



September 27, 2013

Ray Krouse
Chief Financial Officer
TEGSCO, LLC
375 Alabama Street
Suite 300
San Francisco, CA 94110

Re: Professional Services Agreement (the "Agreement"), between the Consolidated City of Indianapolis and Marion County (the "City") and TEGSCO, LLC ("TEGSCO")

Ladies and Gentlemen:

On behalf of the Department of Code Enforcement, I wish to provide you this letter to clarify the City's relationship with TEGSCO under the Agreement. For the purpose of enhancing the services provided by TEGSCO to the City pursuant to the Agreement, the City hereby retroactively designates TEGSCO as its agent, as of the effective date of the Agreement, for the purposes of: (1) conducting public sales of abandoned vehicles in accordance with Indiana Code 9-22-1-23 pursuant to and in accordance with the terms of the Agreement; and (2) not being deemed a "dealer" under Indiana Code 9-13-2-42 as a result of being deemed a "public officer while performing official duties" under Indiana Code 9-13-2-42(b)(2), when conducting public sales of abandoned vehicles in accordance with Indiana Code 9-22-1-23 pursuant to and in accordance with the terms of the Agreement (collectively, the "Designation").

We believe that TEGSCO, through its actions pursuant to and in accordance with the terms of the Agreement, with respect to the Designation, should be afforded the same statutory consideration that the City would have received, if it had continued operations of its abandoned vehicle program, as contemplated in Indiana Code 9-22-1-23(c) and Title 3, Article III, Chapter 611, Section 303 of the Revised Code of the City.

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If you agree, please evidence the acceptance of the Designation, by signing below and then returning an original executed version to me. In the meantime, if you have any questions, please do not hesitate to contact me.

Very truly yours,



Rick Powers
Director, Department of Code Enforcement

On behalf of TEGSCO, I hereby accept the Designation.

TEGSCO, LLC

By: 

Ray Krouse, Chief Financial Officer

IC 9-22

**ARTICLE 22. ABANDONED, SALVAGED, AND
SCRAP VEHICLES**

IC 9-22-1

Chapter 1. Abandoned Vehicles

IC 9-22-1-0.3

**Placement of notice tags for abandoned vehicles; required
information on notice tag; towing service recovery of costs**

Sec. 0.3. (a) This section applies to an abandoned vehicle:

- (1) that was towed by a towing service from private property before May 2, 2001;
- (2) that is in possession of a towing service company on May 2, 2001;
- (3) that could have been removed from private property under sections 15 and 16 of this chapter, both as amended by P.L.108-2001, if P.L.108-2001 were in effect at the time that the towing service removed the abandoned vehicle from the private property; and
- (4) for which the towing service has not received payment for the towing charges accruing from removal of the vehicle from private property.

(b) The towing service may post the notice tag required by section 15 of this chapter, as amended by P.L.108-2001, on a picture of the abandoned vehicle and place the notice tag and picture in a prominent place on the private property from which the abandoned vehicle was towed for the time required by section 15 of this chapter, as amended by P.L.108-2001. The name and address on the notice tag may be the name and address of the owner of the private property or the name and address of the towing service. The notice tag must state the address where the vehicle is located. Compliance with this subsection shall be treated as compliance with section 15 of this chapter, as amended by P.L.108-2001.

(c) A towing service may recover costs incidental to the removal and storage of an abandoned vehicle that accrued before May 2, 2001, to the same extent as if the costs were accrued after May 2, 2001.

As added by P.L.220-2011, SEC.218.

IC 9-22-1-1

Application of chapter

Sec. 1. This chapter does not apply to the following:

- (1) A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways.
- (2) A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.
- (3) A vehicle located on a vehicle sale lot.

(4) A vehicle located upon property licensed or zoned as an automobile scrapyards.

(5) A vehicle registered and licensed under IC 9-18-12 as an antique vehicle.

(6) A golf cart.

(7) An off-road vehicle.

As added by P.L.2-1991, SEC.10. Amended by P.L.108-2001, SEC.2; P.L.150-2009, SEC.15; P.L.259-2013, SEC.19.

IC 9-22-1-2

Officer defined

Sec. 2. As used in this chapter, "officer" means the following:

(1) A regular member of the state police department.

(2) A regular member of a city or town police department.

(3) A town marshal or town marshal deputy.

(4) A regular member of the county police force.

(5) An individual of an agency designated by ordinance of the fiscal body.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-3

Public agency defined

Sec. 3. As used in this chapter, "public agency" means a local agency given the responsibility by statute or ordinance for the removal, storage, and disposal of abandoned vehicles.

As added by P.L.2-1991, SEC.10. Amended by P.L.191-2007, SEC.6.

IC 9-22-1-3.5

Storage yard defined

Sec. 3.5. As used in this chapter, "storage yard" means a storage facility or a towing service used for the removal and storage of abandoned vehicles or parts.

As added by P.L.104-2005, SEC.2.

IC 9-22-1-4

Responsibility and liability of owner of abandoned vehicle or parts; limitation of costs for storage

Sec. 4. (a) Except as provided in subsection (c), the owner of an abandoned vehicle or parts is:

(1) responsible for the abandonment; and

(2) liable for all of the costs incidental to the removal, storage, and disposal;

of the vehicle or the parts under this chapter.

(b) The costs for storage of an abandoned vehicle may not exceed one thousand five hundred dollars (\$1,500).

(c) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, the person who previously owned the vehicle is not responsible for storage fees.

(d) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, and proceeds from the sale of the vehicle covered the removal, towing, and storage expenses, any remaining proceeds from the sale of the vehicle shall be returned to the previous owner of the vehicle if the previous owner is known.
As added by P.L.2-1991, SEC.10. Amended by P.L.104-2005, SEC.3; P.L.191-2007, SEC.7; P.L.125-2012, SEC.113.

