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## SENATE BILL No. 231

Proposed Changes to introduced printing by AM023103

### DIGEST OF PROPOSED AMENDMENT

Decision. Provides that a person may receive compensation for services provided for proceedings before a court. Requires a person who appears before the Board of Veterans' Appeals to file a copy of their fee agreement with the attorney general. Makes conforming changes.

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 10-17-16 IS ADDED TO THE INDIANA CODE
- 2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2026]:
- 4 **Chapter 16. Prohibition of Receiving Compensation for**
- 5 **Assisting a Person in Obtaining Veterans' Benefits**
- 6 **Sec. 1. This chapter does not apply to:**
- 7 (1) a representative of a recognized organization;
- 8 (2) an agent; or
- 9 (3) an attorney;
- 10 accredited under 38 CFR 14.629 (as in effect July 1, 2025).
- 11 **Sec. 2. As used in this chapter, "compensation" means the**
- 12 **payment of:**
- 13 (1) money;
- 14 (2) a thing of value; or
- 15 (3) a financial benefit.
- 16 **Sec. 3. As used in this chapter, "person" means:**
- 17 (1) an individual;
- 18 (2) a corporation;
- 19 (3) a business trust;

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- 1 (4) an estate;
- 2 (5) a trust;
- 3 (6) a partnership;
- 4 (7) a limited liability company;
- 5 (8) an association;
- 6 (9) a joint venture;
- 7 (10) a public corporation;
- 8 (11) a government or governmental subdivision, agency, or
- 9 instrumentality; or
- 10 (12) any other legal or commercial entity.

11 Sec. 4. As used in this chapter, "veterans' benefits matter"  
 12 means the preparation, presentation, or prosecution of any claim  
 13 affecting any person who has filed, or expressed an intent to file, a  
 14 claim for any benefit, program, service, commodity, function,  
 15 status, or entitlement for which veterans, their dependents, their  
 16 survivors, or any other individuals are eligible under the laws and  
 17 regulations administered by the United States Department of  
 18 Veterans Affairs or the United States Department of Defense  
 19 pertaining to veterans, their dependents, their survivors, and any  
 20 other individual eligible for those benefits.

21 Sec. 5. A person may not do the following:

- 22 (1) Receive compensation for:
  - 23 (A) the preparation, presentation, or prosecution of; or
  - 24 (B) advising, consulting, or assisting an individual
  - 25 regarding;
  - 26 a veterans' benefits matter, except as permitted under
  - 27 federal law.
- 28 (2) Receive compensation for referring an individual to
- 29 another person to:
  - 30 (A) prepare;
  - 31 (B) present, prosecute, or advise on; or
  - 32 (C) consult or assist the individual regarding;
  - 33 a veterans' benefits matter.[]
- 34 [] ~~(3) Receive, with respect to an individual's veterans'~~  
 35 ~~benefits matter, compensation for services rendered before~~  
 36 ~~the date on which a notice of disagreement, decision review,~~  
 37 ~~or appeal is filed, whichever occurs first.~~
- 38 ~~(4)~~ (4) Guarantee, either directly or by implication, that any  
 39 individual is certain to receive specific veterans' benefits or  
 40 that any individual is certain to receive a specific level,  
 41 percentage, or amount of veterans' benefits.
- 42 ~~(5)~~ [4] Receive excessive or unreasonable fees as



compensation for the preparation, presentation, or prosecution of, or advising, consulting, or assisting an individual regarding a veterans' benefits matter. The factors articulated in 38 CFR 14.636~~(e)~~ (as in effect January 1, 2025) govern the determination of whether a fee is excessive or unreasonable.

~~(e)~~ (5) Condition repayment of fees:

(A) upon the opening of a joint account with the recipient of veterans' benefits from which the person may make withdrawals;

(B) upon the use of electronic funds transfers (as defined in 15 U.S.C. 1693a(7)); or

(C) by requiring an individual to act, in any manner, in violation of 12 CFR 1005.10(c)(1), regardless of whether the provision would otherwise be applicable to the transaction.

~~(e)~~ (6) Collect, or attempt to collect, any fee for services rendered after receipt of benefits by a veteran, the veteran's dependents, the veteran's survivors, or any other individual eligible for the benefits, if the person participated in the veterans' benefits matter prior to the issuance of veterans' benefits, and if the transaction was structured with an intent to avoid any of the prohibitions of this chapter. There is a rebuttable presumption that any collection, or attempted collection, of the fees was in violation of this chapter.

