



March 17, 2023

ENGROSSED HOUSE BILL No. 1124

DIGEST OF HB 1124 (Updated March 15, 2023 4:25 pm - DI 149)

Citations Affected: IC 24-12.

Synopsis: Civil proceeding advance payment contracts. Amends the law concerning civil proceeding advance payment (CPAP) transactions to provide that in a civil proceeding in which a consumer claimant has entered into a CPAP contract, the consumer claimant or the consumer claimant's attorney is required to provide to: (1) each of the other parties in the civil proceeding; and (2) each insurer that has a duty to defend another party in the civil proceeding; written notice that the consumer claimant has entered into a CPAP contract with a CPAP provider. Provides that in a civil proceeding in which a consumer claimant is a party, the existence and contents of the CPAP contract are subject to discovery under the Indiana Rules of Trial Procedure by: (1) a party other than the consumer claimant; or (2) an insurer that has a duty to defend another party in the civil proceeding. Provides that a written notice concerning a CPAP contract with a CPAP provider is not admissible in a court proceeding.

Effective: July 1, 2023.

Lehman, Heaton, Jeter

(SENATE SPONSORS — BROWN L, MESSMER)

January 10, 2023, read first time and referred to Committee on Judiciary.
February 9, 2023, reported — Do Pass.
February 14, 2023, read second time, amended, ordered engrossed.
February 15, 2023, engrossed.
February 16, 2023, read third time, passed. Yeas 67, nays 27.

SENATE ACTION

February 27, 2023, read first time and referred to Committee on Judiciary.
March 16, 2023, amended, reported favorably — Do Pass.

EH 1124—LS 6898/DI 101



March 17, 2023

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1124

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 24-12-4-2 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2023]: **Sec. 2. (a) Except as provided in subsection (c), in a civil**
4 **proceeding in which a consumer claimant is a party, the consumer**
5 **claimant or the consumer claimant's attorney shall provide to:**
6 (1) **each of the other parties in the civil proceeding; and**
7 (2) **each insurer that has a duty to defend another party in the**
8 **civil proceeding;**
9 **written notice that the consumer claimant has entered into a CPAP**
10 **contract with a CPAP provider.**
11 (b) **A consumer claimant or the consumer claimant's attorney**
12 **shall provide the written notice required by subsection (a) within**
13 **a reasonable time after the date on which the consumer claimant**
14 **and the CPAP provider enter into the CPAP contract, regardless**
15 **of whether any other party in the civil proceeding is aware of the**
16 **existence of or seeks information about the CPAP contract.**
17 (c) **Subsection (a) does not apply if the court in which the civil**

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1 proceeding is filed issues an order excusing the consumer claimant
2 from the duty to provide the written notice required by subsection
3 (a).
4 (d) In a civil proceeding in which a consumer claimant is a
5 party, the existence and contents of the CPAP contract are subject
6 to discovery under the Indiana Rules of Trial Procedure by:
7 (1) a party other than the consumer claimant; or
8 (2) an insurer that has a duty to defend another party in the
9 civil proceeding.
10 (e) The written notice provided under subsection (a) is not
11 admissible as evidence in a court proceeding.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1124, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1124 as introduced.)

TORR

Committee Vote: Yeas 9, Nays 3

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1124 be amended to read as follows:

Page 1, line 9, delete "a copy of the CPAP contract" and insert **"written notice"**.

Page 1, line 10, after "into" insert **"a CPAP contract"**.

Page 1, line 12, delete "copies of a CPAP contract as" and insert **"the written notice"**.

Page 1, line 13, delete "later of:" and insert **"date on which the consumer claimant and the CPAP provider enter into the CPAP contract, regardless of whether any other party in the civil proceeding is aware of the existence of or seeks information about the CPAP contract."**

Page 1, delete lines 14 through 17.

Page 2, delete lines 1 through 2.

Page 2, line 5, delete "copies of the CPAP contract under" and insert **"the written notice required by"**.

Page 2, line 8, delete "if:" and insert **"the existence and contents of the CPAP contract are subject to discovery under the Indiana Rules of Trial Procedure by:**

(1) a party other than the consumer claimant; or

(2) an insurer that has a duty to defend another party in the civil proceeding."

Page 2, delete lines 9 through 15.

(Reference is to HB 1124 as printed February 9, 2023.)

LEHMAN



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1124, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, after line 9, begin a new paragraph and insert:

"(e) The written notice provided under subsection (a) is not admissible as evidence in a court proceeding."

and when so amended that said bill do pass.

(Reference is to HB 1124 as reprinted February 15, 2023.)

BROWN L, Chairperson

Committee Vote: Yeas 8, Nays 2.

