

HOUSE BILL No. 1324

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-4.7-3-6; IC 24-5-0.5.

Synopsis: Consumer pricing information. Provides that it is a deceptive consumer sales act to display or advertise a purchase price for the subject of a consumer transaction that does not include all fees and charges other than: (1) taxes or fees imposed on the purchase by a unit of government; or (2) reasonably expected shipping or handling charges; that are required to be paid by the consumer to complete the consumer transaction.

Effective: July 1, 2026.

Hatcher

January 6, 2026, read first time and referred to Committee on Commerce, Small Business and Economic Development.



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. 1324

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:

SECTION 1. IC 24-4.7-3-6, AS AMENDED BY P.L.148-2024, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The consumer protection division telephone solicitation fund is established for the following purposes:

(1) The administration of:

(A) this article;

(B) ~~IC 24-5-0.5-3(b)(19)~~; **IC 24-5-0.5-3(b)(20)**;

(C) IC 24-5-12;

(D) IC 24-5-14; and

(E) IC 24-5-14.5.

(2) The reimbursement of prosecuting attorneys for expenses incurred in extraditing violators of any statute set forth in subdivision (1).

The fund shall be used exclusively for these purposes.

(b) The division shall administer the fund.

(c) The fund consists of all revenue received:

(1) under this article;



- (2) from civil penalties recovered under IC 24-5-0.5-4(h);
- (3) from civil penalties recovered after June 30, 2019, under IC 24-5-12-23(b);
- (4) from civil penalties recovered after June 30, 2019, under IC 24-5-14-13(b); and
- (5) from civil penalties recovered under IC 24-5-14.5-12.

(d) Money in the fund is continuously appropriated to the division for the purposes set forth in subsection (a).

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, if the amount of money in the fund at the end of a particular state fiscal year exceeds two hundred thousand dollars (\$200,000), the treasurer of state shall transfer the excess from the fund to the state general fund.

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:

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

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

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

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

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

(i) state law enforcement agency; or

(ii) local law enforcement agency;

in Indiana.

~~(D)~~ (E) *Conduct that arises from, occurs in connection with,*



- 1 *or otherwise involves a transaction for emergency towing (as*
 2 *defined in IC 24-14-2-5) of a personal or commercial vehicle.*
 3 (2) "Person" means an individual, corporation, the state of Indiana
 4 or its subdivisions or agencies, business trust, estate, trust,
 5 partnership, association, nonprofit corporation or organization, or
 6 cooperative or any other legal entity.
 7 (3) "Supplier" means the following:
 8 (A) A seller, lessor, assignor, or other person who regularly
 9 engages in or solicits consumer transactions, including
 10 soliciting a consumer transaction by using a telephone
 11 facsimile machine to transmit an unsolicited advertisement.
 12 The term includes a manufacturer, *a* wholesaler, ~~or~~ *a* retailer,
 13 *or, in a consumer transaction described in subdivision (1)(D),*
 14 *an entity that provides a product or service to a state law*
 15 *enforcement agency or local law enforcement agency in*
 16 *Indiana, whether or not the person deals directly with the*
 17 *consumer.*
 18 (B) A debt collector.
 19 (4) "Subject of a consumer transaction" means the personal
 20 property, real property, services, or intangibles offered or
 21 furnished in a consumer transaction.
 22 (5) "Cure" as applied to a deceptive act, means either:
 23 (A) to offer in writing to adjust or modify the consumer
 24 transaction to which the act relates to conform to the
 25 reasonable expectations of the consumer generated by such
 26 deceptive act and to perform such offer if accepted by the
 27 consumer; or
 28 (B) to offer in writing to rescind such consumer transaction
 29 and to perform such offer if accepted by the consumer.
 30 The term includes an offer in writing of one (1) or more items of
 31 value, including monetary compensation, that the supplier
 32 delivers to a consumer or a representative of the consumer if
 33 accepted by the consumer.
 34 (6) "Offer to cure" as applied to a deceptive act is a cure that:
 35 (A) is reasonably calculated to remedy a loss claimed by the
 36 consumer; and
 37 (B) includes a minimum additional amount that is the greater
 38 of:
 39 (i) ten percent (10%) of the value of the remedy under
 40 clause (A), but not more than four thousand dollars
 41 (\$4,000); or
 42 (ii) five hundred dollars (\$500);



as compensation for attorney's fees, expenses, and other 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:

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

(10) "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 regular telephone line; or

(B) an electronic signal received over a regular telephone line onto paper.

(11) "Unsolicited advertisement" means material advertising the commercial availability or quality of:

(A) property;

(B) goods; or

(C) services;

that is transmitted to a person without the person's prior express invitation or permission, in writing or otherwise.

(12) "Debt" has the meaning set forth in 15 U.S.C. 1692(a)(5).

