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# HOUSE BILL No. 1273

AM127302 has been incorporated into introduced printing.

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**Synopsis:** Requirements for proxy advisors.

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2026

IN 1273—LS 6762/DI 154



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Introduced

Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

## HOUSE BILL No. 1273

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 24-4-27.5 IS ADDED TO THE INDIANA CODE  
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2026]:

4 **Chapter 27.5. Proxy Advisors**

5 **Sec. 1. As used in this chapter, "default recommendation or**  
6 **policy" means a system, set of rules, principles, or guidelines**  
7 **designed to assist with voting decisions on any entity proposals or**  
8 **proxy proposals.**

9 **Sec. 2. (a) As used in this chapter, "entity" means a:**

- 10 **(1) business corporation (as defined in IC 23-0.5-1.5-3);**
- 11 **(2) general partnership (as defined in IC 23-0.5-1.5-13),**  
12 **including a limited liability partnership (as defined in**  
13 **IC 23-0.5-1.5-21);**
- 14 **(3) limited partnership (as defined in IC 23-0.5-1.5-22); or**
- 15 **(4) limited liability company (as defined in IC 23-0.5-1.5-20).**

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**(b) The term does not include:**

(1) an individual;

**(2) a business trust, a trust with a predominately donative purpose, or a charitable trust;**

**(3) an association or relationship that:**

**(A) is not listed in subsection (a); and**

(B) is not a partnership under the rules stated in IC 23-4-1-7 or a similar provision of the law of another jurisdiction;

(4) a decedent's estate; or

**(5) a government or a governmental subdivision, agency, or instrumentality.**

**Sec. 3. As used in this chapter, "entity management" means an individual or group of individuals that actively oversee and direct an entity's activities, resources, and personnel to accomplish the entity's objectives.**

Sec. 4. As used in this chapter, "entity proposal" means any proposal made by an entity to its interest holders that is included in the entity's proxy statement, including director nominations or elections or any proposal relating to director nominations or elections, executive compensation, corporate transactions, corporate structure, auditor selection, or entity policy on any subject.

**Sec. 5. As used in this chapter, "interest" means:**

(1) a share in a business corporation (as defined in IC 23-0.5-1.5-3); or

**(2) a governance interest or economic interest in any other type of unincorporated entity.**

**Sec. 6. As used in this chapter, "interest holder" means a direct holder of an interest in an entity.**

Sec. 7. As used in this chapter, "proxy advisor" means a person who, for compensation, provides a proxy advisory service to interest holders of an entity or to other persons with authority to vote on behalf of interest holders of an entity.

**Sec. 8. As used in this chapter, "proxy advisory service" means any of the following services that are provided in connection with an entity or are provided to any person in Indiana:**

**(1) Advice or a recommendation on how to vote on an entity proposal or proxy proposal.**

**(2) Proxy statement research and analysis regarding an entity proposal or proxy proposal.**

### (3) Development of proxy voting recommendations or



1                   **policies, including establishing default recommendations or**  
 2                   **policies.**

3                   **Sec. 9. As used in this chapter, "proxy proposal" means any**  
 4                   **proposal made by an interest holder of an entity that is included in**  
 5                   **the entity's proxy statement, including a proposal relating to any**  
 6                   **of the subjects that could be covered by an entity proposal.**

7                   **Sec. 10. As used in this chapter, "written financial analysis"**  
 8                   **means a written document that:**

- 9                   **(1) analyzes the expected short term and long term financial**  
 10                   **benefits and costs to an entity of implementing an entity**  
 11                   **proposal or proxy proposal;**
- 12                   **(2) concludes what vote or course of action is most likely to**  
 13                   **positively affect interest holder value; and**
- 14                   **(3) explains the methods and processes used to prepare the**  
 15                   **analysis, including the experience and geographic location of**  
 16                   **the personnel who formed the conclusion.**

17                   **Sec. 11. (a) If a proxy advisor makes a recommendation**  
 18                   **against entity management on an entity proposal or proxy**  
 19                   **proposal, or makes a default recommendation or policy concerning**  
 20                   **votes against entity management on entity proposals or proxy**  
 21                   **proposals, and the proxy advisor does not do so based on a written**  
 22                   **financial analysis, the proxy advisor shall do the following:**

23                   **(1) At the time the proxy advisor provides the proxy advisory**  
 24                   **services, provide a clear and conspicuous disclosure to each**  
 25                   **interest holder or any person acting on behalf of an interest**  
 26                   **holder receiving the proxy advisory services that:**

27                   **(A) identifies the services being provided by the proxy**  
 28                   **advisor;**  
 29                   **(B) identifies the recommendation or policy at issue; and**  
 30                   **(C) states that the proxy advisor has made the**  
 31                   **recommendation or policy without utilizing a written**  
 32                   **financial analysis regarding the impact that the**  
 33                   **recommended action would have on entity interest**  
 34                   **holders that:**

