

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1343

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AN ACT to amend the Indiana Code concerning transportation.

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

SECTION 1. IC 4-6-2-1.5, AS AMENDED BY P.L.241-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE FEBRUARY 17, 2020 (RETROACTIVE)]: Sec. 1.5. (a) Whenever any state governmental official or employee, whether elected or appointed, is made a party to a suit, and the attorney general determines that said suit has arisen out of an act which such official or employee in good faith believed to be within the scope of the official's or employee's duties as prescribed by statute or duly adopted regulation, the attorney general shall defend such person throughout such action.

(b) Whenever a teacher (as defined in IC 20-18-2-22) is made a party to a civil suit, and the attorney general determines that the suit has arisen out of an act that the teacher in good faith believed was within the scope of the teacher's duties in enforcing discipline policies developed under IC 20-33-8-12, the attorney general shall defend the teacher throughout the action.

(c) Not later than July 30 of each year, the attorney general, in consultation with the Indiana education employment relations board established in IC 20-29-3-1, shall draft and disseminate a letter by first class mail to the residence of teachers providing a summary of the teacher's rights and protections under state and federal law, including a teacher's rights and protections relating to the teacher's performance evaluation under IC 20-28-11.5.

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(d) The department of education, in consultation with the Indiana education employment relations board, shall develop a method to provide the attorney general with the names and addresses of active teachers in Indiana in order for the attorney general to disseminate the letter described in subsection (c). Names and addresses collected and provided to the attorney general under this subsection are confidential and excepted from public disclosure as provided in IC 5-14-3-4.

(e) Whenever a school corporation (as defined in IC 20-26-2-4) is made a party to a civil suit and the attorney general determines that the suit has arisen out of an act authorized under IC 20-30-5-0.5 or IC 20-30-5-4.5, the attorney general shall defend the school corporation throughout the action.

(f) Whenever a member of the fiscal management board appointed under IC 6-1.1-20.3-6.8 is made a party to a civil suit and the attorney general determines that the suit has arisen out of an act by the fiscal management board member that is authorized or required under IC 6-1.1-20.3 or any other law, the attorney general shall defend the fiscal management board member throughout the action.

**(g) As used in this subsection, "bridge authority" refers to the New Harmony and Wabash River bridge authority established by IC 8-16-15.5-2. Whenever:**

- (1) the bridge authority;**
- (2) a member of the bridge authority;**
- (3) an officer of the bridge authority; or**
- (4) an employee of the bridge authority;**

**is made a party to a civil suit and the attorney general determines that the suit has arisen out of an act or omission of any person described in subdivision (1), (2), (3), or (4), that is authorized or required under IC 8-16-15.5 or any other law, the attorney general shall defend that person throughout the action.**

~~(g)~~ **(h)** A determination by the attorney general under subsection (a), (b), (e), ~~or~~ (f), **or (g)** shall not be admitted as evidence in the trial of any such civil action for damages.

~~(h)~~ **(i)** Nothing in this chapter shall be construed to deprive any such person of the person's right to select counsel of the person's own choice at the person's own expense.

SECTION 2. IC 8-16-15.5-9 IS REPEALED [EFFECTIVE FEBRUARY 17, 2020 (RETROACTIVE)]. ~~Sec. 9. The:~~

- ~~(1) members of the bridge authority; and~~
- ~~(2) officers and employees of the bridge authority;~~

~~responsible for the approval or execution of a bond, lease, obligation, or other agreement may not be subject to personal liability or~~



accountability for the performance of any act authorized by this chapter.

SECTION 3. IC 8-16-15.5-9.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE FEBRUARY 17, 2020 (RETROACTIVE)]: **Sec. 9.1. (a) Except as provided in subsection (b), the bridge authority and its members, officers, and employees are immune from civil liability resulting from any act or omission related to implementation of this chapter.**

**(b) This section does not grant immunity from civil liability to a person who commits an act or omits to do an act that amounts to gross negligence or willful and wanton misconduct.**

SECTION 4. IC 34-30-2-25.5, AS ADDED BY P.L.185-2018, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE FEBRUARY 17, 2020 (RETROACTIVE)]: ~~Sec. 25.5. IC 8-16-15.5-9~~ **IC 8-16-15.5-9.1** (Concerning members, **officers, and employees** of the New Harmony and Wabash River bridge authority).

SECTION 5. **An emergency is declared for this act.**



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**HEA 1343 — Concur**

