

## SENATE BILL No. 193

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-6-2.1-64; IC 34-13-3.

**Synopsis:** Governmental entity limited liability. Provides that a governmental entity operating an activity on land leased by the governmental entity from the federal government is entitled to certain immunities from a tort claim. Expands the definition of "extreme sport area" to include an obstacle course.

**Effective:** July 1, 2026.

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January 6, 2026, read first time and referred to Committee on Judiciary.

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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.

## SENATE BILL No. 193

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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 34-6-2.1-64, AS ADDED BY P.L.186-2025,  
2 SECTION 176, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2026]: Sec. 64. (a) "Extreme sport area", for  
4 purposes of IC 34-13-3, means:

5 (1) an indoor or outdoor ramp, course, or area specifically  
6 designated for the exclusive recreational or sporting use of one (1)  
7 or more types of extreme sport equipment; **or**  
8 **(2) an obstacle course, including all physical challenges within**  
9 **the course.**

10 (b) The term does not include property used at any time as a public  
11 sidewalk, footpath, vehicle parking lot, multiple use trail, multiple use  
12 greenway, or other public way.

13 SECTION 2. IC 34-13-3-2, AS AMENDED BY P.L.111-2021,  
14 SECTION 102, IS AMENDED TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2026]: Sec. 2. This chapter applies to a claim  
16 or suit in tort against any of the following:

17 (1) The bureau of motor vehicles commission established by



1                   IC 9-14-9-1.

2                   (2) A member of the bureau of motor vehicles commission board

3                   established under IC 9-14-9-2.

4                   (3) An employee of the bureau of motor vehicles commission.

5                   (4) A member of the driver education advisory board established

6                   by IC 9-27-6-5.

7                   (5) An approved postsecondary educational institution (as defined

8                   in IC 21-7-13-6(a)(1)), or an association acting on behalf of an

9                   approved postsecondary educational institution, that:

10                  (A) shares data with the commission for higher education

11                  under IC 21-12-12-1; and

12                  (B) is named as a defendant in a claim or suit in tort based on

13                  any breach of the confidentiality of the data that occurs after

14                  the institution has transmitted the data in compliance with

15                  IC 21-12-12-1.

16                  (6) The state fair commission established by IC 15-13-2-1.

17                  (7) A member of the state fair commission established by

18                  IC 15-13-2-1 or an employee of the state fair commission.

19                  (8) The state fair board established by IC 15-13-5-1.

20                  (9) A member of the state fair board established by IC 15-13-5-1.

21                  **(10) A governmental entity that operates an activity on land**

22                  **leased by the governmental entity from the federal**

23                  **government.**

24                  SECTION 3. IC 34-13-3-3, AS AMENDED BY P.L.186-2025,

25                  SECTION 182, IS AMENDED TO READ AS FOLLOWS

26                  [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A governmental entity or an

27                  employee acting within the scope of the employee's employment is not

28                  liable if a loss results from the following:

29                  (1) The natural condition of unimproved property.

30                  (2) The condition of a reservoir, dam, canal, conduit, drain, or

31                  similar structure when used by a person for a purpose that is not

32                  foreseeable.

33                  (3) The temporary condition of a public thoroughfare or extreme

34                  sport area that results from weather.

35                  (4) The condition of an unpaved road, trail, or footpath, the

36                  purpose of which is to provide access to a recreation or scenic

37                  area.

38                  (5) The design, construction, control, operation, or normal

39                  condition of an extreme sport area, if all entrances to the extreme

40                  sport area are marked with:

41                   (A) a set of rules governing the use of the extreme sport area;

42                   (B) a warning concerning the hazards and dangers associated



with the use of the extreme sport area; and  
(C) a statement that the extreme sport area may be used only by persons operating extreme sport equipment, **unless the extreme sport area is an obstacle course under IC 34-6-2.1-64(a)(2).**

This subdivision shall not be construed to relieve a governmental entity from liability for the continuing duty to maintain extreme sports areas in a reasonably safe condition.

- (6) The initiation of a judicial or an administrative proceeding.
- (7) The performance of a discretionary function; however, the provision of medical or optical care as provided in IC 34-6-2.1-54 shall be considered as a ministerial act.

(8) The adoption and enforcement of or failure to adopt or enforce:

(A) a law (including rules and regulations); or

(B) in the case of a public school or charter school, a policy; unless the act of enforcement constitutes false arrest or false imprisonment.

(9) An act or omission performed in good faith and without malice under the apparent authority of a statute which is invalid if the employee would not have been liable had the statute been valid

(10) The act or omission of anyone other than the governmental entity or the governmental entity's employee.

