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HOUSE BILL No. 1193

Proposed Changes to January 22, 2026 printing by AM119305

DIGEST OF PROPOSED AMENDMENT

Discriminatory practice. Provides that a violation of a person's rights protected by certain federal statutes and certain adverse actions constitute a discriminatory practice. Requires the civil rights commission to transmit certain complaints to other state and federal agencies and allows the commission to enter into a memorandum of understanding with a state or federal agency if conditions are met.

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-9-1-2, AS AMENDED BY P.L.136-2014,
 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2026]: Sec. 2. (a) It is the public policy of the state to provide
 4 all of its citizens equal opportunity for education, employment, access
 5 to public conveniences and accommodations, and acquisition through
 6 purchase or rental of real property, including but not limited to housing,
 7 and to eliminate segregation or separation based solely on race,
 8 religion, color, sex, disability, national origin, or ancestry, since such
 9 segregation is an impediment to equal opportunity. Equal education
 10 and employment opportunities and equal access to and use of public
 11 accommodations and equal opportunity for acquisition of real property
 12 are hereby declared to be civil rights.
 13 (b) The practice of denying these rights to properly qualified
 14 persons by reason of the race, religion, color, sex, disability, national
 15 origin, or ancestry of such person is contrary to the principles of
 16 freedom and equality of opportunity and is a burden to the objectives
 17 of the public policy of this state and shall be considered as
 18 discriminatory practices. The promotion of equal opportunity without

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1 regard to race, religion, color, sex, disability, national origin, or
2 ancestry through reasonable methods is the purpose of this chapter.

3 (c) It is also the public policy of this state to protect employers,
4 labor organizations, employment agencies, property owners, real estate
5 brokers, builders, and lending institutions from unfounded charges of
6 discrimination.

7 (d) It is hereby declared to be contrary to the public policy of the
8 state and an unlawful practice for any person, for profit, to induce or
9 attempt to induce any person to sell or rent any dwelling by
10 representations regarding the entry or prospective entry into the
11 neighborhood of a person or persons of a particular race, religion,
12 color, sex, disability, national origin, or ancestry.

13 (e) The general assembly recognizes that on February 16, 1972,
14 there are institutions of learning in Indiana presently and traditionally
15 following the practice of limiting admission of students to males or to
16 females. It is further recognized that it would be unreasonable to
17 impose upon these institutions the expense of remodeling facilities to
18 accommodate students of both sexes, and that educational facilities of
19 similar quality and type are available in coeducational institutions for
20 those students desiring such facilities. It is further recognized that this
21 chapter is susceptible of interpretation to prevent these institutions
22 from continuing their traditional policies, a result not intended by the
23 general assembly. Therefore, the amendment effected by Acts 1972,
24 P.L.176, is desirable to permit the continuation of the policies
25 described.

26 (f) It is against the public policy of the state and a discriminatory
27 practice for an employer to discriminate against a prospective
28 employee on the basis of status as a veteran by:

29 (1) refusing to employ an applicant for employment on the basis
30 that the applicant is a veteran of the armed forces of the United
31 States; or

32 (2) refusing to employ an applicant for employment on the basis
33 that the applicant is a member of the Indiana National Guard or
34 member of a reserve component.

35 **(g) It is against the public policy of the state for any person to**
36 **violate another person's rights protected by the Constitution of the**
37 **United States or the Constitution of the State of Indiana.**

38 ~~(g)~~ (h) This chapter shall be construed broadly to effectuate its
39 purpose.

40 SECTION 2. IC 22-9-1-3, AS AMENDED BY P.L.213-2016,
41 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2026]: Sec. 3. As used in this chapter:

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1 (a) "Person" means one (1) or more individuals, partnerships,
 2 associations, organizations, limited liability companies, corporations,
 3 labor organizations, cooperatives, legal representatives, trustees,
 4 trustees in bankruptcy, receivers, and other organized groups of
 5 persons.

6 (b) "Commission" means the civil rights commission created under
 7 section 4 of this chapter.

8 (c) "Director" means the director of the civil rights commission.

9 (d) "Deputy director" means the deputy director of the civil rights
 10 commission.

