendant:
  - 42 (A) to the plaintiff; or

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- 1 (B) through the plaintiff's interactive computer service.
- 2 (3) The plaintiff's reasonable attorney's fees and other litigation
- 3 costs reasonably incurred in connection with the action.
- 4 (e) A person outside Indiana who:
- 5 (1) initiates or assists the transmission of a commercial electronic
- 6 mail message that violates this chapter; and
- 7 (2) knows or should know that the commercial electronic mail
- 8 message will be received in Indiana;
- 9 submits to the jurisdiction of Indiana courts for purposes of this
- 10 chapter.

11 SECTION 7. IC 34-30-2-156 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 156. ~~IC 36-8-16-18~~  
 13 **IC 36-8-16.7-25** (Concerning **an emergency communications**  
 14 **services district, a PSAP, a political subdivision, a unit, or a voice**  
 15 **communications service suppliers or telephone companies provider**  
 16 for loss, death, or injury related to an ~~enhanced emergency telephone~~  
 17 **the operation of an emergency communications services system by**  
 18 **a district under IC 36-8-16.7).**

19 SECTION 8. IC 35-45-5-4.7, AS AMENDED BY P.L.27-2006,  
 20 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2011]: Sec. 4.7. (a) An interactive computer service that  
 22 handles or retransmits a commercial electronic mail message has a  
 23 right of action against a person who initiates or assists the transmission  
 24 of the commercial electronic mail message that violates this chapter.

- 25 (b) This chapter does not provide a right of action against:
- 26 (1) an interactive computer service;
- 27 (2) a telephone company;
- 28 (3) a CMRS provider (as defined in ~~IC 36-8-16.5-6~~);
- 29 **IC 36-8-16.7-4**);
- 30 (4) a cable operator (as defined in 47 U.S.C. 522(5)); or
- 31 (5) any other entity that primarily provides connectivity to an
- 32 operator;

33 if the entity's equipment is used only to transport, handle, or retransmit  
 34 information that violates this chapter and is not capable of blocking the  
 35 retransmission of information that violates this chapter.

36 (c) It is a defense to an action under this section if the defendant  
 37 shows by a preponderance of the evidence that the violation of this  
 38 chapter resulted from a good faith error and occurred notwithstanding  
 39 the maintenance of procedures reasonably adopted to avoid violating  
 40 this chapter.

41 (d) If the plaintiff prevails in an action filed under this section, the  
 42 plaintiff is entitled to the following:

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- 1 (1) An injunction to enjoin future violations of this chapter.
- 2 (2) Compensatory damages equal to any actual damage proven by
- 3 the plaintiff to have resulted from the initiation of the commercial
- 4 electronic mail message. If the plaintiff does not prove actual
- 5 damage, the plaintiff is entitled to presumptive damages of five
- 6 hundred dollars (\$500) for each commercial electronic mail
- 7 message that violates this chapter and that is sent by the
- 8 defendant:
- 9 (A) to the plaintiff; or
- 10 (B) through the plaintiff's interactive computer service.
- 11 (3) The plaintiff's reasonable attorney's fees and other litigation
- 12 costs reasonably incurred in connection with the action.
- 13 (e) A person outside Indiana who:
- 14 (1) initiates or assists the transmission of a commercial electronic
- 15 mail message that violates this chapter; and
- 16 (2) knows or should know that the commercial electronic mail
- 17 message will be received in Indiana;
- 18 submits to the jurisdiction of Indiana courts for purposes of this
- 19 chapter.
- 20 SECTION 9. IC 36-1-10-2 IS AMENDED TO READ AS
- 21 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. As used in this
- 22 chapter:
- 23 "Leasing agent" means the board or officer of a political subdivision
- 24 or agency with the power to lease structures.
- 25 "Parking facility" refers to a parking facility as defined in IC 36-9-1.
- 26 "Structure" means:
- 27 (1) a building used in connection with the operation of a political
- 28 subdivision; or
- 29 (2) a parking facility.
- 30 The term includes the site, the equipment, and appurtenances to the
- 31 building or parking facility.
- 32 "System" means:
- 33 (1) a computer (as defined in IC 36-8-15-4) **(before its**
- 34 **expiration on July 1, 2015);**
- 35 (2) a communications system (as defined in IC 36-8-15-3(1)
- 36 **(before its expiration on July 1, 2015);** or
- 37 (3) mobile or remote equipment that is coordinated by or linked
- 38 with a computer or communications system.
- 39 "Transportation project" means a road or highway project jointly
- 40 undertaken by the Indiana department of transportation and any county
- 41 through which a toll road project under IC 8-15-2 passes. A
- 42 transportation project must be located within an area described in

