

HOUSE BILL No. 1128

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-28-15; IC 34-25-1-1.5; IC 34-55-9.

Synopsis: Prohibition on lien for medical debt. Provides that: (1) any amount of health care debt owed or alleged to be owed by a consumer; or (2) in an action against a consumer in which a judgment has been entered, any amount of the judgment that represents health care debt determined to be owed by the consumer; does not constitute a lien against the consumer's principal residence. Provides that in any action filed, in a court of competent jurisdiction in Indiana, for the recovery of health care debt owed or alleged to be owed by a consumer, the principal residence of the consumer is not liable to judgment or attachment or to be sold on execution against the consumer.

Effective: Upon passage.

Summers

January 8, 2024, read first time and referred to Committee on Judiciary.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1128

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

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

1 SECTION 1. IC 32-28-15 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]:

4 **Chapter 15. Prohibition Against Lien on Principal Residence of**
5 **a Consumer for Health Care Debt**

6 **Sec. 1. (a) As used in this chapter, "consumer" means an**
7 **individual whose principal residence is in Indiana.**

8 **(b) The term includes the following:**

9 **(1) A protected consumer (as defined in IC 24-5-24.5-4).**

10 **(2) A representative acting on behalf of a protected consumer**
11 **(as defined in IC 24-5-24.5-4).**

12 **Sec. 2. (a) As used in this chapter, "health care debt" means an**
13 **obligation or an alleged obligation of a consumer to pay an amount**
14 **related to the receipt of health care services, products, or devices**
15 **provided to a person by a health care provider.**

16 **(b) The term does not include debt charged to a credit card**
17 **unless the credit card is issued under:**



1 (1) an open-end plan; or
 2 (2) a closed-end plan;
 3 offered specifically for the payment of health care services,
 4 products, or devices provided to a person.

5 **Sec. 3. As used in this chapter, "health care provider" means:**

- 6 (1) a person listed in IC 16-39-7-1(a)(1) through
 7 IC 16-39-7-1(a)(13); or
 8 (2) a provider of ambulance services (as defined in
 9 IC 16-18-2-13.4).

10 The term includes an affiliate, officer, agent, or employee of a
 11 person described in subdivision (1) or (2).

12 **Sec. 4. As used in this chapter, "principal residence", with**
 13 **respect to a consumer, means real or personal property that:**

- 14 (1) is located in Indiana;
 15 (2) the consumer:
 16 (A) owns; or
 17 (B) is buying under contract;
 18 whether solely or jointly with another person; and
 19 (3) constitutes the principal place of residence of:
 20 (A) the consumer; or
 21 (B) a dependent of the consumer.

22 **Sec. 5. (a) Notwithstanding any other law:**

- 23 (1) any amount of health care debt owed or alleged to be owed
 24 by a consumer; or
 25 (2) in an action against a consumer in which a judgment has
 26 been entered, any amount of the judgment that represents
 27 health care debt determined to be owed by the consumer;

28 does not constitute a lien against the consumer's principal
 29 residence.

30 (b) A person having any ownership or other interest in an
 31 amount described in subsection (a)(1) or (a)(2) may not assert,
 32 claim, enter, or enforce a lien against the consumer's principal
 33 residence.

34 SECTION 2. IC 34-25-1-1.5 IS ADDED TO THE INDIANA CODE
 35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 36 UPON PASSAGE]: **Sec. 1.5. (a) As used in this section, "consumer"**
 37 **means an individual whose principal residence is in Indiana. The**
 38 **term includes the following:**

- 39 (1) A protected consumer (as defined in IC 24-5-24.5-4).
 40 (2) A representative acting on behalf of a protected consumer
 41 (as defined in IC 24-5-24.5-4).

42 (b) As used in this section, "health care debt" means an



1 obligation or an alleged obligation of a consumer to pay an amount
 2 related to the receipt of health care services, products, or devices
 3 provided to a person by a health care provider. The term does not
 4 include debt charged to a credit card unless the credit card is
 5 issued under:

6 (1) an open-end plan; or

7 (2) a closed-end plan;

8 offered specifically for the payment of health care services,
 9 products, or devices provided to a person.

10 (c) As used in this section, "health care provider" means:

11 (1) a person listed in IC 16-39-7-1(a)(1) through
 12 IC 16-39-7-1(a)(13); or

13 (2) a provider of ambulance services (as defined in
 14 IC 16-18-2-13.4).