IC 9-22-1-5

Discovery of possession by person other than vehicle owner

Sec. 5. When an officer discovers a vehicle in the possession of a person other than the owner of the vehicle and the person cannot establish the right to possession of the vehicle, the vehicle shall be taken to and stored in a suitable place determined by the officer.
As added by P.L.2-1991, SEC.10. Amended by P.L.125-2012, SEC.114; P.L.262-2013, SEC.104.

IC 9-22-1-6

Repealed

(As added by P.L.2-1991, SEC.10. Amended by P.L.191-2007, SEC.8. Repealed by P.L.125-2012, SEC.115.)

IC 9-22-1-7

Inability to determine ownership; declaring vehicle abandoned

Sec. 7. If:

- (1) the owner or lienholder under section 8 of this chapter does not appear and pay all costs; or
- (2) the owner of a vehicle cannot be determined by a search conducted under section 19 of this chapter;

the vehicle is considered abandoned and must be disposed of under this chapter.

As added by P.L.2-1991, SEC.10. Amended by P.L.191-2007, SEC.9; P.L.125-2012, SEC.116.

IC 9-22-1-8

Release to owner or lienholder of stored vehicle; required notification

Sec. 8. If the properly identified person who owns or holds a lien on a vehicle appears at the site of storage before disposal of the vehicle or parts and pays all costs incurred against the vehicle or parts at that time, the vehicle or parts shall be released. A towing service shall notify the appropriate public agency of all releases under this section. The notification must include the name, signature, and address of the person that owns or holds a lien on the vehicle, a description of the vehicle or parts, costs, and the date of release.
As added by P.L.2-1991, SEC.10. Amended by P.L.125-2012, SEC.117.

IC 9-22-1-9

Repealed

(As added by P.L.2-1991, SEC.10. Amended by P.L.66-1992, SEC.4; P.L.191-2007, SEC.10. Repealed by P.L.125-2012, SEC.118.)

IC 9-22-1-10

Repealed

(As added by P.L.2-1991, SEC.10. Repealed by P.L.191-2007, SEC.21.)

IC 9-22-1-11

Tagging abandoned vehicle or parts

Sec. 11. An officer who finds or is notified of a vehicle or parts believed to be abandoned shall attach in a prominent place a notice tag containing the following information:

- (1) The date, time, officer's name, public agency, and address and telephone number to contact for information.
- (2) That the vehicle or parts are considered abandoned.
- (3) That the vehicle or parts will be removed after:
 - (A) twenty-four (24) hours, if the vehicle is located on or within the right-of-way of an interstate highway or any highway that is designated as part of the state highway system under IC 8-23-4; or
 - (B) seventy-two (72) hours, for any other vehicle.
- (4) That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle.
- (5) That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within:
 - (A) twenty-four (24) hours, if the vehicle is located on or within the right-of-way of an interstate highway or any highway that is designated as part of the state highway system under IC 8-23-4; or
 - (B) seventy-two (72) hours, for any other vehicle.

As added by P.L.2-1991, SEC.10. Amended by P.L.66-1992, SEC.5; P.L.131-2008, SEC.47; P.L.54-2009, SEC.6.

IC 9-22-1-12

Officer's abandoned vehicle report; photographs

Sec. 12. If a vehicle or a part tagged under section 11 of this chapter is not removed within the applicable period, the officer shall prepare a written abandoned vehicle report of the vehicle or parts, including information on the condition and missing parts. Photographs may be taken to describe the condition of the vehicle or parts.

As added by P.L.2-1991, SEC.10. Amended by P.L.131-2008, SEC.48; P.L.125-2012, SEC.119.

IC 9-22-1-13

Disposal of vehicle or parts; retention of records and photographs by bureau

Sec. 13. (a) If the vehicle is a junk vehicle and the market value of an abandoned vehicle or parts is less than:

- (1) one thousand dollars (\$1,000); or
- (2) in a municipality that has adopted an ordinance under subsection (b), the amount established by the ordinance;

the towing service shall immediately transfer the vehicle to a storage yard. A copy of the abandoned vehicle report and photographs, if applicable, relating to the abandoned vehicle shall be provided to the storage yard. A towing service or storage yard may dispose of an abandoned vehicle not less than thirty (30) days after the date on which the towing service removed the abandoned vehicle. A city, county, or town that operates a storage yard under IC 36-9-30-3 may dispose of an abandoned vehicle to an automobile scrapyard or an automotive salvage recycler upon removal of the abandoned vehicle. The public agency or storage yard disposing of the vehicle shall retain the original records and photographs for at least two (2) years. If the vehicle is demolished, a copy of the abandoned vehicle report shall be forwarded to the bureau by the automobile scrap yard after the vehicle has been demolished.

(b) The legislative body of a municipality (as defined in IC 36-1-2-11) may adopt an ordinance that establishes the market value below which an officer may dispose of a vehicle or parts under subsection (a). However, the market value established by the ordinance may not be more than seven hundred fifty dollars (\$750).

(c) When the bureau receives the report described in subsection (a), the bureau shall note the status of the vehicle in the records of the bureau.

As added by P.L.2-1991, SEC.10. Amended by P.L.92-1997, SEC.2; P.L.104-2005, SEC.4; P.L.191-2007, SEC.11; P.L.125-2012, SEC.120.

IC 9-22-1-14

Duties of tagging officer; towing and storage of vehicle or parts

Sec. 14. (a) If in the opinion of the officer the market value of the abandoned vehicle or parts is at least:

- (1) one thousand dollars (\$1,000); or
- (2) in a municipality that has adopted an ordinance under section 13(b) of this chapter, the amount established by the ordinance;

the officer, before placing a notice tag on the vehicle or parts, shall make a reasonable effort to ascertain the person who owns the vehicle or parts or who may be in control of the vehicle or parts.

(b) After seventy-two (72) hours, the officer shall require the vehicle or parts to be towed to a storage yard or towing service.

As added by P.L.2-1991, SEC.10. Amended by P.L.92-1997, SEC.3;

P.L.104-2005, SEC.5; P.L.125-2012, SEC.121.

