



March 15, 2019

ENGROSSED

HOUSE BILL No. 1487

DIGEST OF HB 1487 (Updated March 13, 2019 10:23 am - DI 128)

Citations Affected: IC 4-5; IC 8-1; IC 23-0.5; IC 23-0.6; IC 24-2; IC 26-1; IC 33-42; IC 34-33; noncode.

Synopsis: Business services of the secretary of state. Amends the law concerning the business practices of the secretary of state, including: (1) access to information maintained by the secretary of state; (2) use of electronic information and transmissions; (3) striking the current Uniform Commercial Code (UCC) financing statement form; adding use of a format that meets certain criteria for the filings; and amending the UCC fees; (4) adding to the requirement to include a notary public's Indiana county on an authentication certificate; (5) amending requirements concerning notary public examination and education; (6) prohibiting performance of a notarial act: (a) to benefit oneself or one's spouse; or (b) when a commission is suspended or revoked; (7) specifying a notarial act fee applies; (8) providing for issuance of a certificate of fact for a notary public per signature; (9) requiring maintenance of a remote notary public electronic journal for 10 years; and (10) providing for nonresident corporate service of process on the secretary of state. Repeals current law concerning excavation
(Continued next page)

Effective: Upon passage; June 1, 2019; July 1, 2019; October 1, 2019.

Carbaugh

(SENATE SPONSORS — KOCH, LANANE)

January 16, 2019, read first time and referred to Committee on Judiciary.
January 29, 2019, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

February 14, 2019, amended, reported — Do Pass.

February 18, 2019, read second time, ordered engrossed.

February 19, 2019, engrossed. Read third time, passed. Yeas 80, nays 14.

SENATE ACTION

March 5, 2019, read first time and referred to Committee on Judiciary.

March 14, 2019, amended, reported favorably — Do Pass.

EH 1487—LS 7062/DI 97



Digest Continued

contractor filings and precontracting documentation of compliance with underground facility damage law. Requires the formatting of certain documents to be approved by the International Association of Commercial Administrators or the secretary of state. Specifies October 1, 2019, as the date for a fee increase concerning the indexing of certain documents. Makes the law concerning remote notarial acts applicable only to a remote notarial act performed after the earlier of the effective date of certain administrative rules or July 1, 2020. Increases the fee that a notary public may charge for a remote notarial act from \$15 to \$25. Provides that, for certain filings, the provision of an electronic mail address is discretionary. Makes a technical amendment and conforming changes.

EH 1487—LS 7062/DI 97



March 15, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1487

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

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

- 1 SECTION 1. IC 4-5-10-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE UPON PASSAGE]: Sec. 2. The secretary of state may:
3 (1) establish; and
4 (2) modify;
5 at any time fees to provide electronic, **expedited**, and enhanced access
6 to information maintained by the secretary of state.
7 SECTION 2. IC 4-5-10-5, AS AMENDED BY P.L.114-2011,
8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]: Sec. 5. (a) The electronic and enhanced access
10 fund is established to do the following:
11 (1) Improve and enhance the technology necessary and desirable
12 to fulfill the duties of the secretary of state and state agencies as
13 provided in section 1 of this chapter.
14 (2) Improve service to customers of the secretary of state and state
15 agencies as provided in section 1 of this chapter.
16 (3) Provide the public electronic and other enhanced access to
17 information maintained by:

EH 1487—LS 7062/DI 97



- 1 (A) the secretary of state under IC 23, **IC 24, or IC 26, or**
 2 **IC 33;** and
 3 (B) the secretary of state and state agencies as provided in
 4 section 1 of this chapter.
 5 (4) Allow the public to conduct business electronically with the
 6 secretary of state and state agencies as provided in section 1 of
 7 this chapter.
 8 (5) Acquire and finance technology necessary or desirable to
 9 accomplish the purposes stated in subdivisions (1) through (4),
 10 including the purchase or lease of hardware, software, and other
 11 appropriate goods and services.
 12 The secretary of state may enter into one (1) or more agreements in
 13 furtherance of the purposes of this chapter.
 14 (b) The fund consists solely of the following:
 15 (1) Electronic and enhanced access fees established and collected
 16 by the secretary of state under section 2 of this chapter.
 17 (2) Other money specifically provided to the fund by law.
 18 Fees collected by the secretary of state under IC 23, **IC 24, or IC 26, or**
 19 **IC 33** may not be deposited into the fund.
 20 (c) The secretary of state shall administer the fund.
 21 (d) The expenses of administering the fund shall be paid from
 22 money in the fund.
 23 (e) Money in the fund at the end of a state fiscal year does not revert
 24 to the state general fund.
 25 (f) The secretary of state may use money in the fund to pay expenses
 26 related to the purposes of the fund as set forth in section 5 of the
 27 chapter, to make payments under any agreement authorized by
 28 subsection (a) or authorized by law and directly relating to the purpose
 29 of the fund, and monies in the fund are continuously appropriated for
 30 the purposes set forth in this chapter.
 31 (g) Money in the fund not currently needed to meet the obligations
 32 of the fund may be invested by either of the following:
 33 (1) The treasurer of state in the same manner as other public
 34 funds may be invested.
 35 (2) A financial institution designated by trust agreement with the
 36 secretary of state.
 37 Interest that accrues from investment of money in the fund shall be
 38 deposited into the fund.
 39 SECTION 3. IC 8-1-26.5-7 IS REPEALED [EFFECTIVE UPON
 40 PASSAGE]. ~~Sec. 7. In an entity filing required or permitted under~~
 41 ~~IC 23-0.5, a filing entity that is a contractor must include a statement,~~
 42 ~~signed by or on behalf of a person authorized to sign the filing, that the~~



1 filing entity and its employees will comply with IC 8-1-26. An entity
 2 filing, including a biennial report filed under IC 23-0.5-2-13, that is
 3 submitted to the secretary of state before July 1, 2018, shall be:

- 4 (1) corrected in the manner prescribed by IC 23-0.5-2-5 to include
 5 the statement required by this section; and
 6 (2) delivered to the secretary of state;

7 before the filing entity to whom the entity filing applies may commence
 8 a new excavation or demolition described in IC 8-1-26.

9 SECTION 4. IC 8-1-26.5-8 IS REPEALED [EFFECTIVE UPON
 10 PASSAGE]. Sec. 8. A contractor that is a filing entity shall provide
 11 documentation of the contractor's compliance with section 7 of this
 12 chapter to a communications service provider or a utility before
 13 entering into a contract described in section 4 of this chapter with the
 14 communications service provider or the utility.

15 SECTION 5. IC 23-0.5-1.5-15, AS ADDED BY P.L.118-2017,
 16 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2019]: Sec. 15. "Governing person" means:

- 18 (1) a director of a business corporation;
 19 (2) a director or trustee of a nonprofit corporation;
 20 (3) a general partner of a general partnership;
 21 (4) a general partner of a limited partnership;
 22 (5) a manager of a manager-managed limited liability company;
 23 (6) a member of a member-managed limited liability company; or
 24 (7) any other **person individual** under whose authority the powers
 25 of an entity are exercised and under whose direction the activities
 26 and affairs of the entity are managed under the organic law and
 27 organic rules of the entity.

28 SECTION 6. IC 23-0.5-4-3, AS AMENDED BY P.L.52-2018,
 29 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JUNE 1, 2019]: Sec. 3. (a) A registered agent must be an individual, a
 31 general partnership, a domestic filing entity, or a registered foreign
 32 entity.

33 (b) A registered agent filing must provide either:

- 34 (1) if the entity has a commercial registered agent, the name of the
 35 entity's commercial registered agent; or
 36 (2) if the entity does not have a commercial registered agent:
 37 (A) the name of the individual, general partnership, domestic
 38 filing entity, or registered foreign entity; **and**
 39 (B) the address of the entity's registered agent. **and**
 40 (C)

41 (c) **If the entity does not have a commercial registered agent, a**
 42 **registered agent filing may provide** the electronic mail address of the



1 registered agent at which the registered agent will accept electronic
 2 service of process only in the manner prescribed by the Indiana
 3 supreme court in the Indiana trial rules.

4 ~~(c)~~ **(d)** A registered agent filing must state:

5 (1) the registered agent's consent; or

6 (2) a representation that the registered agent has consented.

7 ~~(d)~~ **(e)** Each entity registered under the laws of Indiana shall provide
 8 to the entity's registered agent, and update from time to time as
 9 necessary, the name, business address, and business telephone number
 10 of an individual who is:

11 (1) an officer, a director, an employee, or a designated agent of
 12 the entity; and

13 (2) authorized to receive communications from the registered
 14 agent.

15 The individual is considered to be the communications contact for the
 16 entity.

17 ~~(e)~~ **(f)** A registered agent shall retain, in paper or electronic form,
 18 the information provided by an entity under subsection ~~(d)~~; **(e)**.

19 ~~(f)~~ **(g)** If an entity fails to provide the registered agent with the
 20 information required under subsection ~~(d)~~; **(e)**, the registered agent may
 21 resign, as provided in section 9 of this chapter, as the registered agent
 22 for the entity.

