

SENATE BILL No. 136

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, 2012.

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January 4, 2012, read first time and referred to Committee on Tax and Fiscal Policy.

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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 2011 Regular Session of the General Assembly.

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SENATE BILL No. 136



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 36-8-23 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2012]:
- 4 **Chapter 23. Service Fees for Fire or Other Emergency**
- 5 **Protection Services**
- 6 **Sec. 1. As used in this chapter, "fire department" means a paid**
- 7 **or volunteer fire department.**
- 8 **Sec. 2. As used in this chapter, "fire or other emergency**
- 9 **protection services" includes the following:**
- 10 **(1) An initial response by a fire department with one (1) or**
- 11 **more of the following:**
- 12 **(A) A fire engine.**
- 13 **(B) A firetruck.**
- 14 **(C) A fire rescue unit.**
- 15 **(D) A fire apparatus.**
- 16 **(E) Another emergency response vehicle.**
- 17 **(2) In a response described in subdivision (1), the use of one**



- 1 (1) or more of the following:
- 2 (A) Expendable materials, including absorption materials.
- 3 (B) Emulsifiers.
- 4 (C) Other agents used in cleanup operations.
- 5 (3) The collection of one (1) or more of the following resulting
- 6 from a spill:
- 7 (A) Debris.
- 8 (B) Chemicals.
- 9 (C) Fuel.
- 10 (D) Contaminated materials.
- 11 Sec. 3. As used in this chapter, "operator" has the meaning set
- 12 forth in IC 8-15.5-2-5.
- 13 Sec. 4. As used in this chapter, "toll road project" has the
- 14 meaning set forth in IC 8-15-2-4.
- 15 Sec. 5. A fire department that provides fire or other emergency
- 16 protection services on a toll road project may establish a schedule
- 17 of charges for the services. The charges:
- 18 (1) must be reasonable;
- 19 (2) may not exceed the state fire marshal's recommended
- 20 schedule for services, if applicable; and
- 21 (3) may not duplicate charges that the fire department
- 22 already collects from other sources.
- 23 Sec. 6. A fire department or its agent may collect a service
- 24 charge according to the schedule established under section 5 of this
- 25 chapter from the operator of a toll road project for fire or other
- 26 emergency protection services provided on the toll road project if
- 27 the following conditions are met:
- 28 (1) The fire department has not collected a service charge
- 29 from the operator under IC 36-8-12-16, IC 36-8-12.2, or any
- 30 other law for the same fire or other emergency protection
- 31 services.
- 32 (2) The fire department has not charged or collected a service
- 33 charge from another individual or entity for the same fire or
- 34 other emergency protection services.
- 35 (3) At the following times, the fire department gives written
- 36 notice to the operator of the amount of the service charge for
- 37 each service that the fire department provides:
- 38 (A) Before the schedule of service charges is initiated.
- 39 (B) When there is a change in the amount of a service
- 40 charge.
- 41 (4) The bill for payment of the service charge:
- 42 (A) is submitted to the operator in writing not later than

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1 **thirty (30) days after the services are provided; and**
2 **(B) includes a copy of a fire incident report in the form**
3 **prescribed by the state fire marshal, if the service was**
4 **provided for an event that requires a fire incident report.**
5 **Sec. 7. A fire department shall use the revenue collected from**
6 **service charges under this chapter for the payment of costs,**
7 **including operational costs and salaries, attributable to providing**
8 **fire or other emergency protection services.**
9 **Sec. 8. A fire department or its agent may maintain a civil action**
10 **to recover an unpaid service charge under this chapter.**

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