



Reprinted
February 25, 2005

HOUSE BILL No. 1374

DIGEST OF HB 1374 (Updated February 24, 2005 10:20 pm - DI 107)

Citations Affected: IC 34-6; IC 34-30.

Synopsis: Immunity for advertisers or sponsors. Grants immunity from civil liability for advertisers or sponsors of certain events organized by or for a nonprofit organization.

Effective: July 1, 2005.

Walorski, Thomas

January 13, 2005, read first time and referred to Committee on Judiciary.
February 21, 2005, amended, reported — Do Pass.
February 24, 2005, read second time, amended, ordered engrossed.

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HB 1374—LS 7337/DI 69+



First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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HOUSE BILL No. 1374

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

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

- 1 SECTION 1. IC 34-6-2-3.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2005]: **Sec. 3.3. (a) "Advertiser or sponsor", for purposes of**
4 **IC 34-30-21, means a person who for political, commercial,**
5 **educational, benevolent, or charitable purposes:**
6 (1) **donates or contributes money, materials, or products; or**
7 (2) **pays fees to advertise or display trademarks;**
8 **in connection with an event.**
9 (b) **The term does not include a person who exercises primary**
10 **control over an event.**
11 SECTION 2. IC 34-6-2-44.3 IS ADDED TO THE INDIANA CODE
12 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2005]: **Sec. 44.3. "Event", for purposes of section 3.3 of this**
14 **chapter and IC 34-30-21, means:**
15 (1) **a performance;**
16 (2) **a benefit;**
17 (3) **a fundraiser;**

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1 **(4) an auction;**
 2 **(5) a meal; or**
 3 **(6) another occasion;**
 4 **that is organized by or for a nonprofit organization exempt from**
 5 **taxation under Section 501(c) of the Internal Revenue Code.**
 6 SECTION 3. IC 34-30-21 IS ADDED TO THE INDIANA CODE
 7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2005]:
 9 **Chapter 21. Events: Immunity of Advertiser or Sponsor**
 10 **Sec. 1. This chapter does not grant immunity from civil liability**
 11 **to the following:**
 12 **(1) A person who engages in intentional, willful, wanton, or**
 13 **reckless behavior.**
 14 **(2) A person who contractually assumes civil liability in**
 15 **connection with an event.**
 16 **(3) A person who fails to exercise reasonable care in**
 17 **connection with the direction or control of an event.**
 18 **Sec. 2. An advertiser or a sponsor of an event is immune from**
 19 **civil liability for the acts or omissions of:**
 20 **(1) the advertiser or sponsor; and**
 21 **(2) any other person;**
 22 **in connection with an event.**
 23 **Sec. 3. An advertiser or sponsor may not be considered to be:**
 24 **(1) part of a joint venture;**
 25 **(2) the principal of an agent; or**
 26 **(3) the employer of an employee;**
 27 **with regard to a person participating in an event in a capacity**
 28 **other than that of an advertiser or sponsor.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1374, 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:

Page 2, line 3, delete "occasion;" and insert "**occasion.**".

Page 2, delete line 4.

Page 2, between lines 14 and 15, begin a new line block indented and insert:

"(3) A person who fails to exercise reasonable care in connection with the direction or control of an event."

and when so amended that said bill do pass.

(Reference is to HB 1374 as introduced.)

FOLEY, Chair

Committee Vote: yeas 9, nays 2.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1374 be amended to read as follows:

Page 2, line 3, delete "occasion." and insert "**occasion; that is organized by or for a nonprofit organization exempt from taxation under Section 501(c) of the Internal Revenue Code.**".

(Reference is to HB 1374 as printed February 22, 2005.)

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