23 **(h) The secretary of state may provide to the Indiana supreme
 24 court the electronic mail address of a registered agent.**

25 SECTION 7. IC 23-0.5-5-7, AS AMENDED BY P.L.52-2018,
 26 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JUNE 1, 2019]: Sec. 7. (a) A registered foreign entity may withdraw its
 28 registration by delivering a statement of withdrawal to the secretary of
 29 state for filing. The statement of withdrawal must be signed by the
 30 entity and state:

31 (1) the name of the entity and its jurisdiction of formation;

32 (2) that the entity is not doing business in Indiana and that it
 33 withdraws its registration to do business in Indiana;

34 (3) that the entity revokes the authority of its registered agent to
 35 accept service of process on its behalf in Indiana;

36 (4) an address ~~and electronic mail address~~ to which service of
 37 process may be made under subsection ~~(b)~~; **(c)**; and

38 (5) a commitment to notify the secretary of state in the future of
 39 any change in its street ~~or electronic mail~~ address.

40 **(b) A statement of withdrawal may include an electronic mail
 41 address to which service of process may be made under subsection
 42 (c). If an electronic mail address is included in the statement of**



1 **withdrawal, the statement of withdrawal must include a**
 2 **commitment to notify the secretary of state in the future of any**
 3 **change in its electronic mail address.**

4 ~~(b)~~ (c) After the withdrawal of the registration of an entity, service
 5 of process in any action or proceeding based on a cause of action
 6 arising during the time the entity was registered to do business in
 7 Indiana may be made under IC 23-0.5-4-10.

8 SECTION 8. IC 23-0.5-5-9, AS AMENDED BY P.L.52-2018,
 9 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JUNE 1, 2019]: Sec. 9. (a) A registered foreign entity that has
 11 dissolved and completed winding up or has converted to a domestic or
 12 foreign entity that is not a filing entity shall deliver a statement of
 13 withdrawal to the secretary of state for filing. The statement must be
 14 signed by the dissolved or converted entity and state:

15 (1) in the case of a foreign entity that has completed winding up:

16 (A) its name and jurisdiction of formation; and

17 (B) that the foreign entity surrenders its registration to do
 18 business in Indiana; and

19 (2) in the case of a foreign entity that has converted to a domestic
 20 or foreign entity that is not a filing entity:

21 (A) the name of the converting foreign entity and its
 22 jurisdiction of formation;

23 (B) the type of entity other than a filing entity to which it has
 24 converted and its jurisdiction of formation;

25 (C) that it surrenders its registration to do business in Indiana
 26 and revokes the authority of its registered agent to accept
 27 service on its behalf; and

28 (D) a street ~~or electronic mail~~ address to which service of
 29 process may be made under subsection ~~(b)~~ (c).

30 **(b) A statement of withdrawal under this section may include an**
 31 **electronic mail address to which service of process may be made**
 32 **under subsection (c).**

33 ~~(b)~~ (c) After a withdrawal under this section is effective, service of
 34 process in any action or proceeding based on a cause of action arising
 35 during the time the foreign entity was registered to do business in
 36 Indiana may be made under IC 23-0.5-4-10.

37 SECTION 9. IC 23-0.5-6-2, AS AMENDED BY P.L.52-2018,
 38 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]: Sec. 2. (a) If the secretary of state determines that
 40 one (1) or more grounds exist under section 1 of this chapter for
 41 administratively dissolving an entity, the secretary of state shall provide
 42 to the entity written notice of the determination unless the secretary of



- 1 state:
- 2 (1) receives a receipt showing failure of a previous attempt of
- 3 service of process upon the entity's registered agent at the address
- 4 of the registered office; and
- 5 (2) determines that the secretary of state's office has no record of
- 6 the filing entity's principal office address.
- 7 (b) If a domestic filing entity, not later than sixty (60) days after
- 8 receiving the notice provided under subsection (a), does not cure or
- 9 demonstrate to the satisfaction of the secretary of state the nonexistence
- 10 of each ground determined by the secretary of state, the secretary of
- 11 state shall administratively dissolve the entity by signing a certificate
- 12 of administrative dissolution that recites the grounds for dissolution
- 13 and the effective date of dissolution. The secretary of state shall file the
- 14 certificate and provide to the entity a copy of the certificate.
- 15 (c) A domestic filing entity that is dissolved administratively
- 16 continues its existence as the same type of entity but may not carry on
- 17 any activities except:
- 18 **(1) to apply for reinstatement under section 3 of this chapter;**
- 19 **or**
- 20 **(2) as necessary to wind up its activities and affairs and liquidate**
- 21 **its assets in the manner provided in its organic law as follows:**
- 22 **(A) For corporations, under:**
- 23 **(i) IC 6-8.1-10-9;**
- 24 **(ii) IC 23-1-45-5;**
- 25 **(iii) IC 23-1-45-6; and**
- 26 **(iv) IC 23-1-45-7.**
- 27 **(B) For nonprofit corporations, under:**
- 28 **(i) IC 6-8.1-10-9;**
- 29 **(ii) IC 23-17-22-5;**
- 30 **(iii) IC 23-17-22-6; and**
- 31 **(iv) IC 23-17-22-7.**
- 32 **(C) For limited liability companies, under:**
- 33 **(i) IC 23-18-9-4;**
- 34 **(ii) IC 23-18-9-8; and**
- 35 **(iii) IC 23-18-9-9.**
- 36 **(D) For limited partnerships, under:**
- 37 **(i) IC 23-16-9-3; and**
- 38 **(ii) IC 23-16-9-4.**
- 39 **(E) For limited liability partnerships, under:**
- 40 **(i) IC 23-4-1-36; and**
- 41 **(ii) IC 23-4-1-37.**
- 42 or to apply for reinstatement under section 3 of this chapter.



1 (d) The administrative dissolution of a domestic filing entity does
2 not terminate the authority of its registered agent.

3 SECTION 10. IC 23-0.6-2-5, AS AMENDED BY P.L.52-2018,
4 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JUNE 1, 2019]: Sec. 5. (a) Articles of merger must be signed by each
6 merging entity and delivered to the secretary of state for filing.

7 (b) Articles of merger must contain:

8 (1) the name, jurisdiction of formation, and type of entity of each
9 merging entity that is not the surviving entity;

10 (2) the name, jurisdiction of formation, and type of entity of the
11 surviving entity;

12 (3) if the articles of merger are not effective upon filing, the later
13 date and time on which the articles of merger will become
14 effective, which may not be more than ninety (90) days after the
15 date of filing;

16 (4) a statement that the merger was approved by each domestic
17 merging entity, if any, in accordance with this chapter and by each
18 foreign merging entity, if any, in accordance with the law of its
19 jurisdiction of formation;

20 (5) if the surviving entity is a domestic filing entity, any
21 amendment to its public organic record approved as part of the
22 plan of merger; and

23 (6) if the surviving entity is a foreign entity that is not a registered
24 foreign entity, a mailing address ~~and an electronic mail address~~ to
25 which the secretary of state may send any process served on the
26 secretary of state under section 6(e) of this chapter.

27 **(c) Articles of merger may contain an electronic mail address to**
28 **which service of process may be made under section 6(e) of this**
29 **chapter.**

30 ~~(e)~~ (d) In addition to the requirements of subsection (b), articles of
31 merger may contain any other provision not prohibited by law.

32 ~~(d)~~ (e) If the surviving entity is a domestic entity, its public organic
33 record, if any, must satisfy the requirements of the law of Indiana,
34 except that the public organic record does not need to be signed and
35 may omit any provision that is not required to be included in a
36 restatement of the public organic record.

37 ~~(e)~~ (f) A plan of merger that is signed by all the merging entities and
38 meets all the requirements of subsection (b) may be delivered to the
39 secretary of state for filing instead of articles of merger and on filing
40 has the same effect. If a plan of merger is filed as provided in this
41 subsection, references in this article to articles of merger refer to the
42 plan of merger filed under this subsection.



1 ~~(f)~~ **(g)** Articles of merger are effective on the date and time of filing
2 or the later date and time specified in the articles of merger.

3 ~~(g)~~ **(h)** If the surviving entity is a domestic entity, the merger
4 becomes effective when the articles of merger are effective. If the
5 surviving entity is a foreign entity, the merger becomes effective on the
6 later of:

7 (1) the date and time provided by the organic law of the surviving
8 entity; or

9 (2) when the articles of merger are effective.

10 ~~(h)~~ **(i)** The surviving entity resulting from a merger may, after the
11 merger has become effective, file for record with the county recorder
12 of each county in Indiana in which the entity has real property at the
13 time of the merger, the title to which will be transferred by the merger,
14 a file-stamped copy of the articles of merger. If the articles of merger
15 set forth amendments to the articles of incorporation of the surviving
16 corporation that change its entity name, a file-stamped copy of the
17 articles of merger may be filed for record with the county recorder of
18 each county in Indiana in which the surviving entity has any real
19 property at the time the merger becomes effective. A failure to record
20 a copy of the articles of merger under this subsection does not affect
21 the validity of the merger or the change in corporate name.

22 SECTION 11. IC 23-0.6-4-5, AS AMENDED BY P.L.52-2018,
23 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JUNE 1, 2019]: Sec. 5. (a) Articles of conversion must be signed by the
25 converting entity and delivered to the secretary of state for filing.

