

IC 34-6-2
Chapter 2. Definitions

IC 34-6-2-1
Repealed

(Repealed by P.L.133-2002, SEC.69.)

IC 34-6-2-2
"Actual damages"

Sec. 2. (a) "Actual damages", for purposes of IC 34-15-3, includes all damages that the plaintiff may have suffered in respect to the plaintiff's character, property, business, trade, profession, or occupation.

(b) "Actual damages", for purposes of IC 34-15-4, means all damages that the plaintiff may have suffered in respect to the plaintiff's reputation, property, business, trade, profession, or occupation.

(c) The phrase does not include any other damages.

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

IC 34-6-2-2.5
"Adult person"

Sec. 2.5. "Adult person", for purposes of IC 34-23-1-2, has the meaning set forth in IC 34-23-1-2(a).

As added by P.L.84-1999, SEC.1.

IC 34-6-2-3
"Advance payment"

Sec. 3. "Advance payment", for purposes of IC 34-44-2, means a payment made:

(1) by:

(A) the defendant in an action to recover damages for personal injuries, wrongful death, or property damage; or

(B) the defendant's insurance company; and

(2) to or for the plaintiff or any other person.

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

IC 34-6-2-3.1
"Advanced emergency medical technician"

Sec. 3.1. "Advanced emergency medical technician", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-3.5.

As added by P.L.77-2012, SEC.53.

IC 34-6-2-3.3
"Advertiser or sponsor"

Sec. 3.3. (a) "Advertiser or sponsor", for purposes of IC 34-30-22, means a person who for political, commercial, educational, benevolent, or charitable purposes:

(1) donates or contributes money, materials, or products; or

(2) pays fees to advertise or display trademarks;

in connection with an event.

(b) The term does not include a person who exercises primary control over an event.

As added by P.L.116-2005, SEC.1.

IC 34-6-2-4

Repealed

(Repealed by P.L.205-2003, SEC.44.)

IC 34-6-2-5

"Agency"

Sec. 5. (a) "Agency", for purposes of IC 34-30-9, has the meaning set forth in IC 4-20.5-1-3. The term includes any institution supported by taxes.

(b) "Agency", for purposes of IC 34-52-2, refers to any elected official or other authority exercising any of the executive, including administrative, authority of the state. The term does not include the legislative or judicial department of state government or a political subdivision.

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

IC 34-6-2-6

"Aggrieved person"

Sec. 6. "Aggrieved person", for purposes of IC 34-24-2, means any of the following:

(1) A person who has an interest in property or in an enterprise that:

(A) is the object of corrupt business influence (IC 35-45-6-2); or

(B) has suffered damages or harm as a result of corrupt business influence (IC 35-45-6-2).

(2) An individual whose personal safety is threatened by criminal gang (as defined in section 32 of this chapter) activity.

(3) An individual or a business whose property value or business activity is negatively affected due to criminal gang (as defined in section 32 of this chapter) activity.

(4) A political subdivision in which criminal gang (as defined in section 32 of this chapter) activity negatively affects the property values or business activity of the political subdivision or the personal safety of the political subdivision's residents.

(5) The state.

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

IC 34-6-2-7

Repealed

(Repealed by P.L.2-2002, SEC.128.)

IC 34-6-2-8

"Agricultural product"

Sec. 8. "Agricultural product", for purposes of IC 34-30-3 and

IC 34-30-5, means a natural product of a farm, a nursery, a grove, an orchard, a vineyard, a garden, or an apiary. The term includes trees and firewood.

As added by P.L.1-1998, SEC.1. Amended by P.L.155-2013, SEC.1.

IC 34-6-2-8.2

"Agritourism activity"

Sec. 8.2. "Agritourism activity", for the purposes of IC 34-31-9, has the meaning set forth in IC 34-31-9-2.

As added by P.L.6-2012, SEC.214.

IC 34-6-2-8.3

"Agritourism provider"

Sec. 8.3. "Agritourism provider", for the purposes of IC 34-31-9, has the meaning set forth in IC 34-31-9-3.

As added by P.L.6-2012, SEC.215.

IC 34-6-2-9

"Ambulance service"

Sec. 9. "Ambulance service", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-4.

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

IC 34-6-2-10

"Annual aggregate"

Sec. 10. "Annual aggregate", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-5.

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

IC 34-6-2-11

"Armory"

Sec. 11. "Armory", for purposes of IC 34-30-8, means an armory constructed and operated under IC 10-16-3 or IC 10-16-4.

As added by P.L.1-1998, SEC.1. Amended by P.L.2-2003, SEC.81.

IC 34-6-2-11.5

"Asbestos claim"

Sec. 11.5. "Asbestos claim", for purposes of IC 34-31-8, has the meaning set forth in IC 34-31-8-1.

As added by P.L.134-2009, SEC.1.

IC 34-6-2-12

"Assisting sheriff"

Sec. 12. "Assisting sheriff", for purposes of IC 34-47-4, means the sheriff of a county other than the county in which a writ of attachment has been issued under IC 34-47-4.

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

IC 34-6-2-13

"Auctioneer"

Sec. 13. "Auctioneer", for purposes of IC 34-55-6, means an auctioneer licensed under IC 25-6.1.

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

IC 34-6-2-14

"Authority"

Sec. 14. "Authority", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-6.

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

IC 34-6-2-15

"Authorized persons"

Sec. 15. "Authorized persons", for purposes of IC 34-43-1, include:

- (1) the patient;
- (2) a person authorized by the patient to request the records, if the authorization was made in writing not more than sixty (60) days before the date of the request for the records;
- (3) physicians or other professionals within the hospital;
- (4) a person entitled to request health records under IC 16-39-1-3;
- (5) a coroner who is investigating a death under IC 36-2-14-6; and
- (6) any other person designated by order of a court of competent jurisdiction.

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

IC 34-6-2-15.7

"Basic life support"

Sec. 15.7. "Basic life support" has the meaning set forth in IC 16-18-2-33.5.

As added by P.L.166-2007, SEC.3.

IC 34-6-2-16

"Beverages"

Sec. 16. "Beverages", for purposes of IC 34-30-8, includes alcoholic beverages.

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

IC 34-6-2-17

"Business"

Sec. 17. "Business", for purposes of IC 34-42, means each business, bank, industry, governmental entity, profession, occupation, and calling of every kind.

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

IC 34-6-2-18

"Center"

Sec. 18. "Center", for purposes of IC 34-57-3, means a community dispute resolution center or local program that provides conciliation,

mediation, arbitration, or other dispute resolution services.
As added by P.L.1-1998, SEC.1.

IC 34-6-2-19

"Certified copy of a certificate of title"

Sec. 19. "Certified copy of a certificate of title", for purposes of IC 34-40-4, means a document that is:

- (1) a copy of a certificate of title for a motor vehicle, by whatever name designated, that is issued by the bureau of motor vehicles or a governmental entity in another state;
- (2) prepared from a record of the governmental entity issuing the certificate of title; and
- (3) certified by the officer having legal custody of the record described in subdivision (2) or the officer's deputy.

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

IC 34-6-2-20

"Charitable entity"

Sec. 20. "Charitable entity", for purposes of IC 34-30-5, means any entity exempted from state gross retail tax under IC 6-2.5-5-21(b)(1)(B).

As added by P.L.1-1998, SEC.1. Amended by P.L.192-2002(ss), SEC.173.

IC 34-6-2-21

"Child"

Sec. 21. (a) "Child", for purposes of IC 34-23-2, has the meaning set forth in IC 34-23-2.

(b) "Child", for purposes of IC 34-30-11, includes a child of any age.

(c) "Child", for purposes of IC 34-31-4, means an unemancipated person who is less than eighteen (18) years of age.

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

IC 34-6-2-21.2

Repealed

(Repealed by P.L.1-2003, SEC.105.)

IC 34-6-2-22

"Cognovit note"

Sec. 22. "Cognovit note", for purposes of IC 34-54-4, means a negotiable instrument or other written contract to pay money that contains a provision or stipulation:

- (1) giving to any person a power of attorney, or authority as attorney, for the maker, endorser, assignor, or other person liable on the negotiable instrument or contract, and in the name of the maker, endorser, assignor, or other obligor:

(A) to appear in any court, whether of record or inferior; or

(B) to waive personal service of process;

in any action to enforce payment of money or any part of the

money claimed to be due;

(2) authorizing or purporting to authorize an attorney, agent, or other representative, however designated, to confess judgment on the instrument for a sum of money when the sum is to be ascertained, or the judgment is to be rendered or entered otherwise than by action of court upon a hearing after personal service upon the debtor, whether with or without attorney's fee; or

(3) authorizing or purporting to authorize an attorney, agent, or representative to:

(A) release errors or the right of appeal from any judgment;

or

(B) consent to the issuance of execution on the judgment.

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

IC 34-6-2-23

"College, university, or junior college"

Sec. 23. "College, university, or junior college", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-7.

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

IC 34-6-2-24

"Commissioner"

Sec. 24. "Commissioner", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-8.

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

IC 34-6-2-25

"Community health center"

Sec. 25. "Community health center", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-9.

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

IC 34-6-2-26

"Community mental health center"

Sec. 26. "Community mental health center", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-10.

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

IC 34-6-2-27

"Community mental retardation center"

Sec. 27. "Community mental retardation center", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-11.

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

IC 34-6-2-28

"Compensation"

Sec. 28. (a) "Compensation", for purposes of section 127 of this chapter, does not include payments:

(1) to reimburse the expenses of a qualified director (as defined

in section 127 of this chapter); and

(2) for per diem.

(b) "Compensation", for purposes of IC 34-30-18, means anything of value given as payment for performing a function. The term does not include:

(1) payment for expenses, prizes, or trophies; or

(2) a payment to an individual of fifteen dollars (\$15) or less for performing one (1) or more functions during a day.

