

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.

## SENATE ENROLLED ACT No. 98

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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 34-12-3-0.1, AS ADDED BY P.L.220-2011, SECTION 548, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE AUGUST 26, 1999 (RETROACTIVE)]: Sec. 0.1. ~~The addition of this chapter by P.L.19-2001~~ **This chapter** applies ~~only~~ to actions filed **before, after, or on** April 18, 2001.

SECTION 2. IC 34-12-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE AUGUST 26, 1999 (RETROACTIVE)]: Sec. 1. As used in this chapter, "firearm" ~~has the meaning set forth in IC 35-47-1-5.~~ **means any weapon:**

**(1) that is:**

**(A) capable of expelling; or**

**(B) designed to expel; or**

**(2) that may readily be converted to expel; a projectile by means of an explosion.**

SECTION 3. IC 34-12-3-2, AS AMENDED BY P.L.114-2012, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE AUGUST 26, 1999 (RETROACTIVE)]: Sec. 2. As used in this chapter, "person" ~~has the meaning set forth in IC 35-31.5-2-234.~~ **means a human being, corporation, limited liability company, partnership, unincorporated association, or governmental entity.**

SEA 98 — Concur



SECTION 4. IC 34-12-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE AUGUST 26, 1999 (RETROACTIVE)]: Sec. 3. Except as provided in section 5(1) or 5(2) of this chapter, a person may not bring **or maintain** an action against a firearms or ammunition manufacturer, trade association, or seller for:

(1) recovery of damages resulting from, or injunctive relief or abatement of a nuisance relating to, the lawful:

- (A) design;
- (B) manufacture;
- (C) marketing; or
- (D) sale;

of a firearm or ammunition for a firearm; or

(2) recovery of damages resulting from the criminal or unlawful misuse of a firearm or ammunition for a firearm by a third party.

SECTION 5. IC 34-12-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a)** If a court finds that a party has brought an action under a theory of recovery described in section 3(1) or 3(2) of this chapter, the finding constitutes conclusive evidence that the action is groundless. If a court makes a finding under this section, the court shall dismiss the claims or action and award to the defendant any reasonable attorney's fee and costs incurred in defending the claims or action.

**(b) If:**

**(1) a party has brought an action under a theory of recovery described in section 3(1) or 3(2) of this chapter;**

**(2) the action commenced on or before August 27, 1999; and**

**(3) the action is dismissed;**

**no award for attorney's fees or costs incurred shall issue to the plaintiff or the defendant.**

SECTION 6. IC 34-12-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE AUGUST 26, 1999 (RETROACTIVE)]: Sec. 5. Nothing in this chapter may be construed to prohibit a person from bringing **or maintaining** an action against a firearms or ammunition manufacturer, trade association, or seller for recovery of damages for the following:

(1) Breach of contract or warranty concerning firearms or ammunition purchased by a person.

(2) Damage or harm to a person or to property owned or leased by a person caused by a defective firearm or ammunition.

(3) Injunctive relief to enforce a valid statute, rule, or ordinance. However, a person may not bring an action seeking injunctive relief if that action is barred under section 3 of this chapter.



**SECTION 7. An emergency is declared for this act.**



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

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

**SEA 98 — Concur**