Sec. 6. A person seeking to receive compensation for:

(1) the preparation, presentation, or prosecution of; or

(2) advising, consulting, or assisting an individual regarding a veterans' benefits matter shall, before rendering any services, enter into a written agreement signed by both parties that adheres to all applicable criteria specified in 38 CFR 14.636 (as in effect July 1, 2025), including all terms regarding the individual's payment of fees for services rendered.

Sec. 7. (a) A person may not advise or assist for compensation any individual concerning any veterans' benefits matter without clearly providing, at the outset of the business relationship, the following disclosure, both orally and in writing:

"This business is not sponsored by, or affiliated with, the United States Department of Veterans Affairs or any other federally chartered veterans' service organization. Other organizations, including the Indiana Department of Veterans' Affairs, your local county veterans service officer,



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1 and other federally chartered veterans' service  
 2 organizations, may be able to provide you with this service  
 3 free of charge. Products or services offered by this business  
 4 are not necessarily endorsed by any of these organizations.  
 5 You may qualify for other veterans' benefits beyond the  
 6 benefits for which you are receiving services here."

7 The written disclosure shall appear in a least 12 point type and  
 8 shall appear in a readily noticeable and identifiable place in the  
 9 person's agreement with the individual seeking services. The  
 10 individual shall verbally acknowledge understanding of the oral  
 11 disclosure and shall sign the document in which the written  
 12 disclosure appears to represent understanding of these provisions.  
 13 The person offering services shall retain a copy of the written  
 14 disclosure while providing veterans' benefits services for  
 15 compensation to the individual and for at least one (1) year after  
 16 the date on which the services relationship terminates.

17 (b) A person may not advertise for compensation services in  
 18 veterans' benefits matters without including the following  
 19 disclosure:

20 "This business is not sponsored by, or affiliated with, the  
 21 United States Department of Veterans Affairs, the Indiana  
 22 Department of Veterans' Affairs, or any other federally  
 23 chartered veterans' service organization. Other  
 24 organizations, including the Indiana Department of  
 25 Veterans' Affairs, your local county veterans' service officer,  
 26 and other federally chartered veterans' service  
 27 organizations, may be able to provide you with these services  
 28 free of charge. Products or services offered by this business  
 29 are not necessarily endorsed by any of these organizations.  
 30 You may qualify for other veterans' benefits beyond the  
 31 benefits that this business offers through its services."

32 If the advertisement is printed, including advertisements visible on  
 33 the Internet, the disclosure shall appear in a readily visible place  
 34 on the advertisement. If the advertisement is verbal, the statement  
 35 of the disclosure shall be clear and intelligible.

36 Sec. ~~8~~ [ 8. (a) Except as provided in subsection (b), a person  
 37 may not receive with respect to an individual's veterans' benefits  
 38 matter, compensation for services rendered before the date on  
 39 which a notice of disagreement, decision review, or appeal is filed,  
 40 whichever occurs first.

41 (b) A person may receive with respect to an individual's  
 42 veterans' benefits matter, compensation for services provided for



proceedings before a court.

(c) A person who appears before the Board of Veterans' Appeals shall file a copy of their fee agreement with the attorney general.

Sec. 9]. A violation of this chapter constitutes a deceptive act under IC 24-5-0.5.

Sec. ~~9~~ [10]. A violation of this chapter in connection with a senior customer (as defined in IC 24-4.6-6-3(5)) constitutes a violation under IC 24-4.6-6.

Sec. 1~~9~~ [1]. If any clause, sentence, paragraph, or part of this chapter or the application thereof is determined by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair, or invalidate the remainder of the chapter, but shall be confined in its operation to the clause, sentence, paragraph, or part directly involved in the controversy in which the judgment shall be been rendered.

SECTION 2. IC 24-4.6-6-5, AS ADDED BY P.L.250-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) A senior consumer who is a victim of an act described in section 4(a) or 4(b) of this chapter, **or conduct in violation of IC 10-17-16**, may bring an action against the person who commits the act.

(b) In an action brought against a person under this section, the court may order the person to:

- (1) return property or assets improperly obtained, controlled, or used; and
- (2) reimburse the senior consumer for any damages incurred or for the value of the property or assets lost as a result of the violation or violations of this chapter.

(c) In addition to the remedy provided in subsection (b), a court may order the following:

- (1) For knowing violations committed by a person who is not in a position of trust and confidence:
  - (A) payment of two (2) times the amount of damages incurred or value of property or assets lost; and
  - (B) payment of a civil penalty not exceeding five thousand dollars (\$5,000).
- (2) For knowing violations committed by a person in a position of trust and confidence:
  - (A) payment of treble damages; and
  - (B) payment of a civil penalty not exceeding ten thousand dollars (\$10,000).



