

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 500 be amended to read as follows:

- 1 Page 61, between lines 5 and 6, begin a new paragraph and insert:
- 2 "SECTION 44. IC 24-5-24 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2007]:
- 5 **Chapter 24. Airline Tickets.**
- 6 **Sec. 1. (a) As used in this section, "terrorist threat" means a**
- 7 **threat of a violent act or threat of an act that is dangerous to**
- 8 **human life, that is a violation of the criminal laws of Indiana or of**
- 9 **the United States, and is intended to:**
- 10 **(1) intimidate, injure, or coerce a civilian population;**
- 11 **(2) influence the policy of a government by intimidation or**
- 12 **coercion; or**
- 13 **(3) affect the conduct of a government through:**
- 14 **(A) destruction of property;**
- 15 **(B) assassination;**
- 16 **(C) murder;**
- 17 **(D) kidnapping; or**
- 18 **(E) aircraft piracy.**
- 19 **(b) If an airline cancels a flight or delays a flight by more than**
- 20 **one (1) hour, the airline must honor the purchaser's ticket at a**
- 21 **later date or reimburse the purchaser:**
- 22 **(1) the cost of the ticket; and**
- 23 **(2) pay the purchaser an amount equal to the airline's**
- 24 **flight-change penalty fee.**

1           (c) Subsection (b) does not apply if the flight delay or  
2 cancellation is caused by any of the following:

3           (1) Inclement weather.

4           (2) An immediate terrorist threat.

5           (3) International conditions that are not related to terrorism,  
6 including:

7           (A) riots;

8           (B) civil unrest;

9           (C) embargoes; or

10          (D) war.

11          (4) Any other condition outside the control of the airline.

12          (d) In addition to any other penalties or remedies provided by  
13 law, a person aggrieved by a knowing and willful violation of this  
14 section may bring a civil action in a court with jurisdiction against  
15 the airline for the recovery of:

16          (1) reimbursement for the ticket;

17          (2) payment of the flight-change fee;

18          (3) actual and consequential damages;

19          (4) court costs; and

20          (5) reasonable attorney's fees.

21          (e) An airline that knowingly violates this section two (2) or  
22 more times within a calendar year commits a Class C  
23 misdemeanor.

24          Sec. 2. (a) There is no expiration date for an airline ticket issued  
25 anywhere in the world for an airline flight originating in Indiana.

26          (b) If the airline ticket is nonrefundable and the ticket purchaser  
27 is unable to use the ticket, the airline must allow the ticket to be  
28 transferred to another person. The airline may charge the  
29 purchaser a processing fee of the lesser of:

30          (1) twenty five percent (25%) of the original price of the  
31 ticket; or

32          (2) fifty dollars (\$50).

33          (c) A ticket purchaser may not transfer a ticket if the ticket  
34 purchaser missed the flight due to the fault of the purchaser."

35          Page 71, between lines 9 and 10, begin a new paragraph and insert:

1           "SECTION 58. [EFFECTIVE JULY 1, 2007] **IC 24-5-24-1(e), as**  
2           **added by this act, applies only to offenses committed after June 30,**  
3           **2007.**"

4           Renumber all SECTIONS consecutively.  
            (Reference is to ESB 500 as printed April 3, 2007.)

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Representative Whetstone