26 (b) Articles of conversion must contain:

27 (1) the name, jurisdiction of organization, and type of the
28 converting entity;

29 (2) the name (which must satisfy the requirements of applicable
30 law), jurisdiction of organization, and type of the converted entity;

31 (3) if the articles of conversion are not to be effective upon filing,
32 the later date and time on which it will become effective, which
33 may not be more than ninety (90) days after the date of filing;

34 (4) if the converting entity is a domestic entity, a statement that
35 the plan of conversion was approved in accordance with this
36 article or, if the converting entity is a foreign entity, a statement
37 that the conversion was approved by the foreign entity in
38 accordance with the law of its jurisdiction of formation;

39 (5) if the converted entity is a domestic filing entity, its public
40 organic record, as an attachment; and

41 (6) if the converted entity is a foreign entity, a mailing address
42 and an electronic mail address to which the secretary of state may



1 send any process served on the secretary of state under section
2 6(e) of this chapter.

3 **(c) Articles of conversion may contain an electronic mail**
4 **address to which service of process may be made under section 6(e)**
5 **of this chapter.**

6 ~~(c)~~ **(d)** In addition to the requirements of subsection (b), articles of
7 conversion may contain any other provision not prohibited by law.

8 ~~(d)~~ **(e)** If the converted entity is a domestic entity, its public organic
9 record, if any, must satisfy the requirements of the law of this state,
10 except that the public organic record does not need to be signed and
11 may omit any provision that is not required to be included in a
12 restatement of the public organic record.

13 ~~(e)~~ **(f)** A plan of conversion that is signed by a domestic converting
14 entity and meets all the requirements of subsection (b) may be
15 delivered to the secretary of state for filing instead of articles of
16 conversion and on filing has the same effect. If a plan of conversion is
17 filed as provided in this subsection, references in this article to articles
18 of conversion refer to the plan of conversion filed under this
19 subsection.

20 ~~(f)~~ **(g)** Articles of conversion are effective upon the date and time of
21 filing or the later date and time specified in the articles of conversion.

22 ~~(g)~~ **(h)** If the converted entity is a domestic entity, the conversion
23 becomes effective when the articles of conversion are effective. If the
24 converted entity is a foreign entity, the conversion becomes effective
25 on the later of:

- 26 (1) the date and time provided by the organic law of the converted
27 entity; or
- 28 (2) when the articles of conversion are effective.

29 SECTION 12. IC 23-0.6-5-5, AS AMENDED BY P.L.52-2018,
30 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JUNE 1, 2019]: Sec. 5. (a) Articles of domestication must be signed by
32 the domesticating entity and delivered to the secretary of state for
33 filing.

34 (b) Articles of domestication must contain:

- 35 (1) the name, jurisdiction of formation, and type of entity of the
36 domesticating entity;
- 37 (2) the name (which must satisfy the requirements of applicable
38 law) and jurisdiction of formation of the domesticated entity;
- 39 (3) if the articles of domestication are not to be effective upon
40 filing, the later date and time on which the articles of
41 domestication will become effective, which may not be more than
42 ninety (90) days after the date of filing;



1 (4) if the domesticating entity is a domestic entity, a statement
 2 that the plan of domestication was approved in accordance with
 3 this article or, if the domesticating entity is a foreign entity, a
 4 statement that the domestication was approved in accordance with
 5 the law of its jurisdiction of formation;

6 (5) if the domesticated entity is a domestic filing entity, its public
 7 organic record, as an attachment; and

8 (6) if the domesticated entity is a foreign entity that is not a
 9 registered foreign entity, a mailing address ~~and an electronic mail~~
 10 ~~address~~ to which the secretary of state may send any process
 11 served on the secretary of state pursuant to section 6(e) of this
 12 chapter.

13 **(c) Articles of domestication may contain an electronic mail**
 14 **address to which service of process may be made under section 6(e)**
 15 **of this chapter.**

16 ~~(e)~~ (d) In addition to the requirements of subsection (b), articles of
 17 domestication may contain any other provision not prohibited by law.

18 ~~(d)~~ (e) If the domesticated entity is a domestic entity, its public
 19 organic record, if any, must satisfy the requirements of the law of this
 20 state, but the public organic record does not need to be signed and may
 21 omit any provision that is not required to be included in a restatement
 22 of the public organic record.

23 ~~(e)~~ (f) A plan of domestication that is signed by a domesticating
 24 domestic entity and meets all the requirements of subsection (b) may
 25 be delivered to the secretary of state for filing instead of articles of
 26 domestication and on filing has the same effect. If a plan of
 27 domestication is filed as provided in this subsection, references in this
 28 article to articles of domestication refer to the plan of domestication
 29 filed under this subsection.

30 ~~(f)~~ (g) Articles of domestication are effective on the date and time
 31 of filing or the later date and time specified in the articles of
 32 domestication.

33 ~~(g)~~ (h) A domestication in which the domesticated entity is a
 34 domestic entity becomes effective when the articles of domestication
 35 are effective. A domestication in which the domesticated entity is a
 36 foreign entity becomes effective on the later of:

37 (1) the date and time provided by the organic law of the
 38 domesticated entity; or

39 (2) when the articles of domestication become effective.

40 SECTION 13. IC 24-2-1-8, AS AMENDED BY P.L.135-2006,
 41 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: Sec. 8. (a) A mark and the registration of a mark



- 1 under this chapter are assignable with the:
- 2 (1) good will of the business in which the mark is used; or
- 3 (2) part of the good will of the business:
- 4 (A) connected with the use of the mark; and
- 5 (B) symbolized by the mark.
- 6 (b) An assignment:
- 7 (1) must be made by an instrument in writing duly executed; and
- 8 (2) may be **electronically** recorded with the secretary upon the
- 9 payment of a recording fee to the secretary.
- 10 (c) The secretary, after recording an assignment, shall issue in the
- 11 name of the assignee a new certificate of registration for the remainder
- 12 of the term of the:
- 13 (1) registration; or
- 14 (2) most recent renewal of the registration.
- 15 (d) An assignment of a registration under this chapter is void against
- 16 a subsequent purchaser for valuable consideration without notice
- 17 unless the assignment is recorded with the secretary not more than
- 18 three (3) months:
- 19 (1) after the date of the assignment; or
- 20 (2) before the subsequent purchase.
- 21 SECTION 14. IC 26-1-1-108.1 IS AMENDED TO READ AS
- 22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 108.1. (a) The
- 23 secretary of state may provide that a document required to be filed
- 24 under this article with the secretary of state may be filed by ~~teletype;~~
- 25 ~~facsimile; or other form of~~ electronic transmission meeting the
- 26 requirements established by the secretary of state.
- 27 (b) The secretary of state may accept payment of a filing fee for a
- 28 document filed by electronic transmission by credit card, debit card,
- 29 charge card, or similar method. However, if the filing fee is paid by
- 30 credit card, debit card, charge card, or similar method, the liability is
- 31 not finally discharged until the secretary of state receives payment or
- 32 credit from the institution responsible for making the payment or credit.
- 33 (c) The secretary of state may contract with a bank or credit card
- 34 vendor for acceptance of bank or credit cards. However, if there is a
- 35 vendor transaction charge or discount fee, whether billed to the
- 36 secretary of state or charged directly to the secretary of state's account,
- 37 the secretary of state or the credit card vendor may collect from the
- 38 person using the bank or credit card a fee that may not exceed the
- 39 highest transaction charge or discount fee charged to the secretary of
- 40 state by the bank or credit card vendor during the most recent
- 41 collection period. The fee may be collected regardless of any
- 42 agreement between the bank and a credit card vendor or regardless of



1 any internal policy of the credit card vendor that may prohibit this type
2 of fee. The fee is a permitted additional charge under IC 24-4.5-3-202.

3 SECTION 15. IC 26-1-1.5-1, AS AMENDED BY P.L.54-2011,
4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 1. ~~The forms A format described in~~
6 IC 26-1-9.1-521 may be used for filings under IC 26-1.

7 SECTION 16. IC 26-1-9.1-521, AS AMENDED BY P.L.86-2013,
8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JUNE 1, 2019]: Sec. 521. **Except for a reason set forth in**
10 **IC 26-1-9.1-516(b) or IC 26-1-9.1-901**, a filing office that accepts
11 written records may not refuse to accept a written ~~initial financing~~
12 ~~statement in the following form and format except for a reason set forth~~
13 ~~in IC 26-1-9.1-516(b) or IC 26-1-9.1-901~~: **document for a filing**
14 **authorized by this chapter if the document conforms to a format**
15 **that is:**

- 16 (1) approved by the International Association of Commercial
- 17 Administrators; or
- 18 (2) adopted by rule by the secretary of state under
- 19 IC 26-1-9.1-526.