IC 9-22-1-15

Discovery of vehicle abandoned on private property

Sec. 15. (a) A person who finds a vehicle believed to be abandoned on private property that the person owns or controls, including rental property, may:

- (1) obtain the assistance of an officer under section 18 of this chapter to have the vehicle removed; or
- (2) personally arrange for the removal of the vehicle by complying with subsection (b) and section 16 of this chapter.

(b) If the person wishes to personally arrange for the removal of the vehicle, the person shall attach in a prominent place a notice tag containing the following information:

- (1) The date, time, name, and address of the person who owns or controls the private property and a telephone number to contact for information.
- (2) That the vehicle is considered abandoned.
- (3) That the vehicle will be removed after twenty-four (24) hours.
- (4) That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle.
- (5) That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within twenty-four (24) hours.

As added by P.L.2-1991, SEC.10. Amended by P.L.130-1995, SEC.1; P.L.108-2001, SEC.3; P.L.54-2009, SEC.7.

IC 9-22-1-16

Towing vehicle from private property

Sec. 16. (a) If after twenty-four (24) hours the person who owns a vehicle believed to be abandoned on private property has not removed the vehicle from the private property, the person who owns or controls the private property on which the vehicle is believed to be abandoned may have the vehicle towed from the private property.

(b) Notwithstanding subsection (a), in an emergency situation a vehicle believed to be abandoned on private property may be removed immediately. As used in this subsection, "emergency situation" means that the presence of the vehicle believed to be abandoned interferes physically with the conduct of normal business operations of the person who owns or controls the private property or poses a threat to the safety or security of persons or property, or both.

As added by P.L.2-1991, SEC.10. Amended by P.L.130-1995, SEC.2; P.L.108-2001, SEC.4; P.L.104-2005, SEC.6; P.L.191-2007, SEC.12; P.L.54-2009, SEC.8; P.L.262-2013, SEC.105.

IC 9-22-1-17

Notice to bureau given by service towing vehicle from rental property

Sec. 17. A towing service that tows a vehicle under section 16 of this chapter shall give notice to the public agency that the abandoned vehicle is in the possession of the towing service.

As added by P.L.2-1991, SEC.10. Amended by P.L.191-2007, SEC.13; P.L.125-2012, SEC.122.

IC 9-22-1-18

Complaint by person owning or controlling private property

Sec. 18. Upon complaint of a person who owns or controls private property that a vehicle has been left on the property for at least forty-eight (48) hours without the consent of the person who owns or controls the property, an officer shall follow the procedures set forth in sections 11 through 14 of this chapter.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-19

National data base search; notification; storage costs

Sec. 19. (a) Within seventy-two (72) hours after removal of a vehicle to a storage yard or towing service under section 13, 14, or 16 of this chapter, the public agency or towing service shall conduct a search of national data bases, including a data base of vehicle identification numbers, to attempt to obtain the last state of record of the vehicle in order to attempt to ascertain the name and address of the person who owns or holds a lien on the vehicle.

(b) A public agency or towing service that obtains the name and address of the owner of or lienholder on a vehicle shall, not later than seventy-two (72) hours after obtaining the name and address, notify the person who owns or holds a lien on the vehicle of the:

- (1) name;
- (2) address; and
- (3) telephone number;

of the public agency or towing service. The notice must be made by certified mail or a certificate of mailing or by means of an electronic service approved by the bureau. Notwithstanding section 4 of this chapter, a public agency or towing service that fails to notify the owner of or lienholder on the vehicle as set forth in this subsection may not collect additional storage costs incurred after the date of receipt of the name and address obtained.

As added by P.L.2-1991, SEC.10. Amended by P.L.66-1992, SEC.6; P.L.78-2003, SEC.1; P.L.104-2005, SEC.7; P.L.191-2007, SEC.14; P.L.125-2012, SEC.123; P.L.62-2014, SEC.2.

IC 9-22-1-20

Repealed

(As added by P.L.2-1991, SEC.10. Amended by P.L.92-1997, SEC.4. Repealed by P.L.191-2007, SEC.21.)

IC 9-22-1-21

Means of vehicle identification not available; disposal without notice

Sec. 21. If a vehicle or parts are in such a condition that vehicle identification numbers or other means of identification are not available to determine the person who owns or holds a lien on the vehicle, the vehicle may be disposed of without notice.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-21.5

Liens on vehicles for towing services

Sec. 21.5. A person that provides towing services for a vehicle:

- (1) at the request of the person that owns the vehicle;
- (2) at the request of a person on whose property an abandoned vehicle is located; or
- (3) in accordance with this chapter;

has a lien on the vehicle for the reasonable value of the charges for the towing services and other related costs in accordance with IC 9-22-6. A person that obtains a lien for an abandoned vehicle under this section must comply with sections 16, 17, and 19 of this chapter and IC 9-22-6.

As added by P.L.125-2012, SEC.124. Amended by P.L.262-2013, SEC.106; P.L.198-2016, SEC.369.

IC 9-22-1-22

Repealed

(As added by P.L.2-1991, SEC.10. Amended by P.L.92-1997, SEC.5. Repealed by P.L.191-2007, SEC.21.)

IC 9-22-1-23

Public sale by city, town, or county; notice

Sec. 23. (a) This section applies to a city, town, or county.

(b) Except as provided in subsection (c), if the person who owns or holds a lien upon a vehicle does not appear within twenty (20) days after the mailing of a notice or the notification made by electronic service under section 19 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

- (1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) insertion in an appropriate publication one (1) week before the public sale is required.
- (2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The twenty (20) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

(c) This subsection applies to a consolidated city or county containing a consolidated city. If the person who owns or holds a lien

upon a vehicle does not appear within fifteen (15) days after the mailing of a notice or the notification made by electronic service under section 19 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The fifteen (15) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

As added by P.L.2-1991, SEC.10. Amended by P.L.92-1997, SEC.6; P.L.191-2007, SEC.15; P.L.125-2012, SEC.125; P.L.147-2016, SEC.6.