(c) "Compensation", for purposes of IC 34-30-19, does not include the following:

(1) Reimbursement or payment of reasonable expenses incurred for the benefit of a sports or leisure activity.

(2) Any award, meal, or other gift that does not exceed one hundred dollars (\$100) in value and is given as a token of appreciation or recognition.

(3) Any per diem payment that does not exceed fifty dollars (\$50) for personal services as a referee, umpire, judge, or assistant to a referee, umpire, or judge.

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

IC 34-6-2-29

"Consumer"

Sec. 29. "Consumer", for purposes of IC 34-20, means:

(1) a purchaser;

(2) any individual who uses or consumes the product;

(3) any other person who, while acting for or on behalf of the injured party, was in possession and control of the product in question; or

(4) any bystander injured by the product who would reasonably be expected to be in the vicinity of the product during its reasonably expected use.

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

IC 34-6-2-29.5

"Corporation"

Sec. 29.5. "Corporation", for purposes of IC 34-31-8, has the meaning set forth in IC 34-31-8-2.

As added by P.L.134-2009, SEC.2.

IC 34-6-2-30

"Cost of the periodic payments agreement"

Sec. 30. "Cost of the periodic payments agreement", for purposes of IC 34-18-14, has the meaning set forth in IC 34-18-14-1.

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

IC 34-6-2-30.5

"Costs"

Sec. 30.5. "Costs", for purposes of this article, includes fees.

As added by P.L.106-2010, SEC.6.

IC 34-6-2-31**"Court"**

Sec. 31. (a) "Court", for purposes of IC 34-51-4, refers to the court awarding a judgment.

(b) "Court", for purposes of IC 34-57-2, has the meaning set forth in IC 34-57-2-17.

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

IC 34-6-2-32**"Criminal gang"**

Sec. 32. "Criminal gang", for purposes of section 6 of this chapter, has the meaning set forth in IC 35-45-9-1.

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

IC 34-6-2-33**"Daily newspaper"**

Sec. 33. "Daily newspaper", for purposes of IC 34-15-4, means a newspaper that publishes five (5) or more issues each week.

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

IC 34-6-2-33.5**"Debt"**

Sec. 33.5. "Debt", for purposes of sections 44.3, 44.4, 71.9, 73.5, 73.7, and 135.5 of this chapter and IC 34-55-10, means a legally or an equitably enforced monetary obligation or liability of an individual arising out of contract, tort, or otherwise.

As added by P.L.179-2005, SEC.2.

IC 34-6-2-34**"Department"**

Sec. 34. "Department", for purposes of IC 34-13-3-7, refers to the department of correction.

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

IC 34-6-2-34.5**"Domestic or family violence"**

Sec. 34.5. "Domestic or family violence" means, except for an act of self-defense, the occurrence of at least one (1) of the following acts committed by a family or household member:

- (1) Attempting to cause, threatening to cause, or causing physical harm to another family or household member.
- (2) Placing a family or household member in fear of physical harm.
- (3) Causing a family or household member to involuntarily engage in sexual activity by force, threat of force, or duress.
- (4) Beating (as described in IC 35-46-3-0.5(2)), torturing (as described in IC 35-46-3-0.5(5)), mutilating (as described in IC 35-46-3-0.5(3)), or killing a vertebrate animal without justification with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member.

For purposes of IC 34-26-5, domestic and family violence also includes stalking (as defined in IC 35-45-10-1) or a sex offense under IC 35-42-4, whether or not the stalking or sex offense is committed by a family or household member.

As added by P.L.133-2002, SEC.41. Amended by P.L.221-2003, SEC.7; P.L.171-2007, SEC.3.

IC 34-6-2-35

"Economically feasible"

Sec. 35. "Economically feasible", for purposes of IC 34-55-6, means a finding by the court that:

(1) a reasonable probability exists that with the use of auctioneer services a valid and enforceable bid will be made at the execution for a sale price equal to or greater than the amount of the judgment and the costs and expenses necessary to its satisfaction, including the costs of the auctioneer; and

(2) no such probability exists without the use of an auctioneer.

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

IC 34-6-2-36

"Emergency"

Sec. 36. "Emergency", for purposes of IC 34-30-6, means an occurrence or an imminent threat of an occurrence that involves a hazardous substance or compressed gas and that creates the possibility of harm to any person, to property, or to the environment.

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

IC 34-6-2-37

"Emergency medical technician"

Sec. 37. "Emergency medical technician", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-12.

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

IC 34-6-2-37.2

Repealed

(Repealed by P.L.77-2012, SEC.54.)

IC 34-6-2-37.4

Repealed

(Repealed by P.L.77-2012, SEC.55.)

IC 34-6-2-38

"Employee" and "public employee"

Sec. 38. (a) "Employee" and "public employee", for purposes of section 91 of this chapter, IC 34-13-2, IC 34-13-3, IC 34-13-4, and IC 34-30-14, mean a person presently or formerly acting on behalf of a governmental entity, whether temporarily or permanently or with or without compensation, including members of boards, committees, commissions, authorities, and other instrumentalities of governmental entities, volunteer firefighters (as defined in

IC 36-8-12-2), and elected public officials.

(b) The term also includes attorneys at law whether employed by the governmental entity as employees or independent contractors and physicians licensed under IC 25-22.5 and optometrists who provide medical or optical care to confined offenders (as defined in IC 11-8-1) within the course of their employment by or contractual relationship with the department of correction. However, the term does not include:

- (1) an independent contractor (other than an attorney at law, a physician, or an optometrist described in this section);
- (2) an agent or employee of an independent contractor;
- (3) a person appointed by the governor to an honorary advisory or honorary military position; or
- (4) a physician licensed under IC 25-22.5 with regard to a claim against the physician for an act or omission occurring or allegedly occurring in the physician's capacity as an employee of a hospital.

(c) For purposes of IC 34-13-3 and IC 34-13-4, the term includes a person that engages in an act or omission before July 1, 2004, in the person's capacity as:

- (1) a contractor under IC 6-1.1-4-32 (repealed);
- (2) an employee acting within the scope of the employee's duties for a contractor under IC 6-1.1-4-32 (repealed);
- (3) a subcontractor of the contractor under IC 6-1.1-4-32 (repealed) that is acting within the scope of the subcontractor's duties; or
- (4) an employee of a subcontractor described in subdivision (3) that is acting within the scope of the employee's duties.

As added by P.L.1-1998, SEC.1. Amended by P.L.142-1999, SEC.1; P.L.250-2001, SEC.1; P.L.1-2002, SEC.142; P.L.151-2002, SEC.4 and P.L.178-2002, SEC.112; P.L.1-2003, SEC.88; P.L.1-2007, SEC.223; P.L.121-2009, SEC.14.

IC 34-6-2-39

"Enterprise"

Sec. 39. "Enterprise", for purposes of IC 34-24-2, has the meaning set forth in IC 35-45-6-1.

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

IC 34-6-2-40

"Equine"

Sec. 40. "Equine", for purposes of IC 34-31-5, means a horse, pony, mule, donkey, or hinny.

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

IC 34-6-2-41

"Equine activity"

Sec. 41. (a) "Equine activity", for purposes of IC 34-31-5, includes the following:

- (1) Equine shows, fairs, competitions, performances, or parades

that involve equines and any of the equine disciplines, including dressage, hunter and jumper horse shows, grand prix jumping, three (3) day events, combined training, rodeos, driving, pulling, cutting, polo, steeplechasing, English and western performance riding, endurance trail riding and western games, and hunting.

(2) Equine training or teaching activities.

(3) Boarding equines.

(4) Riding, driving, inspecting, or evaluating an equine, whether or not monetary consideration or anything of value is exchanged.

(5) Rides, trips, hunts, or other equine activities of any type (even if informal or impromptu) that are sponsored by an equine activity sponsor.

(6) Placing or replacing horseshoes on an equine.

(b) The term does not include being a spectator at an equine activity.

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

IC 34-6-2-42

"Equine activity sponsor"

Sec. 42. "Equine activity sponsor", for purposes of IC 34-31-5, means a person who sponsors, organizes, or provides facilities for an equine activity.

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

IC 34-6-2-43

"Equine professional"

Sec. 43. "Equine professional", for purposes of IC 34-31-5, means a person who, for compensation:

(1) instructs a participant on riding, driving, or being a passenger upon an equine;

(2) rents to a participant an equine for the purpose of riding, driving, or being a passenger upon the equine; or

(3) rents equipment or tack to a participant.

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

IC 34-6-2-44

"Evaluation of patient care"

Sec. 44. (a) "Evaluation of patient care", for purposes of IC 34-30-15, relates to:

(1) the accuracy of diagnosis;

(2) the propriety, appropriateness, quality, or necessity of care rendered by a professional health care provider; and

(3) the reasonableness of the utilization of services, procedures, and facilities in the treatment of individual patients.

(b) The term does not relate to charges for services or to methods used in arriving at diagnoses.

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

IC 34-6-2-44.1

"Event"

Sec. 44.1. "Event", for purposes of section 3.3 of this chapter and IC 34-30-22, means:

- (1) a performance;
- (2) a benefit;
- (3) a fundraiser;
- (4) an auction;
- (5) a meal;
- (6) a concert;
- (7) a sporting event;
- (8) a festival;
- (9) a parade;
- (10) a reception;
- (11) a trade show;
- (12) a convention;
- (13) an educational program; or
- (14) another occasion organized by or for a federally tax exempt organization.

As added by P.L.1-2006, SEC.515.

IC 34-6-2-44.2

"Exempt"

Sec. 44.2. "Exempt", for purposes of IC 34-55-10, means protected from a judicial lien, process, or proceeding to collect a debt.

As added by P.L.1-2006, SEC.516.

IC 34-6-2-44.3

Repealed

(Repealed by P.L.1-2006, SEC.588.)

IC 34-6-2-44.4

"Exemption"

Sec. 44.4. "Exemption", for purposes of IC 34-55-10, means protection from a judicial lien, process, or proceeding to collect a debt.

