

Government Affairs News from Indiana Land Title Association

May 16, 2019



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Following is the final report from ILTA Lobbyist Charlie Hiltunen on the outcomes of the 2019 legislative session.

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The 2019 General Assembly is Now Adjourned SINE DIE.

By Charles Hiltunen, ILTA Lobbyist

The legislature concluded its activities for 2019 last Wednesday, however bills are still in the process of being transmitted to the Governor for signature or veto.

The year began with a wild frenzy of 211 followed bills and ended with a mere 20 bills headed to the Governor's desk. Although we were tracking only 10% of our original bills, the end of session was no less of a melee.

Judgement Lien Drama

ILTA began the session with an initiative to address the issue of the inability to effectively search court records for judgement liens. HB 1055 was amended to add language dealing with resolving mechanic's liens and passed through the Judiciary and House of Representatives. The bill was then assigned to the Senate Judiciary Committee, where the Mechanic's lien portion of the bill hit heavy opposition from the Builders Association. The Committee Chairman held the bill past the committee hearing deadline, effectively killing the bill. ILTA did not give up the fight. Many related bills did not make it through the first half of the legislative process, so there were only a few vehicles left to revive our judgement lien language. We first amended our resurrected language into SB 582, claims involving user fees, but Senate attorneys ruled the amendment non-germane to the bill and it was amended out in conference committee. Next, we presented the language for adoption in the conference committee report for Senate Bill 604, voiding and releasing claims in land interests, however, it also, was ruled non-germane. (This ruling was extremely puzzling.) We then made an appeal to the President Pro-Tem of the Senate to obtain a positive germaneness ruling on our last vehicle available, HB 1495, Land contracts. We received a favorable ruling and was amended in the conference committee report for HB 1495. As the conference committee report was worked upon, drama began to emerge as the House and Senate members debated the land contract portion of the bill. ILTA was all-hands-on-deck as we attempted to get the parties settled down and fought for votes, Senator-by-Senator, but the drama culminated in a vote on the Senate floor to kill HB 1495 and our judgement lien language was caught in the crossfire. Although the session has adjourned, our efforts are not over; we are now working on a proposal for the Legislative Council to assign an interim study committee to investigate the judgement lien issue and report back to the General Assembly. Hopefully, this and discussions with the Court Administrator will work out a plausible solution. There is more than one way to skin a cat. (Euphemism, not meant to offend our animal rights friends)

Search Liability Protection (Integrity Case)

ILTA also worked on amending language to address the issue of liability outside the title commitment or contract for title searches. As we noted earlier with finding a home for judgement record language, the pickings were slimmer for our search protection language. The Department of Insurance gave their blessing to amend HB 1588, the Insurance Matters Bill, however, the Chairman of the Senate Insurance and Financial Institutions Committee did not allow the amendment due to substantial opposition from the Banker's Association. The Bankers were not comfortable with giving title searchers immunity and worked to shut down our efforts with the legislature. Efforts have been refocused upon constructing language that would protect searchers and working with the Bankers on legislation for next year.

Remote Notary Bill Passes

HB 1487, The Remote Notary Bill, is on the Governor's Desk awaiting signature. The Bill contains language extending the effective date to July 2020, to allow for rule making. The SOS and staff have been working closely with ILTA on the rulemaking process; we will keep you posted as it develops.

Land Contract Legislation Dead

ILTA provided technical support for HB 1495, Land Contracts, which died on a conference committee vote as it faced considerable debate (putting it nicely) regarding the land contract portion of the bill. (Judgement Lien efforts were killed in the crossfire, see above)

Voiding and Releasing Claims in Land Interests Conference Report Adopted

ILTA provided technical assistance on SB 604, Voiding & Releasing Claims in Land Interests; the Bill is now awaiting the Governor's signature (or veto).

Following is the link to the latest Bill Track. We will post new Bill Tracks as the Governor signs or vetoes legislation. Use this link for up-to-the-minute updates.

http://www.hannah-in.com/Report_Custom.aspx?sid=kUMsCo8uZDM%3d&rid=hd67VmN5gBo%3d