



February 20, 2026

ENGROSSED HOUSE BILL No. 1417

DIGEST OF HB 1417 (Updated February 18, 2026 6:59 pm - DI 149)

Citations Affected: IC 4-3; IC 34-6; IC 34-11.

Synopsis: Causes of action and damages. Establishes a tort reform commission. Limits a civil cause of action concerning a public nuisance.

Effective: Upon passage; July 1, 2026.

Lehman, Snow, Pressel, Zimmerman

(SENATE SPONSORS — BALDWIN, GARTEN)

January 8, 2026, read first time and referred to Committee on Judiciary.
January 27, 2026, amended, reported — Do Pass.
January 29, 2026, read second time, ordered engrossed.
January 30, 2026, engrossed.
February 2, 2026, read third time, passed. Yeas 61, nays 34.

SENATE ACTION

February 5, 2026, read first time and referred to Committee on Judiciary.
February 19, 2026, amended, reported favorably — Do Pass.

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February 20, 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.

ENGROSSED 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 4-3-29 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:

4 **Chapter 29. Tort Reform Commission**

5 **Sec. 1. As used in this chapter, "commission" means the tort**
6 **reform commission established by section 2 of this chapter.**

7 **Sec. 2. The tort reform commission is established as a**
8 **temporary executive branch commission to do the following:**

9 **(1) Review civil causes of action in the Indiana Code, civil**
10 **cases filed in Indiana, and tort reform generally, including a**
11 **review of the following:**

12 **(A) The constitutionality and the automatic adjustment of**
13 **damages in adult wrongful death cases and other tort**
14 **causes of action, medical malpractice claims, and punitive**
15 **damages.**

16 **(B) A comprehensive review of civil immunities in the**
17 **Indiana Code, including constitutionality of the immunities**

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- 1 and the effects of shifting liability.
- 2 (C) Indiana court statistics concerning civil torts.
- 3 (D) How the nonparty system affects litigation expenses.
- 4 (E) Data concerning the effectiveness of the current
- 5 Indiana Code and the trial rules to address the matters
- 6 described in clauses (A) through (D).
- 7 (2) Review data concerning the effect of tort reform measures
- 8 on public safety.
- 9 (3) Study the correlation between increases in medical costs
- 10 and cost of living and any increase in judgments awarded in
- 11 civil cases.
- 12 (4) Before November 1, 2026, issue a report containing its
- 13 findings and recommendations to:
- 14 (A) the governor; and
- 15 (B) the legislative council.
- 16 The report to the legislative council must be in an electronic
- 17 format under IC 5-14-6.
- 18 **Sec. 3. The commission consists of the following fifteen (15)**
- 19 **members:**
- 20 (1) The president pro tempore of the senate, or a designee of
- 21 the president pro tempore who is a member of the senate. The
- 22 president pro tempore or designee shall serve as a
- 23 co-chairperson of the commission.
- 24 (2) The speaker of the house of representatives or the
- 25 speaker's designee who is a member of the house of
- 26 representatives. The speaker or designee shall serve as a
- 27 co-chairperson of the commission.
- 28 (3) The chair of the senate judiciary committee.
- 29 (4) The chair of the house judiciary committee.
- 30 (5) The governor or the governor's designee.
- 31 (6) The chief justice of Indiana or the chief justice's designee.
- 32 (7) The minority leader of the senate or a designee of the
- 33 minority leader who is a member of the senate.
- 34 (8) The minority leader of the house of representatives or a
- 35 designee of the minority leader who is a member of the house
- 36 of representatives.
- 37 (9) Two (2) representatives of the Defense Trial Counsel of
- 38 Indiana, appointed by the governor.
- 39 (10) Two (2) representatives of the Indiana Trial Lawyers
- 40 Association, appointed by the governor.
- 41 (11) A representative of the Indiana Chamber of Commerce,
- 42 appointed by the governor.



1 (12) A member of the Indiana Hospital Association, appointed
2 by the governor.

3 (13) The commissioner of the Indiana department of
4 insurance or the commissioner's designee.

5 Sec. 4. A member serves for a term that ends on June 30 of the
6 next odd-numbered year following the member's appointment.
7 However, the member may be reappointed to subsequent terms.

8 Sec. 5. A member who is not an ex officio member serves at the
9 pleasure of the appointing authority.

10 Sec. 6. An appointment to fill a vacancy shall be made in the
11 same manner that an original appointment is made. An individual
12 appointed to fill a vacancy serves for the remainder of the term of
13 the former member.

14 Sec. 7. Each member of the commission who is a state employee
15 is entitled to reimbursement for traveling expenses as provided
16 under IC 4-13-1-4 and other expenses actually incurred in
17 connection with the member's duties as provided in the state
18 policies and procedures established by the Indiana department of
19 administration and approved by the budget agency.

