

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.



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. 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:

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

5 (1) The administration of:
6 (A) this article;
7 (B) ~~IC 24-5-0.5-3(b)(19); IC 24-5-0.5-3(b)(20);~~
8 (C) IC 24-5-12;
9 (D) IC 24-5-14; and
10 (E) IC 24-5-14.5.

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

14 The fund shall be used exclusively for these purposes.
15 (b) The division shall administer the fund.
16 (c) The fund consists of all revenue received:
17 (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,



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 in Indiana*, whether or not the person deals directly with the consumer.

(B) A debt collector.

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

(5) "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:

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



1 as compensation for attorney's fees, expenses, and other costs
2 that a consumer may incur in relation to the deceptive act.

3 (7) "Uncured deceptive act" means: **a deceptive act:**

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

7 (B) either:

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

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

13 (8) "Incurable deceptive act" means a deceptive act done by a
14 supplier as part of a scheme, artifice, or device with intent to
15 defraud or mislead. The term includes a failure of a transferee of
16 structured settlement payment rights to timely provide a true and
17 complete disclosure statement to a payee as provided under
18 IC 34-50-2 in connection with a direct or indirect transfer of
19 structured settlement payment rights.

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

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

24 (A) paper into an electronic signal and to transmit that signal
25 over a regular telephone line; or

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

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

30 (A) property;

31 (B) goods; or

32 (C) services;

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

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

36 (13) "Debt collector" has the meaning set forth in 15 U.S.C.
37 1692(a)(6). The term does not include a person admitted to the
38 practice of law in Indiana if the person is acting within the course
39 and scope of the person's practice as an attorney. The term
40 includes a debt buyer (as defined in IC 24-5-15.5).

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



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

11 (3) "Local telephone number" refers to a telephone number that
12 has the three (3) number prefix used by the provider of telephone
13 service for telephones physically located within the area covered
14 by the local telephone directory in which the number is listed. The
15 term does not include long distance numbers or 800-, 888-, or
16 900- exchange numbers listed in a local telephone directory.

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

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

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

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

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

38 that it is not.
39 (4) That such subject of a consumer transaction will be supplied
40 to the public in greater quantity than the supplier intends or
41 reasonably expects.

41 reasonably expects.
42 (5) That replacement or repair constituting the subject of a



- 1 consumer transaction is needed, if it is not and if the supplier
2 knows or should reasonably know that it is not.
3 (6) That a specific price advantage exists as to such subject of a
4 consumer transaction, if it does not and if the supplier knows or
5 should reasonably know that it does not.
6 (7) That the supplier has a sponsorship, approval, or affiliation in
7 such consumer transaction the supplier does not have, and which
8 the supplier knows or should reasonably know that the supplier
9 does not have.
10 (8) That such consumer transaction involves or does not involve
11 a warranty, a disclaimer of warranties, or other rights, remedies,
12 or obligations, if the representation is false and if the supplier
13 knows or should reasonably know that the representation is false.
14 (9) That the consumer will receive a rebate, discount, or other
15 benefit as an inducement for entering into a sale or lease in return
16 for giving the supplier the names of prospective consumers or
17 otherwise helping the supplier to enter into other consumer
18 transactions, if earning the benefit, rebate, or discount is
19 contingent upon the occurrence of an event subsequent to the time
20 the consumer agrees to the purchase or lease.
21 (10) That the supplier is able to deliver or complete the subject of
22 the consumer transaction within a stated period of time, when the
23 supplier knows or should reasonably know the supplier could not.
24 If no time period has been stated by the supplier, there is a
25 presumption that the supplier has represented that the supplier
26 will deliver or complete the subject of the consumer transaction
27 within a reasonable time, according to the course of dealing or the
28 usage of the trade.
29 (11) That the consumer will be able to purchase the subject of the
30 consumer transaction as advertised by the supplier, if the supplier
31 does not intend to sell it.
32 (12) That the replacement or repair constituting the subject of a
33 consumer transaction can be made by the supplier for the estimate
34 the supplier gives a customer for the replacement or repair, if the
35 specified work is completed and:
36 (A) the cost exceeds the estimate by an amount equal to or
37 greater than ten percent (10%) of the estimate;
38 (B) the supplier did not obtain written permission from the
39 customer to authorize the supplier to complete the work even
40 if the cost would exceed the amounts specified in clause (A);
41 (C) the total cost for services and parts for a single transaction
42 is more than seven hundred fifty dollars (\$750); and



