

PROPOSED AMENDMENT

HB 1504 # 2

DIGEST

Deceptive acts. Removes language providing that reliance upon an unfair or abusive omission or practice may form the basis of a deceptive act. Provides that an action to remedy a deceptive act may not be brought more than five years after the deceptive act. Makes conforming changes.

- 1 Page 2, delete lines 27 through 40.
- 2 Page 5, delete lines 35 through 42.
- 3 Delete pages 6 through 9.
- 4 Page 10, delete lines 1 through 32.
- 5 Page 10, line 36, delete "unfair, abusive, or deceptive act,".
- 6 Page 10, line 37, delete "omission, or practice, including an".
- 7 Page 10, line 38, after "act" delete ",".
- 8 Page 10, line 39, delete "unfair, abusive, or".
- 9 Page 10, line 40, delete "omission, or practice".
- 10 Page 10, line 41, delete "unfair, abusive,".
- 11 Page 10, line 42, before "deceptive" delete "or".
- 12 Page 10, line 42, after "act" delete ",".
- 13 Page 10, line 42, delete "omission, or practice".
- 14 Page 11, line 18, after "damages for" reset in roman "a".
- 15 Page 11, line 18, delete "an".
- 16 Page 11, line 19, delete "unfair, abusive, or".
- 17 Page 11, line 19, delete "omission, or practice".
- 18 Page 11, line 22, delete "unfair, abusive, or".
- 19 Page 11, line 22, after "act" delete ",".
- 20 Page 11, line 22, delete "omission, or practice,".
- 21 Page 11, line 38, reset in roman "a".
- 22 Page 11, line 38, delete "an unfair, abusive, or".
- 23 Page 11, line 38, after "act" delete ",".
- 24 Page 11, line 38, delete "omission, or".
- 25 Page 11, line 39, delete "practice".

- 1 Page 11, line 42, reset in roman "a".
- 2 Page 11, line 42, delete "an unfair,".
- 3 Page 12, line 1, delete "abusive, or".
- 4 Page 12, line 1, delete "omission, or practice,".
- 5 Page 12, line 1, reset in roman "a".
- 6 Page 12, line 1, delete "an".
- 7 Page 12, line 2, delete "unfair, abusive, or".
- 8 Page 12, line 2, after "act" delete ",".
- 9 Page 12, line 2, delete "omission, or practice".
- 10 Page 12, delete line 5.
- 11 Page 12, line 42, delete "unfair,".
- 12 Page 13, line 1, delete "abusive, or".
- 13 Page 13, line 1, after "acts" delete ",".
- 14 Page 13, line 1, delete "omissions, or practices".
- 15 Page 13, line 37, delete "an unfair, abusive, or".
- 16 Page 13, delete line 38.
- 17 Page 13, line 39, delete "(1)".
- 18 Page 13, line 39, after "act" delete ";" and insert ",".
- 19 Page 13, line 39, reset in roman "including".
- 20 Page 13, line 39, delete "or".
- 21 Page 13, line 40, delete "(2)".
- 22 Page 13, line 40, delete ";" and insert ",".
- 23 Page 13, run in lines 37 through 41.
- 24 Page 15, delete lines 6 through 42, begin a new paragraph and
- 25 insert:
- 26 "SECTION 6. IC 24-5-0.5-5 IS AMENDED TO READ AS
- 27 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) No action may be
- 28 brought under this chapter, except under section 4(c) of this chapter,
- 29 unless (1) the deceptive act is incurable or (2) the consumer bringing
- 30 the action shall have given notice in writing to the supplier within the
- 31 sooner of (i) six (6) months after the initial discovery of the deceptive
- 32 act, (ii) one (1) year following such consumer transaction, or (iii) any
- 33 time limitation, not less than thirty (30) days, of any period of warranty
- 34 applicable to the transaction, which notice shall state fully the nature
- 35 of the alleged deceptive act and the actual damage suffered therefrom,
- 36 and unless such deceptive act shall have become an uncured deceptive
- 37 act.
- 38 (b) No action may be brought under this chapter except as expressly
- 39 authorized in section 4(a), 4(b), or 4(c) of this chapter. Any action
- 40 brought under **section 4(a) or 4(b)** of this chapter may not be brought

1 more than two (2) years after the occurrence of the deceptive act. **An**
2 **action brought under section 4(c) of this chapter may not be**
3 **brought more than five (5) years after the occurrence of the**
4 **deceptive act."**

5 Delete page 16.

6 Renumber all SECTIONS consecutively.

(Reference is to HB 1504 as introduced.)