(13) "Debt collector" has the meaning set forth in 15 U.S.C. 1692(a)(6). The term does not include a person admitted to the practice of law in Indiana if the person is acting within the course and scope of the person's practice as an attorney. The term includes a debt buyer (as defined in IC 24-5-15.5).

(b) As used in section ~~3(b)(15)~~ **3(b)(16)** and ~~3(b)(16)~~ **3(b)(17)** of this chapter:



(1) "Directory assistance" means the disclosure of telephone number information in connection with an identified telephone service subscriber by means of a live operator or automated service.

(2) "Local telephone directory" refers to a telephone classified advertising directory or the business section of a telephone directory that is distributed by a telephone company or directory publisher to subscribers located in the local exchanges contained in the directory. The term includes a directory that includes listings of more than one (1) telephone company.

(3) "Local telephone number" refers to a telephone number that has the three (3) number prefix used by the provider of telephone service for telephones physically located within the area covered by the local telephone directory in which the number is listed. The term does not include long distance numbers or 800-, 888-, or 900- exchange numbers listed in a local telephone directory.

SECTION 3. IC 24-5-0.5-3, AS AMENDED BY P.L.104-2024, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A supplier may not commit an unfair, abusive, or deceptive act, omission, or practice in connection with a consumer transaction. Such an act, omission, or practice by a supplier is a violation of this chapter whether it occurs before, during, or after the transaction. An act, omission, or practice prohibited by this section includes both implicit and explicit misrepresentations.

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

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

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

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

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

(5) That replacement or repair constituting the subject of a



consumer transaction is needed, if it is not and if the supplier knows or should reasonably know that it is not.

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

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

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

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

(10) That the supplier is able to deliver or complete the subject of the consumer transaction within a stated period of time, when the supplier knows or should reasonably know the supplier could not. If no time period has been stated by the supplier, there is a presumption that the supplier has represented that the supplier will deliver or complete the subject of the consumer transaction within a reasonable time, according to the course of dealing or the usage of the trade.

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

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

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

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

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



- 1 (D) the supplier knew or reasonably should have known that
 2 the cost would exceed the estimate in the amounts specified in
 3 clause (A).
 4 (13) That the replacement or repair constituting the subject of a
 5 consumer transaction is needed, and that the supplier disposes of
 6 the part repaired or replaced earlier than seventy-two (72) hours
 7 after both:
 8 (A) the customer has been notified that the work has been
 9 completed; and
 10 (B) the part repaired or replaced has been made available for
 11 examination upon the request of the customer.
 12 **(14) Displaying or advertising a purchase price for the subject**
 13 **of a consumer transaction that does not include all fees and**
 14 **charges other than:**
 15 (A) taxes or fees imposed on the purchase by a unit of
 16 government; or
 17 (B) if the subject of the consumer transaction is a good,
 18 shipping or handling charges reasonably expected to be
 19 incurred by the supplier in shipping the good to the
 20 consumer;
 21 **that are required to be paid by the consumer to complete the**
 22 **consumer transaction.**
 23 ~~(14)~~ (15) Engaging in the replacement or repair of the subject of
 24 a consumer transaction if the consumer has not authorized the
 25 replacement or repair, and if the supplier knows or should
 26 reasonably know that it is not authorized.
 27 ~~(15)~~ (16) The act of misrepresenting the geographic location of
 28 the supplier by listing an alternate business name or an assumed
 29 business name (as described in IC 23-0.5-3-4) in a local telephone
 30 directory if:
 31 (A) the name misrepresents the supplier's geographic location;
 32 (B) the listing fails to identify the locality and state of the
 33 supplier's business;
 34 (C) calls to the local telephone number are routinely forwarded
 35 or otherwise transferred to a supplier's business location that
 36 is outside the calling area covered by the local telephone
 37 directory; and
 38 (D) the supplier's business location is located in a county that
 39 is not contiguous to a county in the calling area covered by the
 40 local telephone directory.
 41 ~~(16)~~ (17) The act of listing an alternate business name or assumed
 42 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)~~ **(18)** The violation by a supplier of IC 24-3-4 concerning cigarettes for import or export.

~~(18)~~ **(19)** 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)~~ **(20)** The violation by a supplier of 47 U.S.C. 227, including any rules or regulations issued under 47 U.S.C. 227.

~~(20)~~ **(21)** 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)~~ **(22)** A violation of IC 24-5-7 (concerning health spa services), as set forth in IC 24-5-7-17.

~~(22)~~ **(23)** A violation of IC 24-5-8 (concerning business opportunity transactions), as set forth in IC 24-5-8-20.

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

~~(24)~~ **(25)** A violation of IC 24-5-11 (concerning real property improvement contracts), as set forth in IC 24-5-11-14.

