

IC 13-23-8

Chapter 8. Use of Money in Excess Liability Fund

IC 13-23-8-1

Repealed

(As added by P.L.1-1996, SEC.13. Amended by P.L.9-1996, SEC.13; P.L.14-2001, SEC.6. Repealed by P.L.96-2016, SEC.22.)

IC 13-23-8-2

Repealed

(As added by P.L.1-1996, SEC.13. Amended by P.L.14-2001, SEC.7. Repealed by P.L.96-2016, SEC.23.)

IC 13-23-8-3

Repealed

(As added by P.L.1-1996, SEC.13. Amended by P.L.14-2001, SEC.8; P.L.75-2007, SEC.2; P.L.221-2007, SEC.14; P.L.159-2011, SEC.37. Repealed by P.L.96-2016, SEC.24.)

IC 13-23-8-4

Payment of ELTF claims; assignment of right to receive payment

Sec. 4. (a) The administrator shall pay ELTF claims that are:

- (1) for costs related to eligible releases;
- (2) submitted by eligible parties; and
- (3) submitted in accordance with IC 13-23-8 and IC 13-23-9.

(b) An eligible party may assign the right to receive payment of an ELTF claim to another person.

As added by P.L.1-1996, SEC.13. Amended by P.L.67-1996, SEC.7; P.L.9-1996, SEC.14; P.L.2-1997, SEC.48; P.L.131-1997, SEC.3; P.L.2-1998, SEC.54; P.L.14-2001, SEC.9; P.L.19-2012, SEC.2; P.L.13-2013, SEC.48; P.L.244-2013, SEC.2; P.L.96-2016, SEC.25.

IC 13-23-8-4.5

Repealed

(As added by P.L.67-1996, SEC.8. Amended by P.L.14-2001, SEC.10. Repealed by P.L.96-2016, SEC.26.)

IC 13-23-8-5

Repealed

(As added by P.L.1-1996, SEC.13. Repealed by P.L.96-2016, SEC.27.)

IC 13-23-8-6

Payment of claims if ELTF balance is low

Sec. 6. (a) If the balance in the ELTF drops below twenty-five million dollars (\$25,000,000), the administrator shall pay claims according to the priority payment system established by rules adopted by the financial assurance board under

IC 13-23-11-7(a)(1)(D).

(b) If the balance in the ELTF is insufficient to pay:

(1) ELTF claims; and

(2) necessary personnel and administrative expenses associated with the ELTF;

the administrator of the ELTF shall cease paying claims, and claimants may not use the ELTF to satisfy any financial responsibility requirements.

As added by P.L.1-1996, SEC.13. Amended by P.L.14-2001, SEC.11; P.L.1-2002, SEC.66; P.L.96-2016, SEC.28.

IC 13-23-8-7

Discrimination prohibited; no enforceable right to payment of claim

Sec. 7. (a) The department, with respect to payment of claims, may not discriminate against any claimant. However, subject to this chapter, a claimant does not have an enforceable right to the payment of an ELTF claim.

(b) This chapter does not create any obligation on the part of the state other than as specifically provided in this article.

As added by P.L.1-1996, SEC.13. Amended by P.L.14-2001, SEC.12; P.L.96-2016, SEC.29.

IC 13-23-8-8

Limits on payments from the ELTF

Sec. 8. (a) The administrator of the ELTF:

(1) shall not pay more than two million five hundred thousand dollars (\$2,500,000) from the ELTF per eligible release; and

(2) shall not pay any eligible party more than ten million dollars (\$10,000,000) from the ELTF per fiscal year.

(b) After an eligible party has submitted multiple ELTF claims for a total of at least ten million dollars (\$10,000,000) in a fiscal year, the eligible party is ineligible to submit any other ELTF claim during that fiscal year.

(c) If the right to receive money from the fund under this chapter is assigned as described in section 4(b) of this chapter, payments made to one (1) or more assignees shall be considered payments to the assignor for purposes of the limits established in subsection (a).

As added by P.L.1-1996, SEC.13. Amended by P.L.9-1996, SEC.15; P.L.14-2001, SEC.13; P.L.96-2016, SEC.30.