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1 IC 8-15-2-1(a)(3) or IC 8-15-2-1(a)(4).  
 2 SECTION 10. IC 36-7-4-405 IS AMENDED TO READ AS  
 3 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 405. (a) ADVISORY  
 4 – AREA. Each plan commission shall:  
 5 (1) make recommendations to the legislative body or bodies  
 6 concerning:  
 7 (A) the adoption of the comprehensive plan and amendments  
 8 to the comprehensive plan;  
 9 (B) the adoption or text amendment of:  
 10 (i) an initial zoning ordinance;  
 11 (ii) a replacement zoning ordinance; and  
 12 (iii) a subdivision control ordinance;  
 13 (C) the adoption or amendment of a PUD district ordinance (as  
 14 defined in section 1503 of this chapter); and  
 15 (D) zone map changes; and  
 16 (2) render decisions concerning and approve plats, replats, and  
 17 amendments to plats of subdivisions under the 700 series of this  
 18 chapter.  
 19 (b) Each plan commission:  
 20 (1) shall assign street numbers to lots and structures;  
 21 (2) shall renumber lots and structures; and  
 22 (3) if the plan commission does not have the power under an  
 23 ordinance adopted under subsection (c) to name or rename streets,  
 24 may recommend the naming and renaming of streets to the  
 25 executive.  
 26 (c) The executive shall name or rename streets. However, a unit may  
 27 provide by ordinance that the plan commission rather than the  
 28 executive shall name or rename streets. Streets shall be named or  
 29 renamed so that their names are easy to understand and to avoid  
 30 duplication or conflict with other names. The plan commission may, by  
 31 rule, prescribe a numbering system for lots and structures.  
 32 (d) This subsection applies to a plan commission having jurisdiction  
 33 in a county with a population of at least four hundred thousand  
 34 (400,000). The plan commission shall number structures on highways  
 35 within the plan commission's jurisdiction to conform with the numbers  
 36 of structures on streets within cities in the county.  
 37 (e) This subsection applies to unincorporated areas subject to the  
 38 jurisdiction of no plan commission under this article. The county  
 39 executive:  
 40 (1) must approve the assignment of street numbers to lots and  
 41 structures; and  
 42 (2) may number or renumber lots and structures and name or

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1 rename streets.

2 (f) This subsection applies to areas located within a municipality

3 that are subject to the jurisdiction of no plan commission under this

4 article. The executive of the municipality:

5 (1) must approve the assignment of street numbers to lots and

6 structures; and

7 (2) may number or renumber lots and structures and name or

8 rename streets.

9 (g) An executive acting under subsection (e) or (f) shall name or

10 rename streets:

11 (1) so that their names are easy to understand; and

12 (2) to avoid duplication or conflict with other names.

13 (h) If streets are named or renamed or lots and structures are

14 numbered or renumbered under this section, the commission or

15 executive that makes the naming or numbering decision shall notify:

16 (1) the circuit court clerk or board of registration;

17 (2) the ~~administrator of the enhanced emergency telephone~~

18 ~~system established under IC 36-8-16, if any;~~ **appropriate**

19 **emergency communications services district established under**

20 **IC 36-8-16.7;**

21 (3) the United States Postal Service; and

22 (4) any person or body that the commission or executive considers

23 appropriate to receive notice;

24 of its action no later than the last day of the month following the month

25 in which the action is taken.

26 (i) Each plan commission shall make decisions concerning

27 development plans and amendments to development plans under the

28 1400 series of this chapter, unless the responsibility to render decisions

29 concerning development plans has been delegated under section

30 1402(c) of this chapter.

31 SECTION 11. IC 36-8-15-0.5 IS ADDED TO THE INDIANA

32 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

33 [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. This chapter expires July 1,**

