

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1124

AN ACT to amend the Indiana Code concerning trade regulation.

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

SECTION 1. IC 24-12-4-2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 2. (a) Except as provided in subsection (c), in a civil proceeding in which a consumer claimant is a party, the consumer claimant or the consumer claimant's attorney shall provide to:**

- (1) each of the other parties in the civil proceeding; and**
- (2) each insurer that has a duty to defend another party in the civil proceeding;**

written notice that the consumer claimant has entered into a CPAP contract with a CPAP provider.

(b) A consumer claimant or the consumer claimant's attorney shall provide the written notice required by subsection (a) within a reasonable time after the date on which the consumer claimant and the CPAP provider enter into the CPAP contract, regardless of whether any other party in the civil proceeding is aware of the existence of or seeks information about the CPAP contract.

(c) Subsection (a) does not apply if the court in which the civil proceeding is filed issues an order excusing the consumer claimant from the duty to provide the written notice required by subsection (a).

(d) In a civil proceeding in which a consumer claimant is a party, the existence and contents of the CPAP contract are subject

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to discovery under the Indiana Rules of Trial Procedure by:

- (1) a party other than the consumer claimant; or
- (2) an insurer that has a duty to defend another party in the civil proceeding.

(e) The written notice provided under subsection (a) is not admissible as evidence in a court proceeding.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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