

# SENATE BILL No. 40

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-51-2-14.

**Synopsis:** Nonparty immunity. Prohibits a defendant from asserting a nonparty defense, under which a defendant asserts that the damages of the claimant were caused in full or in part by a nonparty, if an Indiana statute grants the nonparty immunity from liability. Provides that the failure to assert a nonparty defense naming as a nonparty a person granted statutory immunity does not constitute legal malpractice.

**Effective:** July 1, 2014.

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## Steele

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January 7, 2014, read first time and referred to Committee on Judiciary.

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Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## SENATE BILL No. 40

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

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

1 SECTION 1. IC 34-51-2-14 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. **(a) Except as**  
3 **provided in subsection (b)**, in an action based on fault, a defendant  
4 may assert as a defense that the damages of the claimant were caused  
5 in full or in part by a nonparty. This defense is referred to in this  
6 chapter as a nonparty defense.  
7 **(b) A defendant may not assert a nonparty defense if an Indiana**  
8 **statute grants the nonparty immunity from liability.**  
9 **(c) The failure to assert a nonparty defense naming as a**  
10 **nonparty a person granted statutory immunity does not constitute**  
11 **legal malpractice.**