11 (e) "Commission attorney" means the deputy attorney general,
 12 such assistants of the attorney general as may be assigned to the
 13 commission, or such other attorney as may be engaged by the
 14 commission.

15 (f) "Consent agreement" means a formal agreement entered into
 16 in lieu of adjudication.

17 (g) "Affirmative action" means those acts that the commission
 18 determines necessary to assure compliance with the Indiana civil rights
 19 law.

20 (h) "Employer" means the state or any political or civil subdivision
 21 thereof and any person employing six (6) or more persons within the
 22 state, except that the term "employer" does not include:

23 (1) any nonprofit corporation or association organized
 24 exclusively for fraternal or religious purposes;

25 (2) any school, educational, or charitable religious institution
 26 owned or conducted by or affiliated with a church or religious
 27 institution; or

28 (3) any exclusively social club, corporation, or association that
 29 is not organized for profit.

30 (i) "Employee" means any person employed by another for wages
 31 or salary. However, the term does not include any individual employed:

32 (1) by the individual's parents, spouse, or child; or

33 (2) in the domestic service of any person.

34 (j) "Labor organization" means any organization that exists for the
 35 purpose in whole or in part of collective bargaining or of dealing with
 36 employers concerning grievances, terms, or conditions of employment
 37 or for other mutual aid or protection in relation to employment.

38 (k) "Employment agency" means any person undertaking with or
 39 without compensation to procure, recruit, refer, or place employees.

40 (l) "Discriminatory practice" means:

41 (1) the exclusion of a person from equal opportunities because
 42 of race, religion, color, sex, disability, national origin, ancestry,

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- 1 or status as a veteran;
- 2 (2) a system that excludes persons from equal opportunities
- 3 because of race, religion, color, sex, disability, national origin,
- 4 ancestry, or status as a veteran;
- 5 (3) the promotion of racial segregation or separation in any
- 6 manner, including but not limited to the inducing of or the
- 7 attempting to induce for profit any person to sell or rent any
- 8 dwelling by representations regarding the entry or prospective
- 9 entry in the neighborhood of a person or persons of a particular
- 10 race, religion, color, sex, disability, national origin, or ancestry;
- 11 (4) a violation of IC 22-9-5 that occurs after July 25, 1992, and
- 12 is committed by a covered entity (as defined in IC 22-9-5-4);
- 13 (5) the performance of an abortion solely because of the race,
- 14 color, sex, disability, national origin, or ancestry of the fetus; ~~or~~
- 15 (6) a violation of any of the following statutes protecting the
- 16 right of conscience regarding abortion:
- 17 (A) IC 16-34-1-4.
- 18 (B) IC 16-34-1-5.
- 19 (C) IC 16-34-1-6; ~~or~~
- 20 (7) a violation of a person's rights protected ~~by:~~
- 21 ~~(A) the Constitution of the United States;~~
- 22 ~~(B) the Constitution of the State of Indiana; or~~
- 23 ~~(C) federal law and guaranteed through the Fourteenth~~
- 24 ~~Amendment, including:~~
- 25 ~~(i) under:~~
- 26 (A) Title VI of the federal Civil Rights Act of 1964, as
- 27 amended (42 U.S.C. 2000e et seq.);
- 28 ~~or~~ (B) Title VII of the federal Civil Rights Act
- 29 of 1964, as amended (42 U.S.C. 2000e et seq.);
- 30 ~~and~~ or
- 31 ~~or~~ (C) Title IX of the Education Amendments
- 32 of 1972 (20 U.S.C. 1681 et seq.); or
- 33 (8) an adverse action against a person because the person has
- 34 taken action to protect a right enjoyed by:
- 35 (A) the person; or
- 36 (B) another person;
- 37 under this article. As used in this subdivision, "taken action"
- 38 includes submitting or filing a charge or complaint with a
- 39 private or governmental entity or participating in any
- 40 proceeding related to a complaint of a discriminatory
- 41 practice described under this subsection].
- 42 [] Every discriminatory practice relating to the acquisition or sale of

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1 real estate, education, public accommodations, employment, or the
2 extending of credit (as defined in IC 24-4.5-1-301.5) shall be
3 considered unlawful unless it is specifically exempted by this chapter.