35                   **(i) analyzes the expected short term and long term**  
 36                   **financial benefits and costs to the entity of**  
 37                   **implementing the entity proposal or proxy**  
 38                   **proposal;**  
 39                   **(ii) concludes what vote or course of action is most**  
 40                   **likely to positively affect interest holder value; and**  
 41                   **(iii) explains the methods and processes used to**  
 42                   **prepare the analysis, including the experience and**

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**geographic location of the personnel who formed the conclusion.**

**(2) If the proxy advisor provides proxy advisory services described in section 8(1) or 8(2) of this chapter, then at the time the proxy advisor provides the proxy advisory services described in section 8(1) and 8(2) of this chapter, the proxy advisor must provide the disclosure described in subdivision (1) to entity management.**

(3) For the entire time that a proxy advisor is providing proxy advisory services to an interest holder of an entity or any person acting on behalf of an interest holder of an entity, prominently display on the home page of the proxy advisor's website a statement that the proxy advisor has made a recommendation:

- (A) against entity management on an entity proposal or proxy proposal; and
- (B) without utilizing a written financial analysis regarding the impact that the recommended action would have on entity interest holders that:

(i) analyzes the expected short term and long term financial benefits and costs to the entity of implementing the entity proposal or proxy

proposal;

(ii) concludes what vote or course of action is most likely to positively affect interest holder value; and

(iii) explains the methods and processes used to prepare the analysis, including the experience and geographic location of the personnel who formed the conclusion.

**(b) If a proxy advisor makes a recommendation against entity management on an entity proposal or proxy proposal, or makes a default recommendation or policy concerning votes against entity management on entity proposals or proxy proposals, and the proxy advisor does so based on a written financial analysis, the proxy advisor shall do the following:**

**(1) At the time the proxy advisor provides the proxy advisory services, provide a clear and conspicuous disclosure to each interest holder or any person acting on behalf of an interest holder receiving the proxy advisory services that:**

- (A) identifies the services being provided by the proxy advisor;
- (B) identifies the recommendation or policy at issue;



3 (i) analyzes the expected short term and long term  
4 financial benefits and costs to the entity of  
5 implementing the entity proposal or proxy  
6 proposal;

7 (ii) concludes what vote or course of action is most  
8 likely to positively affect interest holder value; and  
9 (iii) explains the methods and processes used to  
10 prepare the analysis, including the experience and  
11 geographic location of the personnel who formed  
12 the conclusion; and

13 **(D) states that the written financial analysis described in**  
14 **clause (C) is available upon request.**

22 (3) If the proxy advisor provides proxy advisory services  
23 described in section 8(1) or 8(2) of this chapter, then at the  
24 time the proxy advisor provides the proxy advisory services  
25 described in section 8(1) and 8(2) of this chapter, the proxy  
26 advisor must provide a copy of the written financial analysis  
27 described in subdivision (1)(C) to entity management.

**Sec. 12. (a) As used in this section, "interested person" means:**

28       Sect. 12. (a) As used in this section, "interested person" means:  
29           (1) a recipient of proxy advisory services provided by a  
30           proxy advisor;

34 (3) any interest holder of an entity that is the subject of  
35 proxy advisory services described in section 8(1) or 8(2) of  
36 this chapter provided by a proxy advisor.

40 (c) Notwithstanding subsection (b), an interested person may  
41 bring an action seeking a declaratory judgment or injunctive relief  
42 against a proxy advisor who the interested person believes has

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1       **violated this chapter. Not later than seven (7) days after the date on**  
 2       **which an interested person brings an action under this subsection,**  
 3       **the interested person shall provide written notice to the attorney**  
 4       **general that informs the attorney general of the existence of the**  
 5       **action. The attorney general has the right to intervene in an action**  
 6       **under this subsection.**

7       SECTION 2. IC 24-5-0.5-2, AS AMENDED BY P.L.206-2025,  
 8       SECTION 5, AND AS AMENDED BY P.L.227-2025, SECTION 42,  
 9       AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL  
 10      OF THE 2026 GENERAL ASSEMBLY, IS CORRECTED AND  
 11      AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:  
 12      Sec. 2. (a) As used in this chapter:

13       (1) "Consumer transaction" means a sale, lease, assignment,  
 14       award by chance, or other disposition of an item of personal  
 15       property, real property, a service, or an intangible, except  
 16       securities and policies or contracts of insurance issued by  
 17       corporations authorized to transact an insurance business under  
 18       the laws of the state of Indiana, with or without an extension of  
 19       credit, to a person for purposes that are primarily personal,  
 20       familial, charitable, agricultural, or household, or a solicitation  
 21       to supply any of these things. However, the term includes the  
 22       following:

23       (A) A transfer of structured settlement payment rights under  
 24       IC 34-50-2.

