



April 7, 2023

ENGROSSED HOUSE BILL No. 1504

DIGEST OF HB 1504 (Updated April 5, 2023 3:16 pm - DI 149)

Citations Affected: IC 24-5.

Synopsis: Enforcement of deceptive consumer sales act. Provides that certain actions to remedy a deceptive act may not be brought more than five years after the deceptive act.

Effective: July 1, 2023.

Speedy

(SENATE SPONSOR — MESSMER)

January 17, 2023, read first time and referred to Committee on Judiciary.
February 9, 2023, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.
February 16, 2023, reported — Do Pass.
February 20, 2023, read second time, ordered engrossed.
February 21, 2023, engrossed. Read third time, passed. Yeas 65, nays 28.

SENATE ACTION

March 1, 2023, read first time and referred to Committee on Judiciary.
April 6, 2023, amended, reported favorably — Do Pass.

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April 7, 2023

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.

ENGROSSED HOUSE BILL No. 1504

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

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

1 SECTION 1. IC 24-5-0.5-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) No action may be
3 brought under this chapter, except under section 4(c) of this chapter,
4 unless (1) the deceptive act is incurable or (2) the consumer bringing
5 the action shall have given notice in writing to the supplier within the
6 sooner of (i) six (6) months after the initial discovery of the deceptive
7 act, (ii) one (1) year following such consumer transaction, or (iii) any
8 time limitation, not less than thirty (30) days, of any period of warranty
9 applicable to the transaction, which notice shall state fully the nature
10 of the alleged deceptive act and the actual damage suffered therefrom,
11 and unless such deceptive act shall have become an uncured deceptive
12 act.

13 (b) No action may be brought under this chapter except as expressly
14 authorized in section 4(a), 4(b), or 4(c) of this chapter. Any action
15 brought under **section 4(a) or 4(b)** of this chapter may not be brought
16 more than two (2) years after the occurrence of the deceptive act. **An**
17 **action brought under section 4(c) of this chapter may not be**

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1 brought more than five (5) years after the occurrence of the
2 deceptive act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1504, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

- Page 2, delete lines 27 through 40.
- Page 5, delete lines 35 through 42.
- Delete pages 6 through 9.
- Page 10, delete lines 1 through 32.
- Page 10, line 36, delete "unfair, abusive, or deceptive act,".
- Page 10, line 37, delete "omission, or practice, including an" .
- Page 10, line 38, after "act" delete ", ".
- Page 10, line 39, delete "unfair, abusive, or" .
- Page 10, line 40, delete "omission, or practice" .
- Page 10, line 41, delete "unfair, abusive," .
- Page 10, line 42, before "deceptive" delete "or" .
- Page 10, line 42, after "act" delete ", " .
- Page 10, line 42, delete "omission, or practice" .
- Page 11, line 18, after "damages for" reset in roman "a" .
- Page 11, line 18, delete "an" .
- Page 11, line 19, delete "unfair, abusive, or" .
- Page 11, line 19, delete "omission, or practice" .
- Page 11, line 22, delete "unfair, abusive, or" .
- Page 11, line 22, after "act" delete ", " .
- Page 11, line 22, delete "omission, or practice," .
- Page 11, line 38, reset in roman "a" .
- Page 11, line 38, delete "an unfair, abusive, or" .
- Page 11, line 38, after "act" delete ", " .
- Page 11, line 38, delete "omission, or" .
- Page 11, line 39, delete "practice" .
- Page 11, line 42, reset in roman "a" .
- Page 11, line 42, delete "an unfair," .
- Page 12, line 1, delete "abusive, or" .
- Page 12, line 1, delete "omission, or practice," .
- Page 12, line 1, reset in roman "a" .
- Page 12, line 1, delete "an" .
- Page 12, line 2, delete "unfair, abusive, or" .
- Page 12, line 2, after "act" delete ", " .
- Page 12, line 2, delete "omission, or practice" .
- Page 12, delete line 5 .
- Page 12, line 42, delete "unfair," .



Page 13, line 1, delete "abusive, or".

Page 13, line 1, after "acts" delete ",".

Page 13, line 1, delete "omissions, or practices".

Page 13, line 37, delete "an unfair, abusive, or".

Page 13, delete line 38.

Page 13, line 39, delete "(1)".

Page 13, line 39, after "act" delete ";" and insert ",".

Page 13, line 39, reset in roman "including".

Page 13, line 39, delete "or".

Page 13, line 40, delete "(2)".

Page 13, line 40, delete ";" and insert ",".

Page 13, run in lines 37 through 41.

Page 15, delete lines 6 through 42, begin a new paragraph and insert:

"SECTION 6. IC 24-5-0.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) No action may be brought under this chapter, except under section 4(c) of this chapter, unless (1) the deceptive act is incurable or (2) the consumer bringing the action shall have given notice in writing to the supplier within the sooner of (i) six (6) months after the initial discovery of the deceptive act, (ii) one (1) year following such consumer transaction, or (iii) any time limitation, not less than thirty (30) days, of any period of warranty applicable to the transaction, which notice shall state fully the nature of the alleged deceptive act and the actual damage suffered therefrom, and unless such deceptive act shall have become an uncured deceptive act.

(b) No action may be brought under this chapter except as expressly authorized in section 4(a), 4(b), or 4(c) of this chapter. Any action brought under **section 4(a) or 4(b) of this chapter** may not be brought more than two (2) years after the occurrence of the deceptive act. **An action brought under section 4(c) of this chapter may not be brought more than five (5) years after the occurrence of the deceptive act.**"

Delete page 16.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1504 as introduced.)

TORR

Committee Vote: yeas 8, nays 3.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1504, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1504 as printed February 9, 2023.)

THOMPSON

Committee Vote: Yeas 16, Nays 7

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1504, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 8.

Page 9, delete lines 1 through 25.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1504 as printed February 16, 2023.)

BROWN L, Chairperson

Committee Vote: Yeas 11, Nays 0.

