
HOUSE BILL No. 1367

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-30-5.5.

Synopsis: Limited liability for 501(c)(3) organizations. Limits the liability of a small nonprofit organization to the liability limits in the Indiana tort claims act, and provides that a small nonprofit organization is not liable for punitive damages. Provides that a small nonprofit organization may be liable for damages in excess of the tort claims act liability limits if the act or omission: (1) involves the provision of medical care by a health care provider; (2) involves the negligent operation of an automobile; or (3) constitutes gross negligence or willful or wanton misconduct.

Effective: July 1, 2006.

Thomas

January 12, 2006, read first time and referred to Committee on Judiciary.

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Second Regular Session 114th General Assembly (2006)

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 2005 Regular Session of the General Assembly.

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HOUSE BILL No. 1367



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 34-30-5.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2006]:

4 **Chapter 5.5. Charities: Limited Liability for Small Nonprofit**
5 **Organizations**

6 **Sec. 1. This chapter applies only to a claim or suit in tort**
7 **brought against a small nonprofit organization.**

8 **Sec. 2. This chapter does not apply to the following:**

9 (1) **An act or omission concerning the provision of health care**
10 **services by a health care provider (as defined in**
11 **IC 34-18-2-14).**

12 (2) **An act or omission that constitutes gross negligence or**
13 **willful or wanton misconduct.**

14 (3) **An act or omission that occurs in connection with the**
15 **negligent operation of a motor vehicle (as defined in**
16 **IC 9-13-2-105(a)).**

17 **Sec. 3. As used in this chapter "small nonprofit organization"**



1 **means an organization:**
 2 (1) **with annual revenue of five hundred thousand dollars**
 3 **(\$500,000) or less; and**
 4 (2) **that is:**
 5 (A) **tax exempt under Section 501(c)(3) of the Internal**
 6 **Revenue Code;**
 7 (B) **a community mental retardation and other**
 8 **developmental disabilities center (as defined in**
 9 **IC 12-29-3-6);**
 10 (C) **a rehabilitation center (as described in IC 12-12-3); or**
 11 (D) **a faith based organization.**
 12 **Sec. 4. (a) The combined aggregate liability of a small nonprofit**
 13 **organization under this chapter does not exceed the liability limits**
 14 **described in IC 34-13-3-4.**
 15 **(b) A small nonprofit organization is not liable for punitive**
 16 **damages.**

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