25       (B) An unsolicited advertisement sent to a person by  
 26       telephone facsimile machine offering a sale, lease,  
 27       assignment, award by chance, or other disposition of an  
 28       item of personal property, real property, a service, or an  
 29       intangible.

30       (C) The collection of or attempt to collect a debt by a debt  
 31       collector.

32       (D) *The provision of a product or service to a:*

33       (i) *state law enforcement agency; or*

34       (ii) *local law enforcement agency;*

35       (iii) **state agency; or**

36       (iv) **local agency;**

37       *in Indiana.*

38       ~~(E)~~ **(E)** *Conduct that arises from, occurs in connection*  
 39       *with, or otherwise involves a transaction for emergency*  
 40       *towing (as defined in IC 24-14-2-5) of a personal or*  
 41       *commercial vehicle.*

42       (2) "Person" means an individual, corporation, the state of



1 Indiana or its subdivisions or agencies, business trust, estate,  
 2 trust, partnership, association, nonprofit corporation or  
 3 organization, or cooperative or any other legal entity.

4 (3) "Supplier" means the following:

5 (A) A seller, lessor, assignor, or other person who regularly  
 6 engages in or solicits consumer transactions, including  
 7 soliciting a consumer transaction by using a telephone  
 8 facsimile machine to transmit an unsolicited advertisement.  
 9 The term includes a manufacturer, a wholesaler, *or a*  
 10 *retailer, or, in a consumer transaction described in*  
 11 *subdivision (1)(D), an entity that provides a product or*  
 12 *service to a state law enforcement agency, or local law*  
 13 *enforcement agency, state agency, or local agency in*  
 14 *Indiana*, whether or not the person deals directly with the  
 15 consumer.

16 (B) A debt collector.

17 (4) "Subject of a consumer transaction" means the personal  
 18 property, real property, services, or intangibles offered or  
 19 furnished in a consumer transaction.

20 (5) "Cure" as applied to a deceptive act, means either:

21 (A) to offer in writing to adjust or modify the consumer  
 22 transaction to which the act relates to conform to the  
 23 reasonable expectations of the consumer generated by such  
 24 deceptive act and to perform such offer if accepted by the  
 25 consumer; or

26 (B) to offer in writing to rescind such consumer transaction  
 27 and to perform such offer if accepted by the consumer.

28 The term includes an offer in writing of one (1) or more items of  
 29 value, including monetary compensation, that the supplier  
 30 delivers to a consumer or a representative of the consumer if  
 31 accepted by the consumer.

32 (6) "Offer to cure" as applied to a deceptive act is a cure that:

33 (A) is reasonably calculated to remedy a loss claimed by the  
 34 consumer; and

35 (B) includes a minimum additional amount that is the  
 36 greater of:

37 (i) ten percent (10%) of the value of the remedy under  
 38 clause (A), but not more than four thousand dollars  
 39 (\$4,000); or

40 (ii) five hundred dollars (\$500);

41 as compensation for attorney's fees, expenses, and other  
 42 costs that a consumer may incur in relation to the deceptive



act.

(7) "Uncured deceptive act" means: a ~~deceptive act~~:

(A) a deceptive act with respect to which a consumer who has been damaged by such act has given notice to the supplier under section 5(a) of this chapter; and

(B) either:

(B) either:

(i) no offer to cure has been made to such consumer within thirty (30) days after such notice; or

(ii) the act has not been cured as to such consumer within a reasonable time after the consumer's acceptance of the offer to cure.

"urable deceptive act" means a de

supplier as part of a scheme, artifice, or device with intent to defraud or mislead. The term includes a failure of a transferee of structured settlement payment rights to timely provide a true and complete disclosure statement to a payee as provided under IC 34-50-2 in connection with a direct or indirect transfer of structured settlement payment rights.

(9) "Local agency" means an administration, an agency, an authority, a board, a bureau, a commission, a committee, a council, a department, a division, an institution, an office, an officer, a service, or other similar body of a political subdivision created or established under law.

**(10) "Political subdivision" means a county, township, city, town, municipal corporation (as defined in IC 36-1-2-10), or special taxing district. However, the term does not include a school corporation or charter school.**

(9) (11) "Senior consumer" means an individual who is at least sixty (60) years of age.

(12) "State agency" means an administration, an agency, an authority, a board, a bureau, a commission, a committee, a council, a department, a division, an institution, an office, an officer, a service, or other similar body of state government created or established under law. The term includes a body corporate and politic of the state created by statute. The term does not include a state educational institution (as defined in IC 21-7-13-32).

(10) (13) "Telephone facsimile machine" means equipment that has the capacity to transcribe text or images, or both, from:

(A) paper into an electronic signal and to transmit that signal over a telephone line.

signal over a regular telephone line; or

(B) an electronic signal received over a regular telephone



1 line onto paper.

