

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 300 be amended to read as follows:

- 1 Page 2, line 29, delete "section," and insert "**chapter**,"
- 2 Page 3, line 1, after "means" insert "**an agreement**".
- 3 Page 3, line 12, delete "enter into a contract with a" and insert "**a**
- 4 **consumer to enter into a contract that includes an automatic**
- 5 **renewal clause**".
- 6 Page 3, delete line 13.
- 7 Page 3, line 33, after "the" insert "**automatic renewal until the date**
- 8 **of the next**".
- 9 Page 3, after line 35, begin a new paragraph and insert:
- 10 "SECTION 3. IC 26-1-1-301, AS ADDED BY P.L.143-2007,
- 11 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12 JULY 1, 2011]: Sec. 301. (1) Except as **provided in IC 26-2-11 or as**
- 13 otherwise provided in this section, if a transaction bears a reasonable
- 14 relation to Indiana and also to another state or nation, the parties may
- 15 agree that the law either of Indiana or of the other state or nation shall
- 16 govern their rights and duties.
- 17 (2) In the absence of an agreement under subsection (1), and except
- 18 as provided in subsection (3), IC 26-1 applies to transactions bearing
- 19 an appropriate relation to Indiana.
- 20 (3) If any of the following provisions specifies the applicable law,
- 21 that provision governs, and a contrary agreement is effective only to the
- 22 extent permitted by the law so specified:
- 23 (a) IC 26-1-2-402.
- 24 (b) IC 26-1-2.1-105 and IC 26-1-2.1-106.

- 1 (c) IC 26-1-4-102.
 2 (d) IC 26-1-4.1-507.
 3 (e) IC 26-1-5.1-116.
 4 (f) IC 26-1-8.1-110.
 5 (g) IC 26-1-9.1-301 through IC 26-1-9.1-307.
 6 SECTION 4. IC 26-2-11 IS ADDED TO THE INDIANA CODE AS
 7 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 8 1, 2011]:
 9 **Chapter 11. Choice of Laws Provisions**
 10 **Sec. 1. This chapter applies only to a contract:**
 11 (1) entered into, extended, or renewed after June 30, 2011;
 12 and
 13 (2) that is the subject of a lawsuit in which the complaint seeks
 14 actual damages that are less than fifty thousand dollars
 15 (\$50,000).
 16 **Sec. 2. Except as provided in section 3 of this chapter, if a**
 17 **contract described in section 1 of this chapter purports to choose**
 18 **the laws of a jurisdiction other than Indiana to govern the contract,**
 19 **the choice is not enforceable.**
 20 **Sec. 3. If any of the following provisions specifies the applicable**
 21 **law, the provision governs to the extent it conflicts with section 2**
 22 **of this chapter:**
 23 (1) IC 26-1-2-402.
 24 (2) IC 26-1-2.1-105 and IC 26-1-2.1-106.
 25 (3) IC 26-1-4-102.
 26 (4) IC 26-1-4.1-507.
 27 (5) IC 26-1-5.1-116.
 28 (6) IC 26-1-8.1-110.
 29 (7) IC 26-1-9.1-301 through IC 26-1-9.1-307."
 (Reference is to ESB 300 as printed April 15, 2011.)

Representative Grubb