As added by P.L.179-2005, SEC.4.

IC 34-6-2-44.5

"Extreme sport area"

Sec. 44.5. (a) "Extreme sport area", for purposes of IC 34-13-3, means an indoor or outdoor ramp, course, or area specifically designated for the exclusive recreational or sporting use of one (1) or more types of extreme sport equipment.

(b) The term does not include property used at any time as a public sidewalk, footpath, vehicle parking lot, multiple use trail, multiple use greenway, or other public way.

As added by P.L.250-2001, SEC.2.

IC 34-6-2-44.6

"Extreme sport equipment"

Sec. 44.6. "Extreme sport equipment", for purposes of section 44.5 of this chapter and IC 34-13-3, means any of the following nonmotorized devices:

- (1) Skateboards.
- (2) Roller skates.
- (3) Inline skates.
- (4) Freestyle bicycles.
- (5) Mountain bicycles.
- (6) An apparatus that is:
 - (A) wheeled;
 - (B) recreational or sporting in nature;
 - (C) powered solely by the physical efforts of the user; and
 - (D) generally known, as the term is used in Rule 201 of the Indiana Rules of Evidence, as an apparatus used for extreme sport.

As added by P.L.250-2001, SEC.3.

IC 34-6-2-44.7

"Family law arbitrator"

Sec. 44.7. "Family law arbitrator", for purposes of IC 34-57-5, means:

- (1) an attorney certified as a family law specialist in Indiana by an independent certifying organization that is approved and monitored under Rule 30 of the Rules for Admission to the Bar;
- (2) a private judge qualified under Rule 1.3 of the Indiana Supreme Court Rules for Alternative Dispute Resolution;
- (3) an individual who is a former magistrate or commissioner of an Indiana court of record; or
- (4) an attorney who is a registered domestic relations mediator under Rule 2.5(B) of the Indiana Supreme Court Rules for Alternative Dispute Resolution.

As added by P.L.112-2005, SEC.1.

IC 34-6-2-44.8

"Family or household member"

Sec. 44.8. (a) An individual is a "family or household member" of another person if the individual:

- (1) is a current or former spouse of the other person;
- (2) is dating or has dated the other person;
- (3) is engaged or was engaged in a sexual relationship with the other person;
- (4) is related by blood or adoption to the other person;
- (5) is or was related by marriage to the other person;
- (6) has or previously had an established legal relationship:
 - (A) as a guardian of the other person;
 - (B) as a ward of the other person;
 - (C) as a custodian of the other person;
 - (D) as a foster parent of the other person; or

(E) in a capacity with respect to the other person similar to those listed in clauses (A) through (D);

(7) has a child in common with the other person; or

(8) has adopted a child of the other person.

(b) An individual is a "family or household member" of both persons to whom subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8) applies if the individual is a minor child of one (1) of the persons.

As added by P.L.133-2002, SEC.42. Amended by P.L.97-2004, SEC.113; P.L.136-2012, SEC.9.

IC 34-6-2-45

"Fault"

Sec. 45. (a) "Fault", for purposes of IC 34-20, means an act or omission that is negligent, willful, wanton, reckless, or intentional toward the person or property of others. The term includes the following:

(1) Unreasonable failure to avoid an injury or to mitigate damages.

(2) A finding under IC 34-20-2 (or IC 33-1-1.5-3 before its repeal) that a person is subject to liability for physical harm caused by a product, notwithstanding the lack of negligence or willful, wanton, or reckless conduct by the manufacturer or seller.

(b) "Fault", for purposes of IC 34-51-2, includes any act or omission that is negligent, willful, wanton, reckless, or intentional toward the person or property of others. The term also includes unreasonable assumption of risk not constituting an enforceable express consent, incurred risk, and unreasonable failure to avoid an injury or to mitigate damages.

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

IC 34-6-2-46

"Fees or other expenses"

Sec. 46. "Fees or other expenses", for purposes of IC 34-52-2, include:

(1) the reasonable expenses of expert witnesses that are found by a court under IC 34-52-2 to be necessary for the preparation of the petitioner's case;

(2) the reasonable costs of any:

(A) study;

(B) analysis;

(C) engineering report; or

(D) test project;

that are found by a court under IC 34-52-2 to be necessary for the preparation of the petitioner's case;

(3) any reasonable discovery expenses, that are found by a court under IC 34-52-2 to be necessary for the preparation of the petitioner's case; and

(4) reasonable attorney's fees.

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

IC 34-6-2-46.5

"Fire control or protection equipment"

Sec. 46.5. "Fire control or protection equipment", for purposes of IC 34-30-10.5, includes vehicles, firefighting tools, protective gear, breathing apparatuses, and other supplies, equipment, and tools used in firefighting or emergency rescue.

As added by P.L.95-2001, SEC.1.

IC 34-6-2-46.7

"Firearm"

Sec. 46.7. "Firearm", for purposes of IC 34-28-7 and IC 34-30-20, has the meaning set forth in IC 35-47-1-5.

As added by P.L.80-2004, SEC.1. Amended by P.L.90-2010, SEC.3.

IC 34-6-2-47

"Food item"

Sec. 47. "Food item", for purposes of IC 34-30-5, means any item that may be ingested as a normal part of the human diet. The term includes food that was prepared for serving by a food source (as defined in section 48 of this chapter) but not served by the food source.

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

IC 34-6-2-48

"Food source"

Sec. 48. "Food source", for purposes of IC 34-30-5, means any of the following:

- (1) A restaurant.
- (2) A cafeteria.
- (3) A hospital.
- (4) A hotel.
- (5) A caterer.
- (6) A public or a private school, or postsecondary educational institution.
- (7) A fraternal organization or veterans organization.
- (8) Any other person that prepares and serves food to individuals in the ordinary course of that person's business.

As added by P.L.1-1998, SEC.1. Amended by P.L.2-2007, SEC.369.

IC 34-6-2-48.3

"Foreign judgment"

Sec. 48.3. "Foreign judgment", for purposes of IC 34-54-11, means any judgment, decree or order of:

- (1) a court of the United States; or
- (2) any other court that is entitled to the full faith and credit of Indiana.

As added by P.L.40-2003, SEC.1. Amended by P.L.63-2010, SEC.1.

IC 34-6-2-48.5**"Foreign protection order"**

Sec. 48.5. "Foreign protection order", for purposes of IC 34-26-5-17, means a protection order issued by a tribunal of:

- (1) another state; or
- (2) an Indian tribe;

regardless of whether the protection order was issued in an independent proceeding or as part of another criminal or civil proceeding.

As added by P.L.280-2001, SEC.28. Amended by P.L.133-2002, SEC.43.

IC 34-6-2-49**"Governmental entity"**

Sec. 49. (a) "Governmental entity", for purposes of section 91 of this chapter, IC 34-13-2, IC 34-13-3, and IC 34-13-4, means the state or a political subdivision of the state. For purposes of IC 34-13-2, IC 34-13-3, and IC 34-13-4, the term includes a charter school.

(b) "Governmental entity", for purposes of section 103(j) of this chapter, means the state or a political subdivision of the state.

As added by P.L.1-1998, SEC.1. Amended by P.L.250-2001, SEC.4; P.L.280-2001, SEC.29; P.L.1-2002, SEC.143; P.L.133-2002, SEC.44; P.L.90-2010, SEC.4; P.L.220-2013, SEC.1.

IC 34-6-2-50**"Grant recipient"**

Sec. 50. "Grant recipient", for purposes of IC 34-57-3, means a nonprofit corporation or an organization that administers a community dispute resolution center under IC 34-57-3.

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

IC 34-6-2-51**"Gratuitously renders emergency care"**

Sec. 51. (a) "Gratuitously renders emergency care", for purposes of IC 34-30-12-1, means the giving of emergency care (including the use of an automatic external defibrillator):

- (1) that was volunteered without legal obligation on the part of the person rendering the emergency care; and
- (2) for which the person rendering the emergency care does not expect remuneration.

(b) Emergency care may not be considered to be gratuitously rendered emergency care solely because of the failure to send a bill for the emergency care.

As added by P.L.1-1998, SEC.1. Amended by P.L.1-1999, SEC.67.

IC 34-6-2-52**"Hazardous substance"**

Sec. 52. "Hazardous substance", for purposes of IC 34-30-6, means:

- (1) a material or waste that has been determined to be hazardous

or potentially hazardous to any individual, to property, or to the environment by the United States Environmental Protection Agency, the federal Nuclear Regulatory Commission, the United States Department of Transportation, the solid waste management board, or the United States Occupational Safety and Health Agency or any agent or designee of any of the above mentioned boards, agencies, or commission; or

(2) any substance that may be potentially hazardous to any person, to property or to the environment.

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

IC 34-6-2-53

"Health care"

Sec. 53. "Health care", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-13.

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

IC 34-6-2-54

"Health care provider"

Sec. 54. (a) "Health care provider", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-14.

(b) "Health care provider", for purposes of IC 34-30-12.5, has the meaning set forth in IC 34-30-12.5-2.

As added by P.L.1-1998, SEC.1. Amended by P.L.136-2003, SEC.1.

IC 34-6-2-55

"Health care services"

Sec. 55. (a) "Health care services", for purposes of IC 34-30-13, has the meaning set forth in IC 27-13-1-18(a).

(b) "Health care services", for purposes of IC 34-30-13.5, means:

(1) any services provided by an individual licensed under:

(A) IC 25-2.5;

(B) IC 25-10;

(C) IC 25-13;

(D) IC 25-14;

(E) IC 25-22.5;

(F) IC 25-23;

(G) IC 25-23.5;

(H) IC 25-23.6;

(I) IC 25-24;

(J) IC 25-26;

(K) IC 25-27;

(L) IC 25-27.5;

(M) IC 25-29;

(N) IC 25-33;

(O) IC 25-34.5; or

(P) IC 25-35.6;

(2) services provided as the result of hospitalization;

(3) services incidental to the furnishing of services described in subdivisions (1) or (2);

- (4) any services by individuals:
 - (A) licensed as paramedics;
 - (B) certified as advanced emergency medical technicians; or
 - (C) certified as emergency medical technicians under IC 16-31-2;
- (5) any services provided by individuals certified as emergency medical responders under IC 16-31-2; or
- (6) any other services or goods furnished for the purpose of preventing, alleviating, curing, or healing human illness, physical disability, or injury.