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

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

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

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

(14) Displaying or advertising a purchase price for the subject of a consumer transaction that does not include all fees and charges other than:

(A) taxes or fees imposed on the purchase by a unit of government; or

(B) if the subject of the consumer transaction is a good, shipping or handling charges reasonably expected to be incurred by the supplier in shipping the good to the consumer;

that are required to be paid by the consumer to complete the consumer transaction.

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

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

(+6) (17) The act of listing an alternate business name or assumed business name (as described in IC 23-0.5-3-4) in a directory



- 1 assistance data base if:
2 (A) the name misrepresents the supplier's geographic location;
3 (B) calls to the local telephone number are routinely forwarded
4 or otherwise transferred to a supplier's business location that
5 is outside the local calling area; and
6 (C) the supplier's business location is located in a county that
7 is not contiguous to a county in the local calling area.
8 (18) The violation by a supplier of IC 24-3-4 concerning
9 cigarettes for import or export.
10 (19) The act of a supplier in knowingly selling or reselling a
11 product to a consumer if the product has been recalled, whether
12 by the order of a court or a regulatory body, or voluntarily by the
13 manufacturer, distributor, or retailer, unless the product has been
14 repaired or modified to correct the defect that was the subject of
15 the recall.
16 (20) The violation by a supplier of 47 U.S.C. 227, including
17 any rules or regulations issued under 47 U.S.C. 227.
18 (21) The violation by a supplier of the federal Fair Debt
19 Collection Practices Act (15 U.S.C. 1692 et seq.), including any
20 rules or regulations issued under the federal Fair Debt Collection
21 Practices Act (15 U.S.C. 1692 et seq.).
22 (22) A violation of IC 24-5-7 (concerning health spa
23 services), as set forth in IC 24-5-7-17.
24 (23) A violation of IC 24-5-8 (concerning business
25 opportunity transactions), as set forth in IC 24-5-8-20.
26 (24) A violation of IC 24-5-10 (concerning home consumer
27 transactions), as set forth in IC 24-5-10-18.
28 (25) A violation of IC 24-5-11 (concerning real property
29 improvement contracts), as set forth in IC 24-5-11-14.
30 (26) A violation of IC 24-5-12 (concerning telephone
31 solicitations), as set forth in IC 24-5-12-23.
32 (27) A violation of IC 24-5-13.5 (concerning buyback motor
33 vehicles), as set forth in IC 24-5-13.5-14.
34 (28) A violation of IC 24-5-14 (concerning automatic
35 dialing-announcing devices), as set forth in IC 24-5-14-13.
36 (29) A violation of IC 24-5-15 (concerning credit services
37 organizations), as set forth in IC 24-5-15-11.
38 (30) A violation of IC 24-5-16 (concerning unlawful motor
39 vehicle subleasing), as set forth in IC 24-5-16-18.
40 (31) A violation of IC 24-5-17 (concerning environmental
41 marketing claims), as set forth in IC 24-5-17-14.
42 (32) A violation of IC 24-5-19 (concerning deceptive