2 (11) (14) "Unsolicited advertisement" means material

3 advertising the commercial availability or quality of:

4 (A) property;

5 (B) goods; or

6 (C) services;

7 that is transmitted to a person without the person's prior express

8 invitation or permission, in writing or otherwise.

9 (12) (15) "Debt" has the meaning set forth in 15 U.S.C.

10 1692(a)(5).

11 (13)(16) "Debt collector" has the meaning set forth in 15 U.S.C.

12 1692(a)(6). The term does not include a person admitted to the

13 practice of law in Indiana if the person is acting within the

14 course and scope of the person's practice as an attorney. The

15 term includes a debt buyer (as defined in IC 24-5-15.5).

16 (b) As used in section 3(b)(15) and 3(b)(16) of this chapter:

17 (1) "Directory assistance" means the disclosure of telephone

18 number information in connection with an identified telephone

19 service subscriber by means of a live operator or automated

20 service.

21 (2) "Local telephone directory" refers to a telephone classified

22 advertising directory or the business section of a telephone

23 directory that is distributed by a telephone company or directory

24 publisher to subscribers located in the local exchanges contained

25 in the directory. The term includes a directory that includes

26 listings of more than one (1) telephone company.

27 (3) "Local telephone number" refers to a telephone number that

28 has the three (3) number prefix used by the provider of telephone

29 service for telephones physically located within the area covered

30 by the local telephone directory in which the number is listed.

31 The term does not include long distance numbers or 800-, 888-,

32 or 900- exchange numbers listed in a local telephone directory.

33 SECTION 3. IC 24-5-0.5-3, AS AMENDED BY P.L.104-2024,

34 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

35 JULY 1, 2026]: Sec. 3. (a) A supplier may not commit an unfair,

36 abusive, or deceptive act, omission, or practice in connection with a

37 consumer transaction. Such an act, omission, or practice by a supplier

38 is a violation of this chapter whether it occurs before, during, or after

39 the transaction. An act, omission, or practice prohibited by this section

40 includes both implicit and explicit misrepresentations.

41 (b) Without limiting the scope of subsection (a), the following

42 acts, and the following representations as to the subject matter of a



1 consumer transaction, made orally, in writing, or by electronic  
2 communication, by a supplier, are deceptive acts:

3 (1) That such subject of a consumer transaction has sponsorship,  
4 approval, performance, characteristics, accessories, uses, or  
5 benefits it does not have which the supplier knows or should  
6 reasonably know it does not have.

7 (2) That such subject of a consumer transaction is of a particular  
8 standard, quality, grade, style, or model, if it is not and if the  
9 supplier knows or should reasonably know that it is not.

10 (3) That such subject of a consumer transaction is new or  
11 unused, if it is not and if the supplier knows or should reasonably  
12 know that it is not.

13 (4) That such subject of a consumer transaction will be supplied  
14 to the public in greater quantity than the supplier intends or  
15 reasonably expects.

16 (5) That replacement or repair constituting the subject of a  
17 consumer transaction is needed, if it is not and if the supplier  
18 knows or should reasonably know that it is not.

19 (6) That a specific price advantage exists as to such subject of a  
20 consumer transaction, if it does not and if the supplier knows or  
21 should reasonably know that it does not.

22 (7) That the supplier has a sponsorship, approval, or affiliation  
23 in such consumer transaction the supplier does not have, and  
24 which the supplier knows or should reasonably know that the  
25 supplier does not have.

26 (8) That such consumer transaction involves or does not involve  
27 a warranty, a disclaimer of warranties, or other rights, remedies,  
28 or obligations, if the representation is false and if the supplier  
29 knows or should reasonably know that the representation is false.

30 (9) That the consumer will receive a rebate, discount, or other  
31 benefit as an inducement for entering into a sale or lease in  
32 return for giving the supplier the names of prospective  
33 consumers or otherwise helping the supplier to enter into other  
34 consumer transactions, if earning the benefit, rebate, or discount  
35 is contingent upon the occurrence of an event subsequent to the  
36 time the consumer agrees to the purchase or lease.

37 (10) That the supplier is able to deliver or complete the subject  
38 of the consumer transaction within a stated period of time, when  
39 the supplier knows or should reasonably know the supplier could  
40 not. If no time period has been stated by the supplier, there is a  
41 presumption that the supplier has represented that the supplier  
42 will deliver or complete the subject of the consumer transaction



1           within a reasonable time, according to the course of dealing or  
2           the usage of the trade.

3           (11) That the consumer will be able to purchase the subject of  
4           the consumer transaction as advertised by the supplier, if the  
5           supplier does not intend to sell it.

