

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 ENROLLED ACT No. 1359

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AN ACT to amend the Indiana Code concerning probate.

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

SECTION 1. IC 27-1-13-18, AS ADDED BY HEA 1034-2024, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 18. (a) This section applies to a loss or damages incurred after ~~December 31, 2024~~, **June 30, 2025**, for a policy of insurance that is described in:

- (1) Class 3 of IC 27-1-5-1; or
- (2) Class 2 of IC 27-1-5-1, except for a policy of insurance that is described in Class 2(j) of IC 27-1-5-1.

(b) This section applies regardless of whether the policy of insurance was created before, on, or after ~~January 1, 2025~~, **July 1, 2025**, unless the application of this section to the policy of insurance would:

- (1) for a policy issued before ~~January 1, 2025~~, **July 1, 2025**, give a right to a beneficiary that the beneficiary was not reasonably intended to have, other than the beneficiary's right to insurance coverage until the time limitation described in subsection (e); or
- (2) for a policy issued at any time, relieve a beneficiary from a duty or liability imposed on the insured by the terms of the policy.

(c) The following definitions apply throughout this section:

- (1) "Beneficiary" has the meaning set forth in IC 32-17-14-3(1).
- (2) "Insurable interest" means an insured's interest in real or personal property, concerning which the insured is entitled to the

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benefits of insurance coverage under a property and casualty insurance policy or liability insurance policy.

(3) "Insured" means a person who is entitled to the benefits of insurance coverage under a property and casualty insurance policy or liability insurance policy.

(4) "Named insured" means a person identified by name as an insured under a property and casualty insurance policy or liability insurance policy.

(5) "Property and casualty insurance policy or liability insurance policy" means a policy of insurance that is described in Class 2 or Class 3 of IC 27-1-5-1.

(6) "Transfer" means an ownership change in a named insured's insurable interest in real or personal property to a beneficiary of a transfer on death transfer that occurs as a consequence of the named insured's death.

(7) "Transferee" means a person who has acquired or received a named insured's insurable interest in real or personal property through a transfer.

(8) "Transfer on death transfer" has the meaning set forth in IC 32-17-14-3(17).

(d) Subject to subsection (e), each transferee of a named insured's insurable interest in real or personal property is also an insured to the extent of the named insured's insurable interest in real or personal property that the transferee has acquired or received through a transfer.

(e) Except as provided in subsections (f) and (g) and IC 32-38-3-1, for a period of sixty (60) days immediately following the death of the insured, each transferee is an insured under a property and casualty insurance policy or liability insurance policy insuring the real or personal property the transferee acquired or received through a transfer. At the time of the insured's death, the transferee succeeds to the rights and obligations of the insured under the property and casualty insurance policy or liability insurance policy, to the extent of the insured's insurable interest in real or personal property that the transferee has acquired or received through a transfer, for the sixty (60) day period.

(f) If a property and casualty insurance policy or liability insurance policy has a policy expiration date that is less than sixty (60) days after the death of the insured, insurance coverage continues for either:

- (1) thirty (30) days; or
- (2) the policy expiration date;

whichever is later.

(g) If a transferee obtains a property and casualty insurance policy



or liability insurance policy insuring the real or personal property the transferee acquired or received through a transfer, the transferee is not an insured on the insurance policy described in subsection (e) once the transferee's property and casualty insurance policy or liability insurance policy becomes effective.



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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: \_\_\_\_\_

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