20 Sec. 8. Each member of the commission who is not a state
21 employee is entitled to receive the same per diem, mileage, and
22 travel allowances paid to individuals who serve as legislative and
23 lay members, respectively, of interim study committees established
24 by the legislative council.

25 Sec. 9. Each member of the commission who is a member of the
26 general assembly is entitled to receive the same per diem, mileage,
27 and travel allowances paid to legislative members of interim study
28 committees established by the legislative council. Per diem,
29 mileage, and travel allowances paid under this section shall be paid
30 from appropriations made to the legislative council or the
31 legislative services agency.

32 Sec. 10. Except for expenses described in section 9 of this
33 chapter, expenses of the commission shall be paid from funds
34 appropriated to the governor.

35 Sec. 11. The commission shall hold meetings at the call of the
36 co-chairpersons.

37 Sec. 12. Nine (9) members constitute a quorum for the
38 transaction of business.

39 Sec. 13. Each member has one (1) vote.

40 Sec. 14. Action of the commission may be taken only upon the
41 affirmative votes of at least nine (9) members.

42 Sec. 15. The office of the governor shall staff the commission.



1 **Sec. 16. This chapter expires June 30, 2028.**

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

7 SECTION 3. IC 34-6-2.1-132, AS ADDED BY P.L.186-2025,
8 SECTION 176, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2026]: **Sec. 132. "Noneconomic damages",** for
10 purposes of IC 34-30-29.2 **and IC 34-51-1-4,** has the meaning set forth
11 in IC 34-30-29.2-2.

12 SECTION 4. IC 34-6-2.1-174.5 IS ADDED TO THE INDIANA
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2026]: **Sec. 174.5. "Public nuisance",** for
15 **purposes of IC 34-11-10, has the meaning set forth in**
16 **IC 34-11-10-1.**

17 SECTION 5. IC 34-6-2.1-207.5 IS ADDED TO THE INDIANA
18 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2026]: **Sec. 207.5. "Unlawful condition",** for
20 **purposes of IC 34-11-10, has the meaning set forth in**
21 **IC 34-11-10-1.**

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

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

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

27 (1) **"Established public right"** means a right, commonly held
28 by all members of the public, to the use of public land, air, or
29 water.

30 (2) **"Governmental entity"** means the state of Indiana or a
31 state agency and does not mean a political subdivision,
32 municipality, or unit.

33 (3) **"Public nuisance"** means an ongoing and unlawful
34 condition that proximately causes an interference with an
35 established public right.

36 (4) **"Unlawful condition"** means a circumstance that is
37 expressly prohibited by state or federal law.

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

40 (1) a local ordinance;

41 (2) state or federal law; or

42 (3) a court order;



- 1 is not a public nuisance.
- 2 **Sec. 3. (a) A public nuisance cause of action is available to a**
 3 **governmental entity if the public nuisance is located within the**
 4 **jurisdiction of the governmental entity.**
- 5 **(b) Unless otherwise set forth in statute, a governmental entity**
 6 **may only bring a civil action concerning a public nuisance to seek**
 7 **prospective injunctive relief for abatement of the public nuisance.**
- 8 **(c) A governmental entity may only recover damages that are**
 9 **reasonably necessary to abate the public nuisance.**
- 10 **(d) A governmental entity may not recover money damages**
 11 **associated with a potential future harm.**
- 12 **Sec. 4. (a) Only one (1) public nuisance action may be brought**
 13 **against a defendant based on the same or substantially similar set**
 14 **of facts.**
- 15 **(b) A defendant may move to dismiss a second or subsequent**
 16 **public nuisance under subsection (a) if it is based on the same or**
 17 **substantially similar set of facts.**
- 18 **Sec. 5. Unless otherwise set forth in statute, it is an affirmative**
 19 **defense to a cause of action brought under this chapter that the**
 20 **defendant does not have actual control over the source of the**
 21 **alleged public nuisance.**
- 22 **Sec. 6. (a) Except as provided in subsection (b), this chapter**
 23 **shall not affect a local administrative code or ordinance, unless the**
 24 **local administrative code or ordinance:**
- 25 **(1) provides for a civil cause of action; and**
 26 **(2) is in conflict with the provisions of this chapter.**
- 27 **(b) Nothing in this chapter supersedes applicable building codes,**
 28 **fire codes, or public health and safety laws.**
- 29 **Sec. 7. (a) This chapter applies to a cause of action filed on or**
 30 **after July 1, 2026.**
- 31 **(b) Nothing in this chapter applies to a cause of action filed by**
 32 **a private person, individual, or entity.**
- 33 **SECTION 7. An emergency is declared for this act.**



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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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred House Bill No. 1417, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-3-29 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 29. Tort Reform Commission

Sec. 1. As used in this chapter, "commission" means the tort reform commission established by section 2 of this chapter.

