



January 17, 2019

SENATE BILL No. 80

DIGEST OF SB 80 (Updated January 16, 2019 9:31 am - DI 133)

Citations Affected: IC 9-14; IC 21-14; IC 24-7; IC 29-1.

Synopsis: Code revision corrections. Addresses problems in the Indiana Code not suitable for resolution in the annual Technical Corrections bill, including corresponding amendment to certain percentages and overly broad or ambiguous language. (The introduced version of this bill was prepared by the code revision commission.)

Effective: Upon passage.

Young M

January 3, 2019, read first time and referred to Committee on Judiciary.
January 16, 2019, reported favorably — Do Pass.

SB 80—LS 6202/DI 112



January 17, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 80

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

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

- 1 SECTION 1. IC 9-14-14-5, AS ADDED BY P.L.198-2016,
2 SECTION 194, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: Sec. 5. Money distributed to or
4 deposited in the highway, road and street fund under this title shall be
5 allocated as follows:
6 (1) ~~Fifty-five percent (55%)~~ To the state highway fund as
7 provided in IC 8-14-2-3.
8 (2) ~~Forty-five percent (45%)~~ To the local road and street account
9 as provided in IC 8-14-2-4.
10 SECTION 2. IC 21-14-13-5, AS ADDED BY P.L.143-2018,
11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 UPON PASSAGE]: Sec. 5. A person **otherwise eligible under section**
13 **4 of this chapter** who
14 (†) ~~is no longer serving in the armed forces of the United States;~~
15 ~~and~~
16 (‡) enrolls in a state educational institution later than twelve (12)
17 months after the date of the person's discharge or separation from

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1 the armed forces of the United States
2 is subject to the tuition policies determined by the state educational
3 institution.

4 SECTION 3. IC 24-7-3-6, AS AMENDED BY P.L.69-2018,
5 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 UPON PASSAGE]: Sec. 6. Before ~~any~~ **the first** regular rental payment
7 is due under the rental purchase agreement, the lessor shall obtain the
8 signature of the lessee on the writing containing the terms of the rental
9 purchase agreement and shall furnish the lessee with a copy of the
10 written and signed rental purchase agreement. If there is more than one
11 (1) lessee in a rental purchase agreement, delivery of a copy of the
12 rental purchase agreement to one (1) of the lessees is sufficient to
13 comply with this section.

14 SECTION 4. IC 29-1-17-2, AS AMENDED BY P.L.163-2018,
15 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]: Sec. 2. (a) After the expiration of the time limit for
17 the filing of claims, and after all claims against the estate, including
18 state and federal inheritance and estate taxes, have been determined,
19 paid, or provision made therefor, except contingent and unmatured
20 claims which cannot then be paid, the personal representative shall, if
21 the estate is in a condition to be closed, render a final account and at
22 the same time petition the court to decree the final distribution of the
23 estate.

24 (b) The final account ~~will~~ **must** include a verified statement that the
25 clerk of the court, the personal representative, or a previous personal
26 representative, has done the following:

27 (1) Published notice to creditors as provided in IC 29-1-7-7(b),
28 with the first publication occurring more than three (3) months
29 before the date of the final account.

30 (2) Provided notice to creditors as required under IC 29-1-7-7(c)
31 and IC 29-1-7-7(d).

32 (c) Notice of the hearing of the petition shall be provided under
33 IC 29-1-16-6.

34 (d) In its decree of final distribution, the court shall designate the
35 persons to whom distribution is to be made, and the proportions or
36 parts of the estate, or the amounts, to which each is entitled under the
37 will and the provisions of this probate code, including the provisions
38 regarding advancements, election by the surviving spouse, lapse,
39 renunciation, adjudicated compromise of controversies, and retainer.
40 Every tract of real property so distributed shall be specifically
41 described therein. The decree shall find that all state and federal
42 inheritance and estate taxes are paid, and if all claims have been paid,



1 it shall so state; otherwise, the decree shall state that all claims except
2 those therein specified are paid and shall describe the claims for the
3 payment of which a special fund is set aside, and the amount of such
4 fund. If any contingent claims which have been duly allowed are still
5 unpaid and have not become absolute, such claims shall be described
6 in the decree, which shall state whether the distributees take subject to
7 them. If a fund is set aside for the payment of contingent claims, the
8 decree shall provide for the distribution of such fund in the event that
9 all or a part of it is not needed to satisfy such contingent claims. If a
10 decree of partial distribution has been previously made, the decree of
11 final distribution shall expressly confirm it, or, for good cause, shall
12 modify said decree and state specifically what modifications are made.

13 (e) If a distributee dies before distribution to the distributee of the
14 distributee's share of the estate, the distributee's share may be
15 distributed to the personal representative of the distributee's estate, if
16 there is one; or if no administration on the deceased distributee's estate
17 is had and none is necessary according to IC 29-1-8, the share of the
18 deceased distributee shall be distributed in accordance with IC 29-1-8.

19 (f) The decree of final distribution shall be a conclusive
20 determination of the persons who are the successors in interest to the
21 estate of the decedent and of the extent and character of their interest
22 therein, subject only to the right of appeal and the right to reopen the
23 decree. It shall operate as the final adjudication of the transfer of the
24 right, title, and interest of the decedent to the distributees therein
25 designated; but no transfer before or after the decedent's death by an
26 heir or devisee shall affect the decree, nor shall the decree affect any
27 rights so acquired by grantees from the heirs or devisees.

28 (g) Whenever the decree of final distribution includes real property,
29 a certified copy thereof shall be recorded by the personal representative
30 in every county of this state in which any real property distributed by
31 the decree is located except the county in which the estate is
32 administered. The cost of recording such decree shall be charged to the
33 estate.

34 **SECTION 5. An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 80, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 80 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 11, Nays 0

