

# SENATE BILL No. 490

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-6-2; IC 34-51-7.

**Synopsis:** Commercial motor vehicle defendant liability. Provides that noneconomic damages awarded in a civil suit involving a commercial motor vehicle may not be more than \$1,000,000. Provides exceptions.

**Effective:** July 1, 2025.

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## Gaskill

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January 14, 2025, read first time and referred to Committee on Judiciary.

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First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

# SENATE BILL No. 490

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 34-6-2-23.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2025]: **Sec. 23.5. "Commercial motor vehicle", for purposes of**  
4 **IC 34-51-7, has the meaning set forth in IC 34-51-7-2.**

5 SECTION 2. IC 34-6-2-23.6 IS ADDED TO THE INDIANA CODE  
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 2025]: **Sec. 23.6. "Commercial motor vehicle defendant", for**  
8 **purposes of IC 34-51-7, has the meaning set forth in IC 34-51-7-3.**

9 SECTION 3. IC 34-6-2-87.7, AS ADDED BY P.L.136-2015,  
10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2025]: Sec. 87.7. "Noneconomic damages", for purposes of  
12 IC 34-30-29.2 **and IC 34-51-7**, has the meaning set forth in  
13 IC 34-30-29.2-2.

14 SECTION 4. IC 34-51-7 IS ADDED TO THE INDIANA CODE AS  
15 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
16 1, 2025]:  
17 **Chapter 7. Commercial Motor Vehicle; Damages**



1           **Sec. 1. This chapter applies to a civil action in which a plaintiff**  
 2 **seeks damages from a commercial motor vehicle defendant**  
 3 **resulting from a motor vehicle accident involving a commercial**  
 4 **motor vehicle.**

5           **Sec. 2. As used in this chapter, "commercial motor vehicle" has**  
 6 **the meaning set forth in IC 6-6-4.1-1.**

7           **Sec. 3. As used in this chapter, "commercial motor vehicle**  
 8 **defendant" means a defendant in a civil action that is:**

- 9                   **(1) the owner of;**  
 10                   **(2) the employer of the driver operating; or**  
 11                   **(3) the driver operating;**

12 **the commercial motor vehicle that was involved in the motor**  
 13 **vehicle accident.**

14           **Sec. 4. As used in this chapter, "noneconomic damages" has the**  
 15 **meaning set forth in IC 34-30-29.2-2.**

16           **Sec. 5. (a) A plaintiff may not recover noneconomic damages of**  
 17 **more than one million dollars (\$1,000,000) from a commercial**  
 18 **motor vehicle defendant.**

19                   **(b) A judge or jury must make a finding as to the following:**

- 20                           **(1) Noneconomic damages without considering the limitation**  
 21                           **described in subsection (a).**  
 22                           **(2) The percentage of fault of the claimant, of the commercial**  
 23                           **motor vehicle defendant, and of any person who is a nonparty.**

24 **The court shall then multiply the percentage of fault assigned to**  
 25 **the commercial motor vehicle defendant by the amount of**  
 26 **noneconomic damages found.**

27                   **(c) The court shall award noneconomic damages in the amount**  
 28 **calculated under subsection (b). If the amount calculated is more**  
 29 **than one million dollars (\$1,000,000) then the court shall reduce**  
 30 **the noneconomic damages to one million dollars (\$1,000,000).**

31           **Sec. 6. The limitation on noneconomic damages described in**  
 32 **section 5 of this chapter does not apply to a defendant who is a:**

- 33                   **(1) driver who was operating the commercial motor vehicle;**  
 34                   **or**

35                   **(2) person described in section 3(1) or 3(2) of this chapter;**  
 36 **if the driver or the person acted with gross negligence or willful or**  
 37 **wanton misconduct.**