6           (12) That the replacement or repair constituting the subject of a  
7           consumer transaction can be made by the supplier for the  
8           estimate the supplier gives a customer for the replacement or  
9           repair, if the specified work is completed and:

10           (A) the cost exceeds the estimate by an amount equal to or  
11           greater than ten percent (10%) of the estimate;

12           (B) the supplier did not obtain written permission from the  
13           customer to authorize the supplier to complete the work  
14           even if the cost would exceed the amounts specified in  
15           clause (A);

16           (C) the total cost for services and parts for a single  
17           transaction is more than seven hundred fifty dollars (\$750);  
18           and

19           (D) the supplier knew or reasonably should have known that  
20           the cost would exceed the estimate in the amounts specified  
21           in clause (A).

22           (13) That the replacement or repair constituting the subject of a  
23           consumer transaction is needed, and that the supplier disposes of  
24           the part repaired or replaced earlier than seventy-two (72) hours  
25           after both:

26           (A) the customer has been notified that the work has been  
27           completed; and

28           (B) the part repaired or replaced has been made available  
29           for examination upon the request of the customer.

30           (14) Engaging in the replacement or repair of the subject of a  
31           consumer transaction if the consumer has not authorized the  
32           replacement or repair, and if the supplier knows or should  
33           reasonably know that it is not authorized.

34           (15) The act of misrepresenting the geographic location of the  
35           supplier by listing an alternate business name or an assumed  
36           business name (as described in IC 23-0.5-3-4) in a local  
37           telephone directory if:

38           (A) the name misrepresents the supplier's geographic  
39           location;

40           (B) the listing fails to identify the locality and state of the  
41           supplier's business;

42           (C) calls to the local telephone number are routinely



1 forwarded or otherwise transferred to a supplier's business  
2 location that is outside the calling area covered by the local  
3 telephone directory; and  
4 (D) the supplier's business location is located in a county  
5 that is not contiguous to a county in the calling area covered  
6 by the local telephone directory.

7 (16) The act of listing an alternate business name or assumed  
8 business name (as described in IC 23-0.5-3-4) in a directory  
9 assistance data base if:

10 (A) the name misrepresents the supplier's geographic  
11 location;  
12 (B) calls to the local telephone number are routinely  
13 forwarded or otherwise transferred to a supplier's business  
14 location that is outside the local calling area; and  
15 (C) the supplier's business location is located in a county  
16 that is not contiguous to a county in the local calling area.

17 (17) The violation by a supplier of IC 24-3-4 concerning  
18 cigarettes for import or export.

19 (18) The act of a supplier in knowingly selling or reselling a  
20 product to a consumer if the product has been recalled, whether  
21 by the order of a court or a regulatory body, or voluntarily by the  
22 manufacturer, distributor, or retailer, unless the product has been  
23 repaired or modified to correct the defect that was the subject of  
24 the recall.

25 (19) The violation by a supplier of 47 U.S.C. 227, including any  
26 rules or regulations issued under 47 U.S.C. 227.

27 (20) The violation by a supplier of the federal Fair Debt  
28 Collection Practices Act (15 U.S.C. 1692 et seq.), including any  
29 rules or regulations issued under the federal Fair Debt Collection  
30 Practices Act (15 U.S.C. 1692 et seq.).

31 (21) A violation of IC 24-5-7 (concerning health spa services),  
32 as set forth in IC 24-5-7-17.

33 (22) A violation of IC 24-5-8 (concerning business opportunity  
34 transactions), as set forth in IC 24-5-8-20.

35 (23) A violation of IC 24-5-10 (concerning home consumer  
36 transactions), as set forth in IC 24-5-10-18.

37 (24) A violation of IC 24-5-11 (concerning real property  
38 improvement contracts), as set forth in IC 24-5-11-14.

39 (25) A violation of IC 24-5-12 (concerning telephone  
40 solicitations), as set forth in IC 24-5-12-23.

41 (26) A violation of IC 24-5-13.5 (concerning buyback motor  
42 vehicles), as set forth in IC 24-5-13.5-14.