IC 9-22-1-24

Purchasers at public sales; bill of sale; fees; roadworthiness of vehicle

Sec. 24. A person that purchases a vehicle under section 23 of this chapter shall be furnished a bill of sale for each abandoned vehicle sold by the public agency upon paying the fee for a bill of sale imposed by the public agency. The fee may not exceed six dollars (\$6) for each bill of sale. A person that purchases a vehicle under section 23 of this chapter must:

(1) present evidence from a law enforcement agency that the vehicle purchased is roadworthy, if applicable; and

(2) comply with the applicable requirements under IC 9-17; to obtain a certificate of title for the vehicle.

As added by P.L.2-1991, SEC.10. Amended by P.L.66-1992, SEC.7; P.L.191-2007, SEC.16; P.L.198-2016, SEC.370.

IC 9-22-1-25

Payment of removal, storage, and disposition costs; cost limits

Sec. 25. The costs for removal and storage of an abandoned vehicle or parts not claimed by the person who owns or holds a lien on a vehicle shall be paid from the abandoned vehicle account established under section 30 of this chapter. The charge payable by the person who owns or holds a lien on a vehicle for towing, storing, or removing an abandoned vehicle or parts may not exceed the limits established by ordinance adopted under section 30 of this chapter.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-26

Sale proceeds credited against removal, storage, and disposition costs

Sec. 26. The proceeds of sale of an abandoned vehicle or parts under section 23 of this chapter shall be credited against the costs of

the removal, storage, and disposal of the vehicle.
As added by P.L.2-1991, SEC.10. Amended by P.L.191-2007, SEC.17.

IC 9-22-1-27

Sales by city, county, or town; deposit of proceeds; payment of public agency costs; appropriations

Sec. 27. (a) This section applies to sales of abandoned vehicles or parts by a city, county, or town.

(b) The proceeds from the sale of abandoned vehicles or parts, including:

(1) charges for bills of sale; and

(2) money received from persons who own or hold liens on vehicles for the cost of removal or storage of vehicles; shall be deposited in the city's, county's, or town's abandoned vehicle fund by the fiscal officer of the city, county, or town.

(c) The costs incurred by a public agency in administering this chapter shall be paid from the abandoned vehicle fund.

(d) The fiscal body shall annually appropriate sufficient money to the fund to carry out this chapter. Money remaining in the fund at the end of a year remains in the fund and does not revert to the general fund.

(e) Notwithstanding subsection (d), the fiscal body of a consolidated city may transfer money from the fund.

As added by P.L.2-1991, SEC.10. Amended by P.L.85-1995, SEC.39; P.L.191-2007, SEC.18.

IC 9-22-1-28

Repealed

(As added by P.L.2-1991, SEC.10. Amended by P.L.66-1992, SEC.8. Repealed by P.L.191-2007, SEC.21.)

IC 9-22-1-29

Repealed

(As added by P.L.2-1991, SEC.10. Repealed by P.L.191-2007, SEC.21.)

IC 9-22-1-30

Fiscal body procedures established by ordinance; abandoned vehicle fund

Sec. 30. (a) The fiscal body shall, by ordinance, establish procedures to carry out this chapter, including the following:

(1) The charges allowed for towing and storage of abandoned vehicles, which shall be filed with the bureau.

(2) The means of disposition of vehicles.

(b) The fiscal body shall establish an abandoned vehicle fund for the purposes of this chapter.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-31

Public agencies; personnel, property, and towing contracts; fiscal body ordinances

Sec. 31. To facilitate the removal of abandoned vehicles or parts, a public agency may:

- (1) employ personnel;
- (2) acquire equipment, property, and facilities; and
- (3) enter into towing contracts;

for the removal, storage, and disposition of abandoned vehicles and parts. The fiscal body may, by ordinance, establish procedures to carry out this section.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-32

Liability for loss or damage to vehicle or vehicle parts

Sec. 32. The following are not liable for loss or damage to a vehicle or parts occurring during the removal or storage of a vehicle or parts under this chapter:

- (1) A person who owns, leases, or occupies property from which an abandoned vehicle or its contents or parts are removed.
- (2) A public agency.
- (3) A towing service.
- (4) An automobile scrapyard.
- (5) A storage yard.
- (6) An agent of a person or entity listed in subdivisions (1) through (5).

As added by P.L.2-1991, SEC.10. Amended by P.L.104-2005, SEC.8; P.L.54-2009, SEC.9.

IC 5-3

ARTICLE 3. PUBLICATION OF NOTICES

IC 5-3-1

Chapter 1. Publication Procedures

IC 5-3-1-0.2

"Locality newspaper"

Sec. 0.2. As used in this section, "locality newspaper" means a publication that meets all the following requirements:

- (1) Is regularly issued at least one (1) time per week.
- (2) Contains in each issue news of general or community interest, community notices, or editorial commentary by different authors.
- (3) Has, in more than one-half (1/2) of its issues published during the previous twelve (12) month period, not more than seventy-five percent (75%) advertising content.
- (4) Has been published continuously for at least three (3) years.
- (5) Has the capability to add subscribers to its distribution list and must add any person:
 - (A) who requests to be added as a new subscriber; and
 - (B) whose mailing address is within the political subdivision in which the locality newspaper generally circulates.
- (6) Is a publication of general circulation in the political subdivision that is responsible for the publication of notice.
- (7) Is circulated by United States mail, free of charge, to addresses that are located within the political subdivision responsible for the publication of notice.
- (8) Has its circulation verified by an annual independent audit of the publication.
- (9) Contains advertisements from numerous unrelated advertisers in each issue.
- (10) Is not owned by, or under the control of, the owners or lessees of a shopping center, a merchant's association, or a business that sells property or services (other than advertising) whose advertisements for their sales of property or services constitute the predominant advertising in the publication.
- (11) Has continuity as to title and general nature of content from issue to issue.
- (12) Does not constitute a book, either singly or when successive issues are combined.
- (13) Has a known office location in the county in which the locality newspaper is published.

As added by P.L.147-2016, SEC.1.