20 UCC FINANCING STATEMENT

21 FOLLOW INSTRUCTIONS

22 A. NAME & PHONE OF CONTACT AT FILER (optional)

23 _____

24 B. E-MAIL CONTACT AT FILER (optional)

25 _____

26 C. SEND ACKNOWLEDGMENT TO: (Name and Address)

27 _____

28 THE ABOVE SPACE IS FOR

29 FILING OFFICE USE ONLY

30 †. DEBTOR'S NAME = provide only one Debtor name (1a or 1b) (use
31 exact, full name;

32 do not omit, modify, or abbreviate any word in the Debtor's name)

33 1a. ORGANIZATION'S NAME

34 _____

35 _____

36 OR

37 1b. INDIVIDUAL'S SURNAME FIRST PERSONAL
38 NAME

39 _____

40 ADDITIONAL NAME(S)/INITIAL(S) THAT ARE

41 PART OF THE NAME OF THIS DEBTOR SUFFIX

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1c. MAILING ADDRESS

CITY STATE POSTAL CODE
COUNTRY

2. DEBTOR'S NAME - provide only one Debtor name (2a or 2b) (use exact, full name; do not omit, modify, or abbreviate any word in the Debtor's name)

2a. ORGANIZATION'S NAME

OR

2b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

ADDITIONAL NAME(S)/INITIAL(S) THAT ARE PART OF THE NAME OF THIS DEBTOR SUFFIX

2c. MAILING ADDRESS

CITY STATE POSTAL CODE
COUNTRY

3. SECURED PARTY'S NAME (or NAME of ASSIGNEE of ASSIGNOR SECURED

PARTY) - provide only one Secured Party name (3a or 3b)

3a. ORGANIZATION'S NAME

OR

3b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

3c. MAILING ADDRESS



1 _____
 2 CITY STATE POSTAL CODE
 3 COUNTRY
 4 _____
 5 _____
 6 4. COLLATERAL: This financing statement covers the following
 7 collateral:
 8 _____
 9 _____
 10 5. Check only if applicable and check only one box:
 11 Collateral is held in a Trust (see
 12 Instructions)
 13 being administered by a Decedent's Personal
 14 Representative.
 15 6a. Check only if applicable and check only one box:
 16 Public-Finance Transaction Manufactured-Home Transaction
 17 A Debtor is a Transmitting Utility
 18 6b. Check only if applicable and check only one box:
 19 Agricultural Lien Non-UCC Filing
 20 7. ALTERNATIVE DESIGNATION (if applicable): Lessee/Lessor
 21 Consignee/Consignor Seller/Buyer Bailee/Bailor
 22 Licensee/Licensor
 23 8. OPTIONAL FILER REFERENCE DATA
 24 _____
 25 _____
 26 {UCC FINANCING STATEMENT (Form UCC1)}
 27 UCC FINANCING STATEMENT ADDENDUM
 28 FOLLOW INSTRUCTIONS
 29 9. NAME OF FIRST DEBTOR (same as item 1a or 1b on Financing
 30 Statement)
 31 9a. ORGANIZATION'S NAME
 32 _____
 33 _____
 34 OR
 35 9b. INDIVIDUAL'S SURNAME
 36 _____
 37 FIRST PERSONAL NAME
 38 _____
 39 ADDITIONAL NAME(S)/INITIAL(S) SUFFIX
 40 _____
 41 THE ABOVE SPACE IS FOR
 42 FILING OFFICE USE ONLY



1 10: ADDITIONAL DEBTOR'S NAME = provide only one Debtor
2 name (10a or 10b) (use
3 exact, full name; do not omit, modify, or abbreviate any word in the
4 Debtor's name)

5 10a: ORGANIZATION'S NAME
6 _____
7 _____

8 OR
9 10b: INDIVIDUAL'S SURNAME FIRST PERSONAL NAME
10 _____
11 _____

12 ADDITIONAL NAME(S)/INITIAL(S) THAT
13 ARE PART OF THE NAME OF THIS DEBTOR SUFFIX
14 _____

15 10c: MAILING ADDRESS
16 _____
17 _____

18 CITY STATE POSTAL CODE
19 COUNTRY
20 _____
21 _____

22 11: ADDITIONAL SECURED PARTY'S
23 NAME or ASSIGNOR SECURED
24 PARTY'S NAME = provide only one name (11a or 11b)
25 11a: ORGANIZATION'S NAME

26 _____
27 _____

28 OR
29 11b: INDIVIDUAL'S SURNAME F I R S T
30 PERSONAL NAME
31 _____

32 ADDITIONAL NAME(S)/INITIAL(S) SUFFIX
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35 11c: MAILING ADDRESS
36 _____
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38 CITY STATE POSTAL CODE
39 COUNTRY
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42 12: ADDITIONAL SPACE FOR ITEM 4



1 (Collateral)
 2 _____
 3 _____
 4 13. This FINANCING STATEMENT is to
 5 be filed [for record] (or recorded) in the
 6 REAL ESTATE RECORDS (if applicable)
 7 14. This FINANCING STATEMENT:
 8 covers timber to be cut covers as-extracted collateral is filed
 9 as a fixture filing
 10 15. Name and address of a RECORD
 11 OWNER of real estate described in item 16 (if
 12 Debtor does not have a record interest):
 13 _____
 14 _____
 15 16. Description of real estate:
 16 _____
 17 _____
 18 17. MISCELLANEOUS:
 19 _____
 20 _____
 21 {UCC FINANCING STATEMENT ADDENDUM (Form
 22 UCC1Ad)}
 23 (b) A filing office that accepts written records may not refuse to
 24 accept a written record in the following form and format except for a
 25 reason described in IC 26-1-9.1-516(b):
 26 UCC FINANCING STATEMENT AMENDMENT
 27 FOLLOW INSTRUCTIONS
 28 A. NAME & PHONE OF CONTACT AT FILER (optional)
 29 _____
 30 B. E-MAIL CONTACT AT FILER (optional)
 31 _____
 32 C. SEND ACKNOWLEDGMENT TO: (Name and Address)
 33 _____
 34 THE ABOVE SPACE IS FOR
 35 FILING OFFICE USE ONLY
 36 1a. INITIAL FINANCING STATEMENT FILE NUMBER
 37 _____
 38 _____
 39 1b. This FINANCING STATEMENT AMENDMENT is to be
 40 filed [for record] (or
 41 recorded) in the REAL ESTATE RECORDS.
 42 Filer: attach Amendment Addendum (Form UCC3Ad) and provide



1 Debtor's name in
2 item 13:
3 2. TERMINATION: Effectiveness of the Financing Statement
4 identified above is
5 terminated with respect to the security interest(s) of
6 Secured Party authorizing this Termination Statement
7 3. ASSIGNMENT (full or partial): Provide name of Assignee in
8 item 7a or 7b; and
9 address of Assignee in item 7e and name of Assignor in item 9. For
10 partial assignment,
11 complete items 7 and 9 and also indicate affected collateral in item
12 8
13 4. CONTINUATION: Effectiveness of the Financing Statement
14 identified above with
15 respect to the security interest(s) of Secured
16 Party authorizing this Continuation Statement is continued for the
17 additional period
18 provided by applicable law
19 5. PARTY INFORMATION CHANGE:
20 Check one of these two boxes:
21 This Change affects Debtor or Secured Party of record.
22 AND
23 Check one of these three boxes to:
24 CHANGE name and/or address: Complete item 6a or 6b; and item
25 7a or 7b and item
26 7c.
27 ADD name: Complete item 7a or 7b; and item 7c.
28 DELETE name: Give record name to be deleted in item 6a or 6b.
29 6. CURRENT RECORD INFORMATION: Complete for Party
30 Information Change -
31 provide only one name (6a or 6b) (use exact, full name; do not omit,
32 modify; or
33 abbreviate any word in the Debtor's name)
34 6a. ORGANIZATION'S NAME
35 _____
36 _____
37 OR
38 6b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME
39 _____
40 _____
41 ADDITIONAL NAME(S)/INITIAL(S) SUFFIX
42 _____



1 7. CHANGED OR ADDED INFORMATION: Complete for
2 Assignment or Party
3 Information Change - provide only one name (7a or 7b) (use exact
4 full name; do not
5 omit, modify, or abbreviate any word in the Debtor's name)

6 7a. ORGANIZATION'S NAME
7 _____
8 _____

9 OR
10 7b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME
11 _____
12 _____

13 ADDITIONAL NAME(S)/INITIAL(S) THAT ARE
14 PART OF THE NAME OF THIS DEBTOR SUFFIX
15 _____

16 7c. MAILING ADDRESS
17 _____
18 _____

19 CITY STATE POSTAL CODE
20 COUNTRY
21 _____
22 _____

23 8. COLLATERAL CHANGE:
24 Also check one of these four boxes:
25 ADD collateral DELETE collateral RESTATE covered
26 collateral
27 ASSIGN collateral
28 Indicate collateral:

29 9. NAME OF SECURED PARTY OF RECORD AUTHORIZING
30 THIS AMENDMENT
31 = provide only one name (9a or 9b) (name of Assignor, if this is an
32 Assignment)

33 If this is an Amendment authorized by a DEBTOR, check here
34 and provide name of
35 authorizing Debtor

36 9a. ORGANIZATION'S NAME
37 _____
38 _____

39 OR
40 9b. INDIVIDUAL'S SURNAME
41 _____
42 ADDITIONAL NAME(S)/INITIAL(S) SUFFIX



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10: OPTIONAL FILER REFERENCE DATA

[UCC FINANCING STATEMENT AMENDMENT (Form UCC3)]
UCC FINANCING STATEMENT AMENDMENT ADDENDUM
FOLLOW INSTRUCTIONS

11: INITIAL FINANCING STATEMENT
FILE NUMBER (same as item 1a on Amendment form)

12: NAME OF PARTY AUTHORIZING
THIS AMENDMENT (same as item 9 on
Amendment form)
12a: ORGANIZATION'S NAME

OR
12b: INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

THE ABOVE SPACE IS FOR
FILING OFFICE USE ONLY
13: Name of DEBTOR on
related financing statement (Name of a current Debtor of record
required for indexing purposes only in some filing offices = see
Instruction for item 13 =
insert only one Debtor name (13a or 13b) (use exact, full name; do
not omit, modify, or
abbreviate any word in the Debtor's name)
13a: ORGANIZATION'S NAME

OR
13b: INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

14: ADDITIONAL SPACE



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FOR ITEM 8 (Collateral)

15: This FINANCING STATEMENT AMENDMENT: covers timber to be cut covers as-extracted collateral is filed as a fixture filing

16: Name and address of a RECORD OWNER of real estate described in item 17 (if Debtor does not have a record interest):

17: Description of real estate

18: MISCELLANEOUS:

[UCC FINANCING STATEMENT AMENDMENT ADDENDUM (Form UCC3Ad)]".