As added by P.L.1-1998, SEC.1. Amended by P.L.138-2006, SEC.12; P.L.77-2012, SEC.56.

IC 34-6-2-56

"Health facility"

Sec. 56. "Health facility", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-15.

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

IC 34-6-2-57

"Hitchhiker"

Sec. 57. "Hitchhiker", for purposes of IC 34-30-11, means a passenger who has solicited a ride in violation of IC 9-21-17-16.

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

IC 34-6-2-58

"Homeowners association"

Sec. 58. "Homeowners association", for purposes of section 127 of this chapter, means a corporation or other entity that:

- (1) is organized and operated exclusively for the benefit of two
- (2) or more persons who each own a dwelling in fee simple; and
- (2) acts, in accordance with the articles, bylaws, and other documents governing the entity, to:
 - (A) acquire, transfer, manage, repair, maintain, or engage in construction on or in the land and improvements on the land related to the use of the dwellings owned by the members of the corporation;
 - (B) purchase insurance to cover a casualty or an activity on or in the land and improvements on the land;
 - (C) engage in an activity incidental to an activity described in clause (A) or (B); or
 - (D) engage in more than one (1) of the activities described in clauses (A) through (C).

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

IC 34-6-2-59

"Hospital"

Sec. 59. "Hospital", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-16.

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

IC 34-6-2-60**"Hospital medical record"**

Sec. 60. "Hospital medical record", for purposes of IC 34-43-1, means the hospital's clinical record maintained on each hospital patient as provided in IC 16-18-2-168.

As added by P.L.1-1998, SEC.1. Amended by P.L.255-2003, SEC.54.

IC 34-6-2-60.4**"Ice skater"**

Sec. 60.4. "Ice skater", for purposes of IC 34-31-6.5, means a person, including an invitee, who wears ice skates while in an ice skating rink for the purpose of recreational or competitive ice skating, whether or not the person pays consideration for entrance to the skating rink.

As added by P.L.77-2013, SEC.1.

IC 34-6-2-60.6**"Ice skating rink"**

Sec. 60.6. "Ice skating rink", for purposes of IC 34-31-6.5, means a building, facility, or other property where an area specifically designed for use for recreational or competitive ice skating is present.

As added by P.L.77-2013, SEC.2.

IC 34-6-2-61**"Illegal drug"**

Sec. 61. "Illegal drug", for purposes of IC 34-24-4, means a drug that is illegal to distribute under state law.

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

IC 34-6-2-62**"Illegal drug market"**

Sec. 62. "Illegal drug market", for purposes of IC 34-24-4, means the support system of illegal drug related operations, from production to retail sales, through which an illegal drug reaches a drug user.

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

IC 34-6-2-63 Version a**"Illegal drug market target community"**

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 63. "Illegal drug market target community", for purposes of IC 34-24-4, means the following areas where a person participates in the illegal drug market:

- (1) The county in which the person's place of participation is located if the person violates a statute concerning possession or dealing of an illegal drug that is punishable as a Class D felony.
- (2) The county described in subdivision (1) plus all counties with a border contiguous to the county if the person violates a statute concerning possession or dealing of an illegal drug that

is punishable as a Class C felony.

(3) The counties described in subdivision (2) plus all counties with a border contiguous to those counties if the person violates a statute concerning possession or dealing of an illegal drug that is punishable as a Class B felony.

(4) Indiana if the person violates a statute in Indiana concerning possession or dealing of an illegal drug that is punishable as a Class A felony.

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

IC 34-6-2-63 Version b

"Illegal drug market target community"

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 63. "Illegal drug market target community", for purposes of IC 34-24-4, means the following areas where a person participates in the illegal drug market:

(1) The county in which the person's place of participation is located if the person violates a statute concerning possession or dealing of an illegal drug that is punishable as a Level 6 felony.

(2) The county described in subdivision (1) plus all counties with a border contiguous to the county if the person violates a statute concerning possession or dealing of an illegal drug that is punishable as a Level 5 felony.

(3) The counties described in subdivision (2) plus all counties with a border contiguous to those counties if the person violates a statute concerning possession or dealing of an illegal drug that is punishable as a Level 3 or Level 4 felony.

(4) Indiana if the person violates a statute in Indiana concerning possession or dealing of an illegal drug that is punishable as a Level 1 or Level 2 felony.

As added by P.L.1-1998, SEC.1. Amended by P.L.158-2013, SEC.347.

IC 34-6-2-64

"In good faith"

Sec. 64. "In good faith", for purposes of IC 34-13-3 and IC 34-30-15, refers to an act taken:

(1) without malice;

(2) after a reasonable effort to obtain the facts of the matter; and

(3) in the reasonable belief that the action taken is warranted by the facts known.

As added by P.L.1-1998, SEC.1. Amended by P.L.280-2001, SEC.30.

IC 34-6-2-65

"Incapacitated"

Sec. 65. "Incapacitated", for purposes of IC 34-13-3, has the meaning set forth in IC 29-3-1-7.5.

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

IC 34-6-2-66

Repealed

(Repealed by P.L.2-2002, SEC.128.)

IC 34-6-2-66.7

"Indian tribe"

Sec. 66.7. "Indian tribe", for purposes of sections 48.5, 71.7, and 121.6 of this chapter and IC 34-26-5-17, means an Indian:

- (1) tribe;
- (2) band;
- (3) pueblo;
- (4) nation; or
- (5) organized group or community, including an Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

that is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians.

As added by P.L.280-2001, SEC.31. Amended by P.L.133-2002, SEC.45.

IC 34-6-2-67

"Individual drug user"

Sec. 67. "Individual drug user", for purposes of IC 34-24-4, means an individual whose illegal drug use is the basis of an action brought under IC 34-24-4 (or IC 34-1-70 before its repeal).

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

IC 34-6-2-68

Repealed

(Repealed by P.L.2-2002, SEC.128.)

IC 34-6-2-68.8

"Inherent risks of agritourism activities"

Sec. 68.8. "Inherent risks of agritourism activities", for the purposes of IC 34-31-9, has the meaning set forth in IC 34-31-9-4.

As added by P.L.6-2012, SEC.216.

IC 34-6-2-69

"Inherent risks of equine activities"

Sec. 69. "Inherent risks of equine activities", for purposes of IC 34-31-5, means the dangers or conditions that are an integral part of equine activities, including the following:

- (1) The propensity of an equine to behave in ways that may result in injury, harm, or death to persons on or around the equine.
- (2) The unpredictability of an equine's reaction to such things as sound, sudden movement, unfamiliar objects, people, or other animals.

- (3) Hazards such as surface and subsurface conditions.
- (4) Collisions with other equines or objects.
- (5) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within the participant's ability.

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

IC 34-6-2-69.5

"Innocent successor corporation"

Sec. 69.5. "Innocent successor corporation", for purposes of IC 34-31-8, has the meaning set forth in IC 34-31-8-3.

As added by P.L.134-2009, SEC.3.

IC 34-6-2-70

"Insured"

Sec. 70. "Insured", for purposes of IC 34-53, means a person insured by an insurer.

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

IC 34-6-2-71

"Insurer"

Sec. 71. (a) "Insurer", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-17.

(b) "Insurer", for purposes of IC 34-53, has the meaning set forth in IC 27-1-2-3.

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

IC 34-6-2-71.3

"Interested party"

Sec. 71.3. "Interested party", for purposes of IC 34-50-2, has the meaning set forth in IC 34-50-2-1.

As added by P.L.219-2001, SEC.2.

IC 34-6-2-71.7

"Issuing state or Indian tribe"

Sec. 71.7. "Issuing state or Indian tribe", for purposes of IC 34-26-5-17, means the state or Indian tribe whose tribunal issues a protection order.

As added by P.L.280-2001, SEC.32. Amended by P.L.133-2002, SEC.46.

IC 34-6-2-71.9

"Judicial lien"

Sec. 71.9. "Judicial lien", for purposes of sections 44.3, 44.4, and 73.7 of this chapter, means a lien on property obtained by a judgment, levy, or another legal or equitable process or proceeding instituted to collect a debt.

As added by P.L.179-2005, SEC.5.

IC 34-6-2-72**"Law"**

Sec. 72. "Law", as for example "the law relating to other civil actions", for purposes of IC 34-13-5, means the statutes, including but not limited to IC 34-13-5 (and IC 34-4-17 before its repeal), and any applicable rules of the Indiana supreme court on any subject.

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

IC 34-6-2-72.2**"Land"**

Sec. 72.2. "Land", for the purposes of IC 34-31-9, has the meaning set forth in IC 34-31-9-5.

As added by P.L.6-2012, SEC.217.

IC 34-6-2-73**"Law enforcement costs"**

Sec. 73. "Law enforcement costs", for purposes of IC 34-24-1, means:

- (1) expenses incurred by the law enforcement agency that makes a seizure under IC 34-24-1 (or IC 34-4-30.1 before its repeal) for the criminal investigation associated with the seizure;
- (2) repayment of the investigative fund of the law enforcement agency that makes a seizure under IC 34-24-1 to the extent that the agency can specifically identify any part of the money as having been expended from the fund; and
- (3) expenses of the prosecuting attorney associated with the costs of proceedings associated with the seizure and the offenses related to the seizure.

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

IC 34-6-2-73.3**"Law enforcement officer"**

Sec. 73.3. "Law enforcement officer", for purposes of IC 34-26-5, has the meaning set forth in IC 35-31.5-2-185.