IC 5-3-1-0.4

"Newspaper"

Sec. 0.4. As used in this chapter, "newspaper" refers to a

newspaper:

(1) that:

- (A) is a daily, weekly, semiweekly, or triweekly newspaper of general circulation;
- (B) has been published for at least three (3) consecutive years in the same city or town;
- (C) has been entered, authorized, and accepted by the United States Postal Service for at least three (3) consecutive years as mailable matter of the periodicals class;
- (D) has at least fifty percent (50%) of all copies circulated paid for by subscribers or other purchasers at a rate that is not nominal; and
- (E) has had an average circulation during the preceding year of at least two hundred (200), based on the average paid or requested circulation for the preceding twelve (12) months reported in the newspaper's United States Postal Service Statement of Ownership published by the newspaper in October of each year; or

(2) that:

- (A) is a daily, weekly, semiweekly, or triweekly newspaper of general circulation;
- (B) has been entered, authorized, and accepted by the United States Postal Service as mailable matter of the periodicals class;
- (C) has at least fifty percent (50%) of all copies circulated paid for by subscribers or other purchasers at a rate that is not nominal; and
- (D) meets the greater of the following conditions:
 - (i) The newspaper's paid circulation during the preceding year is equal to at least fifty percent (50%) of the paid circulation for the largest newspaper with a periodicals class permit located in the county in which the newspaper is published, based on the average paid or requested circulation for the preceding twelve (12) months reported in the newspaper's United States Postal Service Statement of Ownership published by the newspaper in October of each year or based on the newspaper's initial application for a permit from the United States Postal Service.
 - (ii) The newspaper has an average daily paid circulation of one thousand five hundred (1,500) based on the average paid or requested circulation for the preceding twelve (12) months reported in the newspaper's United States Postal Service Statement of Ownership published by the newspaper in October of each year or based on the newspaper's initial application for a permit from the United States Postal Service.

As added by P.L.64-1995, SEC.1. Amended by P.L.38-1997, SEC.1; P.L.169-2006, SEC.1; P.L.122-2015, SEC.1.

IC 5-3-1-0.6

Place of publication

Sec. 0.6. (a) For purposes of this chapter, a newspaper or qualified publication is published at the place where the newspaper or qualified publication has its original entry for mail privileges authorized by the United States Postal Service.

(b) For purposes of this chapter, a newspaper or qualified publication is considered published at only one (1) place. The place of publication does not include places at which additional entry offices have been established with the authorization of the United States Postal Service.

As added by P.L. 64-1995, SEC.2. Amended by P.L. 38-1997, SEC.2.

IC 5-3-1-0.7

"Qualified publication"

Sec. 0.7. (a) As used in this chapter, "qualified publication" means a publication that:

- (1) is published daily, weekly, semiweekly, or triweekly;
- (2) is of general circulation to the public;
- (3) has been published for at least three (3) consecutive years in the same city or town;
- (4) has continuity as to title and general nature of content from issue to issue;
- (5) contains news of general or community interest, community notices, or editorial commentary;
- (6) contains advertisements from unrelated advertisers in each issue;
- (7) has, in more than one-half (1/2) of its issues published during the previous twelve (12) month period, not more than seventy-five percent (75%) advertising content;
- (8) has a known office location in the county in which it is published; and
- (9) has been entered, authorized, and accepted by the United States Postal Service as mailable matter of standard mail (A) class for the time published.

(b) A publication is not a qualified publication if any of the following apply:

- (1) The publication is owned by, or under the control of, the owners or lessees of a shopping center or a merchant's association.
- (2) The publication is owned by, or under the control of, a business that sells property or services (other than advertising) and the predominant advertising in the publication is advertising for the business's sales of property or services.
- (3) The publication is a mail order catalog or other catalog, advertising flier, travel brochure, house organ, theater program, telephone directory, restaurant guide, shopping center advertising sheet, or other similar publication.

(4) The publication is primarily devoted to matters of specialized interest such as a labor, fraternal, society, political, religious, sporting, or trade news publication or journal.

(5) The publication is a magazine, racing form, or tip sheet.

As added by P.L.64-1995, SEC.3. Amended by P.L.38-1997, SEC.3.

IC 5-3-1-1

Cost of advertising; form of legal advertisements; determination of circulation

Sec. 1. (a) The cost of all public notice advertising which any elected or appointed public official or governmental agency is required by law to have published, or orders published, for which the compensation to the newspapers, locality newspapers, or qualified publications publishing such advertising is drawn from and is the ultimate obligation of the public treasury of the governmental unit concerned with the advertising shall be charged to and collected from the proper fund of the public treasury and paid over to the newspapers, locality newspapers, or qualified publications publishing such advertising, after proof of publication and claim for payment has been filed.

(b) The basic charges for publishing public notice advertising shall be by the line and shall be computed based on a square of two hundred and fifty (250) ems at the following rates:

(1) Before January 1, 1996, three dollars and thirty cents (\$3.30) per square for the first insertion in newspapers or qualified publications plus one dollar and sixty-five cents (\$1.65) per square for each additional insertion in newspapers, or qualified publications.

(2) After December 31, 1995, and before December 31, 2005, a newspaper or qualified publication may, effective January 1 of any year, increase the basic charges by five percent (5%) more than the basic charges that were in effect during the previous year. However, the basic charges for the first insertion of a public notice in a newspaper, or qualified publication may not exceed the lowest classified advertising rate charged to advertisers by the newspaper, or qualified publication for comparable use of the same amount of space for other purposes.

(3) After December 31, 2009, and before January 1, 2017, a newspaper or qualified publication may, effective January 1 of any year, increase the basic charges by not more than two and three-quarters percent (2.75%) more than the basic charges that were in effect during the previous year. However, the basic charges for the first insertion of a public notice in a newspaper or qualified publication may not exceed the lowest classified advertising rate charged to advertisers by the newspaper or qualified publication for comparable use of the same amount of space for other purposes and must include all multiple insertion discounts extended to the newspaper's other advertisers.