SECTION 17. IC 26-1-9.1-525 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE OCTOBER 1, 2019]: Sec. 525. (a) **Beginning on October 1, 2019, and** except as otherwise provided in subsection (e), the fee for filing and indexing a record under IC 26-1-9.1-501 through IC 26-1-9.1-527, other than an initial financing statement of the kind described in IC 26-1-9.1-502(c), is:

- (1) ~~four~~ **twelve** dollars (~~\$4~~) (**\$12**) if the record is communicated in writing; ~~including by facsimile, and consists of one (1) or two (2) pages;~~
- (2) ~~eight~~ **twelve** dollars (~~\$8~~) (**\$12**) if the record is communicated in writing; ~~including by facsimile, and consists of more than two (2) pages;~~ and
- (3) ~~(2)~~ **(2)** no **statutory** fee if the record is communicated by electronic filing.

(b) Except as otherwise provided in subsection (e), the fee for filing and indexing an initial financing statement of the kind described in IC 26-1-9.1-502(c) is:

- (1) ~~eight~~ **twelve** dollars (~~\$8~~) (**\$12**) if the financing statement indicates that it is filed in connection with a public-finance transaction; and
- (2) ~~eight~~ **twelve** dollars (~~\$8~~) (**\$12**) if the financing statement indicates that it is filed in connection with a manufactured-home transaction.



1 **(c) The number of names under which a record must be indexed**
 2 **does not affect the amount of a fee under subsection (a) or (b).**

3 ~~(c)~~ **(d)** The fee for responding to a request for information from the
 4 filing office, including for issuing a certificate showing whether there
 5 is on file any financing statement naming a particular debtor, is:

6 (1) five dollars (\$5) if the request is communicated in writing;
 7 including by facsimile; and

8 (2) no **statutory** fee if the request is communicated electronically.

9 ~~(d)~~ **(e)** This section does not require a fee with respect to a record of
 10 a mortgage which is effective as a financing statement filed as a fixture
 11 filing or as a financing statement covering as-extracted collateral or
 12 timber to be cut under IC 26-1-9.1-502(c). However, the recording and
 13 satisfaction fees that otherwise would be applicable to the record of the
 14 mortgage apply.

15 SECTION 18. IC 33-42-9-12, AS ADDED BY P.L.128-2017,
 16 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 UPON PASSAGE]: Sec. 12. (a) A notarial act must be authenticated
 18 by a certificate bearing the date of the notarial act and the signature of
 19 the notarial officer. A properly completed certificate must conform to
 20 the following conditions:

21 (1) The certificate must be completed contemporaneously with
 22 the performance of the notarial act.

23 (2) The certificate must be signed and dated by the notarial
 24 officer. If the notarial officer is a notary public, the certificate
 25 must be signed in the manner on file with the secretary of state for
 26 the specific notary public.

27 (3) The certificate must identify the jurisdiction in which the
 28 notarial act is performed.

29 (4) The certificate must display the title of the notarial officer.

30 (5) If the notarial officer is a notary public, the certificate must
 31 display:

32 (A) the expiration date of the notary public's commission; and

33 (B) **either of the following:**

34 **(i) The Indiana** county of the notary public's commission.

35 **(ii) If the notary public is not a resident of Indiana but is**
 36 **primarily employed in Indiana, the Indiana county**
 37 **where the notary public is primarily employed.**

38 (b) A notary public who performs a notarial act shall do the
 39 following:

40 (1) affix, display, or emboss the notary's official seal; and

41 (2) print or type the notary public's name underneath the notary
 42 public's signature on a certificate of acknowledgment, jurat, or



1 other official record unless the name of the notary public:

2 (A) appears in printed form on the record; or

3 (B) appears as part of the notary public's seal; and
4 is legible when the record is photocopied.

5 (c) If a notarial act is performed on a public record by a notarial
6 officer other than a notary public, the information described in
7 subsection (a)(2) through (a)(4) must be affixed, displayed, or
8 embossed upon the certificate and accompanied by an official seal.

9 (d) A certificate of a notarial act is sufficient if it meets the
10 requirements described in subsections (a) and (b) and:

11 (1) is in a form permitted by the laws of this state;

12 (2) is in a form permitted by the laws of the jurisdiction in which
13 the notarial act was performed; or

14 (3) sets forth the actions of the notarial officer.

15 (e) By executing a certificate of a notarial act, a notarial officer
16 certifies that the officer has complied with the requirements of this
17 chapter.

18 (f) A notarial officer may not affix a signature to or associate a
19 certificate with a record until a notarial act has been performed.

20 (g) All notarized records must have a certificate attached or
21 associated with them. The affixing, attaching, or associating of
22 certificates to notarial acts must conform to subsections (a) through (d).

23 (h) An official certificate bearing a notary public's seal constitutes
24 presumptive evidence of the facts stated in cases, where, by law, the
25 notary public is authorized to certify facts.

26 (i) A notarial officer may subsequently correct any information
27 included or omitted from a certificate executed by the notarial officer.

28 (j) Changes or corrections may never be made to the impression of
29 an official seal.

30 SECTION 19. IC 33-42-9-12, AS ADDED BY P.L.128-2017,
31 SECTION 18, AND AS AMENDED BY P.L.59-2018, SECTION 52,
32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
33 2019]: Sec. 12. (a) A notarial act must be authenticated by a certificate
34 bearing the date of the notarial act and the signature of the notarial
35 officer. A properly completed certificate must conform to the following
36 conditions:

37 (1) The certificate must be completed contemporaneously with
38 the performance of the notarial act.

39 (2) The certificate must be signed and dated by the notarial
40 officer. If the notarial officer is a notary public, the certificate
41 must be signed in the manner on file with the secretary of state for
42 the specific notary public.



- 1 (3) The certificate must identify the jurisdiction in which the
 2 notarial act is performed as follows:
 3 (A) For a notarial act that is not a remote notarial act, the
 4 county and state in which the principal appears before the
 5 notarial officer.
 6 (B) For a remote notarial act, the information required by
 7 IC 33-42-17-7(a)(3).
 8 (4) The certificate must display the title of the notarial officer.
 9 (5) If the notarial officer is a notary public, the certificate must
 10 display:
 11 (A) the expiration date of the notary public's commission; and
 12 (B) **either of the following:**
 13 **(i) The Indiana** county of the notary public's commission.
 14 **(ii) If the notary public is not a resident of Indiana but is**
 15 **primarily employed in Indiana, the Indiana county**
 16 **where the notary public is primarily employed.**
 17 (b) A notary public who performs a notarial act on a tangible record
 18 shall:
 19 (1) affix, display, or emboss the notary public's official seal; and
 20 (2) print or type the notary public's name underneath the notary
 21 public's signature on a certificate of acknowledgment, jurat, or
 22 other official record unless the name of the notary public:
 23 (A) appears in printed form on the record; or
 24 (B) appears as part of the notary public's official seal; and
 25 is legible when the record is photocopied.
 26 (c) If a notarial act is performed on a public record by a notarial
 27 officer other than a notary public, the information described in
 28 subsection (a)(2) through (a)(4) must be affixed, displayed, or
 29 embossed upon the certificate and accompanied by the notarial officer's
 30 official seal.
 31 (d) If a notarial act is performed on an electronic record by a notary
 32 public:
 33 (1) the electronic notarial certificate must contain the information
 34 described in subsection (a)(2) through (a)(5); and
 35 (2) the notary public's electronic seal must be attached to or
 36 associated with the electronic notarial certificate.
 37 (e) If a notarial act is performed on an electronic record by a notarial
 38 officer other than a notary public:
 39 (1) the electronic notarial certificate must contain the information
 40 described in subsection (a)(2) through (a)(4); and
 41 (2) the notarial officer's official seal must be attached to or
 42 associated with the electronic notarial certificate.



1 (f) A certificate of a notarial act or an electronic notarial certificate
 2 is sufficient if it meets the requirements described in subsections (a)
 3 and (b) and:

- 4 (1) is in a form permitted by the laws of this state;
 5 (2) is in a form permitted by the laws of the jurisdiction in which
 6 the notarial act was performed; or
 7 (3) sets forth the actions of the notarial officer.

8 (g) By executing a certificate of a notarial act or an electronic
 9 notarial certificate, a notarial officer certifies that the notarial officer
 10 has complied with this chapter.

11 (h) A notarial officer may not affix a signature to or associate a
 12 certificate of a notarial act or an electronic notarial certificate with a
 13 record until a notarial act has been performed.

14 (i) A certificate of a notarial act or an electronic notarial certificate
 15 must be attached to or associated with each tangible record or
 16 electronic record in a manner consistent with the applicable
 17 requirements of subsections (a) through (f).

