



Adopted	Rejected
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COMMITTEE REPORT

YES:	9
NO:	4

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:

- 1 Page 1, delete lines 1 through 7.
- 2 Page 2, delete lines 24 through 32, begin a new paragraph and
- 3 insert:
- 4 **"Sec. 2. For purposes of this chapter, an action or condition that**
- 5 **is otherwise permitted by:**
- 6 **(1) a local ordinance;**
- 7 **(2) state or federal law; or**
- 8 **(3) a court order;**
- 9 **is not a public nuisance."**
- 10 Page 2, line 34, delete "unlawful condition is occurring" and insert
- 11 **"public nuisance is located".**
- 12 Page 2, between lines 38 and 39, begin a new paragraph and insert:
- 13 **"(c) A governmental entity may only recover damages that are**
- 14 **reasonably necessary to abate the public nuisance."**

- 1 Page 2, line 39, delete "(c)" and insert "(d)".
- 2 Page 2, line 39, delete "economic," and insert "**money damages**".
- 3 Page 2, line 40, delete "noneconomic, or exemplary damages or
- 4 costs".
- 5 Page 2, delete line 42.
- 6 Page 3, delete lines 1 through 11, begin a new paragraph and insert:
- 7 **"Sec. 4. (a) Only one (1) public nuisance action may be brought**
- 8 **against a defendant based on the same or substantially similar set**
- 9 **of facts.**
- 10 **(b) A defendant may move to dismiss a second or subsequent**
- 11 **public nuisance under subsection (a) if it is based on the same or**
- 12 **substantially similar set of facts."**
- 13 Page 3, line 12, delete "(b)" and insert "(c)".
- 14 Page 3, line 12, after "may" insert "**only**".
- 15 Page 3, line 12, after "following" insert "**damages**".
- 16 Page 3, delete lines 17 through 29.
- 17 Page 3, between lines 33 and 34, begin a new paragraph and insert:
- 18 **"Sec. 6. (a) Except as provided in subsection (b), this chapter**
- 19 **shall not affect a local administrative code or ordinance, unless the**
- 20 **local administrative code or ordinance:**
- 21 **(1) provides for a civil cause of action; and**
- 22 **(2) is in conflict with the provisions of this chapter.**
- 23 **(b) Nothing in this chapter supersedes applicable building codes,**
- 24 **fire codes, or public health and safety laws."**
- 25 Page 3, line 34, delete "Sec. 6." and insert "**Sec. 7.**".
- 26 Page 3, delete lines 36 through 42, begin a new paragraph and
- 27 insert:
- 28 "SECTION 7. IC 34-50-1-6, AS AMENDED BY P.L.117-2024,
- 29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 30 JULY 1, 2026]: Sec. 6. (a) If:
- 31 (1) a recipient does not accept a qualified settlement offer; and
- 32 (2) the final judgment is less favorable to the recipient than the
- 33 terms of the qualified settlement offer;
- 34 the court shall award attorney's fees, costs, and expenses to the offeror
- 35 upon the offeror's motion.
- 36 (b) An award of attorney's fees, costs, and expenses under this
- 37 section must consist of attorney's fees at a rate of not more than two
- 38 hundred fifty dollars (\$250) per hour and other costs and expenses

1 incurred by the offeror after the date of the qualified settlement offer.
 2 However, the award of attorney's fees, costs, and expenses may not
 3 total more than ~~five thousand dollars (\$5,000)~~. **one hundred thousand**
 4 **dollars (\$100,000).**

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

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

16 Delete page 4.

17 Renumber all SECTIONS consecutively.

(Reference is to HB 1417 as introduced.)

and when so amended that said bill do pass.

Representative Jeter