34 **2015.**

35 SECTION 12. IC 36-8-15.1 IS ADDED TO THE INDIANA CODE

36 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE

37 JULY 1, 2015]:

38 **Chapter 15.1. Public Communications Systems; Transitional**

39 **Matters**

40 **Sec. 1. (a) Notwithstanding the expiration of IC 36-8-15 on July**

41 **1, 2015:**

42 (1) a public safety communications systems and computer

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1 facilities district created by IC 36-8-15-7(a) (before its  
 2 expiration on July 1, 2015); and  
 3 (2) a public safety communications systems district created  
 4 under IC 36-8-15-7(b) (before its expiration on July 1, 2015);  
 5 remain in existence until the time all bonds, loans, lease payments,  
 6 or other obligations that were issued, obtained, or incurred by the  
 7 district before July 1, 2015, are satisfied according to their terms.  
 8 (b) Notwithstanding the expiration of IC 36-8-15-14 on July 1,  
 9 2015, all taxable property located within:  
 10 (1) a public safety communications systems and computer  
 11 facilities district created by IC 36-8-15-7(a) (before its  
 12 expiration on July 1, 2015); and  
 13 (2) a public safety communications systems district created  
 14 under IC 36-8-15-7(b) (before its expiration on July 1, 2015);  
 15 remains subject to a special benefits tax as provided for by  
 16 IC 36-8-15-14 (before its expiration on July 1, 2015) until the time  
 17 revenue from the tax is no longer needed by the district to satisfy  
 18 any bonds, loans, lease payments, or other obligations that were  
 19 issued, obtained, or incurred by the district before July 1, 2015.  
 20 (c) Notwithstanding the expiration of IC 36-8-15-18 on July 1,  
 21 2015, all property located within a public safety communications  
 22 systems and computer facilities district in a county having a  
 23 consolidated city remains subject to a special tax as provided for  
 24 by IC 36-8-15-18 (before its expiration on July 1, 2015) until the  
 25 time revenue from the special tax is no longer needed by the  
 26 district to satisfy any bonds that were issued by the district before  
 27 July 1, 2015.  
 28 (d) Notwithstanding the expiration of IC 36-8-15-19 on July 1,  
 29 2015, all property located within a public safety communications  
 30 systems district in a county not having a consolidated city remains  
 31 subject to an ad valorem property tax as provided for by  
 32 IC 36-8-15-19(a) (before its expiration on July 1, 2015) until the  
 33 time revenue from the tax is no longer needed by the district to  
 34 satisfy any bonds, loans, lease payments, or other obligations that  
 35 were issued, obtained, or incurred by the district before July 1,  
 36 2013.  
 37 (e) After June 30, 2015:  
 38 (1) a public safety communications systems and computer  
 39 facilities district created by IC 36-8-15-7(a) (before its  
 40 expiration on July 1, 2015); and  
 41 (2) a public safety communications systems district created  
 42 under IC 36-8-15-7(b) (before its expiration on July 1, 2015);

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1 may not pledge revenue from any bonds issued or taxes levied  
2 under IC 36-8-15 (before its expiration on July 1, 2015) before July  
3 1, 2015.

4 **Sec. 2. Not later than November 1 of each year:**

5 (1) a public safety communications systems and computer  
6 facilities district created by IC 36-8-15-7(a) (before its  
7 expiration on July 1, 2015); and

8 (2) a public safety communications systems district created  
9 under IC 36-8-15-7(b) (before its expiration on July 1, 2015);

10 shall report in an electronic format under IC 5-14-6 to the general  
11 assembly whether all bonds, loans, lease payments, or other  
12 obligations that were issued, obtained, or incurred by the district  
13 before July 1, 2015, are satisfied according to their terms. If the  
14 general assembly determines, based on a report submitted under  
15 this subsection, that all bonds, loans, lease payments, or other  
16 obligations that were issued, obtained, or incurred by the district  
17 before July 1, 2015, are satisfied according to their terms, the  
18 general assembly shall introduce legislation during the  
19 immediately following legislative session to repeal this chapter.

20 SECTION 13. IC 36-8-16-0.5 IS ADDED TO THE INDIANA  
21 CODE AS A NEW SECTION TO READ AS FOLLOWS  
22 [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. This chapter expires July 1,  
23 2015.**

24 SECTION 14. IC 36-8-16.5-0.5 IS ADDED TO THE INDIANA  
25 CODE AS A NEW SECTION TO READ AS FOLLOWS  
26 [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. This chapter expires July 1,  
27 2015.**

28 SECTION 15. IC 36-8-16.7 IS ADDED TO THE INDIANA CODE  
29 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2015]:

31 **Chapter 16.7. Emergency Communications Services Districts**

32 **Sec. 1. (a) As used in this chapter, "automatic location  
33 identification" means an enhanced 911 service capability that  
34 enables the transmission of information concerning the location of  
35 a caller who places a 911 call.**

36 **(b) In the case of a 911 call placed from a wireless telephone, the  
37 term includes both:**

38 (1) information on the location of the cell site or base station  
39 transmitting the call, as required under Phase I of the FCC  
40 Order; and

41 (2) more precise information on the caller's location,  
42 including the location of the caller by latitude and longitude

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within the accuracy requirements specified by the Federal Communications Commission under Phase II of the FCC Order.

