



Reprinted
February 3, 2016

SENATE BILL No. 216

DIGEST OF SB 216 (Updated February 2, 2016 2:47 pm - DI 106)

Citations Affected: IC 9-21.

Synopsis: Traffic enforcement in apartment complexes. Allows a unit to enforce traffic and parking ordinances on the property of a residential apartment complex if: (1) the owner of the complex makes a request to the legislative body of the unit; (2) the unit adopts traffic and parking ordinances that meet certain requirements; (3) the owner enters into an enforcement contract with the unit; and (4) the legislative body of the unit approves the contract. Prohibits a unit from charging the owner of a complex a fee for enforcing an ordinance.

Effective: July 1, 2016.

Hershman, Alting

January 7, 2016, read first time and referred to Committee on Judiciary.
January 28, 2016, amended, reported favorably — Do Pass.
February 1, 2016, read second time, amended, ordered engrossed.
February 1, 2016, returned to second reading.
February 2, 2016, re-read second time, amended, ordered engrossed. Engrossed.

SB 216—LS 6705/DI 123



Reprinted
February 3, 2016

Second Regular Session 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.

SENATE BILL No. 216

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 9-21-18-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. This chapter applies
3 to privately owned real property on which the public is invited to travel
4 for business **or residential** purposes.

5 SECTION 2. IC 9-21-18-2 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this
7 chapter, "private business property", "**residential apartment**
8 **complex**", or "shopping center" may be defined by ordinance of the
9 unit entering into a contract under this chapter.

10 SECTION 3. IC 9-21-18-4.1 IS ADDED TO THE INDIANA CODE
11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2016]: Sec. 4.1. (a) **As used in this section, "legislative body" has**
13 **the meaning set forth in IC 36-1-2-9.**

14 (b) **A unit may adopt and enforce parking and traffic ordinances**
15 **on the property of a residential apartment complex if all of the**
16 **following conditions are met:**

17 (1) **The owner of the residential apartment complex requests:**

SB 216—LS 6705/DI 123



- 1 (A) at a public meeting of the legislative body; or
 2 (B) by certified mail to the legislative body;
 3 that the unit adopt and enforce parking and traffic ordinances
 4 on the property of the residential apartment complex.
 5 (2) The legislative body adopts parking and traffic ordinances
 6 for the property of the residential apartment complex which
 7 do the following:
 8 (A) Set forth in detail the parts of the residential
 9 apartment complex to which the ordinances apply.
 10 (B) Require the owner of the residential apartment
 11 complex to install signs notifying residents of and visitors
 12 to the residential apartment complex of the relevant
 13 ordinances. Signs installed under this clause must be
 14 placed in a sufficient number of locations to clearly mark
 15 where the relevant ordinance applies. A sign placed at the
 16 entrance to the residential apartment complex does not
 17 satisfy this clause.
 18 (C) Do not duplicate or conflict with state law.
 19 (D) Are reasonably consistent with other traffic and
 20 parking ordinances adopted by the unit.
 21 (3) The owner of the residential apartment complex enters
 22 into an enforcement contract with the unit.
 23 (4) The legislative body of the unit approves the enforcement
 24 contract.
 25 (c) A unit may not charge the owner of a residential apartment
 26 complex a fee for enforcing an ordinance on the property of a
 27 residential apartment complex.
 28 SECTION 4. IC 9-21-18-6 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. A contract entered
 30 into between a unit and a **residential apartment complex**, shopping
 31 center, or private business property owner under this chapter may not
 32 exceed twenty (20) years. A lessee of a shopping center or private
 33 business property may not enter into a contract under this chapter for
 34 a longer period of time than the length of the lease.
 35 SECTION 5. IC 9-21-18-7 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. A contract entered
 37 into between a unit and a **residential apartment complex**, shopping
 38 center, or private business property owner or lessee under this chapter
 39 shall be recorded with the county recorder in the county in which the
 40 unit is located. No regulation made under the contract may take effect
 41 until three (3) days after the contract is recorded. Signs shall be posted
 42 within the **residential apartment complex**, shopping center, or private



1 business property not later than three (3) days after the contract is
2 recorded stating that **residential apartment complex**, shopping center,
3 or private business property parking and traffic regulations are
4 enforceable by local law enforcement officials.

5 SECTION 6. IC 9-21-18-8 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. The unit may adopt
7 an ordinance providing for punishment of violations of the parking and
8 traffic regulations in effect at a **residential apartment complex**,
9 shopping center, or private business property under the contract.



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 216, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 10 through 17, begin a new paragraph and insert:

"SECTION 3. IC 9-21-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. **(a)** A unit and the owner or lessee of a shopping center or private business property located within the unit may contract to empower the unit to regulate by ordinance the parking of vehicles and the traffic at the shopping center or private business property, subject to approval by the fiscal body of the unit by ordinance.