~~(25)~~ **(26)** A violation of IC 24-5-12 (concerning telephone solicitations), as set forth in IC 24-5-12-23.

~~(26)~~ **(27)** A violation of IC 24-5-13.5 (concerning buyback motor vehicles), as set forth in IC 24-5-13.5-14.

~~(27)~~ **(28)** A violation of IC 24-5-14 (concerning automatic dialing-announcing devices), as set forth in IC 24-5-14-13.

~~(28)~~ **(29)** A violation of IC 24-5-15 (concerning credit services organizations), as set forth in IC 24-5-15-11.

~~(29)~~ **(30)** A violation of IC 24-5-16 (concerning unlawful motor vehicle subleasing), as set forth in IC 24-5-16-18.

~~(30)~~ **(31)** A violation of IC 24-5-17 (concerning environmental marketing claims), as set forth in IC 24-5-17-14.

~~(31)~~ **(32)** A violation of IC 24-5-19 (concerning deceptive



commercial solicitation), as set forth in IC 24-5-19-11.

~~(32)~~ **(33)** A violation of IC 24-5-21 (concerning prescription drug discount cards), as set forth in IC 24-5-21-7.

~~(33)~~ **(34)** A violation of IC 24-5-23.5-7 (concerning real estate appraisals), as set forth in IC 24-5-23.5-9.

~~(34)~~ **(35)** A violation of IC 24-5-26 (concerning identity theft), as set forth in IC 24-5-26-3.

~~(35)~~ **(36)** A violation of IC 24-5.5 (concerning mortgage rescue fraud), as set forth in IC 24-5.5-6-1.

~~(36)~~ **(37)** A violation of IC 24-8 (concerning promotional gifts and contests), as set forth in IC 24-8-6-3.

~~(37)~~ **(38)** 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)~~ **(39)** 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)~~ **(40)** A violation of IC 24-14 (concerning towing services), as set forth in IC 24-14-10-1.

~~(40)~~ **(41)** 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)~~ **(42)** A violation of IC 24-5-27 (concerning intrastate inmate calling services), as set forth in IC 24-5-27-27.

~~(42)~~ **(43)** A violation of IC 15-21 (concerning sales of dogs by retail pet stores), as set forth in IC 15-21-7-4.

~~(43)~~ **(44)** A violation of IC 24-4-23 (concerning the security of information collected and transmitted by an adult oriented website operator), as set forth in IC 24-4-23-14.

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

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

(e) It shall be a defense to any action brought under this chapter that the representation constituting an alleged deceptive act was one made in good faith by the supplier without knowledge of its falsity and in



1 reliance upon the oral or written representations of the manufacturer,
 2 the person from whom the supplier acquired the product, any testing
 3 organization, or any other person provided that the source thereof is
 4 disclosed to the consumer.

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

10 (g) For purposes of subsection ~~(b)(15)~~ **(b)(16)** and ~~(b)(16)~~ **(b)(17)**,
 11 a telephone company or other provider of a telephone directory or
 12 directory assistance service or its officer or agent is immune from
 13 liability for publishing the listing of an alternate business name or
 14 assumed business name of a supplier in its directory or directory
 15 assistance data base unless the telephone company or other provider of
 16 a telephone directory or directory assistance service is the same person
 17 as the supplier who has committed the deceptive act.

18 (h) For purposes of subsection ~~(b)(18)~~ **(b)(19)**, it is an affirmative
 19 defense to any action brought under this chapter that the product has
 20 been altered by a person other than the defendant to render the product
 21 completely incapable of serving its original purpose.

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

30 (1) three (3) times the actual damages of the consumer suffering
 31 the loss; or

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

33 Except as provided in subsection (k), the court may award reasonable
 34 attorney's fees to the party that prevails in an action under this
 35 subsection. This subsection does not apply to a consumer transaction
 36 in real property, including a claim or action involving a construction
 37 defect (as defined in IC 32-27-3-1(5)) brought against a construction
 38 professional (as defined in IC 32-27-3-1(4)), except for purchases of
 39 time shares and camping club memberships. This subsection does not
 40 apply with respect to a deceptive act described in section ~~3(b)(20)~~
 41 **3(b)(21)** of this chapter. This subsection also does not apply to a
 42 violation of IC 24-4.7, IC 24-5-12, IC 24-5-14, or IC 24-5-14.5. Actual



1 damages awarded to a person under this section have priority over any
2 civil penalty imposed under this chapter.