(11) The issuance, denial, suspension, or revocation of, or failure or refusal to issue, deny, suspend, or revoke any permit, license, certificate, approval, order, or similar authorization, where the authority is discretionary under the law

authority is discretionary under the law.

(12) Failure to make an inspection, or making an inadequate or negligent inspection, of any property, other than the property of a governmental entity, to determine whether the property complied with or violates any law or contains a hazard to health or safety.

(13) Entry upon any property where the entry is expressly or impliedly authorized by law

(14) Misrepresentation if unintentional.

(15) Theft by another person of money in the employee's official custody, unless the loss was sustained because of the employee's own negligent or wrongful act or omission.

(16) Injury to the property of a person under the jurisdiction and control of the department of correction if the person has not exhausted the administrative remedies and procedures provided



1 by section 7 of this chapter.

2 (17) Injury to the person or property of a person under supervision  
3 of a governmental entity and who is:

4 (A) on probation;

5 (B) assigned to an alcohol and drug services program under  
6 IC 12-23, a minimum security release program under  
7 IC 11-10-8, a pretrial conditional release program under  
8 IC 35-33-8, or a community corrections program under  
9 IC 11-12; or

10 (C) subject to a court order requiring the person to be escorted  
11 by a county police officer while on or in a government  
12 building (as defined in IC 36-9-13-3) owned by a county  
13 building authority under IC 36-9-13, unless the injury is the  
14 result of an act or omission amounting to:

15 (i) gross negligence;

16 (ii) willful or wanton misconduct; or

17 (iii) intentional misconduct.

18 (18) Design of a highway (as defined in IC 9-13-2-73), toll road  
19 project (as defined in IC 8-15-2-4(4)), tollway (as defined in  
20 IC 8-15-3-7), or project (as defined in IC 8-15.7-2-14) if the  
21 claimed loss occurs at least twenty (20) years after the public  
22 highway, toll road project, tollway, or project was designed or  
23 substantially redesigned; except that this subdivision shall not be  
24 construed to relieve a responsible governmental entity from the  
25 continuing duty to provide and maintain public highways in a  
26 reasonably safe condition.

27 (19) Development, adoption, implementation, operation,  
28 maintenance, or use of an enhanced emergency communication  
29 system.

30 (20) Injury to a student or a student's property by an employee of  
31 a school corporation if the employee is acting reasonably under a:

32 (A) discipline policy adopted under IC 20-33-8-12; or

33 (B) restraint and seclusion plan adopted under IC 20-20-40-14.

34 (21) An act or omission performed in good faith under the  
35 apparent authority of a court order described in IC 35-46-1-15.1  
36 or IC 35-46-1-15.3 that is invalid, including an arrest or  
37 imprisonment related to the enforcement of the court order, if the  
38 governmental entity or employee would not have been liable had  
39 the court order been valid.

40 (22) An act taken to investigate or remediate hazardous  
41 substances, petroleum, or other pollutants associated with a  
42 brownfield (as defined in IC 13-11-2-19.3) unless:



- (A) the loss is a result of reckless conduct; or
- (B) the governmental entity was responsible for the initial placement of the hazardous substances, petroleum, or other pollutants on the brownfield.

(23) The operation of an off-road vehicle (as defined in IC 14-8-2-185) by a nongovernmental employee, or by a governmental employee not acting within the scope of the employment of the employee, on a public highway in a county road system outside the corporate limits of a city or town, unless the loss is the result of an act or omission amounting to:

- (A) gross negligence;
- (B) willful or wanton misconduct; or
- (C) intentional misconduct.

This subdivision shall not be construed to relieve a governmental entity from liability for the continuing duty to maintain highways in a reasonably safe condition for the operation of motor vehicles licensed by the bureau of motor vehicles for operation on public highways.

(24) Any act or omission rendered in connection with a request, investigation, assessment, or opinion provided under IC 36-9-28.7.

(b) This subsection applies to a cause of action that accrues during a period of a state disaster emergency declared under IC 10-14-3-12 to respond to COVID-19, if the state of disaster emergency was declared after February 29, 2020, and before April 1, 2022. A governmental entity or an employee acting within the scope of the employee's employment is not liable for an act or omission arising from COVID-19 unless the act or omission constitutes gross negligence, willful or wanton misconduct, or intentional misrepresentation. If a claim described in this subsection is:

(1) a claim for injury or death resulting from medical malpractice; and

(2) not barred by the immunity provided under this subsection; the claimant is required to comply with all of the provisions of JC 34-18 (medical malpractice act).