(c) In the case of a 911 call placed by a subscriber of interconnected VOIP service, the term refers to the subscriber's registered location (as defined in 47 CFR 9.3).

Sec. 2. As used in this chapter, "automatic number identification" means an enhanced 911 service capability that enables the transmission and display of the ten (10) digit telephone number used to place a 911 call to a PSAP.

Sec. 3. (a) As used in this chapter, "CMRS" refers to commercial mobile radio service (as defined in 47 CFR 20.3).

(b) The term includes the following:

- (1) Services commonly referred to as wireless.
- (2) Services provided by a wireless real time two-way voice communication device, including radio-telephone communications used in:
  - (A) cellular telephone service;
  - (B) personal communications service; or
  - (C) the functional or competitive equivalent of a radio-telephone communications line used in:
    - (i) cellular telephone service;
    - (ii) a personal communications service; or
    - (iii) a network radio access line.

(3) Any other wireless service that provides direct access to a PSAP through placement of a 911 call.

Sec. 4. As used in this chapter, "CMRS provider" means a provider that offers CMRS to subscribers in Indiana.

Sec. 5. (a) As used in this chapter, "communications provider" means a person or entity, or an affiliate (as defined in IC 23-1-43-1) of a person or an entity that:

- (1) offers voice communications service to subscribers in Indiana; and
- (2) provides, or is required by the Federal Communications Commission to provide, a caller with direct access to a PSAP through the placement of a 911 call.

(b) The term includes the following:

- (1) Facilities based and nonfacilities based resellers of voice communications service.
- (2) Any other provider of voice communications service through wireline or wireless means, regardless of whether the provider is subject to regulation by the Indiana utility

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regulatory commission.  
Sec. 6. As used in this chapter, "district" refers to an emergency communications district established by adoption of ordinances under section 19 of this chapter.

Sec. 7. (a) As used in this chapter, "emergency communications services system" means a voice communications system that uses the three (3) digit number 911 to send automatic number identification and automatic location identification for reporting police, fire, medical, or other emergency situations.

(b) The term includes the following:

- (1) A wireline enhanced emergency telephone system funded under IC 36-8-16 (before its expiration on July 1, 2015).
- (2) A wireless 911 emergency telephone system funded under IC 36-8-16.5 (before its expiration on July 1, 2015).
- (3) An emergency telephone notification system established under IC 36-8-21-4 (before its expiration on July 1, 2015).

Sec. 8. (a) As used in this chapter, "FCC order" refers to the order of the Federal Communications Commission, FCC Docket No. 94-102, adopted June 12, 1996, with an effective date of October 1, 1996.

(b) The term includes any rules, regulations, and consent decrees adopted by the Federal Communications Commission to implement the order described in subsection (a).

Sec. 9. As used in this chapter, "fund" refers to an emergency communications services district fund established under section 20 of this chapter.

Sec. 10. As used in this chapter, "interconnected VOIP service" has the meaning set forth in 47 CFR 9.3.

Sec. 11. As used in this chapter, "multiline telephone system" means a voice communications service system that includes the following:

- (1) Common control units.
- (2) Telephone sets.
- (3) Control hardware and software.
- (4) Adjunct systems.

The term includes network and premises based systems as classified by FCC Part 68 Requirements.

Sec. 12. As used in this chapter, "participating unit" refers to a unit that adopts an ordinance under section 19 of this chapter.

Sec. 13. As used in this chapter, "proprietary information" includes the following:

- (1) Customer lists and related information.