As added by P.L.280-2001, SEC.33. Amended by P.L.133-2002, SEC.47; P.L.114-2012, SEC.59.

IC 34-6-2-73.5**"Levy"**

Sec. 73.5. "Levy", for purposes of section 71.9 of this chapter and IC 34-55-10, means the seizure of property under a writ of attachment, a garnishment, an execution, or a similar legal or equitable process issued to collect a debt.

As added by P.L.179-2005, SEC.6.

IC 34-6-2-73.7**"Lien"**

Sec. 73.7. "Lien", for purposes of section 71.9 of this chapter and IC 34-55-10, means a security interest, judicial lien, statutory lien,

common law lien, or another interest in property to secure the payment of a debt or the performance of an obligation.

As added by P.L.179-2005, SEC.7.

IC 34-6-2-74

Repealed

(Repealed by P.L.2-2002, SEC.128.)

IC 34-6-2-74.1

"Livestock"

Sec. 74.1. "Livestock" for purposes of IC 34-30-5, has the meaning set forth in IC 15-19-5-3.

As added by P.L.155-2013, SEC.2.

IC 34-6-2-75

"Loss"

Sec. 75. (a) "Loss", for purposes of IC 34-13-3, means injury to or death of a person or damage to property.

(b) "Loss", for purposes of IC 34-30-6, means injury to or death of a human being or damage to property or to the environment.

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

IC 34-6-2-76

"Malpractice"

Sec. 76. "Malpractice", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-18.

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

IC 34-6-2-77

"Manufacturer"

Sec. 77. (a) "Manufacturer", for purposes of IC 34-20, means a person or an entity who designs, assembles, fabricates, produces, constructs, or otherwise prepares a product or a component part of a product before the sale of the product to a user or consumer. "Manufacturer" includes a seller who:

- (1) has actual knowledge of a defect in a product;
- (2) creates and furnishes a manufacturer with specifications relevant to the alleged defect for producing the product or who otherwise exercises some significant control over all or a portion of the manufacturing process;
- (3) alters or modifies the product in any significant manner after the product comes into the seller's possession and before it is sold to the ultimate user or consumer;
- (4) is owned in whole or significant part by the manufacturer;
- or
- (5) owns in whole or significant part the manufacturer.

(b) A seller who discloses the name of the actual manufacturer of a product is not a manufacturer under this section merely because the seller places or has placed a private label on a product.

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

IC 34-6-2-78**"Mediation"**

Sec. 78. "Mediation", for purposes of IC 34-57-3, means a process where at least two (2) disputing parties choose to be guided to a mutually agreeable solution with the aid of a mediator.

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

IC 34-6-2-79**"Mediator"**

Sec. 79. "Mediator", for purposes of IC 34-57-3, means a neutral and impartial person who assists in the resolution of a dispute through the mediation process.

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

IC 34-6-2-80**"Mental health service provider"**

Sec. 80. "Mental health service provider", for purposes of IC 34-30-16, means any of the following:

- (1) A physician licensed under IC 25-22.5.
- (2) A hospital licensed under IC 16-21.
- (3) A private institution licensed under IC 12-25.
- (4) A psychologist licensed under IC 25-33.
- (5) A school psychologist licensed by the Indiana state board of education.
- (6) A postsecondary educational institution counseling center under the direction of a licensed psychologist, physician, or mental health professional.
- (7) A registered nurse or licensed practical nurse licensed under IC 25-23.
- (8) A clinical social worker licensed under IC 25-23.6-5-2.
- (9) A partnership, a limited liability company, a corporation, or a professional corporation (as defined in IC 23-1.5-1-10) whose partners, members, or shareholders are mental health service providers described in subdivisions (1) through (6).
- (10) A community mental health center (as defined in IC 12-7-2-38).
- (11) A program for the treatment, care, or rehabilitation of alcohol abusers or drug abusers that is:
 - (A) certified under IC 12-23-1-6; or
 - (B) created and funded under IC 12-23-14 or IC 33-23-16.
- (12) A state institution (as defined in IC 12-7-2-184).
- (13) A managed care provider (as defined in IC 12-7-2-127(b)).

As added by P.L.1-1998, SEC.1. Amended by P.L.168-2002, SEC.13; P.L.2-2007, SEC.370; P.L.108-2010, SEC.8.

IC 34-6-2-81**Repealed**

(Repealed by P.L.232-2013, SEC.21.)

IC 34-6-2-82

"Migrant health center"

Sec. 82. "Migrant health center", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-20.

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

IC 34-6-2-82.6

"Military base"

Sec. 82.6. "Military base", for purposes of IC 34-30-21, means a United States or an Indiana government military installation that:

- (1) has an area of at least sixty thousand (60,000) acres and is used for the design, construction, maintenance, and testing of electronic devices and ordnance;
- (2) has an area of at least nine hundred (900) acres and serves as an urban training center for military units, civilian personnel, and first responders; or
- (3) has an area of at least five thousand (5,000) acres and serves as a joint training center for active and reserve components of the armed forces of the United States.

As added by P.L.5-2005, SEC.4. Amended by P.L.180-2006, SEC.7.

IC 34-6-2-83

"Minor"

Sec. 83. "Minor", for purposes of IC 34-28-3, means a person less than eighteen (18) years of age.

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

IC 34-6-2-83.8

"Monetary consideration"

Sec. 83.8. "Monetary consideration", for the purposes of IC 34-31-9, has the meaning set forth in IC 34-31-9-6.

As added by P.L.6-2012, SEC.218.

IC 34-6-2-84

"Motor vehicle"

Sec. 84. "Motor vehicle", for purposes of IC 34-40-4, has the meaning set forth in IC 9-13-2-105(a).

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

IC 34-6-2-85

"Moving traffic violation"

Sec. 85. "Moving traffic violation", for purposes of IC 34-28-5, means a violation of:

- (1) a statute defining an infraction; or
- (2) an ordinance;

that applies when a motor vehicle is in motion.

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

IC 34-6-2-86

"Municipal corporation"

Sec. 86. "Municipal corporation", for purposes of IC 34-13-5,

means:

(1) a:

(A) local subdivision of the state; or

(B) public instrumentality or public corporate body created by state law;

including but not limited to cities, towns, townships, counties, school corporations, special taxing districts, conservancy districts, and any other local public instrumentality or corporation that has the right to sue and be sued;

(2) a corporate or other entity that leases a public improvement to a municipal corporation; or

(3) the governing body of a municipal corporation and its members and officers in their official capacity.

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

IC 34-6-2-86.4

Repealed

(Repealed by P.L.133-2002, SEC.69.)

IC 34-6-2-87

"News service"

Sec. 87. "News service", for purposes of IC 34-15-4, means an entity that is either a membership association or a corporation with subscribers that:

(1) gathers and transmits news to its members or subscribers; and

(2) maintains an office in Indiana.

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

IC 34-6-2-88

"Nonparty"

Sec. 88. "Nonparty", for purposes of IC 34-51-2, means a person who caused or contributed to cause the alleged injury, death, or damage to property but who has not been joined in the action as a defendant.

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

IC 34-6-2-88.3

"Nonprofit religious organization"

Sec. 88.3. "Nonprofit religious organization", for purposes of IC 34-31-7, means an organization, a church, a body of communicants, or a group organized primarily for religious purposes and not for pecuniary profit that:

(1) operates:

(A) under Section 501 of the Internal Revenue Code or the Section 501 nonprofit status of the parent organization of the organization, church, body of communicants, or group; and

(B) has a constitution, a charter, an article, or a bylaw containing a clause that provides that upon dissolution, all remaining assets must:

- (i) be used for nonprofit religious purposes; or
 - (ii) revert to the parent organization for nonprofit religious purposes; or
- (2) operates as a place of worship and is recognized as a nonprofit organization by the Internal Revenue Service.

As added by P.L.149-2005, SEC.1.

IC 34-6-2-89

"Offender"

Sec. 89. (a) "Offender", for purposes of IC 34-13-3-7, means a person who is committed to the department of correction or was committed to the department of correction.

(b) "Offender", for purposes of IC 34-58, means a person who is committed to the department of correction or incarcerated in a jail.
As added by P.L.1-1998, SEC.1. Amended by P.L.80-2004, SEC.2.

IC 34-6-2-90

"Offeror"

Sec. 90. "Offeror", for purposes of IC 34-50, means a party to a civil action who makes a qualified settlement offer (as defined in section 128 of this chapter) to a recipient (as defined in section 129 of this chapter) who is an opposing party in the civil action.

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

IC 34-6-2-91

"Operator"

Sec. 91. (a) "Operator", for purposes of IC 34-30-3, means a person who is an owner, a lessee, a tenant, or an occupant of land or premises that are used in the production of agricultural products.

(b) "Operator", for purposes of IC 34-31-6, means a person or an entity, other than a governmental entity or an employee of a governmental entity, that owns, manages, controls, directs, or has operational responsibility for a roller skating rink.

(c) "Operator", for purposes of IC 34-31-6.5, means an approved postsecondary educational institution (as defined in IC 21-7-13-6) that owns, manages, controls, directs, or has operational responsibility for an ice skating rink.

As added by P.L.1-1998, SEC.1. Amended by P.L.250-2001, SEC.5; P.L.77-2013, SEC.3.

IC 34-6-2-92

"Paramedic"

Sec. 92. "Paramedic", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-21.

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

IC 34-6-2-93

"Parents"

Sec. 93. (a) "Parents", for purposes of IC 34-28-3, means:

- (1) the child's birth mother and father who:

- (A) is listed as the father on the birth certificate;
 - (B) is presumed by law under IC 31-14-7 to be the child's father; or
 - (C) has established paternity with a court order;
- (2) in the case of adoption, the adopting father and mother of a child;
 - (3) where custody of a child has been awarded in a court proceeding to someone other than the mother or father, the court appointed guardian or custodian of the child;
 - (4) where the child's parents are divorced, the parent to whom the divorce decree or modification awards physical custody or control of the child; or
 - (5) if the child's parents are living apart, the parent to whom physical custody or control of the child has been awarded by a court order.

