

HOUSE BILL No. 1234

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-13-3-4.

Synopsis: Tort claims. Increases the liability cap in the tort claims act to \$1,300,000 per person and \$22,000,000 per occurrence for causes of action accruing on or after July 1, 2011.

Effective: July 1, 2011 (retroactive).

DeLaney

January 9, 2012, read first time and referred to Committee on Judiciary.

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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.

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HOUSE BILL No. 1234



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 34-13-3-4 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2011 (RETROACTIVE)]: Sec. 4.
 3 (a) The combined aggregate liability of all governmental entities and
 4 of all public employees, acting within the scope of their employment
 5 and not excluded from liability under section 3 of this chapter, does not
 6 exceed:
 7 (1) for injury to or death of one (1) person in any one (1)
 8 occurrence:
 9 (A) three hundred thousand dollars (\$300,000) for a cause of
 10 action that accrues before January 1, 2006;
 11 (B) five hundred thousand dollars (\$500,000) for a cause of
 12 action that accrues on or after January 1, 2006, and before
 13 January 1, 2008; **or**
 14 (C) seven hundred thousand dollars (\$700,000) for a cause of
 15 action that accrues on or after January 1, 2008, **and before**
 16 **July 1, 2011; or**
 17 **(D) one million three hundred thousand dollars**



1 **(\$1,300,000) for a cause of action that accrues on or after**
2 **July 1, 2011; and**
3 (2) for injury to or death of all persons in that occurrence, ~~five~~
4 **twenty-two** million dollars (~~\$5,000,000~~). **(\$22,000,000) for a**
5 **cause of action that accrues on or after July 1, 2011.**

6 (b) A governmental entity or an employee of a governmental entity
7 acting within the scope of employment is not liable for punitive
8 damages.

9 **SECTION 2. An emergency is declared for this act.**

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