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- 1           **(2) Technology descriptions, technical information, or trade**
- 2           **secrets (as defined in IC 24-2-3-2).**
- 3           **(3) Information concerning the actual or developmental costs**
- 4           **of 911 systems that are developed, produced, or received**
- 5           **internally by a provider or by a provider's employees,**
- 6           **directors, officers, or agents.**
- 7           **Sec. 14. As used in this chapter, "provider unit" refers to a**
- 8           **participating unit that is responsible for providing emergency**
- 9           **communications services within a district.**
- 10           **Sec. 15. As used in this chapter, "PSAP" refers to a public safety**
- 11           **answering point:**
- 12           **(1) that operates on a twenty-four (24) hour basis; and**
- 13           **(2) whose primary function is to receive incoming emergency**
- 14           **requests for assistance and relay those requests to an**
- 15           **appropriate responding public safety agency.**
- 16           **Sec. 16. As used in this chapter, "unit" means a county or a**
- 17           **municipality.**
- 18           **Sec. 17. (a) As used in this chapter, "voice communications**
- 19           **service" means any service or device that:**
- 20           **(1) uses telephone numbers or IP addresses or their functional**
- 21           **equivalents or successors;**
- 22           **(2) is capable of accessing, connecting with, or interfacing**
- 23           **with a 911 system by dialing, initializing, or otherwise**
- 24           **activating the 911 system regardless of the transmission**
- 25           **medium or technology employed;**
- 26           **(3) provides or enables real time or interactive**
- 27           **communications; and**
- 28           **(4) is either prepaid or postpaid by the subscriber.**
- 29           **(b) The term includes the following:**
- 30           **(1) Internet protocol enabled services and applications that**
- 31           **are provided through wireline, cable, wireless, or satellite**
- 32           **facilities, or any other facility or platform that is capable of**
- 33           **connecting a 911 call to a PSAP.**
- 34           **(2) A multiline telephone system.**
- 35           **(3) CMRS.**
- 36           **(4) Interconnected VOIP service and voice over power lines.**
- 37           **Sec. 18. (a) The legislative bodies of at least two (2) contiguous**
- 38           **units may establish an emergency communications services district**
- 39           **to provide emergency communications services with the**
- 40           **geographic boundaries of the district. At least one (1) of the units**
- 41           **desiring to establish the district must contain a PSAP.**
- 42           **(b) The participating units shall designate one (1) participating**

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1 unit as the provider unit for the district. A provider unit must  
2 contain a PSAP.

3 (c) The boundaries of a territory need not coincide with those of  
4 other political subdivisions.

5 Sec. 19. (a) To establish an emergency communications services  
6 district, the legislative bodies of each unit desiring to become a  
7 member of the proposed district must adopt an ordinance that  
8 meets the following requirements:

9 (1) The ordinance is identical to the ordinances adopted by the  
10 other units desiring to become a part of the proposed  
11 territory.

12 (2) The ordinance authorizes the unit to become a party to an  
13 agreement for the establishment of an emergency  
14 communications services district.

15 (3) The ordinance is adopted after the legislative body holds  
16 a public hearing to receive public comment on the proposed  
17 ordinance. The legislative body must give notice of the  
18 hearing under IC 5-3-1 that includes the following:

19 (A) A list of the provider unit and all participating units in  
20 the proposed district.

21 (B) The date, time, and location of the hearing.

22 (C) The location where the public can inspect the proposed  
23 ordinance.

24 (D) The name and contact information of a representative  
25 of each unit in the proposed district who may be contacted  
26 for further information.

27 (b) The ordinance adopted under this section must include the  
28 following:

29 (1) The geographic boundaries of the proposed district.

30 (2) The identity of the provider unit and all other  
31 participating units desiring to be included within the district.

32 (3) A description of a proposed fee schedule based on zoning  
33 classifications.

34 (4) A procedure by which all participating units may change  
35 the provider unit of the district.

36 (5) A procedure by which all participating units may dissolve  
37 the district.

38 Sec. 20. (a) Upon the adoption of identical ordinances by the  
39 participating units under section 19 of this chapter, the designated  
40 provider unit must establish an emergency communications  
41 services district fund. The fund consists of the following:

42 (1) Fees deposited under section 21 of this chapter.

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- 1           (2) Funds transferred under section 30 of this chapter.
- 2           (3) Grants and gifts intended for deposit in the fund.
- 3           (4) Interest, premiums, gains, or other earnings on the fund.
- 4           (5) Money from any other source that is deposited in or
- 5           transferred to the fund.
- 6           (b) Money in the fund may be used to pay for the following:
- 7           (1) The lease, purchase, or maintenance of enhanced
- 8           emergency telephone equipment, including necessary
- 9           computer hardware, software, and data base provisioning.
- 10          (2) The rates associated with a communications provider's
- 11          enhanced emergency communications system network
- 12          services.
- 13          (3) The personnel expenses of the district.
- 14          (4) The lease, purchase, construction, or maintenance of voice
- 15          and data communications equipment, communications
- 16          infrastructure, or other information technology necessary to
- 17          provide emergency communications services under authority
- 18          of the district.
- 19          (5) An emergency telephone notification system.
- 20          (6) Actual costs incurred by a provider unit in complying with
- 21          the wireless enhanced 911 requirements established by the
- 22          FCC order and rules.
- 23          (7) Deposits in an escrow account to be used for costs
- 24          associated with other wireless enhanced 911 services
- 25          mandated by the FCC and specified in the FCC order but not
- 26          incurred by a provider unit.
- 27          (8) Other costs incurred in administering this chapter.
- 28          (c) The fiscal body of the provider unit shall administer the
- 29          fund.
- 30          Sec. 21. (a) A provider unit, with the assistance of the other
- 31          participating units in the district, shall:
- 32                  (1) determine an annual budget necessary to meet the
- 33                  expenses of operating and maintaining the emergency
- 34                  communications services system within the district; and
- 35                  (2) not later than November 1, submit the budget to the fiscal
- 36                  body of the provider unit for review and approval.
- 37          A provider unit shall base its initial budget following the adoption
- 38          of an ordinance under section 19 of this chapter establishing a
- 39          district on the expenses actually incurred by the unit's PSAP in
- 40          implementing IC 36-8-16 (before its expiration on July 1, 2015) and
- 41          IC 36-8-16.5 (before its expiration on July 1, 2015) during the
- 42          calendar year ending December 31, 2014.