(b) The term does not include a natural or adopting parent who has given written consent for the child to be adopted by another (if the child has been adopted by another), nor does the term include a child's parent who has lost custody of the child under subsection (a)(3), (a)(4), or (a)(5).

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

IC 34-6-2-94

"Partially emancipated minor"

Sec. 94. "Partially emancipated minor", for purposes of IC 34-28-3, means a minor who has been given certain limited authority to contract under IC 34-28-3.

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

IC 34-6-2-95

"Participant"

Sec. 95. (a) "Participant", for purposes of IC 34-31-5, means a person, whether an amateur or a professional, who engages in an equine activity, whether or not a fee is paid to participate in the equine activity.

(b) "Participant", for purposes of IC 34-31-9, has the meaning set forth in 34-31-9-7.

As added by P.L.1-1998, SEC.1. Amended by P.L.6-2012, SEC.219.

IC 34-6-2-96

"Participate"

Sec. 96. "Participate", for purposes of IC 34-28-3, means any action a person takes:

- (1) according to license or authority of the entity that sanctions a professional automobile or motorcycle racing event; or
- (2) by direction or authority of the race organizer of a sanctioned event;

including participation as a driver, mechanic, pit crew member, or unpaid volunteer in and around the pit and race track area.

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

IC 34-6-2-97

"Participate in the illegal drug market"

Sec. 97. (a) "Participate in the illegal drug market", for purposes of IC 34-24-4, means to:

- (1) distribute;
- (2) possess with an intent to distribute;
- (3) commit an act intended to facilitate the marketing or distribution of; or
- (4) agree to distribute;

an illegal drug.

(b) The term does not include the purchase or receipt of an illegal drug for personal use only.

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

IC 34-6-2-98

"Patient"

Sec. 98. "Patient", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-22.

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

IC 34-6-2-99

"Peer review committee"

Sec. 99. (a) "Peer review committee", for purposes of IC 34-30-15, means a committee that:

- (1) has the responsibility of evaluation of:
 - (A) qualifications of professional health care providers;
 - (B) patient care rendered by professional health care providers; or
 - (C) the merits of a complaint against a professional health care provider that includes a determination or recommendation concerning the complaint, and the complaint is based on the competence or professional conduct of an individual health care provider, whose competence or conduct affects or could affect adversely the health or welfare of a patient or patients; and
- (2) meets the following criteria:

- (A) The committee is organized:
 - (i) by a state, regional, or local organization of professional health care providers or by a nonprofit foundation created by the professional organization for purposes of improvement of patient care;
 - (ii) by the professional staff of a hospital, another health care facility, a nonprofit health care organization (under section 117(23) of this chapter), or a professional health care organization;
 - (iii) by state or federal law or regulation;
 - (iv) by a governing board of a hospital, a nonprofit health care organization (under section 117(23) of this chapter), or professional health care organization;
 - (v) as a governing board or committee of the board of a

hospital, a nonprofit health care organization (under section 117(23) of this chapter), or professional health care organization;

(vi) by an organization, a plan, or a program described in section 117(16) through 117(17) of this chapter;

(vii) as a hospital or a nonprofit health care organization (under section 117(23) of this chapter) medical staff or a section of that staff; or

(viii) as a governing board or committee of the board of a professional health care provider (as defined in section 117(16) through 117(17) of this chapter).

(B) At least fifty percent (50%) of the committee members are:

(i) individual professional health care providers, the governing board of a hospital, the governing board of a nonprofit health care organization (under section 117(23) of this chapter), or professional health care organization, or the governing board or a committee of the board of a professional health care provider (as defined in section 117(16) through 117(17) of this chapter); or

(ii) individual professional health care providers and the committee is organized as an interdisciplinary committee to conduct evaluation of patient care services.

(b) However, "peer review committee" does not include a medical review panel created under IC 34-18-10 (or IC 27-12-10 before its repeal).

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

IC 34-6-2-100

"Performance"

Sec. 100. "Performance", for purposes of IC 34-30-4, means the acts of a qualified director pertaining to the setting of policy and the controlling or overseeing of the activities or functional responsibilities of the entity served by the qualified director.

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

IC 34-6-2-101

"Period of illegal drug use"

Sec. 101. "Period of illegal drug use", for purposes of IC 34-24-4, means the time:

(1) of an individual drug user's first use of an illegal drug to the accrual of the cause of action under this chapter; and

(2) that is presumed to begin two (2) years before the cause of action accrues unless a defendant in the action proves otherwise by clear and convincing evidence.

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

IC 34-6-2-102

"Periodic payments agreement"

Sec. 102. "Periodic payments agreement", for purposes of

IC 34-18-14, has the meaning set forth in IC 34-18-14-2.
As added by P.L.1-1998, SEC.1.

IC 34-6-2-103

"Person"

Sec. 103. (a) "Person", for purposes of IC 34-14, has the meaning set forth in IC 34-14-1-13.

(b) "Person", for purposes of IC 34-11-2-11.5 and IC 34-24-4, means:

- (1) an individual;
- (2) a governmental entity;
- (3) a corporation;
- (4) a firm;
- (5) a trust;
- (6) a partnership; or
- (7) an incorporated or unincorporated association that exists under or is authorized by the laws of this state, another state, or a foreign country.

(c) "Person", for purposes of section 44.8 of this chapter, means an adult or a minor.

(d) "Person", for purposes of IC 34-26-4, has the meaning set forth in IC 35-31.5-2-234.

(e) "Person", for purposes of IC 34-30-5, means any of the following:

- (1) An individual.
- (2) A corporation.
- (3) A partnership.
- (4) An unincorporated association.
- (5) The state (as defined in IC 34-6-2-140).
- (6) A political subdivision (as defined in IC 34-6-2-110).
- (7) Any other entity recognized by law.

(f) "Person", for purposes of IC 34-30-6, means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity that:

- (1) has qualifications or experience in:
 - (A) storing, transporting, or handling a hazardous substance or compressed gas;
 - (B) fighting fires;
 - (C) emergency rescue; or
 - (D) first aid care; or
- (2) is otherwise qualified to provide assistance appropriate to remedy or contribute to the remedy of the emergency.

(g) "Person", for purposes of IC 34-30-18, includes:

- (1) an individual;
- (2) an incorporated or unincorporated organization or association;
- (3) the state of Indiana;
- (4) a political subdivision (as defined in IC 36-1-2-13);
- (5) an agency of the state or a political subdivision; or
- (6) a group of such persons acting in concert.

(h) "Person", for purposes of sections 42, 43, 69, and 95 of this chapter, means an individual, an incorporated or unincorporated organization or association, or a group of such persons acting in concert.

(i) "Person", for purposes of IC 34-30-10.5, means the following:

- (1) A political subdivision (as defined in IC 36-1-2-13).
- (2) A volunteer fire department (as defined in IC 36-8-12-2).
- (3) An employee of an entity described in subdivision (1) or (2) who acts within the scope of the employee's responsibilities.
- (4) A volunteer firefighter (as defined in IC 36-8-12-2) who is acting for a volunteer fire department.
- (5) A corporation, a limited liability company, a partnership, an unincorporated association, or any other entity recognized by law.

(j) "Person", for purposes of IC 34-28-7, means:

- (1) an individual;
- (2) a governmental entity;
- (3) a corporation;
- (4) a firm;
- (5) a trust;
- (6) a partnership; or
- (7) an incorporated or unincorporated association that exists under or is authorized by the laws of this state, another state, or a foreign country.

(k) "Person", for purposes of IC 34-31-9, has the meaning set forth in IC 34-31-9-8.

As added by P.L.1-1998, SEC.1. Amended by P.L.95-2001, SEC.2; P.L.2-2002, SEC.89; P.L.133-2002, SEC.48; P.L.153-2002, SEC.1; P.L.1-2003, SEC.89; P.L.90-2010, SEC.5; P.L.154-2011, SEC.3; P.L.6-2012, SEC.220; P.L.114-2012, SEC.60.

IC 34-6-2-104

"Personnel of a peer review committee"

Sec. 104. "Personnel of a peer review committee", for purposes of IC 34-30-15, means not only members of the committee but also all of the committee's employees, representatives, agents, attorneys, investigators, assistants, clerks, staff, and any other person or organization who serves a peer review committee in any capacity.

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

IC 34-6-2-105

"Physical harm"

Sec. 105. (a) "Physical harm", for purposes of IC 34-20, means bodily injury, death, loss of services, and rights arising from any such injuries, as well as sudden, major damage to property.

(b) The term does not include gradually evolving damage to property or economic losses from such damage.

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

IC 34-6-2-106

"Physician"

Sec. 106. "Physician", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-23.

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

IC 34-6-2-107

Repealed

(Repealed by P.L.2-2002, SEC.128.)

IC 34-6-2-108

"Place of illegal drug activity"

Sec. 108. "Place of illegal drug activity", for purposes of IC 34-24-4, means each county in which:

- (1) an individual drug user possesses or uses an illegal drug; or
- (2) the individual drug user:
 - (A) resides;
 - (B) attends school; or
 - (C) is employed;

during the period of the individual drug user's illegal drug use; unless a defendant in an action brought under IC 34-24-4 proves otherwise by clear and convincing evidence.

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

IC 34-6-2-109

"Place of participation"

Sec. 109. "Place of participation", for purposes of IC 34-24-4, means each county in which:

- (1) a person participates in the illegal drug market; or
- (2) the person:
 - (A) resides;
 - (B) attends school; or
 - (C) is employed;

during the period of the person's participation in the illegal drug market.

