



SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1150 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 32-21-13.5 IS ADDED TO THE INDIANA CODE
- 4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2026]:
- 6 **Chapter 13.5. Display of the Flag of the United States or the**
- 7 **Indiana State Flag on Property Subject to Regulation by a**
- 8 **Property Owners Association**
- 9 **Sec. 1. This chapter applies to all governing documents**
- 10 **established, adopted, enacted, or enforced before, on, or after July**
- 11 **1, 2026.**
- 12 **Sec. 2. As used in this chapter, "front yard" means a yard**
- 13 **within a parcel of real property that has a front building setback**
- 14 **line of at least fifteen (15) feet that extends the full width of the**
- 15 **parcel between the front lot line and the front building setback line.**
- 16 **Sec. 3. (a) As used in this chapter, "governing document" means**
- 17 **each document governing the establishment, maintenance, or**
- 18 **operation of a property owners association.**
- 19 **(b) The term includes documents that subject real property to:**
- 20 **(1) restrictive covenants or similar instruments governing the**
- 21 **administration or operation of a property owners association;**
- 22 **(2) properly adopted bylaws, rules, and regulations of a**
- 23 **property owners association; and**
- 24 **(3) all lawful amendments to covenants, bylaws, rules, or**
- 25 **regulations of a property owners association.**
- 26 **Sec. 4. As used in this chapter, "property owners association"**
- 27 **means an incorporated or unincorporated:**

- 1 **(1) homeowners association;**
- 2 **(2) condominium association;**
- 3 **(3) cooperative association;**
- 4 **(4) residential subdivision association; or**
- 5 **(5) similar property owners association;**
- 6 **owned by or whose members consist primarily of the owners of the**
- 7 **property covered by a governing document and through which the**
- 8 **owners, or a board of directors or similar governing body, manage**
- 9 **or regulate the property owners association.**

10 **Sec. 5. Except as provided in section 6 of this chapter, a**
 11 **property owners association may not adopt or enforce a governing**
 12 **document provision that prohibits or restricts, or has the effect of**
 13 **prohibiting or restricting, a member of the property owners**
 14 **association from displaying the:**

- 15 **(1) flag of the United States, including displaying the flag of**
- 16 **the United States from a flagpole; or**
- 17 **(2) state flag described in IC 1-2-2-1, including displaying the**
- 18 **state flag from a flagpole.**

19 **Sec. 6. A property owners association may adopt or enforce**
 20 **reasonable governing document provisions that do any of the**
 21 **following:**

- 22 **(1) Require:**
 - 23 **(A) that the flag of the United States must be displayed in**
 - 24 **accordance with:**
 - 25 **(i) 4 U.S.C. 5 through 4 U.S.C. 10; and**
 - 26 **(ii) the federal Freedom to Display the American Flag**
 - 27 **Act of 2005 (120 Stat. 572);**
 - 28 **(B) that a flagpole attached to a dwelling or a freestanding**
 - 29 **flagpole:**
 - 30 **(i) must be constructed of permanent, durable materials;**
 - 31 **and**
 - 32 **(ii) must have a finish appropriate to the materials used**
 - 33 **in the construction of the flagpole and harmonious with**
 - 34 **the dwelling;**
 - 35 **(C) that the display of a flag, or the location and**
 - 36 **construction of the supporting flagpole, must comply with**
 - 37 **applicable zoning ordinances, easements, and setbacks of**
 - 38 **record; and**
 - 39 **(D) that:**
 - 40 **(i) a displayed flag and the flagpole on which it is flown**
 - 41 **must be maintained in good condition; and**
 - 42 **(ii) any deteriorated flag or deteriorated or structurally**
 - 43 **unsafe flagpole must be repaired, replaced, or removed.**
- 44 **(2) Regulate the size, number, and location of flagpoles on**
- 45 **which flags are displayed, except that the regulation may not**
- 46 **prevent the installation of at least one (1) flagpole per**
- 47 **property that:**

- 1 (A) is:
- 2 (i) located in the front yard of the property;
- 3 (ii) not more than twenty (20) feet in height; and
- 4 (iii) subject to applicable zoning ordinances, easements,
- 5 and setbacks of record; or
- 6 (B) is attached to any part of a residential structure:
- 7 (i) owned by the member; and
- 8 (ii) not maintained by the property owners association.
- 9 (3) Govern the size of a displayed flag.
- 10 (4) Regulate the:
- 11 (A) size;
- 12 (B) location; and
- 13 (C) intensity;
- 14 of any lights used to illuminate a displayed flag.
- 15 (5) Impose reasonable restrictions to abate noise caused by an
- 16 external halyard of a flagpole.
- 17 (6) Prohibit a member from locating a displayed flag or
- 18 flagpole on property that is:
- 19 (A) owned or maintained by the property owners
- 20 association; or
- 21 (B) owned in common by the members of the property
- 22 owners association."

23 Page 1, between lines 5 and 6, begin a new paragraph and insert:
 24 "Sec. 0.5. This chapter applies to all governing documents
 25 established, adopted, enacted, or enforced before, on, or after July
 26 1, 2026."

27 Page 2, between lines 12 and 13, begin a new paragraph and insert:
 28 "SECTION 3. IC 32-25.5-3.8 IS ADDED TO THE INDIANA
 29 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2026]:

31 **Chapter 3.8. Homeowners Association Use of Automated**
 32 **License Plate Readers**

33 **Sec. 1. This chapter applies to a homeowners association**
 34 **established before, on, or after July 1, 2026.**

35 **Sec. 2. "Automated license plate reader" means a camera**
 36 **designed to automatically capture an image of a vehicle's license**
 37 **plate and convert the image into computer readable data to permit**
 38 **comparison of the license plate number of the captured image with**
 39 **license plate numbers contained in one (1) or more databases. The**
 40 **term does not include a security camera that may incidentally**
 41 **capture the image of a license plate.**

42 **Sec. 3. A homeowners association may not install, maintain, or**
 43 **operate an automated license plate reader.**

44 **Sec. 4. A homeowners association may not permit the**
 45 **installation, maintenance, or operation of an automated license**
 46 **plate reader on the property of the homeowners association unless:**

- 1 **(1) the automated license plate reader is installed by or on**
- 2 **behalf of a law enforcement agency;**
- 3 **(2) only a law enforcement agency has access to the data and**
- 4 **images captured by the automated license plate reader; and**
- 5 **(3) the homeowners association does not have access to the**
- 6 **images or data captured by the automated license plate**
- 7 **reader."**

8 Renumber all SECTIONS consecutively.
(Reference is to EHB 1150 as printed February 4, 2026.)

Senator FREEMAN