(b) A unit may enforce parking and traffic ordinances on the property of a residential apartment complex if:

(1) the owner of the residential apartment complex enters into an enforcement agreement with the unit; and

(2) the fiscal body of the unit approves the enforcement agreement."

Delete page 2.

Page 3, delete lines 1 through 6.

Page 3, line 11, delete "residential apartment".

Page 3, line 12, delete "complex,".

Page 3, line 12, after "center" delete ",".

Page 3, delete lines 32 through 42.

Delete page 4.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 216 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 7, Nays 1.



SENATE MOTION

Madam President: I move that Senate Bill 216 be amended to read as follows:

Page 2, between lines 5 and 6, begin a new line blocked left and insert:

"A unit may not charge the owner of a residential apartment complex a fee for enforcing an ordinance on the property of the residential apartment complex."

(Reference is to SB 216 as printed January 29, 2016.)

HERSHMAN

 SENATE MOTION

Madam President: I move that Senate Bill 216 be amended to read as follows:

Page 1, delete lines 10 through 17, begin a new paragraph and insert:

"SECTION 3. IC 9-21-18-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4.1. (a) As used in this section, "legislative body" has the meaning set forth in IC 36-1-2-9.**

(b) A unit may adopt and enforce parking and traffic ordinances on the property of a residential apartment complex if all of the following conditions are met:

- (1) The owner of the residential apartment complex requests:**
 - (A) at a public meeting of the legislative body; or**
 - (B) by certified mail to the legislative body;**

that the unit adopt and enforce parking and traffic ordinances on the property of the residential apartment complex.

- (2) The legislative body adopts parking and traffic ordinances for the property of the residential apartment complex which do the following:**

- (A) Set forth in detail the parts of the residential apartment complex to which the ordinances apply.**

- (B) Require the owner of the residential apartment complex to install signs notifying residents of and visitors to the residential apartment complex of the relevant ordinances. Signs installed under this clause must be placed in a sufficient number of locations to clearly mark**



where the relevant ordinance applies. A sign placed at the entrance to the residential apartment complex does not satisfy this clause.

(C) Do not duplicate or conflict with state law.

(D) Are reasonably consistent with other traffic and parking ordinances adopted by the unit.

(3) The owner of the residential apartment complex enters into an enforcement contract with the unit.

(4) The legislative body of the unit approves the enforcement contract.

(c) A unit may not charge the owner of a residential apartment complex a fee for enforcing an ordinance on the property of a residential apartment complex."

Page 2, delete lines 1 through 5.

Re-number all SECTIONS consecutively.

(Reference is to SB 216 as printed January 29, 2016.)

HERSHMAN

SENATE MOTION

Madam President: I move that Senate Bill 216 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-6-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 26. (a) The institute shall adopt guidelines and a reporting form or a specified electronic format, or both, for the reporting of:**

(1) a traffic stop;

(2) a citation issued; or

(3) both traffic stops and citations issued;

for the violation of an ordinance concerning traffic or parking committed on the property of a residential apartment complex under IC 9-21-18.

(b) The guidelines adopted under this section must require a law enforcement agency to report each traffic stop or citation issued, or each traffic stop and citation issued, to the institute on the form or in the specified electronic format adopted by the institute.

(c) The guidelines adopted under this section:

SB 216—LS 6705/DI 123



- (1) may require the institute to report the information concerning enforcement of ordinance violations on the property of a residential apartment complex to one (1) or more additional agencies or organizations;**
- (2) must require the institute to maintain reports filed under this section; and**
- (3) must require a law enforcement agency to report any other information that the institute determines to be relevant."**

Page 2, line 3, delete "and".

Page 2, line 5, delete "agreement." and insert **"agreement; and (3) a law enforcement agency that enforces an ordinance on the property of a residential apartment complex reports each:**
(A) traffic stop;
(B) citation issued; or
(C) traffic stop and citation issued;
to the Indiana criminal justice agency in accordance with IC 5-2-6-26."

Renumber all SECTIONS consecutively.

(Reference is to SB 216 as printed January 29, 2016.)

BREAUX

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 216, which is eligible for third reading, be returned to second reading for purposes of amendment.

HERSHMAN

SENATE MOTION

Madam President: I move that Senate Bill 216 be amended to read as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 7.

Page 3, line 5, after "enforcement" insert **"contract."**



Page 3, delete lines 6 through 13.

Page 3, delete lines 17 through 19.

Renumber all SECTIONS consecutively.

(Reference is to SB 216 as reprinted February 2, 2016.)

HERSHMAN

