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HOUSE BILL No. 1387

Proposed Changes to introduced printing by AM138702

DIGEST OF PROPOSED AMENDMENT

Local permits and rules. Provides that if a business is sold or transferred, a local unit shall: (1) transfer certain permits to the new owner; (2) not require the new owner to obtain a permit that the previous owner obtained with certain exceptions; (3) not interrupt the business operations while the business ownership is being transferred; and (4) not require a new permit that the previous owner was not required to obtain. Provides that a unit may not adopt standards, rules, or regulations that are more stringent than the rules adopted by a state agency.

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

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

- 1 SECTION 1. IC 23-14-58.5-1.5 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2026]: **Sec. 1.5. (a) Subject to this chapter, if**
4 **a burial space in a cemetery that is subject to IC 23-14-41 or any**
5 **other Indiana law:**
6 **(1) has remained unused for a period of at least one hundred**
7 **(100) years from the date of sale or last recorded designation**
8 **or transfer; and**
9 **(2) has no improvements on the burial space, including the**
10 **placement of a monument, memorial, or other permanent**
11 **appurtenance;**
12 **the person or entity having jurisdiction over the cemetery may**
13 **terminate the rights and interests of the owner of the burial space.**
14 **(b) If records regarding the sale, designation, or transfer of a**
15 **burial space have been damaged or destroyed, the requirement in**
16 **subsection (a)(1) is satisfied** ~~↔~~ **if a person or entity having**

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jurisdiction over the cemetery reasonably believes that a burial space has remained unused for a period of at least one hundred (100) years from the date of sale or last recorded designation or transfer.

(c) If the person or entity having jurisdiction over the cemetery does not have a record that details whether a burial space has been used, before terminating an owner's rights and interests in a burial space under subsection (a), the person or entity shall use an industry accepted method to determine whether human remains are present on the burial space.

(d) After July 1, 2026, a contract for the purchase of a burial space must include notice that the contract is subject to termination as provided in subsection (a).

SECTION 2. IC 23-14-58.5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.5. (a) If the person or entity having jurisdiction over the cemetery:

(1) desires to terminate the rights and interests of the owner of the burial space; and

(2) determines that the conditions specified in section 1.5 of this chapter have been met;

the person or entity shall advertise in a newspaper of general circulation in the county where the cemetery is located seeking the owner's current address and informing the owner of the person or entity's desire to terminate any rights and interests that the owner has in the burial space. If the cemetery has a website or is owned by an entity that has a website, the person or entity shall publish the advertisement on the website.

(b) The advertisement described in subsection (a) shall include the following information:

(1) The name of the owner of the burial space.

(2) The last known address of the owner of the burial space.

(c) If there is no record owner of the burial space, then the advertisement described in subsection (a) shall provide information that identifies the burial space.

(d) If the person or entity having jurisdiction over the cemetery has not received a response from the owner of the burial space within sixty (60) days after placing the advertisement required in subsection (a), the owner's rights and interests in the burial space are terminated.

(e) If the person or entity having jurisdiction over the cemetery has received a response to the advertisement required in



subsection (a) that provides an address for the owner of the burial space within sixty (60) days after placing the advertisement, the person or entity shall send a notice to the address provided notifying the owner of the intent to terminate the owner's rights and interests in the burial space. If the person or entity having jurisdiction over the cemetery has not received a response from the owner of the burial space within sixty (60) days after sending the notice required by this subsection, the owner's rights and interests in the burial space are terminated. The notice required by this subsection shall be sent by certified mail.

SECTION 3. IC 23-14-58.5-3, AS ADDED BY P.L.113-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) An owner who has received a termination notice under section 2 of this chapter **or is subject to section 1.5 of this chapter** may inform the person or entity having jurisdiction over the cemetery of the owner's continued intent to use the burial space. If the person or entity having jurisdiction over the cemetery has been informed of the owner's intent, the person or entity having jurisdiction over the cemetery may not terminate the rights and interests of the owner of the burial space.

(b) An owner who has received a termination notice under section 2 of this chapter **or is subject to section 1.5 of this chapter** may request the person or entity having jurisdiction over the cemetery to purchase the burial space for the amount originally paid for the burial space.

SECTION 4. IC 23-14-58.5-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. In the case of a cemetery owned by a unit (as defined in IC 3-5-9-3), any funds generated from the resale of a burial space under this chapter shall be used exclusively to maintain and improve the cemetery. [

SECTION 5. IC 36-1-8-20.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 20.1. If a business is sold or transferred, a unit shall:

(1) transfer all permits that the seller obtained as the owner of the business to the new owner;

(2) not require the new owner to obtain a permit that the previous owner obtained, unless the permit has:

(A) expired;

(B) been revoked; or

(C) been suspended;



1 (3) not interrupt the business operations while the business
2 ownership is being transferred; and
3 (4) not require a new permit that the previous owner was not
4 required to obtain.
5 SECTION 6. IC 36-1-8-21 IS ADDED TO THE INDIANA CODE
6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2026]: Sec. 21. A unit may not adopt standards, rules, or
8 regulations that are more stringent than the rules adopted by a
9 state agency under IC 4-22-2.
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