

HOUSE BILL No. 1141

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-11-2-31.1; IC 13-14-1-15; IC 32-21-5-7.

Synopsis: Methamphetamine lab disclosure in property sales. Requires the state police department to: (1) adopt guidelines for receiving a report from a certified inspector that property polluted by a methamphetamine laboratory has been decontaminated; and (2) remove the property from any publicly available list of methamphetamine contaminated properties. Requires the department of environmental management to adopt rules requiring that any person certified by the department to decontaminate polluted property notify the state police department when the person has decontaminated property polluted by the manufacture of methamphetamine. Requires the real estate commission to require an owner to disclose if a property has been used for the manufacture of methamphetamine.

Effective: July 1, 2014.

McNamara, Ober, Kubacki

January 9, 2014, read first time and referred to Committee on Government and Regulatory Reform.



Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1141



A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

1 SECTION 1. IC 10-11-2-31.1 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2014]: **Sec. 31.1. (a) The superintendent shall**
4 **adopt:**

5 (1) **guidelines; and**
6 (2) **a reporting form or a specified electronic format, or both;**
7 **for receiving a report that property used for the manufacture of**
8 **methamphetamine or polluted by waste from the manufacture of**
9 **methamphetamine has been certified as decontaminated by an**
10 **inspector approved under IC 13-14-1-15.**

11 (b) **Guidelines adopted under this section must require that the**
12 **department remove, not later than thirty (30) days after receipt of**
13 **a report described in subsection (a), the decontaminated property**
14 **from any publicly available list of methamphetamine contaminated**
15 **properties compiled or made available by the department.**

16 SECTION 2. IC 13-14-1-15, AS ADDED BY P.L.192-2005,



1 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2014]: Sec. 15. (a) The department shall maintain a list of
 3 persons certified to inspect and clean property that is polluted by a
 4 contaminant. The list may specifically note persons with particular
 5 expertise or experience in the inspection or cleanup of property
 6 contaminated by chemicals used in the illegal manufacture of a
 7 controlled substance (as defined in IC 35-48-1-9) or by waste produced
 8 from the illegal manufacture of a controlled substance.

9 (b) The department may specify by rule that a person who meets
 10 certain qualifications prescribed by the department is a person certified
 11 to inspect and clean property that is polluted by a contaminant.

12 **(c) The department shall specify by rule that any person:**

13 **(1) certified under this section to inspect and clean**
 14 **contaminated property; and**

15 **(2) who has decontaminated property polluted by the**
 16 **manufacture of methamphetamine or by waste from the**
 17 **manufacture of methamphetamine;**

18 **shall, in accordance with guidelines adopted by the state police**
 19 **department under IC 10-11-2-31.1, notify the state police**
 20 **department when the person has decontaminated a property**
 21 **polluted by the manufacture of methamphetamine or by waste**
 22 **from the manufacture of methamphetamine.**

23 ~~(c)~~ **(d)** The department shall adopt rules under IC 4-22-2:

24 (1) to implement this section; and

25 (2) concerning the inspection and remediation of contaminated
 26 property.

27 SECTION 3. IC 32-21-5-7, AS AMENDED BY P.L.159-2011,
 28 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2014]: Sec. 7. The Indiana real estate commission established
 30 by IC 25-34.1-2-1 shall adopt a specific disclosure form that contains
 31 the following:

32 (1) Disclosure by the owner of the known condition of the
 33 following:

34 (A) The foundation.

35 (B) The mechanical systems.

36 (C) The roof.

37 (D) The structure.

38 (E) The water and sewer systems.

39 (F) Additions that may require improvements to the sewage
 40 disposal system.

41 (G) Other areas that the Indiana real estate commission
 42 determines are appropriate.



- 1 (2) Disclosure by the owner of known:
2 (A) contamination caused by the manufacture of a controlled
3 substance; **or**
4 (B) **manufacture of methamphetamine or dumping of**
5 **waste from the manufacture of methamphetamine (even if**
6 **the owner does not know whether the property is**
7 **contaminated);**
8 on the property that has not been certified as decontaminated by
9 an inspector approved under IC 13-14-1-15.
- 10 (3) A notice to the prospective buyer that contains substantially
11 the following language:
12 "The prospective buyer and the owner may wish to obtain
13 professional advice or inspections of the property and provide for
14 appropriate provisions in a contract between them concerning any
15 advice, inspections, defects, or warranties obtained on the
16 property."
17 (4) A notice to the prospective buyer that contains substantially
18 the following language:
19 "The representations in this form are the representations of the
20 owner and are not the representations of the agent, if any. This
21 information is for disclosure only and is not intended to be a part
22 of any contract between the buyer and owner."
23 (5) A disclosure by the owner that an airport is located within a
24 geographical distance from the property as determined by the
25 Indiana real estate commission. The commission may consider the
26 differences between an airport serving commercial airlines and an
27 airport that does not serve commercial airlines in determining the
28 distance to be disclosed.

