

HOUSE BILL No. 1100

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-6-2-44.5; IC 34-13-3.

Synopsis: Limited liability for obstacle course operators. Provides that a governmental entity operating an activity on land leased by 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, 2025.

Mayfield, Davis, Greene

January 8, 2025, read first time and referred to Committee on Judiciary.



First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

HOUSE BILL No. 1100

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 34-6-2-44.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 44.5. (a) "Extreme
3 sport area", for purposes of IC 34-13-3, means:

4 (1) an indoor or outdoor ramp, course, or area specifically
5 designated for the exclusive recreational or sporting use of one (1)
6 or more types of extreme sport equipment; **or**

7 (2) **an obstacle course, including all physical challenges within**
8 **the course.**

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

12 SECTION 2. IC 34-13-3-2, AS AMENDED BY P.L.111-2021,
13 SECTION 102, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2025]: Sec. 2. This chapter applies to a claim
15 or suit in tort against any of the following:

16 (1) The bureau of motor vehicles commission established by
17 IC 9-14-9-1.



- 1 (2) A member of the bureau of motor vehicles commission board
 2 established under IC 9-14-9-2.
 3 (3) An employee of the bureau of motor vehicles commission.
 4 (4) A member of the driver education advisory board established
 5 by IC 9-27-6-5.
 6 (5) An approved postsecondary educational institution (as defined
 7 in IC 21-7-13-6(a)(1)), or an association acting on behalf of an
 8 approved postsecondary educational institution, that:
 9 (A) shares data with the commission for higher education
 10 under IC 21-12-12-1; and
 11 (B) is named as a defendant in a claim or suit in tort based on
 12 any breach of the confidentiality of the data that occurs after
 13 the institution has transmitted the data in compliance with
 14 IC 21-12-12-1.
 15 (6) The state fair commission established by IC 15-13-2-1.
 16 (7) A member of the state fair commission established by
 17 IC 15-13-2-1 or an employee of the state fair commission.
 18 (8) The state fair board established by IC 15-13-5-1.
 19 (9) A member of the state fair board established by IC 15-13-5-1.
 20 **(10) A governmental entity that operates an activity on land**
 21 **leased by the governmental entity from the federal**
 22 **government.**
 23 SECTION 3. IC 34-13-3-3, AS AMENDED BY P.L.135-2023,
 24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2025]: Sec. 3. (a) A governmental entity or an employee
 26 acting within the scope of the employee's employment is not liable if
 27 a loss results from the following:
 28 (1) The natural condition of unimproved property.
 29 (2) The condition of a reservoir, dam, canal, conduit, drain, or
 30 similar structure when used by a person for a purpose that is not
 31 foreseeable.
 32 (3) The temporary condition of a public thoroughfare or extreme
 33 sport area that results from weather.
 34 (4) The condition of an unpaved road, trail, or footpath, the
 35 purpose of which is to provide access to a recreation or scenic
 36 area.
 37 (5) The design, construction, control, operation, or normal
 38 condition of an extreme sport area, if all entrances to the extreme
 39 sport area are marked with:
 40 (A) a set of rules governing the use of the extreme sport area;
 41 (B) a warning concerning the hazards and dangers associated
 42 with the use of the extreme sport area; and



- 1 (C) a statement that the extreme sport area may be used only
 2 by persons operating extreme sport equipment, **unless the**
 3 **extreme sport area is an obstacle course under**
 4 **IC 34-6-2-44.5(a)(2).**
- 5 This subdivision shall not be construed to relieve a governmental
 6 entity from liability for the continuing duty to maintain extreme
 7 sports areas in a reasonably safe condition.
- 8 (6) The initiation of a judicial or an administrative proceeding.
 9 (7) The performance of a discretionary function; however, the
 10 provision of medical or optical care as provided in IC 34-6-2-38
 11 shall be considered as a ministerial act.
- 12 (8) The adoption and enforcement of or failure to adopt or
 13 enforce:
- 14 (A) a law (including rules and regulations); or
 15 (B) in the case of a public school or charter school, a policy;
 16 unless the act of enforcement constitutes false arrest or false
 17 imprisonment.
- 18 (9) An act or omission performed in good faith and without
 19 malice under the apparent authority of a statute which is invalid
 20 if the employee would not have been liable had the statute been
 21 valid.
- 22 (10) The act or omission of anyone other than the governmental
 23 entity or the governmental entity's employee.
- 24 (11) The issuance, denial, suspension, or revocation of, or failure
 25 or refusal to issue, deny, suspend, or revoke any permit, license,
 26 certificate, approval, order, or similar authorization, where the
 27 authority is discretionary under the law.
- 28 (12) Failure to make an inspection, or making an inadequate or
 29 negligent inspection, of any property, other than the property of
 30 a governmental entity, to determine whether the property
 31 complied with or violates any law or contains a hazard to health
 32 or safety.
- 33 (13) Entry upon any property where the entry is expressly or
 34 impliedly authorized by law.
- 35 (14) Misrepresentation if unintentional.
- 36 (15) Theft by another person of money in the employee's official
 37 custody, unless the loss was sustained because of the employee's
 38 own negligent or wrongful act or omission.
- 39 (16) Injury to the property of a person under the jurisdiction and
 40 control of the department of correction if the person has not
 41 exhausted the administrative remedies and procedures provided
 42 by section 7 of this chapter.



