

HOUSE BILL No. 1450

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-5-0.5.

Synopsis: False or fraudulent deeds and affidavits. Provides that it is a deceptive act enforceable by the attorney general for a person to: (1) convey or attempt to convey; or (2) conspire to convey or attempt to convey; title to real property by recording a false or fraudulent deed or affidavit.

Effective: July 1, 2025.

Mayfield, O'Brien, Clere

January 21, 2025, read first time and referred to Committee on Judiciary.



First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

HOUSE BILL No. 1450



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 24-5-0.5-3, AS AMENDED BY P.L.104-2024,
2 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2025]: Sec. 3. (a) A supplier may not commit an unfair,
4 abusive, or deceptive act, omission, or practice in connection with a
5 consumer transaction. Such an act, omission, or practice by a supplier
6 is a violation of this chapter whether it occurs before, during, or after
7 the transaction. An act, omission, or practice prohibited by this section
8 includes both implicit and explicit misrepresentations.

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

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

17 (2) That such subject of a consumer transaction is of a particular



- 1 standard, quality, grade, style, or model, if it is not and if the
2 supplier knows or should reasonably know that it is not.
- 3 (3) That such subject of a consumer transaction is new or unused,
4 if it is not and if the supplier knows or should reasonably know
5 that it is not.
- 6 (4) That such subject of a consumer transaction will be supplied
7 to the public in greater quantity than the supplier intends or
8 reasonably expects.
- 9 (5) That replacement or repair constituting the subject of a
10 consumer transaction is needed, if it is not and if the supplier
11 knows or should reasonably know that it is not.
- 12 (6) That a specific price advantage exists as to such subject of a
13 consumer transaction, if it does not and if the supplier knows or
14 should reasonably know that it does not.
- 15 (7) That the supplier has a sponsorship, approval, or affiliation in
16 such consumer transaction the supplier does not have, and which
17 the supplier knows or should reasonably know that the supplier
18 does not have.
- 19 (8) That such consumer transaction involves or does not involve
20 a warranty, a disclaimer of warranties, or other rights, remedies,
21 or obligations, if the representation is false and if the supplier
22 knows or should reasonably know that the representation is false.
- 23 (9) That the consumer will receive a rebate, discount, or other
24 benefit as an inducement for entering into a sale or lease in return
25 for giving the supplier the names of prospective consumers or
26 otherwise helping the supplier to enter into other consumer
27 transactions, if earning the benefit, rebate, or discount is
28 contingent upon the occurrence of an event subsequent to the time
29 the consumer agrees to the purchase or lease.
- 30 (10) That the supplier is able to deliver or complete the subject of
31 the consumer transaction within a stated period of time, when the
32 supplier knows or should reasonably know the supplier could not.
33 If no time period has been stated by the supplier, there is a
34 presumption that the supplier has represented that the supplier
35 will deliver or complete the subject of the consumer transaction
36 within a reasonable time, according to the course of dealing or the
37 usage of the trade.
- 38 (11) That the consumer will be able to purchase the subject of the
39 consumer transaction as advertised by the supplier, if the supplier
40 does not intend to sell it.
- 41 (12) That the replacement or repair constituting the subject of a
42 consumer transaction can be made by the supplier for the estimate



- 1 the supplier gives a customer for the replacement or repair, if the
 2 specified work is completed and:
- 3 (A) the cost exceeds the estimate by an amount equal to or
 - 4 greater than ten percent (10%) of the estimate;
 - 5 (B) the supplier did not obtain written permission from the
 - 6 customer to authorize the supplier to complete the work even
 - 7 if the cost would exceed the amounts specified in clause (A);
 - 8 (C) the total cost for services and parts for a single transaction
 - 9 is more than seven hundred fifty dollars (\$750); and
 - 10 (D) the supplier knew or reasonably should have known that
 - 11 the cost would exceed the estimate in the amounts specified in
 - 12 clause (A).
- 13 (13) That the replacement or repair constituting the subject of a
 14 consumer transaction is needed, and that the supplier disposes of
 15 the part repaired or replaced earlier than seventy-two (72) hours
 16 after both:
- 17 (A) the customer has been notified that the work has been
 - 18 completed; and
 - 19 (B) the part repaired or replaced has been made available for
 - 20 examination upon the request of the customer.
- 21 (14) Engaging in the replacement or repair of the subject of a
 22 consumer transaction if the consumer has not authorized the
 23 replacement or repair, and if the supplier knows or should
 24 reasonably know that it is not authorized.
- 25 (15) The act of misrepresenting the geographic location of the
 26 supplier by listing an alternate business name or an assumed
 27 business name (as described in IC 23-0.5-3-4) in a local telephone
 28 directory if:
- 29 (A) the name misrepresents the supplier's geographic location;
 - 30 (B) the listing fails to identify the locality and state of the
 - 31 supplier's business;
 - 32 (C) calls to the local telephone number are routinely forwarded
 - 33 or otherwise transferred to a supplier's business location that
 - 34 is outside the calling area covered by the local telephone
 - 35 directory; and
 - 36 (D) the supplier's business location is located in a county that
 - 37 is not contiguous to a county in the calling area covered by the
 - 38 local telephone directory.
- 39 (16) The act of listing an alternate business name or assumed
 40 business name (as described in IC 23-0.5-3-4) in a directory
 41 assistance data base if:
- 42 (A) the name misrepresents the supplier's geographic location;