(4) After December 31, 2016, a newspaper, locality newspaper, or qualified publication may, effective January 1 of any year, increase the basic charges by not more than two and three-quarters percent (2.75%) more than the basic charges that were in effect during the previous year. However, the basic charges for the first insertion of a public notice in a newspaper, locality newspaper, or qualified publication may not exceed the lowest classified advertising rate charged to advertisers by the newspaper, locality newspaper, or qualified publication for comparable use of the same amount of space for other purposes and must include all multiple insertion discounts extended to the newspaper's, locality newspaper's, or qualified publication's other advertisers.

An additional charge of fifty percent (50%) shall be allowed for the publication of all public notice advertising containing rule or tabular work.

(c) All public notice advertisements shall be set in solid type that is at least 7 point type, without any leads or other devices for increasing space. All public notice advertisements shall be headed by not more than two (2) lines, neither of which shall total more than four (4) solid lines of the type in which the body of the advertisement is set. Public notice advertisements may be submitted by an appointed or elected official or a governmental agency to a newspaper, locality newspaper, or qualified publication in electronic form, if the newspaper, locality newspaper, or qualified publication is equipped to accept information in compatible electronic form.

(d) Each newspaper, locality newspaper, or qualified publication publishing public notice advertising shall submit proof of publication and claim for payment in duplicate on each public notice advertisement published. For each additional proof of publication required by a public official, a charge of one dollar (\$1) per copy shall be allowed each newspaper, locality newspaper, or qualified publication furnishing proof of publication.

(e) The circulation of a newspaper, locality newspaper, or qualified publication is determined as follows:

(1) For a newspaper, by the circulation stated on line 10.C. (Total Paid and/or Requested Circulation of Single Issue Published Nearest to Filing Date) of the Statement of Ownership, Management and Circulation required by 39 U.S.C. 3685 that was filed during the previous year.

(2) For a locality newspaper, by a verified affidavit filed with each agency, department, or office of the political subdivision that has public notices the locality newspaper wants to publish.

The affidavit must:

(A) be filed with the agency, department, or office of the political subdivision before January 1 of each year; and

(B) attest to the circulation of the locality newspaper for the issue published nearest to October 1 of the previous year, as

determined by an independent audit of the locality newspaper performed for the previous year.

(3) For a qualified publication, by a verified affidavit filed with each governmental agency that has public notices the qualified publication wants to publish. The affidavit must:

(A) be filed with the governmental agency before January 1 of each year; and

(B) attest to the circulation of the qualified publication for the issue published nearest to October 1 of the previous year.

(Formerly: Acts 1927, c.96, s.1; Acts 1957, c.16, s.1; Acts 1967, c.89, s.1.) As amended by Acts 1979, P.L.33, SEC.1; P.L.52-1987, SEC.1; P.L.64-1995, SEC.4; P.L.141-2009, SEC.1; P.L.147-2016, SEC.2.

IC 5-3-1-1.5

Posting notice on web site

Sec. 1.5. (a) This section applies to a notice that must be published in accordance with this chapter.

(b) If a newspaper or locality newspaper maintains an Internet web site, a notice that is published in the newspaper or locality newspaper must also be posted on the web site of the newspaper or locality newspaper. The notice must appear on the web site on the same day the notice appears in the newspaper or locality newspaper.

(c) The state board of accounts shall develop a standard form for notices posted on a newspaper's or locality newspaper's Internet web site.

(d) A newspaper or locality newspaper may not charge a fee for posting a notice on the newspaper's or locality newspaper's Internet web site under this section.

As added by P.L.141-2009, SEC.2. Amended by P.L.147-2016, SEC.3.

IC 5-3-1-2

Public hearings or meetings, elections, and other events; requirements for publication of notice; posting instead of publication

Sec. 2. (a) This section applies only when notice of an event is required to be given by publication in accordance with this chapter.

(b) If the event is a public hearing or meeting concerning any matter not specifically mentioned in subsection (c), (d), (e), (f), (g), (h), or (i), notice shall be published one (1) time, at least ten (10) days before the date of the hearing or meeting.

(c) If the event is an election, notice shall be published one (1) time, at least ten (10) days before the date of the election.

(d) If the event is a sale of bonds, notes, or warrants, notice shall be published two (2) times, at least one (1) week apart, with:

(1) the first publication made at least fifteen (15) days before the date of the sale; and

(2) the second publication made at least three (3) days before the date of the sale.

(e) If the event is the receiving of bids, notice shall be published two (2) times, at least one (1) week apart, with the second publication made at least seven (7) days before the date the bids will be received.

(f) If the event is the establishment of a cumulative or sinking fund, notice of the proposal and of the public hearing that is required to be held by the political subdivision shall be published two (2) times, at least one (1) week apart, with the second publication made at least three (3) days before the date of the hearing.

(g) If the event is the submission of a proposal adopted by a political subdivision for a cumulative or sinking fund for the approval of the department of local government finance, the notice of the submission shall be published one (1) time. The political subdivision shall publish the notice when directed to do so by the department of local government finance.

(h) If the event is the required publication of an ordinance, notice of the passage of the ordinance shall be published one (1) time within thirty (30) days after the passage of the ordinance.

(i) If the event is one about which notice is required to be published after the event, notice shall be published one (1) time within thirty (30) days after the date of the event.

(j) If any officer charged with the duty of publishing any notice required by law is unable to procure publication of notice:

- (1) at the price fixed by law;
- (2) because all newspapers or locality newspapers that are qualified to publish the notice refuse to publish the notice; or
- (3) because the newspapers or locality newspapers referred to in subdivision (2) refuse to post the notice on the newspapers' or locality newspapers' Internet web sites (if required under section 1.5 of this chapter);

it is sufficient for the officer to post printed notices in three (3) prominent places in the political subdivision, instead of publication of the notice in newspapers or locality newspapers and on an Internet web site (if required under section 1.5 of this chapter).