4 (m) "Public accommodation" means any establishment that caters
5 or offers its services or facilities or goods to the general public.

6 (n) "Complainant" means:

7 (1) any individual charging on the individual's own behalf to
8 have been personally aggrieved by a discriminatory practice; or

9 (2) the director or deputy director of the commission charging
10 that a discriminatory practice was committed against a person
11 (other than the director or deputy director) or a class of people,
12 in order to vindicate the public policy of the state (as defined in
13 section 2 of this chapter).

14 (o) "Complaint" means any written grievance that is:

15 (1) sufficiently complete and filed by a complainant with the
16 commission; or

17 (2) filed by a complainant as a civil action in the circuit or
18 superior court having jurisdiction in the county in which the
19 alleged discriminatory practice occurred.

20 The original of any complaint filed under subdivision (1) shall be
21 signed and verified by the complainant.

22 (p) "Sufficiently complete" refers to a complaint that includes:

23 (1) the full name and address of the complainant;

24 (2) the name and address of the respondent against whom the
25 complaint is made;

26 (3) the alleged discriminatory practice and a statement of
27 particulars thereof;

28 (4) the date or dates and places of the alleged discriminatory
29 practice and if the alleged discriminatory practice is of a
30 continuing nature the dates between which continuing acts of
31 discrimination are alleged to have occurred; and

32 (5) a statement as to any other action, civil or criminal, instituted
33 in any other form based upon the same grievance alleged in the
34 complaint, together with a statement as to the status or
35 disposition of the other action.

36 No complaint shall be valid unless filed within one hundred eighty
37 (180) days from the date of the occurrence of the alleged
38 discriminatory practice.

39 (q) "Sex" as it applies to segregation or separation in this chapter
40 applies to all types of employment, education, public accommodations,
41 and housing. However:

42 (1) it shall not be a discriminatory practice to maintain separate

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1 restrooms;

2 (2) it shall not be an unlawful employment practice for an

3 employer to hire and employ employees, for an employment

4 agency to classify or refer for employment any individual, for a

5 labor organization to classify its membership or to classify or

6 refer for employment any individual, or for an employer, labor

7 organization, or joint labor management committee controlling

8 apprenticeship or other training or retraining programs to admit

9 or employ any other individual in any program on the basis of

10 sex in those certain instances where sex is a bona fide

11 occupational qualification reasonably necessary to the normal

12 operation of that particular business or enterprise; and

13 (3) it shall not be a discriminatory practice for a private or

14 religious educational institution to continue to maintain and

15 enforce a policy of admitting students of one (1) sex only.

16 (r) "Disabled" or "disability" means the physical or mental

17 condition of a person that constitutes a substantial disability. In

18 reference to employment under this chapter, "disabled or disability"

19 also means the physical or mental condition of a person that constitutes

20 a substantial disability unrelated to the person's ability to engage in a

21 particular occupation.

22 (s) "Veteran" means:

23 (1) a veteran of the armed forces of the United States;

24 (2) a member of the Indiana National Guard; or

25 (3) a member of a reserve component.

26 SECTION 3. IC 22-9-1-6, AS AMENDED BY P.L.205-2019,

27 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

28 JULY 1, 2026]: Sec. 6. (a) The commission shall establish and

29 maintain a permanent office in the city of Indianapolis.

30 (b) Except as it concerns judicial review, the commission may

31 adopt rules under IC 4-22-2 to implement this chapter.

32 (c) The commission shall formulate policies to effectuate the

33 purposes of this chapter and make recommendations to agencies and

34 officers of the state or local subdivisions thereof to effectuate such

35 policies. The several departments, commissions, divisions, authorities,

36 boards, bureaus, agencies, and officers of the state or any political

37 subdivision or agency thereof shall furnish the commission, upon its

38 request, all records, papers, and information in their possession relating

39 to any matter before the commission.

40 (d) The commission shall receive and investigate complaints

41 alleging discriminatory practices. The commission shall not hold

42 hearings in the absence of a complaint. All investigations of complaints

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1 shall be conducted by staff members of the civil rights commission or
2 their agents.