1 commercial solicitation), as set forth in IC 24-5-19-11.
2 (32) (33) A violation of IC 24-5-21 (concerning prescription drug
3 discount cards), as set forth in IC 24-5-21-7.
4 (33) (34) A violation of IC 24-5-23.5-7 (concerning real estate
5 appraisals), as set forth in IC 24-5-23.5-9.
6 (34) (35) A violation of IC 24-5-26 (concerning identity theft), as
7 set forth in IC 24-5-26-3.
8 (35) (36) A violation of IC 24-5.5 (concerning mortgage rescue
9 fraud), as set forth in IC 24-5.5-6-1.
10 (36) (37) A violation of IC 24-8 (concerning promotional gifts
11 and contests), as set forth in IC 24-8-6-3.
12 (37) (38) A violation of IC 21-18.5-6 (concerning representations
13 made by a postsecondary credit bearing proprietary educational
14 institution), as set forth in IC 21-18.5-6-22.5.
15 (38) (39) A violation of IC 24-5-15.5 (concerning collection
16 actions of a plaintiff debt buyer), as set forth in IC 24-5-15.5-6.
17 (39) (40) A violation of IC 24-14 (concerning towing services), as
18 set forth in IC 24-14-10-1.
19 (40) (41) A violation of IC 24-5-14.5 (concerning misleading or
20 inaccurate caller identification information), as set forth in
21 IC 24-5-14.5-12.
22 (41) (42) A violation of IC 24-5-27 (concerning intrastate inmate
23 calling services), as set forth in IC 24-5-27-27.
24 (42) (43) A violation of IC 15-21 (concerning sales of dogs by
25 retail pet stores), as set forth in IC 15-21-7-4.
26 (43) (44) A violation of IC 24-4-23 (concerning the security of
27 information collected and transmitted by an adult oriented website
28 operator), as set forth in IC 24-4-23-14.
29 (c) Any representations on or within a product or its packaging or
30 in advertising or promotional materials which would constitute a
31 deceptive act shall be the deceptive act both of the supplier who places
32 such representation thereon or therein, or who authored such materials,
33 and such other suppliers who shall state orally or in writing that such
34 representation is true if such other supplier shall know or have reason
35 to know that such representation was false.
36 (d) If a supplier shows by a preponderance of the evidence that an
37 act resulted from a bona fide error notwithstanding the maintenance of
38 procedures reasonably adopted to avoid the error, such act shall not be
39 deceptive within the meaning of this chapter.
40 (e) It shall be a defense to any action brought under this chapter that
41 the representation constituting an alleged deceptive act was one made
42 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;



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

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

32 (g) If a court finds any person has knowingly violated section 3 or
33 10 of this chapter, other than section 3(b)(19), 3(b)(20), 3(b)(21), or
34 3(b)(40) 3(b)(41) of this chapter, the attorney general, in an action
35 pursuant to subsection (c), may recover from the person on behalf of
36 the state a civil penalty of a fine not exceeding five thousand dollars
37 (\$5,000) per violation.

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



hundred dollars (\$1,500).

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

A civil penalty recovered under this subsection 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 section 3(b)(19) 3(b)(20) of this chapter.

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

(j) An offer to cure is:

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

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

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

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

(l) If a court finds that a person has knowingly violated section 3(b)(20) 3(b)(21) 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 not exceeding one thousand dollars (\$1,000) per consumer. In determining the amount of the civil penalty in any action by the attorney general under this subsection, the court shall consider, among other relevant factors, the frequency and persistence of noncompliance by the debt collector, the nature of the noncompliance, and the extent to which the noncompliance was intentional. A person may not be held liable in any action by the attorney general for a violation of section 3(b)(20) 3(b)(21) of this chapter if the person shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid the error. A person may not be held liable in any action for a violation of this



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

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

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

30 (1) issue an injunction;

31 (2) order the supplier to make payment of the money unlawfully
32 received from the aggrieved consumers to be held in escrow for
33 distribution to aggrieved consumers; or

34 (3) order the supplier to pay to:

35 (A) the attorney acting on behalf of the local law enforcement
36 agency; or

37 (B) the attorney general for the state;

38 as applicable, the reasonable costs of the attorney's or the attorney
39 general's investigation and prosecution, expert fees, and court fees
40 related to the action.

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



1 subsection.