- 1 (17) Injury to the person or property of a person under supervision
 2 of a governmental entity and who is:
 3 (A) on probation;
 4 (B) assigned to an alcohol and drug services program under
 5 IC 12-23, a minimum security release program under
 6 IC 11-10-8, a pretrial conditional release program under
 7 IC 35-33-8, or a community corrections program under
 8 IC 11-12; or
 9 (C) subject to a court order requiring the person to be escorted
 10 by a county police officer while on or in a government
 11 building (as defined in IC 36-9-13-3) owned by a county
 12 building authority under IC 36-9-13, unless the injury is the
 13 result of an act or omission amounting to:
 14 (i) gross negligence;
 15 (ii) willful or wanton misconduct; or
 16 (iii) intentional misconduct.
- 17 (18) Design of a highway (as defined in IC 9-13-2-73), toll road
 18 project (as defined in IC 8-15-2-4(4)), tollway (as defined in
 19 IC 8-15-3-7), or project (as defined in IC 8-15.7-2-14) if the
 20 claimed loss occurs at least twenty (20) years after the public
 21 highway, toll road project, tollway, or project was designed or
 22 substantially redesigned; except that this subdivision shall not be
 23 construed to relieve a responsible governmental entity from the
 24 continuing duty to provide and maintain public highways in a
 25 reasonably safe condition.
- 26 (19) Development, adoption, implementation, operation,
 27 maintenance, or use of an enhanced emergency communication
 28 system.
- 29 (20) Injury to a student or a student's property by an employee of
 30 a school corporation if the employee is acting reasonably under a:
 31 (A) discipline policy adopted under IC 20-33-8-12; or
 32 (B) restraint and seclusion plan adopted under IC 20-20-40-14.
- 33 (21) An act or omission performed in good faith under the
 34 apparent authority of a court order described in IC 35-46-1-15.1
 35 or IC 35-46-1-15.3 that is invalid, including an arrest or
 36 imprisonment related to the enforcement of the court order, if the
 37 governmental entity or employee would not have been liable had
 38 the court order been valid.
- 39 (22) An act taken to investigate or remediate hazardous
 40 substances, petroleum, or other pollutants associated with a
 41 brownfield (as defined in IC 13-11-2-19.3) unless:
 42 (A) the loss is a result of reckless conduct; or



- 1 (B) the governmental entity was responsible for the initial
 2 placement of the hazardous substances, petroleum, or other
 3 pollutants on the brownfield.
- 4 (23) The operation of an off-road vehicle (as defined in
 5 IC 14-8-2-185) by a nongovernmental employee, or by a
 6 governmental employee not acting within the scope of the
 7 employment of the employee, on a public highway in a county
 8 road system outside the corporate limits of a city or town, unless
 9 the loss is the result of an act or omission amounting to:
- 10 (A) gross negligence;
 11 (B) willful or wanton misconduct; or
 12 (C) intentional misconduct.
- 13 This subdivision shall not be construed to relieve a governmental
 14 entity from liability for the continuing duty to maintain highways
 15 in a reasonably safe condition for the operation of motor vehicles
 16 licensed by the bureau of motor vehicles for operation on public
 17 highways.
- 18 (24) Any act or omission rendered in connection with a request,
 19 investigation, assessment, or opinion provided under
 20 IC 36-9-28.7.
- 21 (b) This subsection applies to a cause of action that accrues during
 22 a period of a state disaster emergency declared under IC 10-14-3-12 to
 23 respond to COVID-19, if the state of disaster emergency was declared
 24 after February 29, 2020, and before April 1, 2022. A governmental
 25 entity or an employee acting within the scope of the employee's
 26 employment is not liable for an act or omission arising from COVID-19
 27 unless the act or omission constitutes gross negligence, willful or
 28 wanton misconduct, or intentional misrepresentation. If a claim
 29 described in this subsection is:
- 30 (1) a claim for injury or death resulting from medical malpractice;
 31 and
 32 (2) not barred by the immunity provided under this subsection;
 33 the claimant is required to comply with all of the provisions of
 34 IC 34-18 (medical malpractice act).