15 The term includes an affiliate, officer, agent, or employee of a
 16 person described in subdivision (1) or (2).

17 (d) As used in this section, "principal residence", with respect
 18 to a consumer, means real or personal property that:

19 (1) is located in Indiana;

20 (2) the consumer:

21 (A) owns; or

22 (B) is buying under contract;

23 whether solely or jointly with another person; and

24 (3) constitutes the principal place of residence of:

25 (A) the consumer; or

26 (B) a dependent of the consumer.

27 (e) In any action filed, in a court of competent jurisdiction in
 28 Indiana, for the recovery of health care debt owed or alleged to be
 29 owed by a consumer, the court does not have and shall not
 30 entertain jurisdiction in any action of attachment under IC 34-25-2
 31 against the principal residence of the consumer upon, or any time
 32 after, the filing of the complaint in the action for the recovery of
 33 health care debt owed or alleged to be owed by the consumer.

34 SECTION 3. IC 34-55-9-0.5 IS ADDED TO THE INDIANA CODE
 35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 36 UPON PASSAGE]: Sec. 0.5. As used in this chapter, the following
 37 terms have the following meanings:

38 (1) "Consumer" means an individual whose principal
 39 residence is in Indiana. The term includes the following:

40 (A) A protected consumer (as defined in IC 24-5-24.5-4).

41 (B) A representative acting on behalf of a protected
 42 consumer (as defined in IC 24-5-24.5-4).



1 (2) "Health care debt" means an obligation or an alleged
 2 obligation of a consumer to pay an amount related to the
 3 receipt of health care services, products, or devices provided
 4 to a person by a health care provider. The term does not
 5 include debt charged to a credit card unless the credit card is
 6 issued under:

7 (A) an open-end plan; or

8 (B) a closed-end plan;

9 offered specifically for the payment of health care services,
 10 products, or devices provided to a person.

11 (3) "Health care provider" means:

12 (A) a person listed in IC 16-39-7-1(a)(1) through
 13 IC 16-39-7-1(a)(13); or

14 (B) a provider of ambulance services (as defined in
 15 IC 16-18-2-13.4).

16 The term includes an affiliate, officer, agent, or employee of
 17 a person described in clause (A) or (B).

18 (4) "Principal residence", with respect to a consumer, means
 19 real or personal property that:

20 (A) is located in Indiana;

21 (B) the consumer:

22 (i) owns; or

23 (ii) is buying under contract;

24 whether solely or jointly with another person; and

25 (C) constitutes the principal place of residence of:

26 (i) the consumer; or

27 (ii) a dependent of the consumer.

28 SECTION 4. IC 34-55-9-1 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) **Except as**
 30 **provided in subsection (b)**, the following real estate is liable to all
 31 judgments and attachments and to be sold on execution against the
 32 debtor ~~owing~~ **owning** the real estate or for whose use the real estate is
 33 held:

34 (1) All lands of the judgment debtor, whether in possession,
 35 remainder, or reversion.

36 (2) All rights of redeeming mortgaged lands and all lands held by
 37 virtue of any land office certificate.

38 (3) Lands or any estate or interest in land held by anyone in trust
 39 for or to the use of another.

40 (4) All chattels real of the judgment debtor.

41 (b) **In any action filed, in a court of competent jurisdiction in**
 42 **Indiana, for the recovery of health care debt owed or alleged to be**



1 **owed by a consumer, the principal residence of the consumer is not**
 2 **liable to judgment or attachment or to be sold on execution against**
 3 **the consumer.**

4 SECTION 5. IC 34-55-9-2 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a) Except as**
 6 **provided in subsection (b),** all final judgments for the recovery of
 7 money or costs in the circuit court and other courts of record of general
 8 original jurisdiction in Indiana, whether state or federal, constitute a
 9 lien upon real estate and chattels real liable to execution in the county
 10 where the judgment has been duly entered and indexed in the judgment
 11 docket as provided by law:

12 (1) after the time the judgment was entered and indexed; and

13 (2) until the expiration of ten (10) years after the rendition of the
 14 judgment;

15 exclusive of any time during which the party was restrained from
 16 proceeding on the lien by an appeal, an injunction, the death of the
 17 defendant, or the agreement of the parties entered of record.

18 **(b) A final judgment for the recovery of money or costs in any**
 19 **action filed, in a court of competent jurisdiction in Indiana, for the**
 20 **recovery of health care debt owed or alleged to be owed by a**
 21 **consumer does not constitute a lien upon the principal residence of**
 22 **the consumer.**

23 SECTION 6. **An emergency is declared for this act.**

