

SENATE BILL No. 90

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-4-45.

Synopsis: Waiver of damages for certain individuals. Prohibits an individual who is convicted of a murder or felony from recovering damages in a negligence action if the individual's injuries were proximately caused by the individual's commission of a crime or by the individual's flight from the crime. Prohibits an individual who is convicted of certain offenses related to driving while intoxicated or impaired from recovering certain damages arising from the accident. Makes exceptions for certain causes of action to recover damages for injuries sustained in connection with the sale of alcohol to minors or certain intoxicated persons.

Effective: July 1, 1998.

Long

January 8, 1998, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.



Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

SENATE BILL No. 90

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

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

- 1 SECTION 1. IC 34-4-45 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]:
4 **Chapter 45. Prohibition Against Recovery by Certain**
5 **Individuals**
6 **Sec. 1. This chapter applies to the following:**
7 (1) **An individual who is convicted of murder, a Class A**
8 **felony, a Class B felony, a Class C felony, or a Class D felony.**
9 (2) **An individual who:**
10 (A) **is the operator of a motor vehicle that is involved in**
11 **an accident; and**
12 (B) **is subsequently convicted of a violation of**
13 **IC 9-30-5-4 or IC 9-30-5-5 for operating the motor**
14 **vehicle at the time of the accident.**
15 **Sec. 2. An individual described in section 1(1) of this chapter**
16 **may not recover damages in an action based on negligence if the**
17 **individual's injuries were proximately caused by the individual's**



1 **commission of a crime described in section 1(1) of this chapter or**
2 **by the individual's flight from the crime.**

3 **Sec. 3. (a) This section does not apply to causes of action**
4 **arising under IC 7.1-5-7-8, IC 7.1-5-10-14, IC 7.1-5-10-15, or**
5 **IC 7.1-5-10-15.5.**

6 **(b) An individual described in section 1(2) of this chapter may**
7 **not recover losses for pain, suffering, inconvenience, physical**
8 **impairment, disfigurement, or other nonpecuniary damages**
9 **arising from an accident described in section 1(2) of this chapter.**

10 **SECTION 2. [EFFECTIVE JULY 1, 1998] IC 34-4-45, as added**
11 **by this act, does not apply to an action for damages filed before**
12 **July 1, 1998.**

