

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 IC 27-2-15-2 IS REPEALED [EFFECTIVE JULY 1,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 IC 27-2-15-4.5 IS REPEALED [EFFECTIVE JULY
10 1, 2013]. **Sec. 4.5: (a) As used in this section, "city" refers to either of**
11 **the following:**
12 (1) A city having a population of more than eighty thousand
13 (80,000) but less than eighty thousand four hundred (80,400).
14 (2) A city having a population of more than eighty thousand five
15 hundred (80,500) but less than one hundred thousand (100,000).
16 **(b) An insurer that issued an insurance policy covering a building**
17 **or other structure that is:**
18 (1) located in a city; and
19 (2) damaged by a fire or explosion;
20 shall notify the enforcement authority of the city about the existence of
21 the policy. However, an insurer is not required to notify the
22 enforcement authority under this section if the policy issued by the
23 insurer is not in effect at the time of the fire or explosion that damages
24 the building or structure.
25 **(c) The insurer shall provide the notice required under this section**
26 **if the enforcement authority makes a request for the notice within**
27 **twenty (20) days after the damage occurs.**
28 **(d) The notice required by this section must:**
29 (1) be in writing;
30 (2) identify the insurer and state the insurer's address;

- 1 (3) identify the building or structure and state the location of the
2 building or structure; and
- 3 (4) disclose the nature and extent of the coverage of the building
4 or structure provided by the policy.
- 5 (e) An insurer shall provide notice to the enforcement authority
6 under this section within ten (10) days after the insurer is notified
7 under subsection (c) of the damaging of the building or structure by fire
8 or explosion.
- 9 (f) The commissioner may take action under IC 27-1-3-10 and
10 IC 27-1-3-19 against an insurer that violates this section:
- 11 Page 1, line 8, strike "city;" and insert "**municipality**";
- 12 Page 1, line 9, strike "enforcement authority of the city certifies to"
13 and insert "**insured files a claim with**".
- 14 Page 1, line 10, after "structure" insert ",".
- 15 Page 1, line 10, strike "the amount of".
- 16 Page 1, strike lines 11 through 13.
- 17 Page 1, line 14, after "shall" insert ",".
- 18 Page 1, line 14, strike "remit to" and insert "**not more than thirty**
19 **(30) days after the claim is filed, notify**".
- 20 Page 1, line 14, strike "city" and insert "**municipality**".
- 21 Page 1, line 14, after "authority" strike "the" and insert "**that the**
22 **claim has been filed.**".
- 23 Page 1, strike lines 15 through 17.
- 24 Page 2, strike lines 1 through 10.
- 25 Page 2, line 11, delete "authority".
- 26 Page 2, line 11, strike "under subsection (a) is the lesser of:".
- 27 Page 2, between lines 11 and 12, begin a new paragraph and insert:
28 "**(b) A municipality or enforcement authority that receives**
29 **notice from an insurer under subsection (a) shall, not more than**
30 **sixty (60) days after the notice is received:**
- 31 **(1) determine the actual or estimated cost that has been or**
32 **will be incurred by the municipality or enforcement authority**
33 **under IC 36-7-9 for demolition or rehabilitation of the**
34 **building or structure; and**
- 35 **(2) notify the insurer of the cost amount determined under**
36 **subdivision (1).**
- 37 (c) An insurer that receives notice of an amount determined
38 under subsection (b) shall, not more than thirty (30) days after
39 receiving the notice, deposit an amount equal to the lesser of:".
- 40 Page 2, line 14, strike "an amount equal to".
- 41 Page 2, line 14, strike "certified." and insert "**determined under**
42 **subsection (b);**".
- 43 Page 2, line 15, strike "(d) The amount remitted under this section
44 shall be placed"
- 45 Page 2, line 15, beginning with "in" begin a new line blocked left.
- 46 Page 2, line 17, strike "city." and insert "**municipality**."

- 1 (d)".
 2 Page 2, after line 18, begin a new paragraph and insert:
 3 "SECTION 5. IC 27-2-15-6 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) Upon:
 5 (1) completion of the demolition or rehabilitation of a building
 6 or structure described in section 5 of this chapter; and
 7 (2) a judgment being rendered under IC 36-7-9-13(c) or
 8 IC 36-7-9-13(d);
 9 the ~~city~~ **municipality** is entitled to the available insurance proceeds set
 10 aside to the extent of the costs set forth in IC 36-7-9-12 **and shall**
 11 **claim the amount to which the municipality is entitled from the**
 12 **escrow account described in section 5 of this chapter.**
 13 (b) All claims by the ~~city~~ **municipality** against the available
 14 insurance proceeds must be made within one (1) year after the date of
 15 the fire or explosion or within one (1) year after the final outcome of a
 16 case or appeal initiated under IC 36-7-9, whichever is later. Proceeds
 17 in the escrow account that are not claimed in this manner shall be paid
 18 to the insured.
 19 SECTION 6. IC 27-2-15-9 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. The state fire
 21 marshal, a deputy fire marshal, an enforcement authority, or an officer
 22 of a ~~city~~ **municipality** complying with this chapter or attempting in
 23 good faith to comply with this chapter is immune from civil and
 24 criminal liability in connection with actions taken under this chapter.
 25 SECTION 7. IC 27-2-15-11 IS ADDED TO THE INDIANA CODE
 26 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 27 1, 2013]: Sec. 11. (a) **The definitions in IC 36-1-2 apply throughout**
 28 **this section.**
 29 (b) **As used in this section, "third class city" means a third class**
 30 **city as classified under IC 36-4-1-1.**
 31 (c) **The amendments to this chapter made by SEA 169-2013**
 32 **apply as follows:**
 33 (1) **After June 30, 2013, only to third class cities.**
 34 (2) **After June 30, 2014, only to towns and third class cities.**
 35 (3) **After June 30, 2015, to all municipalities.**

- 1 **(d) Before the date that applies to a municipality under**
- 2 **subsection (c), the law that applies to the municipality is this**
- 3 **chapter as if it had not been amended by SEA 169-2013.**
- 4 **(e) This SECTION expires July 1, 2015."**
- 5 Renumber all SECTIONS consecutively.
 (Reference is to SB 169 as printed January 25, 2013.)

Senator HEAD