18 (j) An official:

- 19 (1) certificate of a notarial act bearing a notarial officer's official
 20 seal; or
 21 (2) electronic notarial certificate bearing a notarial officer's
 22 electronic seal;

23 constitutes presumptive evidence of the facts stated in cases, where, by
 24 law, the notarial officer is authorized to certify facts.

25 (k) A notarial officer may subsequently correct any information
 26 included or omitted from a certificate of a notarial act or an electronic
 27 notarial certificate executed by the notarial officer.

28 (l) Changes or corrections may never be made to the impression of
 29 an official seal.

30 SECTION 20. IC 33-42-12-2, AS ADDED BY P.L.128-2017,
 31 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: Sec. 2. (a) An applicant seeking a commission as
 33 a notary public, including an applicant reapplying for a subsequent
 34 commission, must complete:

- 35 (1) a course of education; and
 36 (2) an examination.

37 ~~administered by the secretary of state.~~

38 (b) A notary public must fulfill a continuing education requirement
 39 ~~administered by the secretary of state~~, not to exceed two (2) hours of
 40 continuing education every two (2) years.

41 SECTION 21. IC 33-42-13-3, AS ADDED BY P.L.128-2017,
 42 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 3. (a) A commission as a notary public does
2 not allow a person to perform the following:

3 (1) Provide legal advice or otherwise practice law.

4 (2) Act as an immigration consultant or provide advice on
5 immigration matters.

6 (3) Represent a person in an administrative or judicial proceeding
7 related to citizenship or immigration.

8 (4) Use an initial or name, other than the initial or name under
9 which the notary public has been commissioned, to sign an
10 acknowledgment.

11 (5) At the time the notary takes the acknowledgment or
12 administers an oath to any person the notary public knows to be:

13 (A) adjudicated mentally incompetent; or

14 (B) under a guardianship described in IC 29-3.

15 (6) Take an acknowledgment from any person who is blind
16 without first reading the record to the person who is blind.

17 (7) Take the acknowledgment of any person who does not speak
18 or understand the English language unless the nature and effect
19 of the record is translated into a language the person speaks or
20 understands.

21 (8) Take the acknowledgment of a record without witnessing a
22 signature or receiving an acknowledgment from the principal that
23 the signature is authentic.

24 (9) Take a verification of an affidavit or oath in the absence of an
25 affirmation of truth by the affiant.

26 (10) Perform a notarial act for:

27 (A) oneself;

28 (B) one's spouse; or

29 (C) any party;

30 that may directly benefit ~~any~~ a person described in ~~clauses~~ **clause**

31 (A) ~~through (C)~~; or (B).

32 (b) A notary public may not engage in false or deceptive advertising.

33 (c) A notary public, other than an attorney licensed to practice law
34 in Indiana, may not use the term "notario" or "notario publico".

35 (d) Except as provided in subsection (g), a notary public may not
36 advertise or represent that the notary public can draft legal documents,
37 provide legal advice, or otherwise practice law. Any notary public who
38 advertises notarial services shall include the following statement in
39 each advertisement:

40 "I am not an attorney licensed to practice law in Indiana. I am not
41 allowed to draft legal records, give advice on legal matters, including
42 immigration, or charge a fee for those activities."



1 (e) The disclaimer described in subsection (d) shall be translated
2 into every language used in an advertisement.

3 (f) If size or space restrictions make it impossible for the disclaimer
4 to be incorporated into an advertisement, the disclaimer described in
5 subsection (d) shall be prominently displayed at the site of the notarial
6 service. A display described in this subsection must be shown before
7 the performance of a notarial act.

8 (g) Subsections (c) through (f) do not apply to a notary public who
9 is licensed to practice law in Indiana.

10 (h) Unless otherwise permitted by law, a notary public may not
11 withhold access to or possession of an original record provided by a
12 person seeking the performance of a notarial act by a notary public.

13 (i) A notary public who violates this chapter may have the notary
14 public's commission revoked by a judge with jurisdiction in the county
15 in which the notary public resides or is primarily employed.

16 (j) The secretary of state may:

17 (1) investigate any violation of this chapter by a notary public;
18 and

19 (2) revoke the commission of a notary public as described in
20 section 1 of this chapter.

21 (k) A notary public whose commission has been revoked may not
22 reapply for a new commission until five (5) years after the revocation.

23 (l) A notary public who has been convicted of notario publico
24 deception under section 4 of this chapter may not reapply for a new
25 commission.

26 (m) If the secretary of state revokes the commission of a notary
27 public, the notary public may not reapply for a new commission for five
28 (5) years.

29 **(n) A notary public may not perform a notarial act when the**
30 **notary public's commission is suspended or revoked.**

31 SECTION 22. IC 33-42-13-3, AS ADDED BY P.L.128-2017,
32 SECTION 21, AND AS AMENDED BY P.L.59-2018, SECTION 58,
33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
34 2019]: Sec. 3. (a) A commission as a notary public does not allow a
35 person to do the following:

36 (1) Provide legal advice or otherwise practice law.

37 (2) Act as an immigration consultant or provide advice on
38 immigration matters.

39 (3) Represent a person in an administrative or judicial proceeding
40 related to citizenship or immigration.

41 (4) Use an initial or name, other than the initial or name under
42 which the notary public has been commissioned, to sign an



- 1 acknowledgment.
- 2 (5) Take an acknowledgment or administer an oath to any person
- 3 the notary public knows at the time to be:
- 4 (A) adjudicated mentally incompetent; or
- 5 (B) under a guardianship described in IC 29-3.
- 6 (6) Take an acknowledgment from any person who is blind
- 7 without first reading the record to the person who is blind.
- 8 (7) Take the acknowledgment of any person who does not speak
- 9 or understand the English language unless the nature and effect
- 10 of the record is translated into a language the person speaks or
- 11 understands.
- 12 (8) Take the acknowledgment of a record without witnessing a
- 13 signature or receiving an acknowledgment from the principal that
- 14 the signature is authentic.
- 15 (9) Take a verification of an affidavit or oath in the absence of an
- 16 affirmation of truth by the affiant.
- 17 (10) Perform a notarial act for:
- 18 (A) oneself;
- 19 (B) one's spouse; or
- 20 (C) any party;
- 21 that may directly benefit ~~any~~ a person described in ~~clauses~~ **clause**
- 22 (A) ~~through (C)~~; or (B).
- 23 (b) A notary public may not engage in false or deceptive advertising.
- 24 (c) A notary public, other than an attorney licensed to practice law
- 25 in Indiana, may not use the term "notario" or "notario publico".
- 26 (d) Except as provided in subsection (g), a notary public may not
- 27 advertise or represent that the notary public can draft legal documents,
- 28 provide legal advice, or otherwise practice law. Any notary public who
- 29 advertises notarial services shall include the following statement in
- 30 each advertisement:
- 31 "I am not an attorney licensed to practice law in Indiana. I am not
- 32 allowed to draft legal records, give advice on legal matters,
- 33 including immigration, or charge a fee for those activities."
- 34 (e) The statement described in subsection (d) shall be translated into
- 35 every language used in an advertisement.
- 36 (f) If size or space restrictions make it impossible for the statement
- 37 to be incorporated into an advertisement, the statement described in
- 38 subsection (d) shall be prominently displayed at the site where the
- 39 notarial act is performed. A display described in this subsection must
- 40 be shown before the performance of a notarial act.
- 41 (g) Subsections (c) through (f) do not apply to a notary public who
- 42 is licensed to practice law in Indiana.



1 (h) Unless otherwise permitted by law, a notary public may not
 2 withhold access to or possession of an original record provided by a
 3 person seeking the performance of a notarial act by a notary public.

4 (i) A notary public who violates this chapter may have the notary
 5 public's commission revoked by a judge with jurisdiction in the county
 6 in which the notary public resides or is primarily employed.

7 (j) A notary public whose commission has been revoked may not
 8 reapply for a new commission until five (5) years after the revocation.

9 (k) A notary public who has been convicted of notario publico
 10 deception under section 4 of this chapter may not reapply for a new
 11 commission.

12 (l) If the secretary of state revokes the commission of a notary
 13 public, the notary public may not reapply for a new commission for five
 14 (5) years.

15 **(m) A notary public may not perform a notarial act when the**
 16 **notary public's commission is suspended or revoked.**

17 SECTION 23. IC 33-42-14-1, AS ADDED BY P.L.128-2017,
 18 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 UPON PASSAGE]: Sec. 1. (a) A notary public may charge a fee of not
 20 more than ten dollars (\$10) **per signature** for each of the following
 21 notarial acts:

- 22 (1) Taking an acknowledgment.
- 23 (2) Administering an affirmation or oath.
- 24 (3) Attesting to or witnessing a signature.
- 25 (4) Taking a verification on an oath or affirmation.
- 26 (5) Attesting to or certifying a copy.

27 (b) Fees for notarial acts not described in subsection (a) are
 28 negotiable.

29 (c) If a fee is charged for a notarial act, the notary public shall
 30 display, in advance, a list of the fees that the notary public will charge.

31 (d) Notarial acts that:

- 32 (1) are performed as part of the notary public's employment; or
- 33 (2) do not require record keeping;

34 are subject to private agreement and are not governed by this section.

35 (e) A notary public may charge a reasonable fee for traveling to
 36 perform a notarial act. The travel fee requested may not exceed the
 37 federal travel fees established by the United States General Services
 38 Administration.