3 (e) The commission may create such advisory agencies and
4 conciliation councils, local or statewide, as will aid in effectuating the
5 purposes of this chapter. The commission may itself, or it may
6 empower these agencies and councils to:

7 (1) study the problems of discrimination in the areas covered by
8 section 2 of this chapter when based on race, religion, color, sex,
9 handicap, national origin, or ancestry; and

10 (2) foster through community effort, or otherwise, good will
11 among the groups and elements of the population of the state.

12 These agencies and councils may make recommendation to the
13 commission for the development of policies and procedures in general.
14 Advisory agencies and conciliation councils created by the commission
15 shall be composed of representative citizens serving without pay, but
16 with reimbursement for reasonable and necessary actual expenses.

17 (f) The commission may issue such publications and such results
18 of investigations and research as in its judgment will tend to promote
19 good will and minimize or eliminate discrimination because of race,
20 religion, color, sex, handicap, national origin, or ancestry.

21 (g) The commission shall prevent any person from discharging,
22 expelling, or otherwise discriminating **or retaliating** against any other
23 person because the person filed a complaint, testified in any hearing
24 before this commission, or in any way assisted the commission in any
25 matter under its investigation.

26 (h) The commission may hold hearings, subpoena witnesses,
27 compel their attendance, administer oaths, take the testimony of any
28 person under oath, and require the production for examination of any
29 books and papers relating to any matter under investigation or in
30 question before the commission. The commission may make rules as
31 to the issuance of subpoenas by individual commissioners. Contumacy
32 or refusal to obey a subpoena issued under this section shall constitute
33 a contempt. All hearings shall be held within Indiana at a location
34 determined by the commission. A citation of contempt may be issued
35 upon application by the commission to the circuit or superior court in
36 the county in which the hearing is held or in which the witness resides
37 or transacts business.

38 (i) The commission may:

39 (1) before July 1, 2020, appoint administrative law judges other
40 than commissioners; and

41 (2) after June 30, 2020, request assignment of an administrative
42 law judge (as defined in IC 4-21.5-1-2);

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1 when an appointment is deemed necessary by a majority of the
 2 commission. The administrative law judges shall be members in good
 3 standing before the bar of Indiana and shall be appointed by the
 4 chairman of the commission. An administrative law judge appointed
 5 under this subsection ~~shall have~~ **has** the same powers and duties as a
 6 commissioner sitting as an administrative law judge. However, the
 7 administrative law judge may not issue subpoenas.

8 (j) The commission shall state its findings of fact after a hearing
 9 and, if the commission finds a person has engaged in an unlawful
 10 discriminatory practice, shall cause to be served on this person an order
 11 requiring the person to cease and desist from the unlawful
 12 discriminatory practice and requiring the person to take further
 13 affirmative action as will effectuate the purposes of this chapter,
 14 including but not limited to the power:

15 (1) to restore the complainant's losses incurred as a result of
 16 discriminatory treatment, as the commission may deem
 17 necessary to assure justice; however, except in discriminatory
 18 practices involving veterans, this specific provision when
 19 applied to orders pertaining to employment shall include only
 20 wages, salary, or commissions;

21 (2) to require the posting of notice setting forth the public policy
 22 of Indiana concerning civil rights and the respondent's
 23 compliance with the policy in places of public accommodations;

24 (3) to require proof of compliance to be filed by the respondent
 25 at periodic intervals; and

26 (4) to require a person who has been found to be in violation of
 27 this chapter and who is licensed by a state agency authorized to
 28 grant a license to show cause to the licensing agency why the
 29 person's license should not be revoked or suspended.

30 When an employer has been found to have committed a discriminatory
 31 practice in employment by failing to employ an applicant on the basis
 32 that the applicant is a veteran, the order to restore the veteran's losses
 33 may include placing the veteran in the employment position with the
 34 employer for which the veteran applied.

35 (k) Judicial review of a cease and desist order or other affirmative
 36 action as referred to in this chapter may be obtained under IC 22-9-8.
 37 If no proceeding to obtain judicial review is instituted within thirty (30)
 38 days from receipt of notice by a person that an order has been made by
 39 the commission, the commission, if it determines that the person upon
 40 whom the cease and desist order has been served is not complying or
 41 is making no effort to comply, may obtain a decree of a court for the
 42 enforcement of the order in circuit or superior court upon showing that

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1 the person is subject to the commission's jurisdiction and resides or
2 transacts business within the county in which the petition for
3 enforcement is brought.