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

IC 34-6-2-110

"Political subdivision"

Sec. 110. "Political subdivision", for purposes of IC 34-13-3, means a:

- (1) county;
- (2) township;
- (3) city;
- (4) town;
- (5) separate municipal corporation;
- (6) special taxing district;
- (7) state educational institution;
- (8) city or county hospital;
- (9) school corporation;
- (10) board or commission of one (1) of the entities listed in

subdivisions (1) through (9);
(11) drug enforcement task force operated jointly by political subdivisions;
(12) community correctional service program organized under IC 12-12-1; or
(13) solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal).

As added by P.L.1-1998, SEC.1. Amended by P.L.2-2007, SEC.371.

IC 34-6-2-111

"Position of the agency"

Sec. 111. "Position of the agency", for purposes of IC 34-52-2, means the litigation stance taken by the state in a civil action subject to IC 34-52-2.

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

IC 34-6-2-112

"Practitioner"

Sec. 112. "Practitioner", for purposes of IC 34-30-14, means a person described in IC 16-42-19-5 who acts within the scope of the practitioner's practice.

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

IC 34-6-2-113

"Prejudgment interest"

Sec. 113. "Prejudgment interest", for purposes of IC 34-51-4, means interest on the amount of a judgment that is computed for a period preceding the date that the court returns a verdict or finding in the proceeding.

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

IC 34-6-2-113.5

"Prior civil law and procedure"

Sec. 113.5. "Prior civil law and procedure", for purposes of IC 34-7, refers to the statutes that are repealed or amended in the recodification act of the 1998 regular session of the general assembly as the statutes existed before the effective date of the applicable or corresponding provision of the recodification act of the 1998 regular session of the general assembly.

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

IC 34-6-2-114

"Product"

Sec. 114. (a) "Product", for purposes of IC 34-20, means any item or good that is personalty at the time it is conveyed by the seller to another party.

(b) The term does not apply to a transaction that, by its nature, involves wholly or predominantly the sale of a service rather than a product.

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

IC 34-6-2-115**"Product liability action"**

Sec. 115. "Product liability action", for purposes of IC 34-20, means an action that is brought:

- (1) against a manufacturer or seller of a product; and
- (2) for or on account of physical harm;

regardless of the substantive legal theory or theories upon which the action is brought.

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

IC 34-6-2-116**"Professional health care organization"**

Sec. 116. "Professional health care organization", for purposes of IC 34-30-15, refers to an organization described in section 117(14) or 117(25) of this chapter.

As added by P.L.1-1998, SEC.1. Amended by P.L.29-2013, SEC.1.

IC 34-6-2-117**"Professional health care provider"**

Sec. 117. "Professional health care provider", for purposes of IC 34-30-15, means:

- (1) a physician licensed under IC 25-22.5;
- (2) a dentist licensed under IC 25-14;
- (3) a hospital licensed under IC 16-21;
- (4) a podiatrist licensed under IC 25-29;
- (5) a chiropractor licensed under IC 25-10;
- (6) an optometrist licensed under IC 25-24;
- (7) a psychologist licensed under IC 25-33;
- (8) a pharmacist licensed under IC 25-26;
- (9) a health facility licensed under IC 16-28-2;
- (10) a registered or licensed practical nurse licensed under IC 25-23;
- (11) a physical therapist licensed under IC 25-27;
- (12) a home health agency licensed under IC 16-27-1;
- (13) a community mental health center (as defined in IC 12-7-2-38);
- (14) a health care organization whose members, shareholders, subsidiaries, affiliates, or partners are:
 - (A) professional health care providers described in subdivisions (1) through (13);
 - (B) professional corporations comprised of health care professionals (as defined in IC 23-1.5-1-8); or
 - (C) professional health care providers described in subdivisions (1) through (13) and professional corporations comprised of persons described in subdivisions (1) through (13);
- (15) a private psychiatric hospital licensed under IC 12-25;
- (16) a preferred provider organization (including a preferred provider arrangement or reimbursement agreement under IC 27-8-11);

- (17) a health maintenance organization (as defined in IC 27-13-1-19) or a limited service health maintenance organization (as defined in IC 27-13-34-4);
- (18) a respiratory care practitioner licensed under IC 25-34.5;
- (19) an occupational therapist licensed under IC 25-23.5;
- (20) a state institution (as defined in IC 12-7-2-184);
- (21) a clinical social worker who is licensed under IC 25-23.6-5-2;
- (22) a managed care provider (as defined in IC 12-7-2-127(b));
- (23) a nonprofit health care organization affiliated with a hospital that is owned or operated by a religious order, whose members are members of that religious order;
- (24) a nonprofit health care organization with one (1) or more hospital affiliates; or
- (25) a health care organization that owns or controls, in whole or in part, one (1) or more entities described in subdivisions (1) through (24).

As added by P.L.1-1998, SEC.1. Amended by P.L.60-2000, SEC.29; P.L.223-2001, SEC.11; P.L.197-2007, SEC.92; P.L.29-2013, SEC.2.

IC 34-6-2-118

"Professional staff"

Sec. 118. "Professional staff", for purposes of IC 34-30-15, means:

- (1) all individual professional health care providers authorized to provide health care in a hospital or other health care facility; or
- (2) the multidisciplinary staff of a community mental health center (as defined in IC 12-7-2-38).

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

IC 34-6-2-119

"Program"

Sec. 119. "Program", for purposes of IC 34-57-3, refers to the community dispute resolution centers program established under IC 34-57-3-2.

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

IC 34-6-2-120

"Property"

Sec. 120. (a) "Property", for purposes of IC 34-24-2, has the meaning set forth in IC 35-31.5-2-253.

- (b) "Property", for purposes of IC 34-30-9, includes the following:
- (1) Real property.
 - (2) Private ways.
 - (3) Waters.
 - (4) A structure located on property listed in subdivisions (1) through (3).

As added by P.L.1-1998, SEC.1. Amended by P.L.114-2012, SEC.61.

IC 34-6-2-121

Repealed

(Repealed by P.L.2-2002, SEC.128.)

IC 34-6-2-121.4

"Protected person"

Sec. 121.4. "Protected person" means a petitioner or a family or household member of the petitioner who is protected by the terms of a civil protective order issued under IC 34-26-5.

As added by P.L.280-2001, SEC.35. Amended by P.L.133-2002, SEC.49.

IC 34-6-2-121.6

"Protection order" or "order for protection"

Sec. 121.6. (a) "Protection order" or "order for protection", for purposes of sections 48.5, 121.4, and 130.7 of this chapter and IC 34-26-5, means an injunction or other order issued by a tribunal of the issuing state or Indian tribe to prevent an individual from:

- (1) engaging in violent or threatening acts against;
- (2) engaging in harassment of;
- (3) engaging in contact or communication with; or
- (4) being in physical proximity to;

another person, including temporary and final orders issued by civil and criminal courts.

(b) The term does not include a support or child custody order issued under the dissolution and child custody laws of a state or Indian tribe, except to the extent that the order qualifies as a protection order under subsection (a) and is entitled to full faith and credit under a federal law other than 18 U.S.C. 2265.

(c) The term applies to an order regardless of whether the order is obtained by filing an independent action or as a pendente lite order in another proceeding if any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

As added by P.L.280-2001, SEC.36. Amended by P.L.133-2002, SEC.50.

IC 34-6-2-122

"Psychiatric hospital"

Sec. 122. "Psychiatric hospital", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-24.

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

IC 34-6-2-123

"Public employee"

Sec. 123. "Public employee", for purposes of IC 34-13-2, IC 34-13-3, and IC 34-13-4, has the meaning set forth in section 38 of this chapter.

As added by P.L.1-1998, SEC.1. Amended by P.L.280-2001, SEC.37; P.L.133-2002, SEC.51.

IC 34-6-2-124

"Public lawsuit"

Sec. 124. (a) "Public lawsuit", for purposes of IC 34-13-5, means:

- (1) any action in which the validity, location, wisdom, feasibility, extent, or character of construction, financing, or leasing of a public improvement by a municipal corporation is questioned directly or indirectly, including but not limited to suits for declaratory judgments or injunctions to declare invalid or to enjoin the construction, financing, or leasing; and
- (2) any action to declare invalid or enjoin the creation, organization, or formation of any municipal corporation.

(b) The definition of "public lawsuit", as used in IC 34-13-5, shall not be construed to broaden any right of action as is validly limited by applicable law.

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

IC 34-6-2-125

Repealed

(Repealed by P.L.2-2002, SEC.128.)

IC 34-6-2-126

Repealed

(Repealed by P.L.2-2002, SEC.128.)

IC 34-6-2-127

"Qualified director"

Sec. 127. "Qualified director", for purposes of IC 34-30-4, means any of the following individuals:

- (1) An individual who serves without compensation for personal services as a member of a board or commission of the state or a political subdivision for the purpose of setting policy, controlling, or otherwise overseeing the activities or functional responsibilities of that board or commission.
- (2) An individual who serves without compensation for personal services as a director or an officer for the purpose of setting policy, controlling, or otherwise overseeing the activities or functional responsibilities of a nonprofit corporation operating under IC 12-29, except IC 12-29-3-6 or an agency providing services under IC 12-12-3, or a nonprofit corporation that has one (1) of the following purposes:
 - (A) Religion.
 - (B) Charity.
 - (C) Benevolence.
 - (D) Providing goods or services at no charge to the general public.
 - (E) Education.
 - (F) Scientific activity.
 - (G) Developing or providing hospital services.
 - (H) Medical research.
 - (I) Developing or providing ambulance services or

emergency medical treatment services.

(3) An individual who serves without compensation for personal services as a director for the purpose of setting policy, controlling, or otherwise overseeing the activities or functional responsibilities of an organization that acts as an advocate for its members and that has as its members individuals or organizations that are:

(A) members of a particular trade or industry; or

(B) members of the business community of a particular municipality or area of the state.