39 (f) Except as provided in subsection (g), a person who is a:

- 40 (1) public official; or
- 41 (2) deputy or appointee of a public official;

42 may not charge for services as a notary public in connection with any



1 official business of that office or any other office belonging to the
2 governmental unit in which the person serves.

3 (g) Subsection (f) does not apply to a person or transaction
4 authorized to charge a fee for notarial services by another statute.

5 SECTION 24. IC 33-42-14-1, AS ADDED BY P.L.128-2017,
6 SECTION 22, AND AS AMENDED BY P.L.59-2018, SECTION 60,
7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
8 2019]: Sec. 1. (a) A notary public may charge a fee of not more than
9 ten dollars (\$10) **per signature** for each of the following notarial acts:

- 10 (1) Taking an acknowledgment.
- 11 (2) Administering an affirmation or oath.
- 12 (3) Attesting to or witnessing a signature.
- 13 (4) Taking a verification on an oath or affirmation.
- 14 (5) Attesting to or certifying a copy.

15 (b) Fees for notarial acts not described in subsection (a) are
16 negotiable.

17 (c) If a fee is charged for a notarial act, the notary public shall
18 display, in advance, a list of the fees that the notary public will charge.

19 (d) Notarial acts that:

- 20 (1) are performed as part of the notary public's employment; or
- 21 (2) do not require record keeping;

22 are subject to private agreement and are not governed by this section.

23 (e) A notary public may charge a reasonable fee for traveling to
24 perform a notarial act. The travel fee requested may not exceed the
25 federal travel fees established by the United States General Services
26 Administration.

27 (f) Except as provided in subsection (g), an individual who is a:

- 28 (1) public official; or
- 29 (2) deputy or appointee of a public official;

30 may not charge for notarial acts performed by the individual in
31 connection with any official business of the public official or any other
32 office belonging to the governmental unit in which the individual
33 serves.

34 (g) Subsection (f) does not apply to a person or transaction
35 authorized by another statute to charge a fee for performing notarial
36 acts.

37 SECTION 25. IC 33-42-15-2, AS ADDED BY P.L.128-2017,
38 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 UPON PASSAGE]: Sec. 2. (a) The secretary of state shall collect two
40 dollars (\$2) for each attestation provided under this chapter. However,
41 no fee may be collected for an attestation pertaining to the following:

- 42 (1) An adoption.



- 1 (2) A birth certificate **issued by the state of Indiana.**
 2 (3) A death certificate **issued by the state of Indiana.**
 3 (4) A student:
 4 (A) transcript; or
 5 (B) diploma;
 6 **issued by an academic institution domiciled in Indiana and**
 7 **attested to in a notarial act by the academic institution's**
 8 **registrar or equivalent official.**
 9 (5) A document prepared by the secretary of state.
 10 **(b) A fee collected under subsection (a) is nonrefundable.**
 11 SECTION 26. IC 33-42-16-2, AS AMENDED BY P.L.59-2018,
 12 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: Sec. 2. (a) The secretary of state shall adopt rules
 14 under IC 4-22-2 to implement this article, including rules to do the
 15 following:
 16 (1) Prescribe the process for conditioning, denying, granting,
 17 renewing, revoking, or suspending the following:
 18 (A) A commission as a notary public.
 19 (B) A remote notary public registration.
 20 (2) Prescribe standards to ensure the trustworthiness of
 21 individuals applying for or in possession of the following:
 22 (A) A commission as a notary public.
 23 (B) A remote notary public registration.
 24 (3) Establish processes for accepting and approving assurances.
 25 (4) Prescribe the manner by which notarial acts are performed
 26 with respect to tangible records and electronic records.
 27 (5) Ensure that a change to or tampering with a record bearing an
 28 electronic notarial certificate is self-evident.
 29 (6) Specify requirements to ensure the secure creation, storage,
 30 transmission, and authentication of electronic records, electronic
 31 seals, and electronic signatures.
 32 (7) Establish standards for approval of the following for use in
 33 Indiana:
 34 (A) Audio visual communication technology.
 35 (B) Identity proofing.
 36 (C) Credential analysis.
 37 (D) Dynamic knowledge based authentication.
 38 (E) Biometrics.
 39 (F) Other methods of identification.
 40 (8) Establish standards related to electronic notarial certificates.
 41 (b) When adopting, amending, or repealing rules governing
 42 electronic records or remote notarial acts, the secretary of state shall



1 consider the following:

2 (1) Recent standards regarding electronic records issued by
3 national bodies, including the National Association of Secretaries
4 of State.

5 (2) The customs, practices, and standards of other jurisdictions.

6 (3) Actions of other governmental entities and officials.

7 (c) The administrative rules for remote notarial acts must be in
8 effect before the secretary of state approves vendors of technology
9 under IC 33-42-17-6.

10 (d) Remote notary public applications will not be accepted for
11 processing until the administrative rules are in effect and vendors of
12 technology are approved by the secretary of state.

13 **(e) The secretary of state may amend rules adopted under this**
14 **section as determined necessary as a result of changes in electronic**
15 **and remote notarial act technology.**

16 SECTION 27. IC 33-42-16-5 IS ADDED TO THE INDIANA
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2019]: **Sec. 5. (a) On the request of any**
19 **person, the secretary of state shall issue a certificate of fact for a**
20 **notary public.**

21 **(b) A certificate of fact issued under subsection (a) must state**
22 **the following:**

23 **(1) The notary public's name.**

24 **(2) The notary public's commission expiration date.**

25 **(3) The notary public's county of commission.**

26 **(4) That the records of the secretary of state indicate that the**
27 **notary public's commission is active.**

28 **(c) Subject to any qualification specified in a certificate of fact**
29 **issued under subsection (a), the certificate may be relied upon as**
30 **conclusive evidence of the facts stated in the certificate.**

31 SECTION 28. IC 33-42-17-1, AS ADDED BY P.L.59-2018,
32 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2019]: Sec. 1. (a) This chapter applies only to a remote
34 notarial act performed after ~~June 30, 2019~~ **the earlier of:**

35 **(1) the effective date of rules adopted under IC 33-42-16-2; or**

36 **(2) July 1, 2020.**

37 (b) To the extent that this chapter conflicts with another provision
38 of this article concerning remote notarial acts, this chapter is
39 controlling.

40 SECTION 29. IC 33-42-17-2, AS ADDED BY P.L.59-2018,
41 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2019]: Sec. 2. (a) A notary public may perform a remote



1 notarial act only after registering as a remote notary public with the
2 secretary of state.

3 (b) A notary public is eligible to register under subsection (a) if the
4 notary public:

- 5 (1) holds a current commission as a notary public in Indiana;
- 6 (2) complies with the continuing education requirements
7 described in IC 33-42-12-2, and prescribed under IC 33-42-16-2;
- 8 (3) is able to competently:
 - 9 (A) operate audiovisual communication technology; and
 - 10 (B) use identity proofing and credential analysis technology;

11 **and**

- 12 (4) pays a registration fee in the amount of five dollars (\$5); **and**
- 13 **(5) passes a remote notarial act examination administered by**
14 **the secretary of state.**

15 (c) The registration fee described in subsection (b) is in addition to
16 the processing fee described in IC 33-42-12-1(c).

17 (d) Unless a registration under this section is revoked under
18 IC 33-42-13, the term of registration:

- 19 (1) begins on the registration starting date set by the secretary of
20 state; and
- 21 (2) expires on the date on which the remote notary public's current
22 commission ends.

23 (e) A remote notary public whose registration expires under
24 subsection (d) may not perform a remote notarial act until the remote
25 notary public has reregistered under this section.

26 (f) A notary public is not required to perform remote notarial acts.

27 (g) A remote notary public may perform a remote notarial act only
28 if the remote notary public is physically present in Indiana at the time
29 the remote notarial act is performed.

30 SECTION 30. IC 33-42-17-3, AS ADDED BY P.L.59-2018,
31 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2019]: Sec. 3. (a) A remote notary public:

- 33 (1) is a notary public subject to IC 33-42-12 to the same extent as
34 a notary public who is not registered under this chapter;
- 35 (2) may perform notarial acts under IC 33-42-9 in addition to
36 performing remote notarial acts; and
- 37 (3) may perform remote notarial acts in accordance with this
38 chapter.

39 (b) A remote notary public who is physically present in Indiana may
40 perform the following notarial acts as remote notarial acts:

- 41 (1) Taking an acknowledgment.
- 42 (2) Administering an affirmation or oath.



