



Reprinted
February 20, 2013

HOUSE BILL No. 1433

DIGEST OF HB 1433 (Updated February 19, 2013 4:43 pm - DI 75)

Citations Affected: IC 36-2.

Synopsis: Recording of new lots. Provides that if an instrument dividing land requires issuance of a new tax identification number: (1) the county auditor may not endorse the instrument; and (2) the recorder may not record the instrument; unless the plan commission executes a written confirmation that the property division complies with local regulations concerning minimum lot frontage, width, and area, and with the subdivision and platting of land. Provides that the plan commission may not charge a fee for issuing a written confirmation. Requires the recorder to record the confirmation as an attachment to the instrument. Provides that these requirements do not apply to a subdivision plat or planned unit development that has already received plan commission approval or plan director approval.

Effective: July 1, 2013.

Rhoads, Davisson

January 22, 2013, read first time and referred to Committee on Local Government.
February 11, 2013, reported — Do Pass.
February 19, 2013, read second time, amended, ordered engrossed.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

HOUSE BILL No. 1433

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 36-2-9-18.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2013]: **Sec. 18.5. (a) This section applies only to an instrument**
4 **dividing real property for which a new tax identification number**
5 **is established under section 18 of this chapter.**
6 **(b) This section does not apply to a subdivision plat or planned**
7 **unit development that has already received plan commission**
8 **approval or plan director approval.**
9 **(c) Before the auditor makes the endorsement under**
10 **IC 36-2-11-14, the auditor shall require written confirmation that**
11 **the division of real property complies with the local regulations**
12 **adopted under IC 36-7 concerning the following:**
13 **(1) Minimum lot frontage, width, and area.**
14 **(2) Subdivision of land.**
15 **(3) Platting of land.**
16 **(d) The written confirmation required by this section must fulfill**
17 **the following requirements:**

HB 1433—LS 6687/DI 87+



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- 1 **(1) The written confirmation must be executed by the local**
- 2 **plan commission having jurisdiction over the real property.**
- 3 **(2) The written confirmation must include any special**
- 4 **conditions required by the plan commission to make a finding**
- 5 **of compliance.**
- 6 **(3) The written confirmation must be acknowledged by the**
- 7 **grantor and grantee of the real property.**
- 8 **(e) A plan commission may not charge a fee for issuing a written**
- 9 **confirmation under this chapter.**
- 10 **SECTION 2. IC 36-2-11-14.5 IS ADDED TO THE INDIANA**
- 11 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
- 12 **[EFFECTIVE JULY 1, 2013]: Sec. 14.5. (a) This section applies only**
- 13 **to an instrument:**
- 14 **(1) for which a new tax identification number is established**
- 15 **under IC 36-2-9-18; and**
- 16 **(2) that applies to real property that is subject to planning,**
- 17 **zoning, development, or subdivision control ordinances**
- 18 **adopted under IC 36-7-4.**
- 19 **(b) This section does not apply to a subdivision plat or planned**
- 20 **unit development that has already received plan commission**
- 21 **approval or plan director approval.**
- 22 **(c) The recorder may receive an instrument for recording or**
- 23 **filing only if the instrument, in addition to complying with the**
- 24 **requirements of section 15 of this chapter, has a written**
- 25 **confirmation executed under IC 36-2-9-18.5. The recorder shall**
- 26 **record the written confirmation as an attachment to the**
- 27 **instrument.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1433, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

HEUER, Acting Chairperson

Committee Vote: yeas 9, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1433 be amended to read as follows:

Page 1, between lines 5 and 6, begin a new paragraph and insert:

"(b) This section does not apply to a subdivision plat or planned unit development that has already received plan commission approval or plan director approval."

Page 1, line 6, delete "(b)" and insert "(c)".

Page 1, line 13, delete "(c)" and insert "(d)".

Page 2, line 5, delete "(d)" and insert "(e)".

Page 2, between lines 15 and 16, begin a new paragraph and insert:

"(b) This section does not apply to a subdivision plat or planned unit development that has already received plan commission approval or plan director approval."

Page 2, line 16, delete "(b)" and insert "(c)".

(Reference is to HB 1433 as printed February 12, 2013.)

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