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# HOUSE BILL No. 1417

AM141703 has been incorporated into introduced printing.

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**Synopsis:** Causes of action and damages.

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2026

IN 1417—LS 7115/DI 149



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Introduced

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 8-2.1-19.1-21 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2026]: **Sec. 21. A TNC rider may not:**

4       **(1) maintain a cause of action against; or**  
5       **(2) receive an award of damages from;**  
6       **a TNC on a claim that arises from the TNC rider being injured by**  
7       **a TNC driver or during a TNC ride.**

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

13 SECTION 3. IC 34-6-2.1-132, AS ADDED BY P.L.186-2025,  
14 SECTION 176, IS AMENDED TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2026]: **Sec. 132. "Noneconomic damages", for**

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1       purposes of IC 34-30-29.2 **and IC 34-51-1-4**, has the meaning set forth  
2       in IC 34-30-29.2-2.

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

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

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

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

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

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

22       (2) "Public nuisance" means an ongoing and unlawful  
23       condition that proximately causes an interference with an  
24       established public right.

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

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

29       (1) a local ordinance;

30       (2) state or federal law; or

31       (3) a court order;

32       **is not a public nuisance.**

33       **Sec. 3. (a) A public nuisance cause of action is available to a  
34       governmental entity if the public nuisance is located within the  
35       jurisdiction of the governmental entity.**

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

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

41       **(d) A governmental entity may not recover money damages  
42       associated with a potential future harm.**



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

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

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

9                   **(1) Prospective injunctive relief for abatement of the public**  
 10                   **nuisance.**

11                   **(2) Compensatory damages.**

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

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

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

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

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

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

25                   **SECTION 7. IC 34-12-4 IS ADDED TO THE INDIANA CODE**  
 26                   **AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**  
 27                   **JULY 1, 2026]:**

28                   **Chapter 4. Prohibited Legal Action Involving Crimes on**  
 29                   **Private Property**

30                   **Sec. 1. This chapter does not apply to a criminal act committed**  
 31                   **by an employee or an agent of a:**

32                   **(1) person who owns or has an interest in land;**

33                   **(2) person who owns or operates a business;**

34                   **(3) third party business operator; or**

35                   **(4) property manager.**

36                   **Sec. 2. (a) A person may not bring or maintain an action**  
 37                   **against a:**

38                   **(1) person who owns property for a criminal act committed**  
 39                   **by another person on the property;**

40                   **(2) person who owns a business for a criminal act committed**  
 41                   **by another person at the business; or**

42                   **(3) third party business operator who conducts business on**



1                   **any premises owned by another person for a criminal act**  
 2                   **committed by another person on premises owned by another**  
 3                   **person.**

4                   **(b) A person may not bring or maintain an action described in**  
 5                   **subsection (a) if the person was the individual who committed the**  
 6                   **criminal act.**

7                   SECTION 8. IC 34-50-1-6, AS AMENDED BY P.L.117-2024,  
 8                   SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9                   JULY 1, 2026]: Sec. 6. (a) If:

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

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

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

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

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

33                   SECTION 9. IC 34-51-1-4 IS ADDED TO THE INDIANA CODE  
 34                   AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 35                   1, 2026]: Sec. 4. (a) **As used in this section, "noneconomic**  
 36                   **damages" has the meaning set forth in IC 34-30-29.2-2.**

37                   (b) **A plaintiff may not recover noneconomic damages of more**  
 38                   **than one million dollars (\$1,000,000).**

39                   (c) **A judge or jury must make a finding as to the following:**  
 40                   **(1) Noneconomic damages without considering the limitation**  
 41                   **described in subsection (b).**

42                   **(2) The percentage of fault of the claimant, of any defendant,**



1                   **and of any person who is a nonparty.**

2                   **The court shall then multiply the percentage of fault assigned to**  
3                   **each defendant by the amount of noneconomic damages found.**

4                   **(d) The court shall award the plaintiff noneconomic damages**  
5                   **in the amount calculated under subsection (c). If the amount**  
6                   **calculated is more than one million dollars (\$1,000,000), then the**  
7                   **court shall reduce the noneconomic damages to one million dollars**  
8                   **(\$1,000,000). If there is more than one (1) defendant, the court shall**  
9                   **reduce the damages proportionally based upon the findings under**  
10                  **subsection (c)(2) as to each defendant.**

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