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

25 (c) The attorney general may bring an action to enjoin an unfair,
26 abusive, or deceptive act, omission, or practice in connection with a
27 consumer transaction, including a deceptive act described in section
28 ~~3(b)(20)~~ **3(b)(21)** of this chapter, notwithstanding subsections (a) and
29 (b). However, the attorney general may seek to enjoin patterns of
30 incurable deceptive acts with respect to consumer transactions in real
31 property. In addition, the court may:

- 32 (1) issue an injunction;
- 33 (2) order the supplier to make payment of the money unlawfully
34 received from the aggrieved consumers to be held in escrow for
35 distribution to aggrieved consumers;
- 36 (3) for a knowing violation against a senior consumer, increase
37 the amount of restitution ordered under subdivision (2) in any
38 amount up to three (3) times the amount of damages incurred or
39 value of property or assets lost;
- 40 (4) order the supplier to pay to the state the reasonable costs of
41 the attorney general's investigation and prosecution, expert fees,
42 and court fees related to the action;



(5) provide for the appointment of a receiver; and

(6) order the department of state revenue to suspend the supplier's registered retail merchant certificate, subject to the requirements and prohibitions contained in IC 6-2.5-8-7(a)(5), if the court finds that a violation of this chapter involved the sale or solicited sale of a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (repealed)) (before July 1, 2019), a controlled substance analog (as defined in IC 35-48-1.1-8), or a substance represented to be a controlled substance (as described in IC 35-48-4-4.6).

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

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

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

(g) If a court finds any person has knowingly violated section 3 or 10 of this chapter, other than section ~~3(b)(19)~~, 3(b)(20), **3(b)(21)**, or ~~3(b)(40)~~ **3(b)(41)** of this chapter, the attorney general, in an action pursuant to subsection (c), may recover from the person on behalf of the state a civil penalty of a fine not exceeding five thousand dollars (\$5,000) per violation.

(h) If a court finds that a person has violated section ~~3(b)(19)~~ **3(b)(20)** of this chapter, the attorney general, in an action under subsection (c), may recover from the person on behalf of the state a civil penalty as follows:

(1) For a knowing or intentional violation, one thousand five



1 hundred dollars (\$1,500).

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

4 A civil penalty recovered under this subsection shall be deposited in
5 the consumer protection division telephone solicitation fund
6 established by IC 24-4.7-3-6 to be used for the administration and
7 enforcement of section ~~3(b)(19)~~ **3(b)(20)** of this chapter.

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

11 (j) An offer to cure is:

12 (1) not admissible as evidence in a proceeding initiated under this
13 section unless the offer to cure is delivered by a supplier to the
14 consumer or a representative of the consumer before the supplier
15 files the supplier's initial response to a complaint; and

16 (2) only admissible as evidence in a proceeding initiated under
17 this section to prove that a supplier is not liable for attorney's fees
18 under subsection (k).

19 If the offer to cure is timely delivered by the supplier, the supplier may
20 submit the offer to cure as evidence to prove in the proceeding in
21 accordance with the Indiana Rules of Trial Procedure that the supplier
22 made an offer to cure.

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

28 (l) If a court finds that a person has knowingly violated section
29 ~~3(b)(20)~~ **3(b)(21)** of this chapter, the attorney general, in an action
30 under subsection (c), may recover from the person on behalf of the
31 state a civil penalty not exceeding one thousand dollars (\$1,000) per
32 consumer. In determining the amount of the civil penalty in any action
33 by the attorney general under this subsection, the court shall consider,
34 among other relevant factors, the frequency and persistence of
35 noncompliance by the debt collector, the nature of the noncompliance,
36 and the extent to which the noncompliance was intentional. A person
37 may not be held liable in any action by the attorney general for a
38 violation of section ~~3(b)(20)~~ **3(b)(21)** of this chapter if the person
39 shows by a preponderance of evidence that the violation was not
40 intentional and resulted from a bona fide error, notwithstanding the
41 maintenance of procedures reasonably adapted to avoid the error. A
42 person may not be held liable in any action for a violation of this



chapter for contacting a person other than the debtor, if the contact is made in compliance with the Fair Debt Collection Practices Act.

(m) If a court finds that a person has knowingly or intentionally violated section ~~3(b)(40)~~ **3(b)(41)** of this chapter, the attorney general, in an action under subsection (c), may recover from the person on behalf of the state a civil penalty in accordance with IC 24-5-14.5-12(b). As specified in IC 24-5-14.5-12(b), a civil penalty recovered under IC 24-5-14.5-12(b) shall be deposited in the consumer protection division telephone solicitation fund established by IC 24-4.7-3-6 to be used for the administration and enforcement of IC 24-5-14.5. In addition to the recovery of a civil penalty in accordance with IC 24-5-14.5-12(b), the attorney general may also recover reasonable attorney fees and court costs from the person on behalf of the state. Those funds shall also be deposited in the consumer protection division telephone solicitation fund established by IC 24-4.7-3-6.

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

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

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



1 subsection.