4 (l) If, upon all the evidence, the commission shall find that a
5 person has not engaged in any unlawful practice or violation of this
6 chapter, the commission shall state its findings of facts and shall issue
7 and cause to be served on the complainant an order dismissing the
8 complaint as to the person.

9 (m) The commission may furnish technical assistance requested
10 by persons subject to this chapter to further compliance with this
11 chapter or with an order issued under this chapter.

12 (n) The commission shall promote the creation of local civil rights
13 agencies to cooperate with individuals, neighborhood associations, and
14 state, local, and other agencies, both public and private, including
15 agencies of the federal government and of other states.

16 (o) The commission may reduce the terms of conciliation agreed
17 to by the parties to writing (to be called a consent agreement) that the
18 parties and a majority of the commissioners shall sign. When signed,
19 the consent agreement shall have the same effect as a cease and desist
20 order issued under subsection (j). If the commission determines that a
21 party to the consent agreement is not complying with it, the
22 commission may obtain enforcement of the consent agreement in a
23 circuit or superior court upon showing that the party is not complying
24 with the consent agreement and the party is subject to the commission's
25 jurisdiction and resides or transacts business within the county in
26 which the petition for enforcement is brought.

27 (p) In lieu of investigating a complaint and holding a hearing
28 under this section, the commission may issue an order based on
29 findings and determinations by the federal Department of Housing and
30 Urban Development or the federal Equal Employment Opportunity
31 Commission concerning a complaint that has been filed with one (1) of
32 these federal agencies and with the commission. The commission shall
33 adopt by rule standards under which the commission may issue such an
34 order.

35 (q) Upon notice that a complaint is the subject of an action in a
36 federal court, the commission shall immediately cease investigation of
37 the complaint and may not conduct hearings or issue findings of fact or
38 orders concerning that complaint.

39 [(r) If the commission receives a complaint that another state
40 or federal agency has jurisdiction to investigate, the commission:
41 (1) shall transmit the complaint and all supporting
42 documentation to the state or federal agency that has

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1 jurisdiction to investigate the complaint; and
2 (2) may, after consulting with the state or federal agency,
3 enter into a memorandum of understanding with the state or
4 federal agency that grants the commission enforcement
5 jurisdiction over the complaint.

6 This section does not limit the authority granted by law to any
7 other state agency to investigate or enforce a matter within the
8 other state agency's jurisdiction that could be the subject of a
9 complaint under this article.

10] SECTION 4. IC 22-9-1-17, AS AMENDED BY P.L.100-2012,
11 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2026]: Sec. 17. (a) If a timely election is made under section
13 16 of this chapter, the complainant may file a civil action in a circuit or
14 superior court having jurisdiction in the county in which a
15 discriminatory practice allegedly occurred.

16 (b) If the court finds that a discriminatory practice has occurred
17 the court may grant the relief allowed under ~~IC 22-9-1-6(j)~~. **section 6(j)**
18 **of this chapter.**

19 (c) A civil action filed under this section must be tried by the court
20 without benefit of a jury.

21 **(d) The commission may not represent the plaintiff in a civil**
22 **action filed under this section.**

23 SECTION 5. IC 22-9.5-6-6 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) If the commission
25 concludes at any time following the filing of a complaint that prompt
26 judicial action is necessary to carry out the purposes of this article, the
27 commission may file a civil action for appropriate temporary or
28 preliminary relief pending final disposition of the complaint in a circuit
29 or superior court that is located in the county in which the alleged
30 discriminatory housing practice occurred.

31 (b) A temporary restraining order or other order granting
32 preliminary or temporary relief under this section is governed by the
33 Indiana Rules of Trial Procedure.

34 (c) The filing of a civil action under this section does not affect the
35 initiation or continuation of administrative proceedings under section
36 14 of this chapter.