1 (27) A violation of IC 24-5-14 (concerning automatic  
2 dialing-announcing devices), as set forth in IC 24-5-14-13.  
3 (28) A violation of IC 24-5-15 (concerning credit services  
4 organizations), as set forth in IC 24-5-15-11.  
5 (29) A violation of IC 24-5-16 (concerning unlawful motor  
6 vehicle subleasing), as set forth in IC 24-5-16-18.  
7 (30) A violation of IC 24-5-17 (concerning environmental  
8 marketing claims), as set forth in IC 24-5-17-14.  
9 (31) A violation of IC 24-5-19 (concerning deceptive  
10 commercial solicitation), as set forth in IC 24-5-19-11.  
11 (32) A violation of IC 24-5-21 (concerning prescription drug  
12 discount cards), as set forth in IC 24-5-21-7.  
13 (33) A violation of IC 24-5-23.5-7 (concerning real estate  
14 appraisals), as set forth in IC 24-5-23.5-9.  
15 (34) A violation of IC 24-5-26 (concerning identity theft), as set  
16 forth in IC 24-5-26-3.  
17 (35) A violation of IC 24-5.5 (concerning mortgage rescue  
18 fraud), as set forth in IC 24-5.5-6-1.  
19 (36) A violation of IC 24-8 (concerning promotional gifts and  
20 contests), as set forth in IC 24-8-6-3.  
21 (37) A violation of IC 21-18.5-6 (concerning representations  
22 made by a postsecondary credit bearing proprietary educational  
23 institution), as set forth in IC 21-18.5-6-22.5.  
24 (38) A violation of IC 24-5-15.5 (concerning collection actions  
25 of a plaintiff debt buyer), as set forth in IC 24-5-15.5-6.  
26 (39) A violation of IC 24-14 (concerning towing services), as set  
27 forth in IC 24-14-10-1.  
28 (40) A violation of IC 24-5-14.5 (concerning misleading or  
29 inaccurate caller identification information), as set forth in  
30 IC 24-5-14.5-12.  
31 (41) A violation of IC 24-5-27 (concerning intrastate inmate  
32 calling services), as set forth in IC 24-5-27-27.  
33 (42) A violation of IC 15-21 (concerning sales of dogs by retail  
34 pet stores), as set forth in IC 15-21-7-4.  
35 (43) A violation of IC 24-4-23 (concerning the security of  
36 information collected and transmitted by an adult oriented  
37 website operator), as set forth in IC 24-4-23-14.  
38 (44) **A violation of IC 24-4-27.5 (concerning proxy advisors),  
39 as set forth in IC 24-4-27.5-12.**  
40 (c) Any representations on or within a product or its packaging or  
41 in advertising or promotional materials which would constitute a  
42 deceptive act shall be the deceptive act both of the supplier who places

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1 such representation thereon or therein, or who authored such materials,  
2 and such other suppliers who shall state orally or in writing that such  
3 representation is true if such other supplier shall know or have reason  
4 to know that such representation was false.

5 (d) If a supplier shows by a preponderance of the evidence that an  
6 act resulted from a bona fide error notwithstanding the maintenance of  
7 procedures reasonably adopted to avoid the error, such act shall not be  
8 deceptive within the meaning of this chapter.

9 (e) It shall be a defense to any action brought under this chapter  
10 that the representation constituting an alleged deceptive act was one  
11 made in good faith by the supplier without knowledge of its falsity and  
12 in reliance upon the oral or written representations of the manufacturer,  
13 the person from whom the supplier acquired the product, any testing  
14 organization, or any other person provided that the source thereof is  
15 disclosed to the consumer.

16 (f) For purposes of subsection (b)(12), a supplier that provides  
17 estimates before performing repair or replacement work for a customer  
18 shall give the customer a written estimate itemizing as closely as  
19 possible the price for labor and parts necessary for the specific job  
20 before commencing the work.

21 (g) For purposes of subsection (b)(15) and (b)(16), a telephone  
22 company or other provider of a telephone directory or directory  
23 assistance service or its officer or agent is immune from liability for  
24 publishing the listing of an alternate business name or assumed  
25 business name of a supplier in its directory or directory assistance data  
26 base unless the telephone company or other provider of a telephone  
27 directory or directory assistance service is the same person as the  
28 supplier who has committed the deceptive act.

29 (h) For purposes of subsection (b)(18), it is an affirmative defense  
30 to any action brought under this chapter that the product has been  
31 altered by a person other than the defendant to render the product  
32 completely incapable of serving its original purpose.

33 SECTION 4. IC 24-5-0.5-4, AS AMENDED BY P.L.186-2025,  
34 SECTION 133, IS AMENDED TO READ AS FOLLOWS  
35 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) A person relying upon an  
36 uncured or incurable deceptive act may bring an action for the damages  
37 actually suffered as a consumer as a result of the deceptive act or five  
38 hundred dollars (\$500), whichever is greater. The court may increase  
39 damages for a willful deceptive act in an amount that does not exceed  
40 the greater of:

41 (1) three (3) times the actual damages of the consumer suffering  
42 the loss; or



1 (2) one thousand dollars (\$1,000).

2 Except as provided in subsection (k), the court may award reasonable  
3 attorney's fees to the party that prevails in an action under this  
4 subsection. This subsection does not apply to a consumer transaction  
5 in real property, including a claim or action involving a construction  
6 defect (as defined in IC 32-27-3-1(5)) brought against a construction  
7 professional (as defined in IC 32-27-3-1(4)), except for purchases of  
8 time shares and camping club memberships. This subsection does not  
9 apply with respect to a deceptive act described in section 3(b)(20) of  
10 this chapter. This subsection also does not apply to a violation of  
11 IC 24-4.7, IC 24-5-12, IC 24-5-14, or IC 24-5-14.5. Actual damages  
12 awarded to a person under this section have priority over any civil  
13 penalty imposed under this chapter.