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1           **(b) Based on a budget approved under subsection (a), the fiscal**  
 2 **body of a provider unit shall recommend to the legislative body of**  
 3 **the provider unit a schedule of fees to be imposed on parcels**  
 4 **located within the geographic boundaries of the district. The fees:**  
 5           **(1) may vary based on zoning classifications; and**  
 6           **(2) must be adequate to provide for proper development,**  
 7           **operation, and maintenance of the district's emergency**  
 8           **communications services system.**  
 9           **(c) The legislative body of a provider unit shall:**  
 10           **(1) review a schedule of fees submitted under subsection (b);**  
 11           **(2) determine an emergency communications services system**  
 12           **fee for each zoning classification; and**  
 13           **(3) certify the fees to the county auditor as a special**  
 14           **assessment on each parcel of real property located within the**  
 15           **geographic boundaries of the district.**  
 16           **(d) The county auditor shall:**  
 17           **(1) place the total amount certified under subsection (c) on the**  
 18           **tax duplicate for each affected property as a special**  
 19           **assessment; and**  
 20           **(2) deposit money received as payment of a special assessment**  
 21           **in the emergency communications services district fund**  
 22           **established under section 20 of this chapter.**  
 23           **(e) An additional fee relating to the provision of 911 service may**  
 24           **not be levied by a state agency or local unit of government.**  
 25           **Sec. 22. (a) As used in this section, "emergency telephone**  
 26           **notification system" means an enhanced 911 system capability that**  
 27           **provides service users within a district with a telephone warning**  
 28           **of an emergency situation through a computerized warning system**  
 29           **that uses 911 data base information and technology.**  
 30           **(b) As used in this section, "service supplier" means a provider**  
 31           **that provides telephone exchange service (as defined in 47 U.S.C.**  
 32           **153(47)) to a service user.**  
 33           **(c) As used in this section, "service user" means a person to**  
 34           **whom telephone exchange service (as defined in 47 U.S.C. 153(47))**  
 35           **is provided.**  
 36           **(d) A district may establish an emergency telephone notification**  
 37           **system. A provider unit in the district may use funds distributed to**  
 38           **the unit under section 20 of this chapter to establish and operate an**  
 39           **emergency telephone notification system under this section.**  
 40           **(e) A service supplier shall provide to a provider unit the**  
 41           **necessary subscriber data to enable the provider unit to implement**  
 42           **an emergency telephone notification system under this section. The**

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1 provision of data under this subsection is subject to section 23 of  
 2 this chapter. In providing data under this subsection, the service  
 3 supplier shall provide:

- 4 (1) the telephone number service address;
- 5 (2) the class of service; and
- 6 (3) a designation of listed, unlisted, or nonpublished;

7 for each service user in the district. The service supplier shall  
 8 provide this data to the provider unit on a quarterly basis. The  
 9 service supplier may charge a reasonable fee to the provider unit  
 10 for the administrative costs of providing the data.

11 Sec. 23. (a) As used in this section, "subscriber" means a  
 12 subscriber of voice communications service.

13 (b) A communications provider shall, upon request, provide to  
 14 a provider unit the necessary subscriber data to enable the  
 15 provider unit to implement and operate a 911 system. Subscriber  
 16 data provided to a provider unit for the purpose of implementing  
 17 or updating a 911 system may be used only to identify:

- 18 (1) a subscriber;
- 19 (2) a subscriber's place of primary use (as determined under  
 20 IC 6-8.1-15); or
- 21 (3) both subdivisions (1) and (2);

22 and may not be used or disclosed by the provider unit or its agents  
 23 or employees, for any other purpose unless the data is used or  
 24 disclosed under a court order. A person who recklessly, knowingly,  
 25 or intentionally violates this subsection commits a Class A  
 26 misdemeanor.

