

Adopted Rejected

COMMITTEE REPORT

YES: 12
NO: 0

MR. SPEAKER:

*Your Committee on Roads and Transportation, to which was referred House Bill 1254, 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:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert the following:
- 3 "SECTION 1. IC 34-24-3-2 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) For purposes of
- 5 determining the amount of damages recoverable under section 1(1) of
- 6 this chapter, there is an irrebuttable presumption that a retailer who
- 7 brings a civil action under this chapter (or IC 34-4-30 before its repeal)
- 8 as the result of a violation of IC 35-43-4-2 (theft) or IC 35-43-4-3
- 9 (conversion) suffers a pecuniary loss in the amount of:
- 10 (1) one hundred dollars (\$100) regardless of whether:
- 11 (A) the property is returned to the retailer; or
- 12 (B) the actual retail value of the property is less than one
- 13 hundred dollars (\$100); or
- 14 (2) the retailer's actual damages;

1 whichever is greater.

2 (b) An individual found liable in a civil action under this chapter (or
3 IC 34-4-30 before its repeal) for violating IC 35-43-4-2 or IC 35-43-4-3
4 may not be indemnified or insured for any penalties, damages, or
5 settlement arising from the violation.

6 (c) **Damages recoverable under section 1(1) of this chapter are**
7 **not subject to the provisions of IC 34-51-3."**

8 Renumber all SECTIONS consecutively.
 (Reference is to HB 1254 as introduced.)

and when so amended that said bill do pass.

Representative Cook