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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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- (4) an estate;
- (5) a trust;
- (6) a partnership;
- (7) a limited liability company;
- (8) an association;
- (9) a joint venture;
- (10) a public corporation;
- (11) a government or governmental subdivision, agency, or instrumentality; or
- (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' benefits matter, compensation for services rendered before the date on which a notice of disagreement, decision review, or appeal is filed, whichever occurs first.~~

35 ~~→~~ (4) ~~Guarantee, either directly or by implication, that any individual is certain to receive specific veterans' benefits or that any individual is certain to receive a specific level, percentage, or amount of veterans' benefits.~~

36 ~~→~~ (4) ~~Receive excessive or unreasonable fees as~~

37 ~~→~~ (4) ~~Receive excessive or unreasonable fees as~~

38 ~~→~~ (4) ~~Receive excessive or unreasonable fees as~~

39 ~~→~~ (4) ~~Receive excessive or unreasonable fees as~~

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42 ~~→~~ (4) ~~Receive excessive or unreasonable fees as~~

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1 compensation for the preparation, presentation, or
 2 prosecution of, or advising, consulting, or assisting an
 3 individual regarding a veterans' benefits matter. The factors
 4 articulated in 38 CFR 14.636([\(e\)](#)) (as in effect January 1,
 5 2025) govern the determination of whether a fee is excessive
 6 or unreasonable.

7 (~~☞~~[\[5\]](#)) Condition repayment of fees:

- 8 (A) upon the opening of a joint account with the
 9 recipient of veterans' benefits from which the person
 10 may make withdrawals;
- 11 (B) upon the use of electronic funds transfers (as defined
 12 in 15 U.S.C. 1693a(7)); or
- 13 (C) by requiring an individual to act, in any manner, in
 14 violation of 12 CFR 1005.10(c)(1), regardless of whether
 15 the provision would otherwise be applicable to the
 16 transaction.

17 (~~☞~~[\[6\]](#)) Collect, or attempt to collect, any fee for services
 18 rendered after receipt of benefits by a veteran, the veteran's
 19 dependents, the veteran's survivors, or any other individual
 20 eligible for the benefits, if the person participated in the
 21 veterans' benefits matter prior to the issuance of veterans'
 22 benefits, and if the transaction was structured with an intent
 23 to avoid any of the prohibitions of this chapter. There is a
 24 rebuttable presumption that any collection, or attempted
 25 collection, of the fees was in violation of this chapter.

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

27 (1) the preparation, presentation, or prosecution of; or
 28 (2) advising, consulting, or assisting an individual regarding;
 29 a veterans' benefits matter shall, before rendering any services,
 30 enter into a written agreement signed by both parties that adheres
 31 to all [\[applicable\]](#) criteria specified in 38 CFR 14.636 (as in effect
 32 July 1, 2025), including all terms regarding the individual's
 33 payment of fees for services rendered.

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

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



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



1 proceedings before a court.

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

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

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

10 Sec. 1-11. If any clause, sentence, paragraph, or part of this
 11 chapter or the application thereof is determined by any court of
 12 competent jurisdiction to be invalid, the judgment shall not affect,
 13 impair, or invalidate the remainder of the chapter, but shall be
 14 confined in its operation to the clause, sentence, paragraph, or part
 15 directly involved in the controversy in which the judgment shall be
 16 been rendered.

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

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

25 (1) return property or assets improperly obtained, controlled, or
 26 used; and

27 (2) reimburse the senior consumer for any damages incurred or
 28 for the value of the property or assets lost as a result of the
 29 violation or violations of this chapter.

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

32 (1) For knowing violations committed by a person who is not in a
 33 position of trust and confidence:

34 (A) payment of two (2) times the amount of damages
 35 incurred or value of property or assets lost; and

36 (B) payment of a civil penalty not exceeding five thousand
 37 dollars (\$5,000).

38 (2) For knowing violations committed by a person in a position
 39 of trust and confidence:

40 (A) payment of treble damages; and

41 (B) payment of a civil penalty not exceeding ten thousand
 42 dollars (\$10,000).



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

18 (1) issue an injunction;

19 (2) order the person to make payment of the money unlawfully

20 received from the senior consumer or senior consumers, to be

21 held in escrow for distribution to the aggrieved senior consumer

22 or senior consumers;

23 (3) for knowing violations, increase the amount of restitution

24 ordered under subdivision (2) in any amount up to three (3)

25 times the amount of damages incurred or value of property or

26 assets lost;

27 (4) order the person to pay to the state the reasonable costs of the

28 attorney general's investigation and prosecution related to the

29 action;

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

31 (6) for knowing violations by a person who is not in a position of

32 trust and confidence, order the person to pay a civil penalty of up

33 to five thousand dollars (\$5,000) per violation; and

34 (7) for knowing violations by a person in a position of trust and

35 confidence, order the person to pay a civil penalty of up to ten

36 thousand dollars (\$10,000) per violation.

37 (c) In an action under subsection (a) or (b), the court may award an

(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.

40 (h) In an action under subsection (a), upon the filing of the
41 complaint or on the appearance of any defendant, claimant, or other
42 party, or at any later time, the trial court, the supreme court, or the court



1 of appeals may require the plaintiff, defendant, claimant, or other party
 2 or parties to give security, or additional security, in a sum the court
 3 directs to pay all costs, expenses, and disbursements that are awarded
 4 against that party or that the party may be directed to pay by any
 5 interlocutory order, by the final judgment, or on appeal.

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

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

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

- 27 (1) That such subject of a consumer transaction has sponsorship,
 28 approval, performance, characteristics, accessories, uses, or
 29 benefits it does not have which the supplier knows or should
 30 reasonably know it does not have.
- 31 (2) That such subject of a consumer transaction is of a particular
 32 standard, quality, grade, style, or model, if it is not and if the
 33 supplier knows or should reasonably know that it is not.
- 34 (3) That such subject of a consumer transaction is new or
 35 unused, if it is not and if the supplier knows or should reasonably
 36 know that it is not.
- 37 (4) That such subject of a consumer transaction will be supplied
 38 to the public in greater quantity than the supplier intends or
 39 reasonably expects.
- 40 (5) That replacement or repair constituting the subject of a
 41 consumer transaction is needed, if it is not and if the supplier
 42 knows or should reasonably know that it is not.



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



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:

1 (A) the name misrepresents the supplier's geographic
2 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 (1) The state of Illinois.

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

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 JC 24-3-4 concerning

42 (v) The return by a supplier of 10 ETCs containing
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.

3 (37) A violation of IC 21-18.5-6 (concerning representations
4 made by a postsecondary credit bearing proprietary educational
5 institution), as set forth in IC 21-18.5-6-22.5.

6 (38) A violation of IC 24-5-15.5 (concerning collection actions
7 of a plaintiff debt buyer), as set forth in IC 24-5-15.5-6.

8 (39) A violation of IC 24-14 (concerning towing services), as set
9 forth in IC 24-14-10-1.

10 (40) A violation of IC 24-5-14.5 (concerning misleading or

13 (41) A violation of IC 24-5-27 (concerning intrastate inmate
14 calling services), as set forth in IC 24-5-27-27.

15 (42) A violation of IC 15-21 (concerning sales of dogs by retail
16 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.

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

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

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

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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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