(4) An individual who serves without compensation for personal services as a director of a national, regional, or local fraternity or sorority that is connected with, and under the supervision of, a postsecondary educational institution located within Indiana.

(5) An individual who serves the purpose of setting policy, controlling, or otherwise overseeing the activities or functional responsibilities of a homeowners association (as defined in section 58 of this chapter).

(6) An individual who serves without compensation for personal services as a director for the purpose of setting policy, controlling, or otherwise overseeing the activities or functional responsibilities of the Special Olympics or the Pan American Games.

"Compensation", for purposes of this section, has the meaning set forth in section 28(a) of this chapter.

As added by P.L.1-1998, SEC.1. Amended by P.L.2-2007, SEC.372.

IC 34-6-2-128

"Qualified settlement offer"

Sec. 128. "Qualified settlement offer", for purposes of IC 34-50, means an offer of full and final settlement to resolve all claims and defenses at issue between the offeror (as defined in section 90 of this chapter) and the recipient (as defined in section 129 of this chapter).

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

IC 34-6-2-129

"Recipient"

Sec. 129. "Recipient", for purposes of IC 34-50, means a party to a civil action who receives a qualified settlement offer (as defined in section 128 of this chapter) from an offeror (as defined in section 90 of this chapter) who is an opposing party in the civil action.

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

IC 34-6-2-130

"Representative"

Sec. 130. "Representative", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-25.

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

IC 34-6-2-130.7**"Respondent"**

Sec. 130.7. "Respondent", for purposes of IC 34-26-5, means the individual against whom the enforcement of a protection order is sought.

As added by P.L.280-2001, SEC.38. Amended by P.L.133-2002, SEC.52; P.L.1-2003, SEC.90.

IC 34-6-2-131**"Retirement plan"**

Sec. 131. "Retirement plan", for purposes of IC 34-55-10, includes:

(1) a stock bonus, a pension, a profit sharing, an annuity, or a similar plan or arrangement, including a retirement plan for self-employed individuals or a simplified employee pension plan;

(2) a government or church retirement plan or contract; or

(3) an individual retirement annuity or individual retirement account;

that is intended in good faith to qualify as a retirement plan under applicable provisions of the Internal Revenue Code of 1986, as amended.

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

IC 34-6-2-132**"Risk"**

Sec. 132. "Risk", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-26.

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

IC 34-6-2-133**"Risk manager"**

Sec. 133. "Risk manager", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-27.

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

IC 34-6-2-134**"Roller skater"**

Sec. 134. "Roller skater", for purposes of IC 34-31-6, means a person, including an invitee, who wears roller skates while in a roller skating rink for the purpose of recreational or competitive roller skating, whether or not the person pays consideration for entrance to the roller skating rink.

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

IC 34-6-2-135**"Roller skating rink"**

Sec. 135. "Roller skating rink", for purposes of IC 34-31-6, means a building, facility, or other property where an area specifically designed for use by the public for recreational or competitive roller

skating is present.
As added by P.L.1-1998, SEC.1.

IC 34-6-2-135.5
"Security interest"

Sec. 135.5. "Security interest", for purposes of section 73.7 of this chapter, means an interest in property created by a contract to secure the payment of a debt or the performance of an obligation.
As added by P.L.179-2005, SEC.8.

IC 34-6-2-136
"Seller"

Sec. 136. "Seller", for purposes of IC 34-20, means a person engaged in the business of selling or leasing a product for resale, use, or consumption.
As added by P.L.1-1998, SEC.1.

IC 34-6-2-137
"Session of the general assembly"

Sec. 137. "Session of the general assembly", for purposes of IC 34-13-1-6, does not include a regular technical session.
As added by P.L.1-1998, SEC.1.

IC 34-6-2-138
"Sheriff"

Sec. 138. "Sheriff", for purposes of IC 34-47-4, means the sheriff of the county in which a court issues a writ of attachment under IC 34-47-4 (or IC 34-4-9 before its repeal).
As added by P.L.1-1998, SEC.1. Amended by P.L.280-2001, SEC.39; P.L.133-2002, SEC.53.

IC 34-6-2-139
"Sports or leisure activity"

Sec. 139. "Sports or leisure activity", for purposes of IC 34-30-19, means:

- (1) an athletic or sports competition, exhibition, or event; and
- (2) an activity conducted for a recreational purpose.

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

IC 34-6-2-140
"State"

Sec. 140. "State":

- (1) for purposes of section 49(b) of this chapter and IC 34-13-3, means Indiana and its state agencies; and
- (2) for purposes of sections 48.5 and 71.7 of this chapter and IC 34-26-5, has the meaning set forth in IC 1-1-4-5.

As added by P.L.1-1998, SEC.1. Amended by P.L.280-2001, SEC.40; P.L.133-2002, SEC.54; P.L.90-2010, SEC.6.

IC 34-6-2-141

"State agency"

Sec. 141. "State agency", for purposes of IC 34-13-3, means:

- (1) a board;
- (2) a commission;
- (3) a department;
- (4) a division;
- (5) a governmental subdivision, including a soil and water conservation district;
- (6) a bureau;
- (7) a committee;
- (8) an authority;
- (9) a military body; or
- (10) other instrumentality;

of the state. However, the term does not include a political subdivision.

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

IC 34-6-2-142

"Stepchild"

Sec. 142. "Stepchild", for purposes of IC 34-30-11, includes a stepchild of any age.

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

IC 34-6-2-142.3

"Structured settlement"

Sec. 142.3. "Structured settlement", for purposes of IC 34-50-2, has the meaning set forth in IC 34-50-2-2.

As added by P.L.219-2001, SEC.3.

IC 34-6-2-142.5

"Successor asbestos related liability"

Sec. 142.5. "Successor asbestos related liability", for purposes of IC 34-31-8, has the meaning set forth in IC 34-31-8-4.

As added by P.L.134-2009, SEC.4.

IC 34-6-2-142.6

"Telecommunications"

Sec. 142.6. "Telecommunications", for purposes of IC 34-30-21, means the transmission of any document, picture, datum, sound, or other symbol by television, radio, microwave, optical, or other electromagnetic signal.

As added by P.L.5-2005, SEC.5.

IC 34-6-2-143

"Tort"

Sec. 143. "Tort", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-28.

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

IC 34-6-2-143.5

"Transfer"

Sec. 143.5. "Transfer", for purposes of IC 34-50-2, has the meaning set forth in IC 34-50-2-3.
As added by P.L.219-2001, SEC.4.

IC 34-6-2-143.7

"Transferee"

Sec. 143.7. "Transferee", for purposes of IC 34-50-2, has the meaning set forth in IC 34-50-2-4.
As added by P.L.219-2001, SEC.5.

IC 34-6-2-143.8

"Transferor corporation"

Sec. 143.8. "Transferor corporation", for purposes of IC 34-31-8, has the meaning set forth in IC 34-31-8-5.
As added by P.L.134-2009, SEC.5.

IC 34-6-2-144

"Trial"

Sec. 144. "Trial", for purposes of IC 34-35-5, includes the impaneling of the jury, the actual trial, or other evidentiary hearing where witnesses are sworn and testify, hearings on motions for summary judgment, and entries of final disposition of a cause of action.
As added by P.L.1-1998, SEC.1.

IC 34-6-2-144.2

"Tribunal"

Sec. 144.2. "Tribunal", for purposes of sections 48.5 and 121.6 of this chapter and IC 34-26-5, means a court, an agency, or another entity authorized by law to issue or modify a protection order.
As added by P.L.280-2001, SEC.41. Amended by P.L.133-2002, SEC.55.

IC 34-6-2-145

"Unit"

Sec. 145. "Unit", for purposes of IC 34-24-1 and IC 34-24-2, has the meaning specified in IC 36-1-2-23.
As added by P.L.1-1998, SEC.1.

IC 34-6-2-146

"Unreasonably dangerous"

Sec. 146. "Unreasonably dangerous", for purposes of IC 34-20, refers to any situation in which the use of a product exposes the user or consumer to a risk of physical harm to an extent beyond that contemplated by the ordinary consumer who purchases the product with the ordinary knowledge about the product's characteristics common to the community of consumers.
As added by P.L.1-1998, SEC.1.

IC 34-6-2-147**"User"**

Sec. 147. "User", for purposes of IC 34-20, has the same meaning as the term "consumer", which is set forth in section 29 of this chapter.

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

IC 34-6-2-148**"Vehicle"**

Sec. 148. "Vehicle", for purposes of IC 34-24-3, has the meaning set forth in IC 35-31.5-2-346.

As added by P.L.1-1998, SEC.1. Amended by P.L.114-2012, SEC.62.

IC 34-6-2-148.5**"Victim notification capabilities"**

Sec. 148.5. "Victim notification capabilities" means, with respect to a GPS tracking device, the ability of the device to do the following:

- (1) Immediately notify law enforcement or other supervisory personnel if the device enters a forbidden area.
- (2) Notify the victim in real time or near real time if the device enters a forbidden area.
- (3) Allow a law enforcement officer or other supervisory officer to contact the offender immediately if the device enters a forbidden area.
- (4) Activate an alarm to warn others of the device's presence in a forbidden area.

As added by P.L.116-2009, SEC.10.

IC 34-6-2-149**Repealed**

(Repealed by P.L.2-2002, SEC.128.)

IC 34-6-2-150**"Volunteer"**

Sec. 150. "Volunteer", for purposes of IC 34-30-19, means an individual who, without compensation, engages in or provides other personal services for a sports or leisure activity such as baseball, basketball, football, soccer, hockey, volleyball, cheerleading, or other similar sports or leisure activities involving children who are less than sixteen (16) years of age.

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

IC 34-6-2-151**"Weekly newspaper"**

Sec. 151. "Weekly newspaper", for purposes of IC 34-15-4, means a newspaper that publishes one (1), two (2), three (3), or four (4) issues each week.

As added by P.L.1-1998, SEC.1. Amended by P.L.1-2006, SEC.517.