



January 27, 2026

HOUSE BILL No. 1417

DIGEST OF HB 1417 (Updated January 27, 2026 1:46 pm - DI 151)

Citations Affected: IC 34-6; IC 34-11; IC 34-50.

Synopsis: Causes of action and damages. Limits a civil cause of action concerning a public nuisance. Provides that the limitations shall not affect a local administrative code or ordinance, unless the local administrative code or ordinance provides for a civil cause of action and is in conflict with certain provisions. Provides that the award of attorney's fees, costs, and expenses may not total more than \$100,000 (rather than \$5,000) if a recipient does not accept a qualified settlement offer and the final judgment is less favorable to the recipient than the terms of the qualified settlement offer.

Effective: July 1, 2026.

Lehman, Snow, Pressel, Zimmerman

January 8, 2026, read first time and referred to Committee on Judiciary.
January 27, 2026, amended, reported — Do Pass.

HB 1417—LS 7115/DI 149



January 27, 2026

Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

HOUSE BILL No. 1417

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 34-6-2.1-59.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2026]: **Sec. 59.5. "Established public right"**,
4 **for purposes of IC 34-11-10, has the meaning set forth in**
5 **IC 34-11-10-1.**

6 SECTION 2. IC 34-6-2.1-132, AS ADDED BY P.L.186-2025,
7 SECTION 176, IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2026]: **Sec. 132. "Noneconomic damages"**, for
9 purposes of IC 34-30-29.2 **and IC 34-51-1-4**, has the meaning set forth
10 in IC 34-30-29.2-2.

11 SECTION 3. IC 34-6-2.1-174.5 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2026]: **Sec. 174.5. "Public nuisance"**, for
14 **purposes of IC 34-11-10, has the meaning set forth in**
15 **IC 34-11-10-1.**

16 SECTION 4. IC 34-6-2.1-207.5 IS ADDED TO THE INDIANA
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2026]: Sec. 207.5. "Unlawful condition", for
2 purposes of IC 34-11-10, has the meaning set forth in
3 IC 34-11-10-1.

4 SECTION 5. IC 34-11-10 IS ADDED TO THE INDIANA CODE
5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2026]:

7 **Chapter 10. Limitations on a Public Nuisance Action**

8 **Sec. 1. The following definitions apply throughout this chapter:**

9 (1) "Established public right" means a right, commonly held
10 by all members of the public, to the use of public land, air, or
11 water.

12 (2) "Public nuisance" means an ongoing and unlawful
13 condition that proximately causes an interference with an
14 established public right.

15 (3) "Unlawful condition" means a circumstance that is
16 expressly prohibited by state or federal law.

17 **Sec. 2. For purposes of this chapter, an action or condition that
18 is otherwise permitted by:**

19 (1) a local ordinance;
20 (2) state or federal law; or

21 (3) a court order;
22 is not a public nuisance.

23 **Sec. 3. (a) A public nuisance cause of action is available to a
24 governmental entity if the public nuisance is located within the
25 jurisdiction of the governmental entity.**

26 (b) Unless otherwise set forth in statute, a governmental entity
27 may only bring a civil action concerning a public nuisance to seek
28 prospective injunctive relief for abatement of the public nuisance.

29 (c) A governmental entity may only recover damages that are
30 reasonably necessary to abate the public nuisance.

31 (d) A governmental entity may not recover money damages
32 associated with a potential future harm.

33 **Sec. 4. (a) Only one (1) public nuisance action may be brought
34 against a defendant based on the same or substantially similar set
35 of facts.**

36 (b) A defendant may move to dismiss a second or subsequent
37 public nuisance under subsection (a) if it is based on the same or
38 substantially similar set of facts.

39 (c) A private person may only seek the following damages in a
40 cause of action brought under this section:

41 (1) Prospective injunctive relief for abatement of the public
42 nuisance.



(2) Compensatory damages.

Sec. 5. Unless otherwise set forth in statute, it is an affirmative defense to a cause of action brought under this chapter that the defendant does not have actual control over the source of the alleged public nuisance.

Sec. 6. (a) Except as provided in subsection (b), this chapter shall not affect a local administrative code or ordinance, unless the local administrative code or ordinance:

(1) provides for a civil cause of action; and

(2) is in conflict with the provisions of this chapter.

(b) Nothing in this chapter supersedes applicable building codes, fire codes, or public health and safety laws.

Sec. 7. This chapter applies to a cause of action filed on or after July 1, 2026.

