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HOUSE BILL No. 1417

Proposed Changes to January 27, 2026 printing by AM141710

DIGEST OF PROPOSED AMENDMENT

Tort reform commission. Establishes the tort reform commission. Removes the SECTION concerning a qualified settlement offer.

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
- 2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 3 UPON 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**
- 18 **immunities and the effects of shifting liability.**
- 19 **(C) Indiana court statistics concerning civil torts.**
- 20 **(D) How the nonparty system affects litigation expenses.**

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

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

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

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

11 (A) the governor; and

12 (B) the legislative council.

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

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

17 (1) The president pro tempore of the senate, or a designee of
 18 the president pro tempore who is a member of the senate.
 19 The president pro tempore or designee shall serve as a
 20 co-chairperson of the commission.

21 (2) The speaker of the house of representatives or the
 22 speaker's designee who is a member of the house of
 23 representatives. The speaker or designee shall serve as a
 24 co-chairperson of the commission.

25 (3) The chair of the senate judiciary committee.

26 (4) The chair of the house judiciary committee.

27 (5) The governor or the governor's designee.

28 (6) The chief justice of Indiana or the chief justice's designee.

29 (7) The minority leader of the senate or a designee of the
 30 minority leader who is a member of the senate.

31 (8) The minority leader of the house of representatives or a
 32 designee of the minority leader who is a member of the house
 33 of representatives.

34 (9) Two (2) representatives of the Defense Trial Counsel of
 35 Indiana, appointed by the governor.

36 (10) Two (2) representatives of the Indiana Trial Lawyers
 37 Association, appointed by the governor.

38 (11) A representative of the Indiana Chamber of Commerce,
 39 appointed by the governor.

40 (12) A member of the Indiana Hospital Association,
 41 appointed by the governor.

42 (13) The commissioner of the Indiana department of

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- 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.

SECTION 2.] IC 34-6-2.1-59.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2026]: **Sec. 59.5. "Established public right",**
 2 **for purposes of IC 34-11-10, has the meaning set forth in**
 3 **IC 34-11-10-1.**

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

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

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

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

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

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

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

28 (2) "Public nuisance" means an ongoing and unlawful
 29 condition that proximately causes an interference with an
 30 established public right.

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

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

35 (1) a local ordinance;

36 (2) state or federal law; or

37 (3) a court order;

38 **is not a public nuisance.**

39 **Sec. 3. (a) A public nuisance cause of action is available to a**
 40 **governmental entity if the public nuisance is located within the**
 41 **jurisdiction of the governmental entity.**

42 (b) Unless otherwise set forth in statute, a governmental entity

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1 may only bring a civil action concerning a public nuisance to seek
2 prospective injunctive relief for abatement of the public nuisance.

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

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

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

15 (1) Prospective injunctive relief for abatement of the public
16 nuisance.

17 (2) Compensatory damages.

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
28 codes, fire codes, or public health and safety laws.

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

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

34 ~~— (1) a recipient does not accept a qualified settlement offer; and~~

35 ~~— (2) the final judgment is less favorable to the recipient than the~~
36 ~~terms of the qualified settlement offer;~~

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

39 ~~— (b) An award of attorney's fees, costs, and expenses under this~~
40 ~~section must consist of attorney's fees at a rate of not more than two~~
41 ~~hundred fifty dollars (\$250) per hour and other costs and expenses~~
42 ~~incurred by the offeror after the date of the qualified settlement offer.~~

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1 ~~However, the award of attorney's fees, costs, and expenses may not~~
 2 ~~total more than five thousand dollars (\$5,000). **one hundred thousand**~~
 3 ~~**dollars (\$100,000).**~~
 4 ~~— (c) A motion for an award of attorney's fees, costs, and expenses~~
 5 ~~under this section must be filed not more than thirty (30) days after~~
 6 ~~entry of judgment. The motion must be accompanied by an affidavit of~~
 7 ~~the offeror or the offeror's attorney establishing the amount of the~~
 8 ~~attorney's fees and other costs and expenses incurred by the offeror~~
 9 ~~after the date of the qualified settlement offer. The affidavit constitutes~~
 10 ~~prima facie proof of the reasonableness of the amount.~~
 11 ~~— (d) Where appropriate, the court may order a judgment entered~~
 12 ~~against the offeror and in favor of the recipient reduced by the amount~~
 13 ~~of attorney's fees, costs, and expenses awarded to the offeror under this~~
 14 ~~section (or IC 34-4-44.6-8 before its repeal).>[\[7. An emergency is](#)~~
 15 ~~[declared for this act.](#)~~
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