37 **(d) The commission may not represent a private individual in**
38 **an action filed under this section.**

39 SECTION 6. IC 22-9.5-6-13, AS AMENDED BY P.L.11-2023,
40 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2026]: Sec. 13. (a) If a timely election is made under section
42 12 of this chapter, the ~~commission~~ **complainant** shall, not later than

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1 thirty (30) days after the election is made, file a civil action ~~on behalf~~
2 ~~of the aggrieved person~~ seeking relief under this section in a circuit or
3 superior court that is located in the county in which the alleged
4 discriminatory housing practice occurred.

5 (b) An aggrieved person may intervene in the action.

6 (c) If the court finds that a discriminatory housing practice has
7 occurred or is about to occur, the court may grant as relief any relief
8 that a court may grant in a civil action under IC 22-9.5-7.

9 (d) If monetary relief is sought for the benefit of an aggrieved
10 person who does not intervene in the civil action, the court may not
11 award the monetary relief if that aggrieved person has not complied
12 with discovery orders entered by the court.

13 SECTION 7. IC 22-9.5-7-1 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) An aggrieved
15 person may file a civil action in the circuit or superior court located in
16 the county in which the alleged discriminatory practice occurred not
17 later than one (1) year after the occurrence of the termination of an
18 alleged discriminatory housing practice or the breach of a conciliation
19 agreement entered into under this article, whichever occurs last, to
20 obtain appropriate relief with respect to the discriminatory housing
21 practice or breach.

22 (b) The one (1) year period does not include any time during
23 which an administrative hearing under this article is pending with
24 respect to a complaint or finding of reasonable cause under this article
25 based on the discriminatory housing practice. This subsection does not
26 apply to actions arising from a breach of a conciliation agreement.

27 (c) An aggrieved person may file an action under this section
28 whether or not a complaint has been filed under IC 22-9.5-6 and
29 without regard to the status of any complaint filed under IC 22-9.5-6.

30 (d) If the commission has obtained a conciliation agreement with
31 the consent of an aggrieved person, the aggrieved person may not file
32 an action under this section with respect to the alleged discriminatory
33 housing practice that forms the basis for the complaint except to
34 enforce the terms of the agreement.

35 (e) An aggrieved person may not file an action under this section
36 with respect to an alleged discriminatory housing practice that forms
37 the basis of a finding of reasonable cause issued by the commission if
38 the commission has begun a hearing on the record under this article
39 with respect to the finding of reasonable cause.

40 **(f) The commission may not represent the aggrieved person in**
41 **a civil action filed under this section.**

42 SECTION 8. IC 22-9.5-8.1-1 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The commission
2 may file a civil action for appropriate relief if the commission has
3 reasonable cause to believe that:

- 4 (1) a person is engaged in a pattern or practice of resistance to
- 5 the full enjoyment of any right granted by this article; or
- 6 (2) a person has been denied any right granted by this article and
- 7 that denial raises an issue of general public importance.

8 An action under this section may be filed in a circuit or superior court
9 located in the county in which the alleged pattern, practice, or denial
10 occurred.

11 (b) **The commission may only represent the state in a civil**
12 **action filed under this section.**

13 SECTION 9. IC 22-9.5-8.1-2 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. In an action filed
15 under section 1 of this chapter, the court may do the following:

- 16 (1) Award preventive relief, including a permanent or temporary
- 17 injunction, restraining order, or other order against the person
- 18 responsible for a violation of this article as necessary to assure
- 19 the full enjoyment of the rights granted by this article.
- 20 (2) Award ~~other appropriate relief, including monetary damages,~~
- 21 reasonable attorney's fees and court costs.
- 22 (3) To vindicate the public interest, assess a civil penalty against
- 23 the respondent in an amount that does not exceed the following:
- 24 (A) Fifty thousand dollars (\$50,000) for a first violation.
- 25 (B) One hundred thousand dollars (\$100,000) for a second
- 26 or subsequent violation.

27 SECTION 10. IC 22-9.5-9-1 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) A court in a civil
29 action brought under this article or the commission in an administrative
30 hearing under IC 22-9.5-6-14 may award reasonable attorney's fees to
31 the prevailing party and assess court costs against the nonprevailing
32 party.

33 (b) **IC 4-21.5-3-27.5(b) and IC 4-21.5-3-27.5(c) (attorney's fee**
34 **awards in judicial review cases) do not apply to a civil action**
35 **brought in a trial court.**

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