



# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 581 be amended to read as follows:

- 1 Page 4, after line 7, begin a new paragraph and insert:
- 2 "SECTION 3. IC 34-30-19.5 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOW [EFFECTIVE JULY
- 4 1, 2019]:
- 5 **Chapter 19.5. Immunity of Owner of Property Near Lake**
- 6 **Michigan Public Trust Land**
- 7 **Sec. 1. As used in this chapter, "Lake Michigan public trust**
- 8 **land" means land adjoining Lake Michigan to which the state of**
- 9 **Indiana holds legal title in trust for the recreational use of the**
- 10 **public.**
- 11 **Sec. 2. As used in this chapter, "owner" means a person that:**
- 12 **(1) has a fee interest in;**
- 13 **(2) is a tenant, lessee, or occupant of; or**
- 14 **(3) is otherwise legally in control of;**
- 15 **a property.**
- 16 **Sec. 3. As used in this chapter, "property" means a tract of land,**
- 17 **including the buildings and improvements on the land.**
- 18 **Sec. 4. (a) Except as provided in subsection (d), a person who**
- 19 **goes upon the property of another with or without permission for**
- 20 **the purpose of:**
- 21 **(1) going to or departing Lake Michigan public trust land; or**
- 22 **(2) going to another destination upon leaving Lake Michigan**
- 23 **public trust land;**
- 24 **does not have assurance that the property is safe for the purpose.**
- 25 **(b) The owner of the property does not:**
- 26 **(1) assume responsibility; or**
- 27 **(2) incur liability;**
- 28 **for an injury to a person or property caused by an act or omission**

1 of another person using the property.

2 (c) This section does not affect the following:

3 (1) Existing Indiana case law on the liability of property  
4 owners with respect to:

5 (A) business invitees in commercial establishments; or

6 (B) invited guests.

7 (2) The attractive nuisance doctrine.

8 (d) 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 4. [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."

15 Renumber all SECTIONS consecutively.

(Reference is to SB 581 as printed February 13, 2019.)

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Senator PERFECT