Sec. 2. The tort reform commission is established as a temporary executive branch commission to do the following:

(1) Review civil causes of action in the Indiana Code, civil cases filed in Indiana, and tort reform generally, including a review of the following:

(A) The constitutionality and the automatic adjustment of damages in adult wrongful death cases and other tort causes of action, medical malpractice claims, and punitive damages.

(B) A comprehensive review of civil immunities in the Indiana Code, including constitutionality of the immunities and the effects of shifting liability.

(C) Indiana court statistics concerning civil torts.

(D) How the nonparty system affects litigation expenses.

(E) Data concerning the effectiveness of the current Indiana Code and the trial rules to address the matters described in clauses (A) through (D).

(2) Review data concerning the effect of tort reform measures on public safety.

(3) Study the correlation between increases in medical costs and cost of living and any increase in judgments awarded in civil cases.

(4) Before November 1, 2026, issue a report containing its findings and recommendations to:

(A) the governor; and

(B) the legislative council.

The report to the legislative council must be in an electronic format under IC 5-14-6.

Sec. 3. The commission consists of the following fifteen (15)



members:

- (1) The president pro tempore of the senate, or a designee of the president pro tempore who is a member of the senate. The president pro tempore or designee shall serve as a co-chairperson of the commission.
- (2) The speaker of the house of representatives or the speaker's designee who is a member of the house of representatives. The speaker or designee shall serve as a co-chairperson of the commission.
- (3) The chair of the senate judiciary committee.
- (4) The chair of the house judiciary committee.
- (5) The governor or the governor's designee.
- (6) The chief justice of Indiana or the chief justice's designee.
- (7) The minority leader of the senate or a designee of the minority leader who is a member of the senate.
- (8) The minority leader of the house of representatives or a designee of the minority leader who is a member of the house of representatives.
- (9) Two (2) representatives of the Defense Trial Counsel of Indiana, appointed by the governor.
- (10) Two (2) representatives of the Indiana Trial Lawyers Association, appointed by the governor.
- (11) A representative of the Indiana Chamber of Commerce, appointed by the governor.
- (12) A member of the Indiana Hospital Association, appointed by the governor.
- (13) The commissioner of the Indiana department of insurance or the commissioner's designee.

Sec. 4. A member serves for a term that ends on June 30 of the next odd-numbered year following the member's appointment. However, the member may be reappointed to subsequent terms.

Sec. 5. A member who is not an ex officio member serves at the pleasure of the appointing authority.

Sec. 6. An appointment to fill a vacancy shall be made in the same manner that an original appointment is made. An individual appointed to fill a vacancy serves for the remainder of the term of the former member.

Sec. 7. Each member of the commission who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of



administration and approved by the budget agency.

Sec. 8. Each member of the commission who is not a state employee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative and lay members, respectively, of interim study committees established by the legislative council.

Sec. 9. Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this section shall be paid from appropriations made to the legislative council or the legislative services agency.

Sec. 10. Except for expenses described in section 9 of this chapter, expenses of the commission shall be paid from funds appropriated to the governor.

Sec. 11. The commission shall hold meetings at the call of the co-chairpersons.

Sec. 12. Nine (9) members constitute a quorum for the transaction of business.

Sec. 13. Each member has one (1) vote.

Sec. 14. Action of the commission may be taken only upon the affirmative votes of at least nine (9) members.

Sec. 15. The office of the governor shall staff the commission.

Sec. 16. This chapter expires June 30, 2028."

Page 2, between lines 11 and 12, begin a new line block indented and insert:

"(2) "Governmental entity" means the state of Indiana or a state agency and does not mean a political subdivision, municipality, or unit."

Page 2, line 12, delete "(2)" and insert "(3)".

Page 2, line 15, delete "(3)" and insert "(4)".

Page 2, delete lines 39 through 42.

Page 3, delete line 1.

Page 3, line 13, after "Sec. 7." insert "(a)".

Page 3, between lines 14 and 15, begin a new paragraph and insert:

"(b) Nothing in this chapter applies to a cause of action filed by a private person, individual, or entity."

Page 3, delete lines 15 through 40, begin a new paragraph and insert:

"SECTION 8. An emergency is declared for this act."

Renumber all SECTIONS consecutively.



and when so amended that said bill do pass.

(Reference is to HB 1417 as printed January 27, 2026.)

CARRASCO, Chairperson

Committee Vote: Yeas 7, Nays 4.