(Formerly: Acts 1927, c.96, s.2.) As amended by Acts 1981, P.L.45, SEC.1; P.L.23-1984, SEC.6; P.L.36-1986, SEC.1; P.L.53-1987, SEC.1; P.L.54-1987, SEC.1; P.L.10-1989, SEC.19; P.L.1-1990, SEC.49; P.L.64-1995, SEC.5; P.L.153-1999, SEC.1; P.L.90-2002, SEC.14; P.L.141-2009, SEC.3; P.L.183-2014, SEC.1; P.L.122-2015, SEC.2; P.L.147-2016, SEC.4.

IC 5-3-1-2.3

Validity of notice containing errors or omissions

Sec. 2.3. A notice published in accordance with this chapter or any other Indiana statute is valid even though the notice contains errors or omissions, as long as:

- (1) a reasonable person would not be misled by the error or omission; and
- (2) the notice is in substantial compliance with the time and publication requirements applicable under this chapter or any other Indiana statute under which the notice is published.

As added by P.L.1-1990, SEC.50. Amended by P.L.169-2006, SEC.2; P.L.183-2014, SEC.2; P.L.149-2016, SEC.17.

IC 5-3-1-2.5

Repealed

(Repealed by P.L.31-1992, SEC.2.)

IC 5-3-1-3

Cities, towns, and school corporations; publication of annual reports; annual report required for school corporation issuance of debt

Sec. 3. (a) Within sixty (60) days after the expiration of each calendar year, the fiscal officer of each civil city and town in Indiana shall publish an annual report of the receipts and expenditures of the city or town during the preceding calendar year.

(b) Not earlier than August 1 or later than August 15 of each year, the secretary of each school corporation in Indiana shall publish an annual financial report.

(c) In the annual financial report the school corporation shall include the following:

- (1) Actual receipts and expenditures by major accounts as compared to the budget advertised under IC 6-1.1-17-3 for the prior calendar year.
- (2) The salary schedule for all certificated employees (as defined in IC 20-29-2-4) as of June 30, with the number of employees at each salary increment. However, the listing of salaries of individual teachers is not required.
- (3) The extracurricular salary schedule as of June 30.
- (4) The range of rates of pay for all noncertificated employees by specific classification.
- (5) The number of employees who are full-time certificated, part-time certificated, full-time noncertificated, and part-time noncertificated.
- (6) The lowest, highest, and average salary for the administrative staff and the number of administrators without a listing of the names of particular administrators.
- (7) The number of students enrolled at each grade level and the total enrollment.
- (8) The assessed valuation of the school corporation for the prior and current calendar year.
- (9) The tax rate for each fund for the prior and current calendar year.
- (10) In the general fund, capital projects fund, and

transportation fund, a report of the total payment made to each vendor for the specific fund in excess of two thousand five hundred dollars (\$2,500) during the prior calendar year. However, a school corporation is not required to include more than two hundred (200) vendors whose total payment to each vendor was in excess of two thousand five hundred dollars (\$2,500). A school corporation shall list the vendors in descending order from the vendor with the highest total payment to the vendor with the lowest total payment above the minimum listed in this subdivision.

(11) A statement providing that the contracts, vouchers, and bills for all payments made by the school corporation are in its possession and open to public inspection.

(12) The total indebtedness as of the end of the prior calendar year showing the total amount of notes, bonds, certificates, claims due, total amount due from such corporation for public improvement assessments or intersections of streets, and any and all other evidences of indebtedness outstanding and unpaid at the close of the prior calendar year.

(d) The school corporation may provide an interpretation or explanation of the information included in the financial report.

(e) The department of education shall do the following:

(1) Develop guidelines for the preparation and form of the financial report.

(2) Provide information to assist school corporations in the preparation of the financial report.

(f) The annual reports required by this section and IC 36-2-2-19 and the abstract required by IC 36-6-4-13 shall each be published one (1) time only, in accordance with this chapter.

(g) Each school corporation shall submit to the department of education a copy of the financial report required under this section. The department of education shall make the financial reports available for public inspection.

(h) As used in this subsection, "bonds" means any bonds, notes, or other evidences of indebtedness, whether payable from property taxes, other taxes, revenues, fees, or any other source. However, the term does not include notes, warrants, or other evidences of indebtedness that have a maturity of not more than five (5) years and that are made in anticipation of and to be paid from revenues of the school corporation. Notwithstanding any other law, a school corporation as provided in subsection (i) may not issue any bonds unless:

(1) the school corporation has filed the annual financial report required under subsection (b) with the department of education; and

(2) in addition to any information required under subsection (c), the annual financial report filed with the department of education was prepared in accordance with all generally

accepted accounting principles for financial accounting and reporting as established by the Governmental Accounting Standards Board. However, upon request of the school corporation to the state examiner, the state examiner may waive the requirement under this subdivision.

The requirements under this subsection for the issuance of bonds by a school corporation are in addition to any other requirements imposed under any other law. This subsection applies to the issuance of bonds authorized under any statute, regardless of whether that statute specifically references this subsection or the requirements under this subsection.

(i) The requirements under subsection (h) apply only to the following:

(1) After August 15, 2019, and before August 16, 2020, the requirements under subsection (h) apply to a school corporation that has an ADM (as defined in IC 20-18-2-2) of greater than twenty-five thousand (25,000).

(2) After August 15, 2020, the requirements under subsection (h) apply to a school corporation that has an ADM (as defined in IC 20-18-2-2) of greater than fifteen thousand (15,000).

(Formerly: Acts 1927, c.96, s.3; Acts 1929, c.200, s.1; Acts 1959, c.262, s.1.) As amended by Acts 1981, P.L.45, SEC.2; P.L.36-1986, SEC.2; P.L.342-1989(ss), SEC.1; P.L.1-1991, SEC.30; P.L.19-1992, SEC.2; P.L.38-1993, SEC.2; P.L.1-1994, SEC.17; P.L.24-1994, SEC.1; P.L.340-1995, SEC.40; P.L.34-1996, SEC.1; P.L.98-2000, SEC.1; P.L.102-2001, SEC.1; P.L.1-2005, SEC.73; P.L.184-2015, SEC.4.