27 (c) After May 31, 1988, a contract entered into between a  
 28 communications provider and a subscriber who has an unlisted or  
 29 nonpublished telephone number may not include a provision that  
 30 prohibits the communications provider from providing the  
 31 subscriber's telephone number to a provider unit for inclusion in  
 32 a 911 system data base. A communications provider (other than a  
 33 communications provider who before June 1, 1988, has contracted  
 34 to not divulge a subscriber's unlisted or nonpublished telephone  
 35 number) shall provide a requesting provider unit with the name,  
 36 telephone number, and place of primary use (as determined under  
 37 IC 6-8.1-15) for each subscriber of the communications provider.  
 38 A provider unit may not release a telephone number required to be  
 39 provided under this subsection to any person except as provided in  
 40 subsection (a).

41 (d) A communications provider may amend or terminate a  
 42 contract with a subscriber if:

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- 1 (1) the contract contains a provision that prohibits the
- 2 subscriber from providing the subscriber's telephone number
- 3 to a provider unit for inclusion in a 911 system data base;
- 4 (2) the exclusion of the number from the data base would
- 5 negate the purpose of this chapter; and
- 6 (3) the subscriber is notified of the proposed amendment or
- 7 termination of that contract at least one hundred eighty (180)
- 8 days before the communications provider takes that action.

9 Sec. 24. (a) All proprietary information submitted to a district  
 10 is confidential. Notwithstanding any other law, proprietary  
 11 information submitted under this chapter is not subject to  
 12 subpoena, and proprietary information submitted under this  
 13 chapter may not be released to a person other than to the  
 14 submitting provider without the permission of the submitting  
 15 provider.

16 (b) General information collected by the district may be  
 17 released or published only in aggregate amounts that do not  
 18 identify or allow identification of numbers of subscribers or  
 19 revenues attributable to an individual provider.

20 Sec. 25. Notwithstanding any other law, a district, a PSAP, a  
 21 participating unit, a provider unit, a communications provider, or  
 22 an employee, director, officer, or agent of a district, a PSAP, a  
 23 participating unit, a provider unit, or a communications provider  
 24 is not liable for damages in a civil action or subject to criminal  
 25 prosecution resulting from death, injury, or loss to persons or  
 26 property incurred by any person in connection with establishing,  
 27 developing, implementing, maintaining, operating, and providing  
 28 emergency communications service, except in the case of willful or  
 29 wanton misconduct.

30 Sec. 26. A person may not use the 911 service except to make  
 31 emergency calls that may result in dispatch of the appropriate  
 32 response for fire suppression and rescue, emergency medical or  
 33 ambulance services, hazardous material, disaster or major  
 34 emergency occurrences, and law enforcement activities.

35 Sec. 27. (a) This section does not apply to a person that connects  
 36 to a 911 network using automatic crash notification technology  
 37 subject to an established protocol.

38 (b) A person may not connect an automatic alarm, automatic  
 39 dialer, or other automated alerting device to a 911 network that:

- 40 (1) causes the number 911 to be automatically dialed; or
- 41 (2) provides through a prerecorded message information
- 42 regarding obtaining 911 emergency service.

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1 (c) A person who knowing or intentionally violates this section  
2 commits a Class A misdemeanor.

3 Sec. 28. (a) A person who knowingly or intentionally places a  
4 911 call:

5 (1) for a purpose other than obtaining public safety assistance  
6 or emergency services; or

7 (2) to avoid communications service charges or fees;

8 commits a Class A misdemeanor.

9 (b) A person who places repeated nonemergency 911 calls  
10 commits a Class D felony if the repeated nonemergency 911 calls  
11 result in a delayed response to an emergency 911 call that results  
12 in injury or death.

13 (c) A person who makes a false request for public safety  
14 assistance or emergency services to a provider unit through  
15 placement of a 911 call commits a Class D felony. The offense is a  
16 Class C felony if an emergency services provider suffers serious  
17 bodily injury in responding to the 911 call.

18 Sec. 29. (a) As used in this section, "PSAP operator" means a  
19 unit that operates a PSAP. The term does not include a state  
20 educational institution that operates a PSAP or an airport  
21 authority established for a county having a consolidated city.

22 (b) Subject to subsections (c) and (d), and after June 30, 2015:

23 (1) a unit must belong to one (1) district;

24 (2) a district may not have more than one (1) provider unit;  
25 and

26 (3) a provider unit must contain a PSAP.

