

IC 34-20-2

Chapter 2. Product Liability Actions

IC 34-20-2-1

Grounds for action

Sec. 1. Except as provided in section 3 of this chapter, a person who sells, leases, or otherwise puts into the stream of commerce any product in a defective condition unreasonably dangerous to any user or consumer or to the user's or consumer's property is subject to liability for physical harm caused by that product to the user or consumer or to the user's or consumer's property if:

- (1) that user or consumer is in the class of persons that the seller should reasonably foresee as being subject to the harm caused by the defective condition;
 - (2) the seller is engaged in the business of selling the product;
- and
- (3) the product is expected to and does reach the user or consumer without substantial alteration in the condition in which the product is sold by the person sought to be held liable under this article.

As added by P.L.1-1998, SEC.15.

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Exercise of reasonable care; privity

Sec. 2. The rule stated in section 1 of this chapter applies although:

- (1) the seller has exercised all reasonable care in the manufacture and preparation of the product; and
- (2) the user or consumer has not bought the product from or entered into any contractual relation with the seller.

However, in an action based on an alleged design defect in the product or based on an alleged failure to provide adequate warnings or instructions regarding the use of the product, the party making the claim must establish that the manufacturer or seller failed to exercise reasonable care under the circumstances in designing the product or in providing the warnings or instructions.

As added by P.L.1-1998, SEC.15.

IC 34-20-2-3

Strict liability of manufacturer

Sec. 3. A product liability action based on the doctrine of strict liability in tort may not be commenced or maintained against a seller of a product that is alleged to contain or possess a defective condition unreasonably dangerous to the user or consumer unless the seller is a manufacturer of the product or of the part of the product alleged to be defective.

As added by P.L.1-1998, SEC.15.

IC 34-20-2-4

Principal distributor or seller considered manufacturer

Sec. 4. If a court is unable to hold jurisdiction over a particular manufacturer of a product or part of a product alleged to be defective, then that manufacturer's principal distributor or seller over whom a court may hold jurisdiction shall be considered, for the purposes of this chapter, the manufacturer of the product.

As added by P.L.1-1998, SEC.15.