14 (b) Any person who is entitled to bring an action under subsection  
15 (a) on the person's own behalf against a supplier for damages for a  
16 deceptive act may bring a class action against such supplier on behalf  
17 of any class of persons of which that person is a member and which has  
18 been damaged by such deceptive act, subject to and under the Indiana  
19 Rules of Trial Procedure governing class actions, except as herein  
20 expressly provided. Except as provided in subsection (k), the court may  
21 award reasonable attorney's fees to the party that prevails in a class  
22 action under this subsection, provided that such fee shall be determined  
23 by the amount of time reasonably expended by the attorney and not by  
24 the amount of the judgment, although the contingency of the fee may  
25 be considered. Except in the case of an extension of time granted by the  
26 attorney general under IC 24-10-2-2(b) in an action subject to IC 24-10,  
27 any money or other property recovered in a class action under this  
28 subsection which cannot, with due diligence, be restored to consumers  
29 within one (1) year after the judgment becomes final shall be returned  
30 to the party depositing the same. This subsection does not apply to a  
31 consumer transaction in real property, except for purchases of time  
32 shares and camping club memberships. This subsection does not apply  
33 with respect to a deceptive act described in section 3(b)(20) of this  
34 chapter. Actual damages awarded to a class have priority over any civil  
35 penalty imposed under this chapter.



1 (1) issue an injunction;  
2 (2) order the supplier to make payment of the money unlawfully  
3 received from the aggrieved consumers to be held in escrow for  
4 distribution to aggrieved consumers;  
5 (3) for a knowing violation against a senior consumer, increase  
6 the amount of restitution ordered under subdivision (2) in any  
7 amount up to three (3) times the amount of damages incurred or  
8 value of property or assets lost;  
9 (4) order the supplier to pay to the state the reasonable costs of  
10 the attorney general's investigation and prosecution, expert fees,  
11 and court fees related to the action;  
12 (5) provide for the appointment of a receiver; and  
13 (6) order the department of state revenue to suspend the  
14 supplier's registered retail merchant certificate, subject to the  
15 requirements and prohibitions contained in IC 6-2.5-8-7(a)(5),  
16 if the court finds that a violation of this chapter involved the sale  
17 or solicited sale of a synthetic drug (as defined in  
18 IC 35-31.5-2-321), a synthetic drug lookalike substance (as  
19 defined in IC 35-31.5-2-321.5 (repealed)) (before July 1, 2019),  
20 a controlled substance analog (as defined in IC 35-48-1.1-8), or  
21 a substance represented to be a controlled substance (as  
22 described in IC 35-48-4-4.6).

23 (d) In an action under subsection (a), (b), (c), or (n) the court may  
24 void or limit the application of contracts or clauses resulting from  
25 deceptive acts and order restitution to be paid to aggrieved consumers.

26 (e) In any action under subsection (a) or (b), upon the filing of the  
27 complaint or on the appearance of any defendant, claimant, or any  
28 other party, or at any later time, the trial court, the supreme court, or the  
29 court of appeals may require the plaintiff, defendant, claimant, or any  
30 other party or parties to give security, or additional security, in such  
31 sum as the court shall direct to pay all costs, expenses, and  
32 disbursements that shall be awarded against that party or which that  
33 party may be directed to pay by any interlocutory order by the final  
34 judgment or on appeal.

35 (f) Any person who violates the terms of an injunction issued  
36 under subsection (c) or (n) shall forfeit and pay to the state a civil  
37 penalty of not more than fifteen thousand dollars (\$15,000) per  
38 violation. For the purposes of this section, the court issuing an  
39 injunction shall retain jurisdiction, the cause shall be continued, and  
40 the attorney general acting in the name of the state may petition for  
41 recovery of civil penalties. Whenever the court determines that an  
42 injunction issued under subsection (c) or (n) has been violated, the

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1       court shall award reasonable costs to the state.

2           (g) If a court finds any person has knowingly violated section 3 or  
 3       10 of this chapter, other than section 3(b)(19), 3(b)(20), or 3(b)(40) of  
 4       this chapter, the attorney general, in an action pursuant to subsection  
 5       (c), may recover from the person on behalf of the state a civil penalty  
 6       of a fine not exceeding five thousand dollars (\$5,000) per violation.

7           (h) If a court finds that a person has violated section 3(b)(19) of  
 8       this chapter, the attorney general, in an action under subsection (c),  
 9       may recover from the person on behalf of the state a civil penalty as  
 10      follows:

11           (1) For a knowing or intentional violation, one thousand five  
 12      hundred dollars (\$1,500).

13           (2) For a violation other than a knowing or intentional violation,  
 14      five hundred dollars (\$500).

15       A civil penalty recovered under this subsection shall be deposited in  
 16       the consumer protection division telephone solicitation fund  
 17       established by IC 24-4.7-3-6 to be used for the administration and  
 18       enforcement of section 3(b)(19) of this chapter.

