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# HOUSE BILL No. 1273

Proposed Changes to introduced printing by AM127302

## DIGEST OF PROPOSED AMENDMENT

Deceptive consumer sales. Amends the definition of "consumer transaction" for purposes of the deceptive consumer sales act to include the provision of a product or service to a state agency or a local agency in Indiana. Amends the definition of "supplier" for purposes of the deceptive consumer sales act to include an entity that provides a product or service to a state agency or a local agency in Indiana. Provides that an action that arises from a consumer transaction involving the provision of a product or service by a supplier to a state agency may be brought and enforced only by the attorney general. Provides that an action that arises from a consumer transaction involving the provision of a product or service by a supplier to a local agency may be brought and enforced only by an attorney acting on behalf of the local agency, unless the local unit of government served by the local agency requests the attorney general to bring and enforce an action on behalf of the local unit. Provides that in an action that arises from a consumer transaction involving the provision of a product or service by a supplier to a state agency or a local agency, a court may take certain actions. Adds a violation of a provision of this bill to the list of deceptive acts.

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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:**

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

**(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:

- (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**



1       **an entity or are provided to any person in Indiana:**

2       **(1) Advice or a recommendation on how to vote on an entity**  
 3       **proposal or proxy proposal.**  
 4       **(2) Proxy statement research and analysis regarding an**  
 5       **entity proposal or proxy proposal.**  
 6       **(3) Development of proxy voting recommendations or**  
 7       **policies, including establishing default recommendations or**  
 8       **policies.**

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

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

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

23      **Sec. 11. (a) If a proxy advisor makes a recommendation**  
 24      **against entity management on an entity proposal or proxy**  
 25      **proposal, or makes a default recommendation or policy concerning**  
 26      **votes against entity management on entity proposals or proxy**  
 27      **proposals, and the proxy advisor does not do so based on a written**  
 28      **financial analysis, the proxy advisor shall do the following:**

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

33       **(A) identifies the services being provided by the proxy**  
 34       **advisor;**  
 35       **(B) identifies the recommendation or policy at issue; and**  
 36       **(C) states that the proxy advisor has made the**  
 37       **recommendation or policy without utilizing a written**  
 38       **financial analysis regarding the impact that the**  
 39       **recommended action would have on entity interest**  
 40       **holders that:**

41       **(i) analyzes the expected short term and long term**  
 42       **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.

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

(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.

42 (1) At the time the proxy advisor provides the proxy advisory

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1 services, provide a clear and conspicuous disclosure to each  
 2 interest holder or any person acting on behalf of an interest  
 3 holder receiving the proxy advisory services that:

4 (A) identifies the services being provided by the proxy  
 5 advisor;

6 (B) identifies the recommendation or policy at issue;

7 (C) states that the proxy advisor utilized a written  
 8 financial analysis that:

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

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

15 (iii) explains the methods and processes used to  
 16 prepare the analysis, including the experience and  
 17 geographic location of the personnel who formed  
 18 the conclusion; and

19 (D) states that the written financial analysis described in  
 20 clause (C) is available upon request.

21 (2) Make the written financial analysis described in  
 22 subdivision (1)(C) available to an interest holder or any  
 23 person acting on behalf of an interest holder, receiving the  
 24 proxy advisory services within a reasonable time after an  
 25 interest holder or any person acting on behalf of an interest  
 26 holder, receiving the proxy advisory services requests the  
 27 written financial analysis.

28 (3) If the proxy advisor provides proxy advisory services  
 29 described in section 8(1) or 8(2) of this chapter, then at the  
 30 time the proxy advisor provides the proxy advisory services  
 31 described in section 8(1) and 8(2) of this chapter, the proxy  
 32 advisor must provide a copy of the written financial analysis  
 33 described in subdivision (1)(C) to entity management.

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

35 (1) a recipient of proxy advisory services provided by a  
 36 proxy advisor;

37 (2) an entity that is the subject of proxy advisory services  
 38 described in section 8(1) or 8(2) of this chapter provided by  
 39 a proxy advisor; and

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



4 (c) Notwithstanding subsection (b), an interested person may  
5 bring an action seeking a declaratory judgment or injunctive relief  
6 against a proxy advisor who the interested person believes has  
7 violated this chapter. Not later than seven (7) days after the date on  
8 which an interested person brings an action under this subsection,  
9 the interested person shall provide written notice to the attorney  
10 general that informs the attorney general of the existence of the  
11 action. The attorney general has the right to intervene in an action  
12 under this subsection. [

SECTION 2. IC 24-5-0.5-2, AS AMENDED BY P.L.206-2025, SECTION 5, AND AS AMENDED BY P.L.227-2025, SECTION 42, AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL ASSEMBLY, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

### Sec. 2. (a) As used in this chapter:

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

31 (B) An unsolicited advertisement sent to a person by  
32 telephone facsimile machine offering a sale, lease,  
33 assignment, award by chance, or other disposition of an  
34 item of personal property, real property, a service, or an  
35 intangible.