IC 5-3-1-3.5

Publication of annual report of certain political subdivisions

Sec. 3.5. (a) This section applies to each political subdivision that has:

- (1) an annual budget of at least three hundred thousand dollars (\$300,000); and
- (2) the power to levy taxes.

(b) This section does not apply to a political subdivision that is required to publish an annual report under any other statute.

(c) As used in this section, "political subdivision" has the meaning set forth in IC 36-1-2-13.

(d) Not later than sixty (60) days after the expiration of each calendar year, a political subdivision shall publish an annual report of the receipts and expenditures of the political subdivision during the preceding calendar year.

(e) The annual reports required by this section shall be published only one (1) time per year.

As added by P.L.141-2009, SEC.4.

IC 5-3-1-4

Notices by political subdivisions and school corporations; requirements; notice in multiple counties; supplementary notices

Sec. 4. (a) Whenever officers of a political subdivision are required to publish a notice affecting the political subdivision, they shall publish the notice in two (2) newspapers published in the political subdivision.

(b) This subsection applies to notices published by county officers. If there is only one (1) newspaper published in the county, then publication in that newspaper alone is sufficient.

(c) This subsection applies to notices published by city, town, or school corporation officers. If there is only one (1) newspaper published in the municipality or school corporation, then publication in that newspaper alone is sufficient. If no newspaper is published in the municipality or school corporation, then publication of the notice shall be made in one (1) of the following:

(1) A locality newspaper that circulates within the municipality or school corporation.

(2) A newspaper published in the county in which the municipality or school corporation is located and that circulates within the municipality or school corporation.

(d) This subsection applies to notices published by officers of political subdivisions not covered by subsection (a) or (b). If there is only one (1) newspaper published in the political subdivision, then the notice shall be published in that newspaper. If no newspaper is published in the political subdivision, then publication of the notice shall be made in one (1) of the following:

(1) A locality newspaper that circulates within the municipality or school corporation.

(2) A newspaper published in the county and that circulates within the political subdivision.

(e) This subsection applies to a political subdivision, including a city, town, or school corporation. Notwithstanding any other law, if a political subdivision has territory in more than one (1) county, public notices that are required by law or ordered to be published must be given as follows:

(1) By publication in two (2) newspapers published within the boundaries of the political subdivision.

(2) If only one (1) newspaper is published within the boundaries of the political subdivision, by publication of the notice in that newspaper and in one (1) of the following:

(A) A locality newspaper that circulates within the political subdivision.

(B) In another newspaper:

(i) published in any county in which the political subdivision extends; and

(ii) that has a general circulation in the political subdivision.

(3) If no newspaper is published within the boundaries of the

political subdivision, by publishing the notice in two (2) publications, consisting of either or both of the following:

(A) A locality newspaper that circulates within the political subdivision.

(B) A newspaper that:

(i) is published in any counties into which the political subdivision extends; and

(ii) has a general circulation in the political subdivision.

(4) If only one (1) newspaper is published in any of the counties into which the political subdivision extends, by publication of the notice in one (1) of the following:

(A) A locality newspaper that circulates within the political subdivision.

(B) The newspaper published in the county if the newspaper circulates within the political subdivision.

(f) A political subdivision may, in its discretion, publish public notices in a qualified publication or additional newspapers or locality newspapers to provide supplementary notification to the public. The cost of publishing supplementary notification is a proper expenditure of the political subdivision.

(Formerly: Acts 1927, c.96, s.4.) As amended by Acts 1981, P.L.45, SEC.3; Acts 1981, P.L.46, SEC.1; Acts 1982, P.L.33, SEC.1; P.L.48-1983, SEC.1; P.L.5-1988, SEC.30; P.L.1-1990, SEC.51; P.L.35-1990, SEC.5; P.L.64-1995, SEC.6; P.L.38-1997, SEC.4; P.L.98-2000, SEC.2; P.L.141-2009, SEC.5; P.L.147-2016, SEC.5.

IC 5-3-1-5

Repealed

(Repealed by Acts 1981, P.L.45, SEC.105.)

IC 5-3-1-6

Notices published in newspapers or by state; electronic access

Sec. 6. (a) In all cases where notices are required by law to be published in the public newspaper by or under the supervision of any state officer, board, commission, or institution of the state of Indiana, said notices are hereby required to be published in each of two (2) daily newspapers published in the city of Indianapolis and in such other cities as is required by law, said notices to be in all cases published in two (2) newspapers in each city where they are required to be published. In all cases where the officer, board, commission, or institution making said publication is located outside of the city of Indianapolis, said notices shall also be published in newspapers published within the county where said officer, board, commission, or institution maintains its office. The rate charged for all such notices and advertising shall be the same as is set out in section 1 of this chapter.

(b) In addition to the requirements of subsection (a), a state officer, board, commission, or institution of the state of Indiana that

is required by law to publish a notice of a public meeting shall also provide electronic access to the notice through the computer gateway administered by the office of technology established by IC 4-13.1-2-1.

(Formerly: Acts 1927, c.96, s.6.) As amended by P.L.25-1986, SEC.12; P.L.251-1999, SEC.3; P.L.177-2005, SEC.13.

IC 5-3-1-7

Repealed

(Repealed by Acts 1981, P.L.45, SEC.105.)

IC 5-3-1-8

Utility regulatory commission hearings; notice

Sec. 8. Whenever the utility regulatory commission shall order a hearing in any city, town, county, or township of the state, notice of such hearing shall be published in two (2) newspapers of general circulation in such city, town, county, or township, by one (1) publication in each of such newspapers, not less than ten (10) days prior to the day on which such hearing will be held.

(Formerly: Acts 1927, c.96, s.8.) As amended by P.L.23-1988, SEC.6.

IC 5-3-1-9

Violations; offense

Sec. 9. A person who fails to comply with this article commits a Class C infraction.

(Formerly: Acts 1927, c.96, s.9.) As amended by Acts 1978, P.L.2, SEC.504.