
HOUSE BILL No. 1417

AM141710 has been incorporated into January 27, 2026 printing.

Synopsis: Causes of action and damages.

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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.

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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**
13 **of damages in adult wrongful death cases and other tort**
14 **causes of action, medical malpractice claims, and**
15 **punitive damages.**
16 **(B) A comprehensive review of civil immunities in the**
17 **Indiana Code, including constitutionality of the**

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- 1 immunities 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
- 8 measures 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.
- 22 The 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.

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- 1 (12) A member of the Indiana Hospital Association,
- 2 appointed 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
- 15 employee is entitled to reimbursement for traveling expenses as
- 16 provided under IC 4-13-1-4 and other expenses actually incurred
- 17 in 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
- 26 the general assembly is entitled to receive the same per diem,
- 27 mileage, and travel allowances paid to legislative members of
- 28 interim study committees established by the legislative council. Per
- 29 diem, mileage, and travel allowances paid under this section shall
- 30 be paid 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.

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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**
27 **chapter:**

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

31 (2) "Public nuisance" means an ongoing and unlawful
32 condition that proximately causes an interference with an
33 established public right.

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

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

38 (1) a local ordinance;

39 (2) state or federal law; or

40 (3) a court order;

41 **is not a public nuisance.**

42 **Sec. 3. (a) A public nuisance cause of action is available to a**



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

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