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



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



1 deceptive within the meaning of this chapter.

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

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

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

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

26 SECTION 2. IC 24-5-0.5-4, AS AMENDED BY P.L.118-2024,
 27 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2025]: Sec. 4. (a) A person relying upon an uncured or
 29 incurable deceptive act may bring an action for the damages actually
 30 suffered as a consumer as a result of the deceptive act or five hundred
 31 dollars (\$500), whichever is greater. The court may increase damages
 32 for a willful deceptive act in an amount that does not exceed the greater
 33 of:

34 (1) three (3) times the actual damages of the consumer suffering
 35 the loss; or

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

37 Except as provided in subsection (k), the court may award reasonable
 38 attorney's fees to the party that prevails in an action under this
 39 subsection. This subsection does not apply to a consumer transaction
 40 in real property, including a claim or action involving a construction
 41 defect (as defined in IC 32-27-3-1(5)) brought against a construction
 42 professional (as defined in IC 32-27-3-1(4)), except for purchases of



1 time shares and camping club memberships. This subsection does not
2 apply with respect to a deceptive act described in section 3(b)(20) of
3 this chapter. This subsection also does not apply to a violation of
4 IC 24-4.7, IC 24-5-12, IC 24-5-14, or IC 24-5-14.5. Actual damages
5 awarded to a person under this section have priority over any civil
6 penalty imposed under this chapter.

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

29 (c) The attorney general may bring an action to enjoin a deceptive
30 act, including a deceptive act described in section 3(b)(20) of this
31 chapter, notwithstanding subsections (a) and (b). However, the attorney
32 general may seek to enjoin patterns of incurable deceptive acts with
33 respect to consumer transactions in real property. In addition, the court
34 may:

- 35 (1) issue an injunction;
- 36 (2) order the supplier to make payment of the money unlawfully
37 received from the aggrieved consumers to be held in escrow for
38 distribution to aggrieved consumers;
- 39 (3) for a knowing violation against a senior consumer, increase
40 the amount of restitution ordered under subdivision (2) in any
41 amount up to three (3) times the amount of damages incurred or
42 value of property or assets lost;



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

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

5 (6) order the department of state revenue to suspend the supplier's
6 registered retail merchant certificate, subject to the requirements
7 and prohibitions contained in IC 6-2.5-8-7(a)(5), if the court finds
8 that a violation of this chapter involved the sale or solicited sale
9 of a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic
10 drug lookalike substance (as defined in IC 35-31.5-2-321.5
11 (repealed)) (before July 1, 2019), a controlled substance analog
12 (as defined in IC 35-48-1-9.3), or a substance represented to be a
13 controlled substance (as described in IC 35-48-4-4.6).

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

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

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

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

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



1 (1) For a knowing or intentional violation, one thousand five
2 hundred dollars (\$1,500).

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

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

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

12 (j) An offer to cure is:

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

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

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

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

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



1 held liable in any action for a violation of this chapter for contacting a
 2 person other than the debtor, if the contact is made in compliance with
 3 the Fair Debt Collection Practices Act.

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

17 **(n) If a court finds that a person has knowingly or intentionally**
 18 **violated section 3(b)(44) of this chapter, the court may issue an**
 19 **injunction, quiet title to the real property, and award a monetary**
 20 **judgment in favor of the person who relied on the false or**
 21 **fraudulent deed or affidavit. An award for monetary judgment**
 22 **under this subsection may include:**

- 23 (1) compensatory damages in an amount not more than three
 24 (3) times the actual damages of the person suffering the loss;
 25 (2) punitive damages in an amount not less than two (2) times
 26 the maximum amount of compensatory damages under
 27 subdivision (1); and
 28 (3) attorney's fees and costs.

