

HOUSE BILL No. 1124

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-30-26-5.

Synopsis: Lien on vacant or abandoned real property. Provides that a tax sale certificate holder or an applicant for a tax deed who enters the premises of certain vacant or abandoned real property to perform the action of: (1) securing the real property; (2) removing trash or debris from the grounds of the real property; (3) landscaping, maintaining, or mowing the grounds of the real property; or (4) removing or painting over graffiti on the real property; has a lien on the real property equal to the amount of the reasonable value of labor performed and materials used to perform the action.

Effective: July 1, 2016.

Pryor

January 7, 2016, read first time and referred to Committee on Judiciary.



Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

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A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 34-30-26-5, AS AMENDED BY P.L.203-2013,
2 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 5. (a) Except as provided in subsection (d), a
4 person who is not the owner of real property or who is a creditor, and
5 who suspects that the property may be vacant or abandoned, may enter
6 upon the premises of the real property to do the following:
7 (1) Without entering any structure located on the real property,
8 visually inspect the real property to determine whether the real
9 property may be vacant or abandoned.
10 (2) Perform any of the following actions:
11 (A) Secure the real property.
12 (B) Remove trash or debris from the grounds of the real
13 property.
14 (C) Landscape, maintain, or mow the grounds of the real
15 property.
16 (D) Remove or paint over graffiti on the real property.
17 (b) A person who:



- 1 (1) enters upon the premises of real property to visually inspect
 2 the property, as permitted under subsection (a)(1); and
 3 (2) after inspecting the real property, determines that the real
 4 property may be vacant or abandoned;
 5 may notify the appropriate enforcement authority of the suspected
 6 vacant or abandoned status of the property and request that the
 7 enforcement authority inspect the property to determine whether the
 8 property is in fact vacant or abandoned.
- 9 (c) A person that enters upon the premises of real property as
 10 permitted under this section:
- 11 (1) is immune from civil liability for an act or omission related to
 12 the entry or to any action described in subsection (a)(2), unless
 13 the act or omission constitutes gross negligence or willful,
 14 wanton, or intentional misconduct; and
 15 (2) shall be held harmless from and against all claims of civil or
 16 criminal trespass.
- 17 (d) In the case of real property that is subject to a mortgage, the
 18 creditor in the mortgage transaction may not enter upon the premises
 19 of the real property under subsection (a) if entry is barred by an
 20 automatic stay issued by a bankruptcy court.
- 21 **(e) A person who is a tax sale certificate holder or an applicant**
 22 **for a tax deed who performs an action described in subsection**
 23 **(a)(2) has a lien on the real property equal to the amount of the**
 24 **reasonable value of:**
 25 **(1) labor performed; and**
 26 **(2) materials used;**
 27 **to perform the action.**