36 (C) The collection of or attempt to collect a debt by a debt  
37 collector.

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

(i) state law enforcement agency; or

*(ii) local law enforcement agency;*

**(iii) state agency; o**

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in Indiana.

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

(2) "Person" means an individual, corporation, the state of Indiana or its subdivisions or agencies, business trust, estate, trust, partnership, association, nonprofit corporation or organization, or cooperative or any other legal entity.

(3) "Supplier" means the following:

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

(B) A debt collector.  
"Subject of a consumer transaction" means the personal property, real property, services, or intangibles offered or promised in a consumer transaction.

furnished in a consumer transaction.

Cure, as applied to a deceptive act, means either:

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

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

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

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

Offer to cure as applied to a deceptive act is a cure that:

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

consumer, and  
(B) includes a minimum additional amount that is the greater of:



- (i) ten percent (10%) of the value of the remedy under clause (A), but not more than four thousand dollars (\$4,000); or
- (ii) five hundred dollars (\$500);

(ii) five hundred dollars (\$500),  
compensation for attorney's fees, expenses, and other  
costs that a consumer may incur in relation to the deceptive

(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:

(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.

(8) "Incurable deceptive act" means a deceptive act done by a 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**



1                   defined in IC 21-7-13-32).

2                   (10) (13) "Telephone facsimile machine" means equipment that

3                   has the capacity to transcribe text or images, or both, from:

4                   (A) paper into an electronic signal and to transmit that

5                   signal over a regular telephone line; or

6                   (B) an electronic signal received over a regular telephone

7                   line onto paper.

8                   (11) (14) "Unsolicited advertisement" means material

9                   advertising the commercial availability or quality of:

10                   (A) property;

11                   (B) goods; or

12                   (C) services;

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

14                   invitation or permission, in writing or otherwise.

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

16                   1692(a)(5).

17                   (13) (16) "Debt collector" has the meaning set forth in 15 U.S.C.

18                   1692(a)(6). The term does not include a person admitted to the

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

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

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

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

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

24                   number information in connection with an identified telephone

25                   service subscriber by means of a live operator or automated

26                   service.

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

28                   advertising directory or the business section of a telephone

29                   directory that is distributed by a telephone company or directory

30                   publisher to subscribers located in the local exchanges contained

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

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

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

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

35                   service for telephones physically located within the area covered

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

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

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

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

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

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

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



1 consumer transaction. Such an act, omission, or practice by a supplier  
 2 is a violation of this chapter whether it occurs before, during, or after  
 3 the transaction. An act, omission, or practice prohibited by this section  
 4 includes both implicit and explicit misrepresentations.

5 (b) Without limiting the scope of subsection (a), the following  
 6 acts, and the following representations as to the subject matter of a  
 7 consumer transaction, made orally, in writing, or by electronic  
 8 communication, by a supplier, are deceptive acts:

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

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

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

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

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

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

28 (7) That the supplier has a sponsorship, approval, or affiliation  
 29 in such consumer transaction the supplier does not have, and  
 30 which the supplier knows or should reasonably know that the  
 31 supplier does not have.

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

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



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

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

18 (B) the supplier did not obtain written permission from the  
19 customer to authorize the supplier to complete the work  
20 even if the cost would exceed the amounts specified in  
21 clause (A);

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

25 (D) the supplier knew or reasonably should have known that  
26 the cost would exceed the estimate in the amounts specified  
27 in clause (A).

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

32 (A) the customer has been notified that the work has been  
33 completed; and

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

36 (14) Engaging in the replacement or repair of the subject of a  
37 consumer transaction if the consumer has not authorized the  
38 replacement or repair, and if the supplier knows or should  
39 reasonably know that it is not authorized.

40 (15) The act of misrepresenting the geographic location of the  
41 supplier by listing an alternate business name or an assumed  
42 business name (as described in IC 23-0.5-3-4) in a local

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1 telephone directory if:

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

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

(C) calls to the local telephone number are routinely forwarded or otherwise transferred to a supplier's business location that is outside the calling area covered by the local telephone directory; and

(D) the supplier's business location is located in a county that is not contiguous to a county in the calling area covered by the local telephone directory.

