

HOUSE BILL No. 1364

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-30-24.

Synopsis: Immunity for misuse of blended fuel. Removes the definitions of "E85" motor fuel and "flexible fuel vehicle", and creates a definition for "blended fuel". Replaces immunity protections for misuse of E85 with immunity protections for misuse of blended fuel.

Effective: July 1, 2016.

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January 12, 2016, read first time and referred to Committee on Judiciary.



Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1364

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 34-30-24-1, AS ADDED BY P.L.122-2006,
2 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 1. (a) As used in this chapter, "E85" has the
4 meaning set forth in ~~IC 6-6-1.1-103~~ **"blended fuel" means a fuel**
5 **blend of ethanol and gasoline (as described in IC 6-6-1.1-103(g)(2))**
6 **consisting of any percentage of ethanol of not more than eighty-five**
7 **percent (85%) and not less than ten percent (10%).**

8 (b) As used in this chapter, "flexible fuel vehicle" means any vehicle
9 that is equipped to operate when fueled entirely by E85.

10 (c) (b) As used in this chapter, "qualified person or entity" means
11 any person or entity that sells, supplies, distributes, manufactures,
12 **stores, or refines E85: blended fuel.**

13 SECTION 2. IC 34-30-24-2, AS ADDED BY P.L.122-2006,
14 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2016]: Sec. 2. (a) Except as provided in subsection (b), a
16 qualified person or entity is immune from civil liability for personal
17 injury or property damage resulting from a person fueling any vehicle



1 **or engine with E85 that is not a flexible a blended fuel that is**
2 **incompatible with the vehicle or engine.**
3 (b) This section does not apply:
4 (1) to a qualified person or entity that fails to display all E85
5 **blended fuel** warning signs required by federal or state law; or
6 (2) if a person's injury or property damage is a direct result of the
7 gross negligence or willful or wanton misconduct of the qualified
8 person or entity.
9 (c) **For purposes of this section, a blended fuel is incompatible**
10 **with a vehicle or engine if the blended fuel is considered to be**
11 **incompatible with the vehicle or engine according to the warranty**
12 **of the manufacturer of the vehicle or engine.**

