February 8, 2012

ENGROSSED
HOUSE BILL No. 1015

DIGEST OF HB 1015 (Updated February 7, 2012 11:31 am - DI 106)

Citations Affected: IC 6-1.1; IC 14-8; IC 14-21; IC 34-30.

Synopsis: Cemetery access. Provides immunity from civil liability to landowners who grant a decedent's family members or invitees access to cemeteries that are located on the landowners' properties and subject to property tax assessment as cemetery lands. Provides immunity from civil liability to persons who guide family members or invitees to those cemeteries. Provides that a family member is allowed access to those cemeteries at least 3 days a year.

Effective: July 1, 2012.

Davisson, Pond, Bacon, Pierce

(SENATE SPONSORS — BRAY, YOUNG R)

January 9, 2012, read first time and referred to Committee on Judiciary.
January 23, 2012, amended, reported — Do Pass.
January 26, 2012, read second time, ordered engrossed. Engrossed.
January 27, 2012, read third time, passed. Yeas 90, nays 2.

SENATE ACTION

February 1, 2012, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
February 7, 2012, amended, reported favorably — Do Pass.

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February 8, 2012

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

C o p y

ENGROSSED
HOUSE BILL No. 1015

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:

SECTION 1. IC 6-1.1-6.8-15 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 15. The owner of land that is classified under this chapter as cemetery land must allow family members and descendants of persons buried in the cemetery to have at least one (1) day each year to gain access to and visit the cemetery. The date of the visit to the cemetery must be agreed upon between the owner and the family members and descendants of persons buried in the cemetery.~~

SECTION 2. IC 14-8-2-87.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 87.6. "Family member", for purposes of IC 14-21-5, has the meaning set forth in IC 14-21-5-1.**

SECTION 3. IC 14-8-2-135.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 135.2. "Invitee", for purposes of IC 14-21-5, has the meaning set forth in IC 14-21-5-2.**

SECTION 4. IC 14-21-5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2012]:

Chapter 5. Access to Cemetery Land

Sec. 1. As used in this chapter, "family member" means a relative or descendant of a person buried in a cemetery.

Sec. 2. As used in this chapter, "invitee" means an individual who has been given permission by a landowner to visit a cemetery located on the landowner's property.

Sec. 3. The owner of land that is classified under IC 6-1.1-6.8 as cemetery land must allow family members of persons buried in the cemetery at least three (3) days each year during which the family members may gain access to and visit the cemetery. The date or dates on which family members will visit the cemetery must be agreed upon between the landowner and the family members.

Sec. 4. The following apply when a landowner grants access to a cemetery that is classified under IC 6-1.1-6.8:

(1) Except for an injury that is a direct result of a landowner's gross negligence or willful and wanton misconduct, the landowner is immune from civil liability for any injury occurring to the health, life, or property of an invitee or a family member during the time the invitee or family member is present on the landowner's property.

(2) Except for an injury that is a direct result of a guide's gross negligence or willful and wanton misconduct, a person guiding an invitee or a family member to the cemetery is immune from civil liability for any injury occurring to the health, life, or property of the invitee or family member during the time the guide and the invitee or family member are present on the landowner's property.

SECTION 5. IC 34-30-2-55.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 55.8. IC 14-21-5-4 (Concerning landowners, guides, and family members or invitees granted access to cemetery land under IC 14-21-5).**

C o p y

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1015, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-6.8-15 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 15. The owner of land that is classified under this chapter as cemetery land must allow family members and descendants of persons buried in the cemetery to have at least one (1) day each year to gain access to and visit the cemetery. The date of the visit to the cemetery must be agreed upon between the owner and the family members and descendants of persons buried in the cemetery.~~

SECTION 2. IC 14-8-2-87.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 87.6. "Family member", for purposes of IC 14-21-5, has the meaning set forth in IC 14-21-5-1.**

SECTION 3. IC 14-8-2-135.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 135.2. "Invitee", for purposes of IC 14-21-5, has the meaning set forth in IC 14-21-5-2.**

SECTION 4. IC 14-21-5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 5. Access to Cemetery Land

Sec. 1. As used in this chapter, "family member" means a relative or descendant of a person buried in a cemetery.

Sec. 2. As used in this chapter, "invitee" means an individual who has been given permission by a landowner to visit a cemetery located on the landowner's property.

Sec. 3. The owner of land that is classified under IC 6-1.1-6.8 as cemetery land must allow family members of persons buried in the cemetery at least three (3) days each year during which the family members may gain access to and visit the cemetery. The date or dates on which family members will visit the cemetery must be agreed upon between the landowner and the family members.

Sec. 4. The following apply when a landowner grants access to a cemetery that is classified under IC 6-1.1-6.8:

(1) Except for an injury that is a direct result of a landowner's gross negligence or willful and wanton misconduct, the landowner is immune from civil liability for any injury occurring to the health, life, or property of an invitee or a

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family member during the time the invitee or family member is present on the landowner's property.

(2) Except for an injury that is a direct result of a guide's gross negligence or willful and wanton misconduct, a person guiding an invitee or a family member to the cemetery is immune from civil liability for any injury occurring to the health, life, or property of the invitee or family member during the time the guide and the invitee or family member are present on the landowner's property.".

Page 2, delete lines 1 through 12.

Page 2, line 13, delete "IC 34-30-2-158" and insert "IC 34-30-2-55.8".

Page 2, line 15, delete "158. IC 6-1.1-6.8-16" and insert "**55.8. IC 14-21-5-4**".

Page 2, line 17, delete "IC 6-1.1-6.8-15)." and insert "**IC 14-21-5).**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1015 as introduced.)

FOLEY, Chair

Committee Vote: yeas 9, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1015, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 32, delete "descendants" and insert "**invitees**".

and when so amended that said bill do pass.

(Reference is to HB 1015 as printed January 23, 2012.)

STEELE, Chairperson

Committee Vote: Yeas 8, Nays 0.

C o p y