

## **IC 34-30-29.2**

### **Chapter 29.2. Immunity From Liability to Uninsured Motorist With a Previous Violation**

#### **IC 34-30-29.2-1**

##### **Application of chapter**

Sec. 1. (a) This chapter applies to a civil action brought to recover damages for:

- (1) injury to or the death of a person; or
- (2) damage to property;

resulting from a motor vehicle accident.

(b) This chapter does not apply to a civil action brought to recover damages for injury, death, or property damage that is caused intentionally.

*As added by P.L.136-2015, SEC.5.*

#### **IC 34-30-29.2-2**

##### **"Noneconomic damages"**

Sec. 2. (a) As used in this chapter, "noneconomic damages" means costs for the following:

- (1) Physical and emotional pain and suffering.
- (2) Physical impairment.
- (3) Emotional distress.
- (4) Mental anguish.
- (5) Loss of enjoyment.
- (6) Loss of companionship, services, and consortium.
- (7) Any other nonpecuniary loss proximately caused by a motor vehicle accident.

(b) The term does not include costs for the following:

- (1) Treatment and rehabilitation.
- (2) Medical expenses.
- (3) Loss of economic or educational potential.
- (4) Loss of productivity.
- (5) Absenteeism.
- (6) Support expenses.
- (7) Accidents or injury.
- (8) Any other pecuniary loss proximately caused by a motor vehicle accident.

*As added by P.L.136-2015, SEC.5.*

#### **IC 34-30-29.2-3**

##### **Prohibition on recovery of noneconomic damages**

Sec. 3. (a) A person who:

- (1) sustained bodily injury or property damage as the result of a motor vehicle accident; and
- (2) was an uninsured motorist with a previous violation at the time of the motor vehicle accident;

may not recover noneconomic damages for the person's bodily injury

or property damage from the owner or operator of another motor vehicle involved in the motor vehicle accident.

(b) The personal representative of a person who:

(1) died as the result of a motor vehicle accident; and

(2) was an uninsured motorist with a previous violation at the time of the motor vehicle accident;

may not recover noneconomic damages under IC 34-23-1 for the person's death from another motor vehicle involved in the motor vehicle accident.

*As added by P.L.136-2015, SEC.5.*

#### **IC 34-30-29.2-4**

##### **Applicability**

Sec. 4. (a) Section 3(a) of this chapter does not apply to a person who was less than eighteen (18) years of age at the time of the motor vehicle accident.

(b) Section 3(b) of this chapter does not apply to the personal representative of a person who was less than eighteen (18) years of age at the time of the motor vehicle accident.

(c) This chapter does not apply if a person other than the uninsured motorist with a previous violation:

(1) operates a motor vehicle involved in the accident; and

(2) is convicted of a crime in connection with the accident.

*As added by P.L.136-2015, SEC.5.*