

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6875**

**BILL NUMBER:** HB 1125

**NOTE PREPARED:** Apr 22, 2021

**BILL AMENDED:** Apr 21, 2021

**SUBJECT:** Deceptive Lead Generation.

**FIRST AUTHOR:** Rep. Lehman

**FIRST SPONSOR:** Sen. Brown L

**BILL STATUS:** Enrolled

**FUNDS AFFECTED:**  GENERAL  
 DEDICATED  
 FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill makes false, misleading, or deceptive advertisements for claims related to medical devices and legend drugs and certain other actions a deceptive act.

**Effective Date:** May 15, 2021.

**Explanation of State Expenditures:** *Office of the Attorney General (AG):* The bill adds to the list of deceptive acts, potentially increasing the number of violations. Deceptive acts are actionable by either the AG or the consumer. This may lead to a workload increase for the AG.

**Explanation of State Revenues:** If the number of deceptive acts increases, revenue to the General Fund would also increase. Under current law, a civil penalty of \$500 is assessed per deceptive act. A penalty of \$5,000 is assessed for each deceptive act committed knowingly. Actual revenue increases are indeterminable.

*Court Fee Revenue:* If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

In addition, some or all of the judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Revenue from the pro bono services fee (\$1) is transferred by the State Auditor to the Indiana Bar Foundation for use to assist with pro bono legal services programs in Indiana, and proceeds from the automated record keeping fee (\$20) are deposited into the State User Fee Fund. Additional fees may be

collected at the discretion of the judge and depending upon the particular type of case.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge, depending upon the particular type of case.

The document storage fee (\$5) is deposited into the clerk record perpetuation fund.

A civil garnishee defendant service fee (\$10) is collected from the filing party for each defendant beyond the first three garnishee defendants cited in the lawsuit. Additionally, document fees (\$1 per page) are charged for preparing transcripts or copies of record or certificate under seal. Both are paid into the general fund of the county in which the court is located.

**State Agencies Affected:** Office of the Attorney General.

**Local Agencies Affected:** Trial courts, city and town courts.

**Information Sources:** Indiana Trial Court Fee Manual (2018).

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