SECTION 6. IC 34-50-1-6, AS AMENDED BY P.L.117-2024, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) If:

- (1) a recipient does not accept a qualified settlement offer; and
- (2) the final judgment is less favorable to the recipient than the terms of the qualified settlement offer;

the court shall award attorney's fees, costs, and expenses to the offeror upon the offeror's motion.

(b) An award of attorney's fees, costs, and expenses under this section must consist of attorney's fees at a rate of not more than two hundred fifty dollars (\$250) per hour and other costs and expenses incurred by the offeror after the date of the qualified settlement offer. However, the award of attorney's fees, costs, and expenses may not total more than ~~five thousand dollars (\$5,000)~~ **one hundred thousand dollars (\$100,000)**.

(c) A motion for an award of attorney's fees, costs, and expenses under this section must be filed not more than thirty (30) days after entry of judgment. The motion must be accompanied by an affidavit of the offeror or the offeror's attorney establishing the amount of the attorney's fees and other costs and expenses incurred by the offeror after the date of the qualified settlement offer. The affidavit constitutes *prima facie* proof of the reasonableness of the amount.

(d) Where appropriate, the court may order a judgment entered against the offeror and in favor of the recipient reduced by the amount of attorney's fees, costs, and expenses awarded to the offeror under this section (or IC 34-4-44.6-8 before its repeal).



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1417, 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 7.

Page 2, delete lines 24 through 32, begin a new paragraph and insert:

"Sec. 2. For purposes of this chapter, an action or condition that is otherwise permitted by:

- (1) a local ordinance;**
- (2) state or federal law; or**
- (3) a court order;**

is not a public nuisance."

Page 2, line 34, delete "unlawful condition is occurring" and insert "**public nuisance is located**".

Page 2, between lines 38 and 39, begin a new paragraph and insert:

"(c) A governmental entity may only recover damages that are reasonably necessary to abate the public nuisance."

Page 2, line 39, delete "(c)" and insert "(d)".

Page 2, line 39, delete "economic," and insert "**money damages**".

Page 2, line 40, delete "noneconomic, or exemplary damages or costs".

Page 2, delete line 42.

Page 3, delete lines 1 through 11, begin a new paragraph and insert:

"Sec. 4. (a) Only one (1) public nuisance action may be brought against a defendant based on the same or substantially similar set of facts.

(b) A defendant may move to dismiss a second or subsequent public nuisance under subsection (a) if it is based on the same or substantially similar set of facts."

Page 3, line 12, delete "(b)" and insert "(c)".

Page 3, line 12, after "may" insert "**only**".

Page 3, line 12, after "following" insert "**damages**".

Page 3, delete lines 17 through 29.

Page 3, between lines 33 and 34, begin a new paragraph and insert:

"Sec. 6. (a) Except as provided in subsection (b), this chapter shall not affect a local administrative code or ordinance, unless the local administrative code or ordinance:

- (1) provides for a civil cause of action; and**
- (2) is in conflict with the provisions of this chapter.**



(b) Nothing in this chapter supersedes applicable building codes, fire codes, or public health and safety laws."

Page 3, line 34, delete "Sec. 6." and insert "**Sec. 7.**".

Page 3, delete lines 36 through 42, begin a new paragraph and insert:

"SECTION 7. IC 34-50-1-6, AS AMENDED BY P.L.117-2024, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) If:

- (1) a recipient does not accept a qualified settlement offer; and
- (2) the final judgment is less favorable to the recipient than the terms of the qualified settlement offer;

the court shall award attorney's fees, costs, and expenses to the offeror upon the offeror's motion.

(b) An award of attorney's fees, costs, and expenses under this section must consist of attorney's fees at a rate of not more than two hundred fifty dollars (\$250) per hour and other costs and expenses incurred by the offeror after the date of the qualified settlement offer. However, the award of attorney's fees, costs, and expenses may not total more than ~~five thousand dollars (\$5,000)~~ **one hundred thousand dollars (\$100,000)**.

(c) A motion for an award of attorney's fees, costs, and expenses under this section must be filed not more than thirty (30) days after entry of judgment. The motion must be accompanied by an affidavit of the offeror or the offeror's attorney establishing the amount of the attorney's fees and other costs and expenses incurred by the offeror after the date of the qualified settlement offer. The affidavit constitutes *prima facie* proof of the reasonableness of the amount.

(d) Where appropriate, the court may order a judgment entered against the offeror and in favor of the recipient reduced by the amount of attorney's fees, costs, and expenses awarded to the offeror under this section (or IC 34-4-44.6-8 before its repeal).".

Delete page 4.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1417 as introduced.)

JETER

Committee Vote: yeas 9, nays 4.

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