Citations Affected:  IC 4-6; IC 8-16; IC 34-30.

Synopsis: New Harmony and Wabash River bridge authority. Provides that the New Harmony and Wabash River bridge authority (bridge authority) and its members, officers, and employees are immune from civil liability resulting from any act or omission related to implementation of the statute that establishes the bridge authority. Provides that the immunity does not extend to a person who commits an act or omits to do an act that amounts to gross negligence or willful and wanton misconduct. Requires the attorney general to defend the bridge authority and its members, officers, and employees if any of these are 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 of these authorized or required under the bridge authority law or any other law. Repeals an existing statute in the bridge authority law relating to civil immunity.

Effective: February 17, 2020 (retroactive).
ENGROSSED

HOUSE BILL No. 1343

A BILL FOR 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.

(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.

(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.

(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

EH 1343—LS 7153/DI 75
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.
COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1343, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 4 with "[EFFECTIVE UPON PASSAGE]".

Page 3, after line 21, begin a new paragraph and insert:
"SECTION 5. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1343 as introduced.)

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Committee Vote: yeas 12, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Technology, to which was referred House Bill No. 1343, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective dates in SECTIONS 1 through 4 with "[EFFECTIVE FEBRUARY 17, 2020 (RETROACTIVE)]".

and when so amended that said bill do pass.

(Reference is to HB 1343 as printed January 28, 2020.)

PERFECT, Chairperson

Committee Vote: Yeas 10, Nays 0.