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(d) The court may award reasonable attorney's fees to a senior consumer that prevails in an action under this section. Actual damages awarded to a person under this section have priority over any civil penalty imposed under this chapter.

(e) The burden of proof in proving that a person committed financial exploitation of a senior consumer under section 4 of this chapter is by a preponderance of the evidence.

(f) The attorney general may bring an action to enjoin an alleged commission of financial exploitation of a senior consumer, **including conduct in violation of IC 10-17-16**, and may petition the court to freeze the assets of the person allegedly committing financial exploitation of a senior consumer in an amount equal to but not greater than the alleged value of lost property or assets for purposes of restoring to the victim the value of the lost property or assets. The burden of proof required to freeze the assets of a person allegedly committing financial exploitation of a senior consumer is by a preponderance of the evidence. In addition, the court may:

(1) issue an injunction;

(2) order the person to make payment of the money unlawfully received from the senior consumer or senior consumers, to be held in escrow for distribution to the aggrieved senior consumer or senior consumers;

(3) for knowing violations, increase the amount of restitution ordered under subdivision (2) in any amount up to three (3) times the amount of damages incurred or value of property or assets lost;

(4) order the person to pay to the state the reasonable costs of the attorney general's investigation and prosecution related to the action;

(5) provide for the appointment of a receiver;

(6) for knowing violations by a person who is not in a position of trust and confidence, order the person to pay a civil penalty of up to five thousand dollars (\$5,000) per violation; and

(7) for knowing violations by a person in a position of trust and confidence, order the person to pay a civil penalty of up to ten thousand dollars (\$10,000) per violation.

(g) In an action under subsection (a) or (f), the court may void or limit the application of contracts or clauses resulting from the financial exploitation.

(h) In an action under subsection (a), upon the filing of the complaint or on the appearance of any defendant, claimant, or 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 other party or parties to give security, or additional security, in a sum the court directs to pay all costs, expenses, and disbursements that are awarded against that party or that the party may be directed to pay by any interlocutory order, by the final judgment, or on appeal.

(i) Any person who violates the terms of an injunction issued under subsection (f) 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 the 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 (f) has been violated, the court shall award reasonable costs to the state.

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



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- 1 (D) the supplier knew or reasonably should have known that  
 2 the cost would exceed the estimate in the amounts specified  
 3 in 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  
 11 for examination upon the request of the customer.  
 12 (14) Engaging in the replacement or repair of the subject of a  
 13 consumer transaction if the consumer has not authorized the  
 14 replacement or repair, and if the supplier knows or should  
 15 reasonably know that it is not authorized.  
 16 (15) The act of misrepresenting the geographic location of the  
 17 supplier by listing an alternate business name or an assumed  
 18 business name (as described in IC 23-0.5-3-4) in a local  
 19 telephone directory if:  
 20 (A) the name misrepresents the supplier's geographic  
 21 location;  
 22 (B) the listing fails to identify the locality and state of the  
 23 supplier's business;  
 24 (C) calls to the local telephone number are routinely  
 25 forwarded or otherwise transferred to a supplier's business  
 26 location that is outside the calling area covered by the local  
 27 telephone directory; and  
 28 (D) the supplier's business location is located in a county  
 29 that is not contiguous to a county in the calling area covered  
 30 by the local telephone directory.  
 31 (16) The act of listing an alternate business name or assumed  
 32 business name (as described in IC 23-0.5-3-4) in a directory  
 33 assistance data base if:  
 34 (A) the name misrepresents the supplier's geographic  
 35 location;  
 36 (B) calls to the local telephone number are routinely  
 37 forwarded or otherwise transferred to a supplier's business  
 38 location that is outside the local calling area; and  
 39 (C) the supplier's business location is located in a county  
 40 that is not contiguous to a county in the local calling area.  
 41 (17) The violation by a supplier of IC 24-3-4 concerning  
 42 cigarettes for import or export.



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

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

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

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

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

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

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

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

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

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

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

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

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

33 (31) A violation of IC 24-5-19 (concerning deceptive  
34 commercial solicitation), as set forth in IC 24-5-19-11.

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

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

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

41 (35) A violation of IC 24-5.5 (concerning mortgage rescue  
42 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 website operator), as set forth in IC 24-4-23-14.

**(44) A violation of IC 10-17-16 (concerning the prohibition of receiving compensation for assisting a person in obtaining veterans' benefits).**

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

(f) For purposes of subsection (b)(12), a supplier that provides estimates before performing repair or replacement work for a customer



1 shall give the customer a written estimate itemizing as closely as  
2 possible the price for labor and parts necessary for the specific job  
3 before commencing the work.

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

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

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