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

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

(B) calls to the local telephone number are routinely forwarded or otherwise transferred to a supplier's business location that is outside the local calling area; and

(C) the supplier's business location is located in a county that is not contiguous to a county in the local calling area.

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

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

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

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

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

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

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

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- (24) A violation of IC 24-5-11 (concerning real property improvement contracts), as set forth in IC 24-5-11-14.
- (25) A violation of IC 24-5-12 (concerning telephone solicitations), as set forth in IC 24-5-12-23.
- (26) A violation of IC 24-5-13.5 (concerning buyback motor vehicles), as set forth in IC 24-5-13.5-14.
- (27) A violation of IC 24-5-14 (concerning automatic dialing-announcing devices), as set forth in IC 24-5-14-13.
- (28) A violation of IC 24-5-15 (concerning credit services organizations), as set forth in IC 24-5-15-11.
- (29) A violation of IC 24-5-16 (concerning unlawful motor vehicle subleasing), as set forth in IC 24-5-16-18.
- (30) A violation of IC 24-5-17 (concerning environmental marketing claims), as set forth in IC 24-5-17-14.
- (31) A violation of IC 24-5-19 (concerning deceptive commercial solicitation), as set forth in IC 24-5-19-11.
- (32) A violation of IC 24-5-21 (concerning prescription drug discount cards), as set forth in IC 24-5-21-7.
- (33) A violation of IC 24-5-23.5-7 (concerning real estate appraisals), as set forth in IC 24-5-23.5-9.
- (34) A violation of IC 24-5-26 (concerning identity theft), as set forth in IC 24-5-26-3.
- (35) A violation of IC 24-5.5 (concerning mortgage rescue fraud), as set forth in IC 24-5.5-6-1.
- (36) A violation of IC 24-8 (concerning promotional gifts and contests), as set forth in IC 24-8-6-3.
- (37) A violation of IC 21-18.5-6 (concerning representations made by a postsecondary credit bearing proprietary educational institution), as set forth in IC 21-18.5-6-22.5.
- (38) A violation of IC 24-5-15.5 (concerning collection actions of a plaintiff debt buyer), as set forth in IC 24-5-15.5-6.
- (39) A violation of IC 24-14 (concerning towing services), as set forth in IC 24-14-10-1.
- (40) A violation of IC 24-5-14.5 (concerning misleading or inaccurate caller identification information), as set forth in IC 24-5-14.5-12.
- (41) A violation of IC 24-5-27 (concerning intrastate inmate calling services), as set forth in IC 24-5-27-27.
- (42) A violation of IC 15-21 (concerning sales of dogs by retail pet stores), as set forth in IC 15-21-7-4.
- (43) A violation of IC 24-4-23 (concerning the security of information collected and transmitted by an adult oriented

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1                   website operator), as set forth in IC 24-4-23-14.

2                   **(44) A violation of IC 24-4-27.5 (concerning proxy advisors),**  
 3                   **as set forth in IC 24-4-27.5-12.**

4                   (c) Any representations on or within a product or its packaging or  
 5                   in advertising or promotional materials which would constitute a  
 6                   deceptive act shall be the deceptive act both of the supplier who places  
 7                   such representation thereon or therein, or who authored such materials,  
 8                   and such other suppliers who shall state orally or in writing that such  
 9                   representation is true if such other supplier shall know or have reason  
 10                  to know that such representation was false.

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

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

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

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

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

39                  SECTION 4. IC 24-5-0.5-4, AS AMENDED BY P.L.186-2025,  
 40                  SECTION 133, IS AMENDED TO READ AS FOLLOWS  
 41                  [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) A person relying upon an  
 42                  uncured or incurable deceptive act may bring an action for the damages



1       actually suffered as a consumer as a result of the deceptive act or five  
 2       hundred dollars (\$500), whichever is greater. The court may increase  
 3       damages for a willful deceptive act in an amount that does not exceed  
 4       the greater of:

5           (1) three (3) times the actual damages of the consumer suffering  
 6           the loss; or

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

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

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

42      (c) The attorney general may bring an action to enjoin an unfair,



1       abusive, or deceptive act, omission, or practice in connection with a  
 2       consumer transaction, including a deceptive act described in section  
 3       3(b)(20) of this chapter, notwithstanding subsections (a) and (b).  
 4       However, the attorney general may seek to enjoin patterns of incurable  
 5       deceptive acts with respect to consumer transactions in real property.  
 6       In addition, the court may:

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

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

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

41        (f) Any person who violates the terms of an injunction issued  
 42       under subsection (c) or (n) shall forfeit and pay to the state a civil



1       penalty of not more than fifteen thousand dollars (\$15,000) per  
 2       violation. For the purposes of this section, the court issuing an  
 3       injunction shall retain jurisdiction, the cause shall be continued, and  
 4       the attorney general acting in the name of the state may petition for  
 5       recovery of civil penalties. Whenever the court determines that an  
 6       injunction issued under subsection (c) or (n) has been violated, the  
 7       court shall award reasonable costs to the state.

