

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS  
FISCAL IMPACT STATEMENT**

**LS 6238**  
**BILL NUMBER: HB 1041**

**NOTE PREPARED:** Nov 18, 2025  
**BILL AMENDED:**

**SUBJECT:** Line Maintenance in Public Rights-of-way.

**FIRST AUTHOR:** Rep. Davis  
**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:**      **GENERAL**  
                                 **DEDICATED**  
                                 **FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** This bill sets forth minimum standards and requirements for the installation and maintenance of communications service or utility service facilities (facilities) in a public right-of-way. It defines a "permittee" as: (1) a person to whom an initial permit or authorization for the installation of a facility in a public right-of-way is granted by a unit; or (2) a service provider responsible for maintaining a facility that has been installed in a public right-of-way. It also defines a "line pollution violation" as a violation attributable to a permittee and involving: (1) noncompliance with any standard or requirement set forth in the bill; or (2) the presence of any damaged, abandoned, loose, or improperly secured facilities within a public right-of-way. The bill provides that a permittee responsible for a line pollution violation is liable to the unit owning the public right-of-way for a fine in an amount determined by the unit, but not to exceed: (1) \$500 per violation for each day the violation remains uncured; or (2) a total fine of \$2,500. This bill requires a permittee to ensure that any person responsible for installing, replacing, relocating, or repairing any underground facility that is owned or operated by the permittee and located within a public right-of-way complies with the requirements set forth in: (1) Indiana's statute concerning underground utility facilities; and (2) any applicable local ordinance or regulation; with respect to any work involving drilling, trenching, boring, hand digging, or plowing.

**Effective Date:** July 1, 2026.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** The bill is silent on how a line pollution violation is to be reported or establish a process to determine if a violation has occurred. It is assumed this responsibility will be performed by the county or municipality that regulates the use of public right-of-ways. As a result, local workload would increase to provide hearings and determine if a violation has occurred. Increases in workload or expenses from investigations and hearings could be offset with the collection of civil penalties paid by violators.

**Explanation of Local Revenues:** The bill could increase revenue counties and municipalities receive from penalties levied against permittees who violate line pollution prohibitions in the bill. The bill establishes a maximum penalty of \$500 per violation per day, with a maximum fine of \$2,500 per offense that is to be paid to the county or municipality that regulates the use of public right-of-ways. Increases in local revenue is indeterminable.

**State Agencies Affected:**

**Local Agencies Affected:** Municipalities

**Information Sources:**

**Fiscal Analyst:** Abdul Abdulkadri, 317-232-9852.