19           (i) A senior consumer relying upon an uncured or incurable  
 20       deceptive act, including an act related to hypnotism, may bring an  
 21       action to recover treble damages, if appropriate.

22           (j) An offer to cure is:

23           (1) not admissible as evidence in a proceeding initiated under  
 24       this section unless the offer to cure is delivered by a supplier to  
 25       the consumer or a representative of the consumer before the  
 26       supplier files the supplier's initial response to a complaint; and  
 27           (2) only admissible as evidence in a proceeding initiated under  
 28       this section to prove that a supplier is not liable for attorney's  
 29       fees under subsection (k).

30       If the offer to cure is timely delivered by the supplier, the supplier may  
 31       submit the offer to cure as evidence to prove in the proceeding in  
 32       accordance with the Indiana Rules of Trial Procedure that the supplier  
 33       made an offer to cure.

34           (k) A supplier may not be held liable for the attorney's fees and  
 35       court costs of the consumer that are incurred following the timely  
 36       delivery of an offer to cure as described in subsection (j) unless the  
 37       actual damages awarded, not including attorney's fees and costs, exceed  
 38       the value of the offer to cure.

39           (l) If a court finds that a person has knowingly violated section  
 40       3(b)(20) of this chapter, the attorney general, in an action under  
 41       subsection (c), may recover from the person on behalf of the state a  
 42       civil penalty not exceeding one thousand dollars (\$1,000) per



1 consumer. In determining the amount of the civil penalty in any action  
 2 by the attorney general under this subsection, the court shall consider,  
 3 among other relevant factors, the frequency and persistence of  
 4 noncompliance by the debt collector, the nature of the noncompliance,  
 5 and the extent to which the noncompliance was intentional. A person  
 6 may not be held liable in any action by the attorney general for a  
 7 violation of section 3(b)(20) of this chapter if the person shows by a  
 8 preponderance of evidence that the violation was not intentional and  
 9 resulted from a bona fide error, notwithstanding the maintenance of  
 10 procedures reasonably adapted to avoid the error. A person may not be  
 11 held liable in any action for a violation of this chapter for contacting a  
 12 person other than the debtor, if the contact is made in compliance with  
 13 the Fair Debt Collection Practices Act.

14 (m) If a court finds that a person has knowingly or intentionally  
 15 violated section 3(b)(40) of this chapter, the attorney general, in an  
 16 action under subsection (c), may recover from the person on behalf of  
 17 the state a civil penalty in accordance with IC 24-5-14.5-12(b). As  
 18 specified in IC 24-5-14.5-12(b), a civil penalty recovered under  
 19 IC 24-5-14.5-12(b) shall be deposited in the consumer protection  
 20 division telephone solicitation fund established by IC 24-4.7-3-6 to be  
 21 used for the administration and enforcement of IC 24-5-14.5. In  
 22 addition to the recovery of a civil penalty in accordance with  
 23 IC 24-5-14.5-12(b), the attorney general may also recover reasonable  
 24 attorney fees and court costs from the person on behalf of the state.  
 25 Those funds shall also be deposited in the consumer protection division  
 26 telephone solicitation fund established by IC 24-4.7-3-6.

27 (n) An action that arises from, or otherwise involves, an unfair,  
 28 abusive, or deceptive act, omission, or practice in connection with a  
 29 consumer transaction described in section 2(a)(1)(D)(i) **or**  
 30 2(a)(1)(D)(iii) of this chapter may be brought and enforced only by the  
 31 attorney general under this subsection. An action that arises from, or  
 32 otherwise involves, an unfair, abusive, or deceptive act, omission, or  
 33 practice in connection with a consumer transaction described in section  
 34 2(a)(1)(D)(ii) **or** 2(a)(1)(D)(iv) of this chapter may be brought and  
 35 enforced only by an attorney acting on behalf of the local law  
 36 enforcement agency **or local agency** involved in the transaction, unless  
 37 the local unit of government served by the local law enforcement  
 38 agency **or local agency** requests the attorney general to bring and  
 39 enforce an action under this subsection on behalf of the local unit. In  
 40 addition, the court may:

41           (1) issue an injunction;  
 42           (2) order the supplier to make payment of the money unlawfully



1 received from the aggrieved consumers to be held in escrow for  
2 distribution to aggrieved consumers; or  
3 (3) order the supplier to pay to:  
4 (A) the attorney acting on behalf of the local law  
5 enforcement agency **or local agency**; or  
6 (B) the attorney general for the state;  
7 as applicable, the reasonable costs of the attorney's or the  
8 attorney general's investigation and prosecution, expert fees, and  
9 court fees related to the action.  
10 The time for bringing an action under subsection (c), as set forth in  
11 section 5(b) of this chapter, applies to an action brought under this  
12 subsection.

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