

# HOUSE BILL No. 1553

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-30-19.5.

**Synopsis:** Public trust land and private land owner immunity. Defines "Lake Michigan public trust land" as land adjoining Lake Michigan to which the state of Indiana holds legal title in trust for the recreational use of the public. Provides that a property owner is not civilly liable for any personal injury, death, property damage, or other loss that a person incurs while passing across the property to reach Lake Michigan public trust land. Provides, however, that a property owner is not immune from civil liability for personal injury, death, property damage, or other loss caused by the property owner's intentional misconduct.

**Effective:** July 1, 2019.

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## Bartels, Pressel

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January 17, 2019, read first time and referred to Committee on Natural Resources.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

# HOUSE BILL No. 1553

A BILL FOR AN ACT to amend the Indiana Code concerning civil immunity.

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

1 SECTION 1. IC 34-30-19.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOW [EFFECTIVE JULY  
3 1, 2019]:

4 **Chapter 19.5. Immunity of Owner of Property Near Lake**  
5 **Michigan Public Trust Land**

6 **Sec. 1. As used in this chapter, "Lake Michigan public trust**  
7 **land" means land adjoining Lake Michigan to which the state of**  
8 **Indiana holds legal title in trust for the recreational use of the**  
9 **public.**

10 **Sec. 2. As used in this chapter, "owner" means a person that:**

- 11 (1) has a fee interest in;
- 12 (2) is a tenant, lessee, or occupant of; or
- 13 (3) is otherwise legally in control of;

14 **a property.**

15 **Sec. 3. As used in this chapter, "property" means a tract of land,**  
16 **including the buildings and improvements on the land.**

17 **Sec. 4. (a) Except as provided in subsection (b), an owner of a**



1 property is not liable for any personal injury, death, property  
2 damage, or other loss of any nature that a person incurs while  
3 passing across the property with or without permission from the  
4 owner of the property for the purpose of:

5 (1) going to Lake Michigan public trust land; or

6 (2) going to another destination upon leaving Lake Michigan  
7 public trust land.

8 (b) Subsection (a) does not apply to personal injury, death,  
9 property damage, or other loss caused by the property owner's  
10 intentional misconduct.

11 SECTION 2. [EFFECTIVE JULY 1, 2019] (a) IC 34-30-19.5, as  
12 added by this act, applies to personal injury, death, property  
13 damage, or other loss that occurs after June 30, 2019.

14 (b) This SECTION expires July 1, 2020.

