

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1091 be amended to read as follows:

- 1           Page 1, between lines 8 and 9, begin a new paragraph and insert:
- 2           "SECTION 2. IC 32-35-3 IS ADDED TO THE INDIANA CODE
- 3           AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4           JULY 1, 2011]:
- 5           **Chapter 3. Choice of Forum Clauses**
- 6           **Sec. 1. For purposes of this chapter, "choice of forum clause"**
- 7           **means language in a contract that:**
- 8           **(1) requires a party to resolve a dispute in:**
- 9           **(A) a court outside Indiana; or**
- 10           **(B) arbitration or another dispute resolution process at a**
- 11           **location outside Indiana; or**
- 12           **(2) purports to be the consent to:**
- 13           **(A) the jurisdiction of a court outside Indiana; or**
- 14           **(B) arbitration or another dispute resolution process at a**
- 15           **location outside Indiana.**
- 16           **Sec. 2. This chapter applies only to a contract:**
- 17           **(1) entered into, extended, or renewed after June 30, 2012;**
- 18           **(2) that is the subject of a lawsuit in which the complaint seeks**
- 19           **actual damages that are less than twenty-five thousand dollars**
- 20           **(\$25,000); and**
- 21           **(3) involving goods, services, or leases related to agricultural**
- 22           **products (as defined in IC 34-6-2-8), livestock, poultry,**
- 23           **livestock products, poultry products, or an agricultural**

1            **operation (as defined in IC 32-30-6-1).**  
2            **Sec. 3. Except as provided in the Uniform Commercial Code**  
3            **(IC 26-1), a choice of forum clause in a contract described in**  
4            **section 2 of this chapter for:**  
5            **(1) goods;**  
6            **(2) services; or**  
7            **(3) leases;**  
8            **is not enforceable.**  
9            SECTION 3. IC 34-6-2-8 IS AMENDED TO READ AS FOLLOWS  
10           [EFFECTIVE JULY 1, 2012]: Sec. 8. "Agricultural product", for  
11           purposes of IC 34-30-3 **and IC 32-35-3**, means a natural product of a  
12           farm, a nursery, a grove, an orchard, a vineyard, a garden, or an apiary.  
13           The term includes trees and firewood."  
14           Renumber all SECTIONS consecutively.  
              (Reference is to HB 1091 as reprinted January 14, 2012.)

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Representative Grubb