

First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1161

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AN ACT to amend the Indiana Code concerning civil procedure.

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

SECTION 1. IC 34-6-2-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 21. (a) "Child", for purposes of IC 34-23-2, has the meaning set forth in IC 34-23-2.

(b) "Child", for purposes of IC 34-30-11, includes a child of any age.

**(c) "Child", for purposes of IC 34-30-29, means an individual less than eighteen (18) years of age who does not have the capacity to exit a motor vehicle.**

~~(c)~~ **(d)** "Child", for purposes of IC 34-31-4, means an unemancipated person who is less than eighteen (18) years of age.

SECTION 2. IC 34-6-2-103, AS AMENDED BY P.L.114-2012, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 103. (a) "Person", for purposes of IC 34-14, has the meaning set forth in IC 34-14-1-13.

(b) "Person", for purposes of IC 34-11-2-11.5 and IC 34-24-4, means:

- (1) an individual;
- (2) a governmental entity;
- (3) a corporation;
- (4) a firm;

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- (5) a trust;
  - (6) a partnership; or
  - (7) an incorporated or unincorporated association that exists under or is authorized by the laws of this state, another state, or a foreign country.
- (c) "Person", for purposes of section 44.8 of this chapter **and IC 34-30-29-1**, means an adult or a minor.
- (d) "Person", for purposes of IC 34-26-4, has the meaning set forth in IC 35-31.5-2-234.
- (e) "Person", for purposes of IC 34-30-5, means any of the following:
- (1) An individual.
  - (2) A corporation.
  - (3) A partnership.
  - (4) An unincorporated association.
  - (5) The state (as defined in IC 34-6-2-140).
  - (6) A political subdivision (as defined in IC 34-6-2-110).
  - (7) Any other entity recognized by law.
- (f) "Person", for purposes of IC 34-30-6, means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity that:
- (1) has qualifications or experience in:
    - (A) storing, transporting, or handling a hazardous substance or compressed gas;
    - (B) fighting fires;
    - (C) emergency rescue; or
    - (D) first aid care; or
  - (2) is otherwise qualified to provide assistance appropriate to remedy or contribute to the remedy of the emergency.
- (g) "Person", for purposes of IC 34-30-18, includes:
- (1) an individual;
  - (2) an incorporated or unincorporated organization or association;
  - (3) the state of Indiana;
  - (4) a political subdivision (as defined in IC 36-1-2-13);
  - (5) an agency of the state or a political subdivision; or
  - (6) a group of such persons acting in concert.
- (h) "Person", for purposes of sections 42, 43, 69, and 95 of this chapter, means an individual, an incorporated or unincorporated organization or association, or a group of such persons acting in concert.
- (i) "Person", for purposes of IC 34-30-10.5, means the following:
- (1) A political subdivision (as defined in IC 36-1-2-13).



- (2) A volunteer fire department (as defined in IC 36-8-12-2).
- (3) An employee of an entity described in subdivision (1) or (2) who acts within the scope of the employee's responsibilities.
- (4) A volunteer firefighter (as defined in IC 36-8-12-2) who is acting for a volunteer fire department.
- (5) A corporation, a limited liability company, a partnership, an unincorporated association, or any other entity recognized by law.
- (j) "Person", for purposes of IC 34-28-7, means:
  - (1) an individual;
  - (2) a governmental entity;
  - (3) a corporation;
  - (4) a firm;
  - (5) a trust;
  - (6) a partnership; or
  - (7) an incorporated or unincorporated association that exists under or is authorized by the laws of this state, another state, or a foreign country.
- (k) "Person", for purposes of IC 34-31-9, has the meaning set forth in IC 34-31-9-8.

SECTION 3. IC 34-30-29 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2015]: **Chapter 29. Immunity for Damage Caused Rescuing a Child**

**Sec. 1. (a) A person whose conduct conforms to subsection (b) is immune from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing a child from the motor vehicle.**

**(b) Subsection (a) applies to a person if the person:**

- (1) determines that a motor vehicle is locked or that there is no other reasonable method for a child to exit the motor vehicle;**
- (2) has a good faith belief that forcible entry into the motor vehicle is necessary because a child is in imminent danger of suffering harm if not immediately removed and, based on the circumstances known to the person at the time, the belief is reasonable;**
- (3) contacts a local law enforcement agency, fire department, or 911 dispatcher before forcibly entering the motor vehicle, if practicable, or as soon as possible thereafter;**
- (4) uses no more force than necessary to enter the motor vehicle and remove the child; and**
- (5) remains with the child in a safe location near the entered**



**motor vehicle until a law enforcement officer arrives.**

**Sec. 2. Section 1 of this chapter does not grant immunity from civil liability to a person who:**

- (1) renders aid to a child beyond what is authorized in section 1 of this chapter; or**
- (2) exercises gross negligence or willful and wanton misconduct.**



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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

\_\_\_\_\_  
Governor of the State of Indiana

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

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