27 (c) A district may contain one (1) or more PSAPs in addition to  
28 the number of PSAPs authorized by this section, as long as any  
29 additional PSAPs are operated by:

30 (1) a state educational institution; or

31 (2) an airport authority established for a county having a  
32 consolidated city.

33 (d) If, on March 15, 2008, a unit that is a county does not  
34 contain more than one (1) PSAP, not including any PSAP operated  
35 by an entity described in subsection (c)(1) or (c)(2), an additional  
36 PSAP may not be established or operated in the county on or after  
37 March 15, 2008, unless the additional PSAP is established and  
38 operated by:

39 (1) a state educational institution;

40 (2) in the case of a county having a consolidated city, an  
41 airport authority established for the county; or

42 (3) the municipality having the largest population in the

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1 county or an agency of that municipality.

2 (e) This section may not be construed to require a unit (other  
3 than a provider unit) to contain a PSAP.

4 **Sec. 30. (a)** The funds that remain in an emergency telephone  
5 system fund established by a county under IC 36-8-16-13 (before  
6 its expiration on July 1, 2015) on July 1, 2015, shall be transferred  
7 to the fund established under section 20 of this chapter by the  
8 district of which the county is a member. If the county is served by  
9 more than one (1) district, the funds shall be apportioned on a pro  
10 rata basis among the funds of the districts. Any funds transferred  
11 under this subsection shall be used as follows:

12 (1) To pay any obligations owed to any bondholders, third  
13 parties, or creditors under IC 36-8-16 (before its expiration on  
14 July 1, 2015).

15 (2) To the extent any funds remain after meeting the  
16 obligations described in subdivision (1), for the purposes set  
17 forth in section 20 of this chapter.

18 (b) The funds that remain in an emergency telephone system  
19 fund established by a municipality under IC 36-8-16-13 (before its  
20 repeal expiration on July 1, 2015) on July 1, 2015, shall be  
21 transferred to the fund established under section 20 of this chapter  
22 by the district that serves the municipality. Any funds transferred  
23 under this subsection shall be used as follows:

24 (1) To pay any obligations owed by the municipality to any  
25 bondholders, third parties, or creditors under IC 36-8-16  
26 (before its expiration on July 1, 2015).

27 (2) To the extent any funds remain after meeting the  
28 obligations described in subdivision (1), for the purposes set  
29 forth in section 20 of this chapter.

30 (c) The funds that remain in the wireless emergency telephone  
31 system fund established by IC 36-8-16.5-21 (before its expiration on  
32 July 1, 2015) on July 1, 2015, shall be transferred on a pro rata  
33 basis among all funds established under section 20 of this chapter.

34 (d) The funds that remain in a county's wireless emergency  
35 telephone system fund established by IC 36-8-16.5-43 (before its  
36 expiration on July 1, 2015) on July 1, 2015, shall be transferred to  
37 the fund established under section 20 of this chapter by the district  
38 of which the county is a member. If the county is served by more  
39 than one (1) district, the funds shall be apportioned on a pro rata  
40 basis among the funds of the districts. Any funds transferred under  
41 this subsection shall be used as follows:

42 (1) To pay any obligations owed to any bondholders, third

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- 1            **parties, or creditors under IC 36-8-16.5 (before its expiration**  
 2            **on July 1, 2015).**  
 3            **(2) To the extent any funds remain after meeting the**  
 4            **obligations described in subdivision (1), for the purposes set**  
 5            **forth in section 20 of this chapter.**  
 6            SECTION 16. IC 36-8-21-0.5 IS ADDED TO THE INDIANA  
 7            CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 8            [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. This chapter expires July 1,**  
 9            **2015.**  
 10           SECTION 17. IC 36-9-13-3.5 IS AMENDED TO READ AS  
 11           FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3.5. As used in this  
 12           chapter, "system" means any of the following:  
 13           (1) A computer (as defined in IC 36-8-15-4) **(before its**  
 14           **expiration on July 1, 2015).**  
 15           (2) A communications system (as defined in IC 36-8-15-3(1))  
 16           **(before its expiration on July 1, 2015).**  
 17           (3) Mobile or remote equipment that is coordinated by or linked  
 18           with a computer or communication system.  
 19           (4) Upon the request of:  
 20           (A) the fiscal body of an eligible entity having a fiscal body;  
 21           or  
 22           (B) the governing body of an eligible entity not having a fiscal  
 23           body;  
 24           security services provided by human or nonhuman means.

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