

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 169 be amended to read as follows:

- 1           Page 1, delete lines 1 through 4, begin a new paragraph and insert:  
2           "SECTION 1. IC 27-2-15-2 IS REPEALED [EFFECTIVE JULY 1,  
3           2013]. ~~Sec. 2. As used in this chapter, "city" refers to a first class or~~  
4           ~~second class city, as classified under IC 36-4-1-1.~~  
5           SECTION 2. IC 27-2-15-4.3 IS ADDED TO THE INDIANA CODE  
6           AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY  
7           1, 2013]: **Sec. 4.3. As used in this chapter, "municipality" has the**  
8           **meaning set forth in IC 36-1-2-11.**  
9           SECTION 3. IC 27-2-15-4.5, AS AMENDED BY P.L.119-2012,  
10          SECTION 159, IS AMENDED TO READ AS FOLLOWS  
11          [EFFECTIVE JULY 1, 2013]: Sec. 4.5. ~~(a) As used in this section,~~  
12          ~~"city" refers to either of the following:~~  
13                (1) A city having a population of more than eighty thousand  
14                (80,000) but less than eighty thousand four hundred (80,400).  
15                (2) A city having a population of more than eighty thousand five  
16                hundred (80,500) but less than one hundred thousand (100,000).  
17          ~~(b)~~ **(a)** An insurer that issued an insurance policy covering a  
18          building or other structure that is:  
19                (1) located in a ~~city~~; **municipality**; and  
20                (2) damaged by a fire or explosion;  
21          shall notify the enforcement authority of the ~~city~~ **municipality** about  
22          the existence of the policy. However, an insurer is not required to  
23          notify the enforcement authority under this section if the policy issued  
24          by the insurer is not in effect at the time of the fire or explosion that  
25          damages the building or structure.  
26                ~~(c)~~ **(b)** The insurer shall provide the notice required under this  
27          section if the enforcement authority makes a request for the notice  
28          within twenty (20) days after the damage occurs.  
29                ~~(d)~~ **(c)** The notice required by this section must:  
30                (1) be in writing;

- 1 (2) identify the insurer and state the insurer's address;  
 2 (3) identify the building or structure and state the location of the  
 3 building or structure; and  
 4 (4) disclose the nature and extent of the coverage of the building  
 5 or structure provided by the policy.
- 6 ~~(e)~~ (d) An insurer shall provide notice to the enforcement authority  
 7 under this section within ten (10) days after the insurer is notified  
 8 under subsection ~~(e)~~ (b) of the damaging of the building or structure by  
 9 fire or explosion.
- 10 ~~(f)~~ (e) The commissioner may take action under IC 27-1-3-10 and  
 11 IC 27-1-3-19 against an insurer that violates this section."  
 12 Page 1, line 8, strike "city;" and insert "**municipality**";  
 13 Page 1, line 9, strike "city" and insert "**municipality**".  
 14 Page 1, line 11, strike "city" and insert "**municipality**".  
 15 Page 1, line 14, strike "city" and insert "**municipality**".  
 16 Page 2, line 10, strike "city" and insert "**municipality**".  
 17 Page 2, line 17, strike "city." and insert "**municipality**".  
 18 Page 2, after line 18, begin a new paragraph and insert:  
 19 "SECTION 5. IC 27-2-15-6 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. Upon a judgment  
 21 being rendered under IC 36-7-9-13(c) or IC 36-7-9-13(d), the ~~city~~  
 22 **municipality** is entitled to the available insurance proceeds set aside  
 23 to the extent of the costs set forth in IC 36-7-9-12. All claims by the  
 24 ~~city~~ **municipality** against the available insurance proceeds must be  
 25 made within one (1) year after the date of the fire or explosion or  
 26 within one (1) year after the final outcome of a case or appeal initiated  
 27 under IC 36-7-9, whichever is later. Proceeds in the escrow account  
 28 that are not claimed in this manner shall be paid to the insured.
- 29 SECTION 6. IC 27-2-15-9 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. The state fire  
 31 marshal, a deputy fire marshal, an enforcement authority, or an officer  
 32 of a ~~city~~ **municipality** complying with this chapter or attempting in  
 33 good faith to comply with this chapter is immune from civil and  
 34 criminal liability in connection with actions taken under this chapter."  
 35 Renumber all SECTIONS consecutively.  
 (Reference is to SB 169 as printed January 25, 2013.)

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Senator HEAD