8       (g) If a court finds any person has knowingly violated section 3 or  
 9       10 of this chapter, other than section 3(b)(19), 3(b)(20), or 3(b)(40) of  
 10      this chapter, the attorney general, in an action pursuant to subsection  
 11      (c), may recover from the person on behalf of the state a civil penalty  
 12      of a fine not exceeding five thousand dollars (\$5,000) per violation.

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

- 17        (1) For a knowing or intentional violation, one thousand five  
 18        hundred dollars (\$1,500).
- 19        (2) For a violation other than a knowing or intentional violation,  
 20        five hundred dollars (\$500).

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

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

28      (j) An offer to cure is:

- 29        (1) not admissible as evidence in a proceeding initiated under  
 30        this section unless the offer to cure is delivered by a supplier to  
 31        the consumer or a representative of the consumer before the  
 32        supplier files the supplier's initial response to a complaint; and
- 33        (2) only admissible as evidence in a proceeding initiated under  
 34        this section to prove that a supplier is not liable for attorney's  
 35        fees under subsection (k).

36      If the offer to cure is timely delivered by the supplier, the supplier may  
 37      submit the offer to cure as evidence to prove in the proceeding in  
 38      accordance with the Indiana Rules of Trial Procedure that the supplier  
 39      made an offer to cure.

40      (k) A supplier may not be held liable for the attorney's fees and  
 41      court costs of the consumer that are incurred following the timely  
 42      delivery of an offer to cure as described in subsection (j) unless the



1       actual damages awarded, not including attorney's fees and costs, exceed  
 2       the value of the offer to cure.

3       (l) If a court finds that a person has knowingly violated section  
 4       3(b)(20) of this chapter, the attorney general, in an action under  
 5       subsection (c), may recover from the person on behalf of the state a  
 6       civil penalty not exceeding one thousand dollars (\$1,000) per  
 7       consumer. In determining the amount of the civil penalty in any action  
 8       by the attorney general under this subsection, the court shall consider,  
 9       among other relevant factors, the frequency and persistence of  
 10       noncompliance by the debt collector, the nature of the noncompliance,  
 11       and the extent to which the noncompliance was intentional. A person  
 12       may not be held liable in any action by the attorney general for a  
 13       violation of section 3(b)(20) of this chapter if the person shows by a  
 14       preponderance of evidence that the violation was not intentional and  
 15       resulted from a bona fide error, notwithstanding the maintenance of  
 16       procedures reasonably adapted to avoid the error. A person may not be  
 17       held liable in any action for a violation of this chapter for contacting a  
 18       person other than the debtor, if the contact is made in compliance with  
 19       the Fair Debt Collection Practices Act.

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

33       (n) An action that arises from, or otherwise involves, an unfair,  
 34       abusive, or deceptive act, omission, or practice in connection with a  
 35       consumer transaction described in section 2(a)(1)(D)(i) or  
 36       2(a)(1)(D)(iii) of this chapter may be brought and enforced only by the  
 37       attorney general under this subsection. An action that arises from, or  
 38       otherwise involves, an unfair, abusive, or deceptive act, omission, or  
 39       practice in connection with a consumer transaction described in section  
 40       2(a)(1)(D)(ii) or 2(a)(1)(D)(iv) of this chapter may be brought and  
 41       enforced only by an attorney acting on behalf of the local law  
 42       enforcement agency or local agency involved in the transaction, unless



1       the local unit of government served by the local law enforcement  
2       agency or local agency requests the attorney general to bring and  
3       enforce an action under this subsection on behalf of the local unit. In  
4       addition, the court may:

5           (1) issue an injunction;  
6           (2) order the supplier to make payment of the money unlawfully  
7           received from the aggrieved consumers to be held in escrow for  
8           distribution to aggrieved consumers; or  
9           (3) order the supplier to pay to:  
10           (A) the attorney acting on behalf of the local law  
11           enforcement agency or local agency; or  
12           (B) the attorney general for the state;  
13           as applicable, the reasonable costs of the attorney's or the  
14           attorney general's investigation and prosecution, expert fees, and  
15           court fees related to the action.

16       The time for bringing an action under subsection (c), as set forth in  
17       section 5(b) of this chapter, applies to an action brought under this  
18       subsection.

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