

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1393 be amended to read as follows:

1 Page 4, between lines 41 and 42, begin a new paragraph and insert:
2 "SECTION 3. IC 33-24-6-13 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2013]: **Sec. 13. The division of state court**
5 **administration is liable for any errors or omissions that relate to a**
6 **county clerk's use of the state's automated judicial system.**
7 SECTION 4. IC 33-32-2-9.2, AS ADDED BY P.L.60-2010,
8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2013]: Sec. 9.2. (a) A clerk is not personally liable for any act
10 or omission occurring in connection with the performance of the clerk's
11 official duties, unless the act or omission constitutes gross negligence
12 or an intentional disregard of the responsibilities of the office of clerk.
13 (b) The fact that a clerk is not personally liable under subsection (a)
14 does not preclude an action against the clerk's bond based on an error
15 or omission committed by the clerk.
16 (c) If:
17 (1) a clerk is required to operate under the state's case
18 management system without the clerk's consent; and
19 (2) an action is brought concerning a function of the state's
20 case management system;
21 a person may not bring an action against the clerk concerning the
22 function of the state's case management system until the person has
23 exhausted all judicial remedies in an action brought against the
24 division of state court administration concerning the function of the
25 state's case management system."

- 1 Renumber all SECTIONS consecutively.
(Reference is to HB 1393 as printed February 18, 2013.)

Representative Mayfield