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# HOUSE BILL No. 1275

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-1.1-5.5-12.

**Synopsis:** Collection of sales disclosure form penalties. Provides that an attorney assigned by the county executive shall initiate an action to recover a delinquent penalty owed by a person who fails to file or correct a required sales disclosure form. (Under current law, the county prosecuting attorney initiates the action.)

**Effective:** July 1, 2013.

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### Niemeyer

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January 14, 2013, read first time and referred to Committee on Local Government.

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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.

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# HOUSE BILL No. 1275



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 6-1.1-5.5-12, AS AMENDED BY P.L.144-2008,  
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2013]: Sec. 12. (a) A party to a conveyance who:  
4 (1) either:  
5 (A) files a sales disclosure form that does not contain all of the  
6 information required by this chapter; or  
7 (B) files a sales disclosure form that contains inaccurate  
8 information;  
9 and receives from the township assessor (in a county containing  
10 a consolidated city) or the county assessor (in any other county)  
11 written notice of the problems described in clause (A) or (B); and  
12 (2) fails to file a correct sales disclosure form that fully complies  
13 with all requirements of this chapter within thirty (30) days after  
14 the date of the notice under subdivision (1);  
15 is subject to a penalty in the amount determined under subsection (b).  
16 (b) The amount of the penalty under subsection (a) is the greater of:  
17 (1) one hundred dollars (\$100); or



- 1           (2) twenty-five thousandths percent (0.025%) of the sale price of
- 2           the real property transferred under the conveyance document.
- 3           (c) The township assessor in a county containing a consolidated city,
- 4           or the county assessor in any other county, shall:
- 5               (1) determine the penalty imposed under this section;
- 6               (2) assess the penalty to the party to a conveyance; and
- 7               (3) notify the party to the conveyance that the penalty is payable
- 8               not later than thirty (30) days after notice of the assessment.
- 9           (d) The county auditor shall:
- 10               (1) collect the penalty imposed under this section;
- 11               (2) deposit penalty collections as required under section 4 of this
- 12               chapter; and
- 13               (3) notify the ~~county prosecuting~~ attorney **assigned by the county**
- 14               **executive of the** delinquent payments.
- 15           (e) The ~~county prosecuting~~ attorney **assigned by the county**
- 16           **executive** shall initiate an action to recover a delinquent penalty under
- 17           this section. In a successful action against a person for a delinquent
- 18           penalty, the court shall award the ~~county prosecuting~~ attorney **assigned**
- 19           **by the county executive** reasonable attorney's fees.

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