

# HOUSE BILL No. 1277

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-30-24.

**Synopsis:** Immunity for misuse of blended fuel. Removes the definitions of "E85" motor fuel and "flexible fuel vehicle", and creates a definition for "blended fuel". Replaces immunity protections for misuse of E85 with immunity protections for misuse of blended fuel.

**Effective:** July 1, 2017.

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## Baird

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January 10, 2017, read first time and referred to Committee on Roads and Transportation.

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First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

## HOUSE BILL No. 1277

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 34-30-24-1, AS ADDED BY P.L.122-2006,  
2 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2017]: Sec. 1. (a) As used in this chapter, "E85" ~~has the~~  
4 ~~meaning set forth in IC 6-6-1.1-103:~~ **"blended fuel" means a fuel**  
5 **blend of ethanol and gasoline (as described in IC 6-6-1.1-103(g)(2))**  
6 **consisting of any percentage of ethanol of not more than eighty-five**  
7 **percent (85%) and not less than ten percent (10%).**

8 (b) ~~As used in this chapter, "flexible fuel vehicle" means any vehicle~~  
9 ~~that is equipped to operate when fueled entirely by E85.~~

10 (c) ~~(b)~~ As used in this chapter, "qualified person or entity" means  
11 any person or entity that sells, supplies, distributes, manufactures,  
12 **stores, or refines E85: blended fuel.**

13 SECTION 2. IC 34-30-24-2, AS ADDED BY P.L.122-2006,  
14 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2017]: Sec. 2. (a) Except as provided in subsection (b), a  
16 qualified person or entity is immune from civil liability for personal  
17 injury or property damage resulting from a person fueling any vehicle



1 **or engine with E85 that is not a flexible a blended fuel that is**  
2 **incompatible with the vehicle or engine.**  
3 (b) This section does not apply:  
4 (1) to a qualified person or entity that fails to display all E85  
5 **blended fuel** warning signs required by federal or state law; or  
6 (2) if a person's injury or property damage is a direct result of the  
7 gross negligence or willful or wanton misconduct of the qualified  
8 person or entity.  
9 (c) **For purposes of this section, a blended fuel is incompatible**  
10 **with a vehicle or engine if the blended fuel is considered to be**  
11 **incompatible with the vehicle or engine according to the warranty**  
12 **of the manufacturer of the vehicle or engine.**