- 1 (3) Taking a verification on an oath or affirmation.
 2 (4) Attesting to or witnessing a signature.
 3 (5) Attesting to or certifying a copy of a document or record.
 4 (c) A remote notary public may use audiovisual communication
 5 technology in performance of a remote notarial act described in
 6 subsection (b) if the remote notary public has first:
 7 (1) selected an audiovisual communication technology that has
 8 been approved by the secretary of state under rules adopted under
 9 IC 4-22-2; and
 10 (2) notified the secretary of state of the selection.
 11 (d) Subject to subsection (e), a remote notarial act performed:
 12 (1) by a remote notary public commissioned in Indiana; and
 13 (2) using audiovisual communication technology described in
 14 subsection (c);
 15 is considered to have been performed in Indiana, regardless of the
 16 physical location of the principal at the time the remote notarial act is
 17 performed, and is governed by Indiana law.
 18 (e) A remote notary public may perform a remote notarial act using
 19 audiovisual communication technology described in subsection (c) for
 20 a principal that is present:
 21 (1) in Indiana;
 22 (2) outside Indiana, but within the United States; or
 23 (3) outside the United States if:
 24 (A) the requested notarial act is not prohibited in the
 25 jurisdiction where the principal is present at the time of the
 26 remote notarial act; and
 27 (B) the remote notarial act concerns a matter that:
 28 (i) is before a court, a governmental entity, or another entity
 29 in;
 30 (ii) concerns a property located in; or
 31 (iii) relates to a transaction substantially connected to a
 32 territory or jurisdiction of;
 33 the United States.
 34 (f) A remote notarial act that is performed using audiovisual
 35 communication technology described in subsection (c) must be
 36 captured by an audiovisual recording, regardless of whether the
 37 requested remote notarial act is completed.
 38 (g) Before performing a remote notarial act described in subsections
 39 (b) and (c), a remote notary public shall inform the participating parties
 40 that the remote notarial act will be captured by an audiovisual
 41 recording.
 42 (h) An audiovisual recording of a remote notarial act must include



- 1 the following:
- 2 (1) A recitation of the following by the remote notary public:
- 3 (A) Identifying information sufficient to identify the specific
- 4 remote notarial act performed.
- 5 (B) A statement explaining one (1) of the following:
- 6 (i) That the principal's identity is authenticated through the
- 7 remote notary public's personal knowledge of the principal's
- 8 identity.
- 9 (ii) That the identity of the principal is authenticated by a
- 10 credible witness.
- 11 (2) A confirmation by the principal that the principal's electronic
- 12 signature is freely and voluntarily issued.
- 13 (i) Regardless of the physical location of the principal at the time of
- 14 the notarial act, the validity of a remote ~~notarization~~ **notarial act**
- 15 performed by a remote notary public commissioned in Indiana must be
- 16 determined under the laws of this state.
- 17 SECTION 31. IC 33-42-17-6, AS ADDED BY P.L.59-2018,
- 18 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2019]: Sec. 6. (a) Technology used by a remote notary public
- 20 for use in performing remote notarial acts must first be approved by the
- 21 secretary of state.
- 22 (b) The secretary of state may approve technology described in
- 23 subsection (a) only if the:
- 24 (1) technology:
- 25 (A) is tamper evident;
- 26 (B) allows a remote notarial act to be completed in accordance
- 27 with this article;
- 28 (C) conforms to rules adopted by the secretary of state under
- 29 IC 4-22-2; and
- 30 (D) if the technology is to be used for a remote notarial act
- 31 described in section 4(a) of this chapter, allows for audiovisual
- 32 communication between the parties; and
- 33 (2) vendor of the technology described in subdivision (1):
- 34 (A) uses a ~~traditional or cloud based~~ backup strategy that is
- 35 acceptable to the secretary of state for use as a record keeper
- 36 for any record that is related to a remote notarial act; and
- 37 (B) signs an agreement with the owner of the backup strategy
- 38 described in clause (A) that, in the event that the vendor
- 39 ceases business operations, the owner is required to release to
- 40 the secretary of state any record described in clause (A).
- 41 (c) A remote notary public:
- 42 (1) may select one (1) or more technologies approved by the



- 1 secretary of state under this section to perform remote notarial
 2 acts; and
 3 (2) may not be required to use a particular technology not
 4 previously selected by the remote notary public.
 5 (d) A remote notary public shall do the following:
 6 (1) Take reasonable steps to ensure that audiovisual technology
 7 used in a remote notarial act is secure from unauthorized
 8 interception.
 9 (2) Not later than thirty (30) days after the change occurs, notify
 10 the secretary of state of any change in technology used by the
 11 remote notary public to perform remote notarial acts.
 12 SECTION 32. IC 33-42-17-8, AS ADDED BY P.L.59-2018,
 13 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2019]: Sec. 8. (a) A remote notary public who performs a
 15 remote notarial act shall personally do the following:
 16 (1) Enter each remote notarial act in an electronic journal.
 17 (2) Maintain the electronic journal.
 18 (3) Keep the electronic journal in the exclusive control of the
 19 remote notary public.
 20 (4) Use commercially reasonable means to prevent unauthorized
 21 access to the electronic journal.
 22 (5) Provide for the lawful copying and inspection of the electronic
 23 journal.
 24 (b) An employer may not perform the responsibilities described in
 25 subsection (a) on behalf of a remote notary public.
 26 (c) A remote notary public may maintain more than one (1)
 27 electronic journal.
 28 (d) The following apply to an electronic journal:
 29 (1) Access to the information contained in the electronic journal
 30 must be contingent upon the use of a password or other secure
 31 means of authentication.
 32 (2) It must be possible to print or produce a tangible record of any
 33 entry logged in the electronic journal.
 34 (e) A journal entry for each remote notarial act must consist of the
 35 following:
 36 (1) The date and time of the remote notarial act.
 37 (2) The type of remote notarial act.
 38 (3) A title or description of the electronic record for each remote
 39 notarial act.
 40 (4) The full name of the principal.
 41 (5) A description of the manner by which the identity of the
 42 principal was authenticated or verified.



1 (6) A description of any credential and the credential's
 2 corresponding date of expiration used to authenticate or verify the
 3 identity of the principal.

4 (7) A listing of:

5 (A) every type of fee; and

6 (B) every fee amount;

7 charged by the remote notary public for each remote notarial act.

8 (8) Any other information required by the secretary of state.

9 (f) A remote notary public shall not delete, destroy, overwrite, or
 10 render inaccessible an electronic journal unless the remote notary
 11 public is ordered to do so by the secretary of state or judicial order.

12 (g) Upon a remote notary public's learning that an electronic journal
 13 is lost, stolen, or compromised, the remote notary public shall notify
 14 the secretary of state.

15 (h) A remote notary public who resigns or whose commission
 16 expires shall maintain the contents of an electronic journal for at least
 17 ~~five (5)~~ **ten (10)** years after the performance of the last recorded remote
 18 notarial act.

19 SECTION 33. IC 33-42-17-9, AS ADDED BY P.L.59-2018,
 20 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2019]: Sec. 9. (a) A remote notary public may charge a fee of
 22 not more than ~~fifteen dollars (\$15)~~ **twenty-five dollars (\$25)** for each
 23 remote notarial act.

24 (b) A remote notary public may charge a reasonable fee to recover
 25 expenses related to **the** copying of:

26 (1) electronic journal entries; or

27 (2) audiovisual recording of remote notarial acts.

28 SECTION 34. IC 34-33-3-2 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. An action may
 30 be filed in the county:

31 (1) where the plaintiff resides; or

32 (2) where the accident or collision occurred;

33 at the election of the plaintiff. Service of process shall be made by
 34 ~~leaving a copy of the action and a fee of five dollars (\$5) with the~~
 35 ~~secretary of state for the defendant to be served.~~ **on the secretary of**
 36 **state in accordance with Trial Rule 4.10 of the Indiana Rules of**
 37 **Trial Procedure, together with the fee set forth in IC 23-0.5-9-56.**
 38 The service is sufficient service upon the person if notice of service and
 39 a copy of the process are immediately sent by registered mail to the
 40 defendant and the defendant's return receipt is appended to the original
 41 process and filed in the court.

42 SECTION 35. IC 34-33-3-3 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. If a defendant
 2 refuses to accept or claim registered mail, the secretary of state shall
 3 return the registered mail to the plaintiff or to the plaintiff's attorney.
 4 The mail shall be appended to the original process, together with an
 5 affidavit of the plaintiff or of the attorney or agent that the summons
 6 was delivered to the secretary of state ~~together with a fee of five dollars~~
 7 (~~\$5~~), **in accordance with Trial Rule 4.10 of the Indiana Rules of**
 8 **Trial Procedure, together with the fee set forth in IC 23-0.5-9-56,**
 9 and was returned unclaimed by the United States Postal Service. The
 10 affidavit, together with the returned envelope including the summons,
 11 is considered sufficient service upon the defendant.

12 SECTION 36. [EFFECTIVE UPON PASSAGE] **(a) It is the intent**
 13 **of the general assembly that the following sections amended by this**
 14 **act are effective until July 1, 2019:**

15 (1) IC 33-42-9-12, as added by P.L.128-2017, SECTION 18, as
 16 amended by this act.

17 (2) IC 33-42-13-3, as added by P.L.128-2017, SECTION 21, as
 18 amended by this act.

19 (3) IC 33-42-14-1, as added by P.L.128-2017, SECTION 22, as
 20 amended by this act.

21 **(b) It is the intent of the general assembly that the following**
 22 **sections amended by this act are effective July 1, 2019:**

23 (1) IC 33-42-9-12, as added by P.L.128-2017, SECTION 18,
 24 and as amended by P.L.59-2018, SECTION 52, as amended by
 25 this act.

26 (2) IC 33-42-13-3, as added by P.L.128-2017, SECTION 21,
 27 and as amended by P.L.59-2018, SECTION 58, as amended by
 28 this act.

29 (3) IC 33-42-14-1, as added by P.L.128-2017, SECTION 22,
 30 and as amended by P.L.59-2018, SECTION 60, as amended by
 31 this act.

32 **(c) This SECTION expires July 1, 2020.**

33 SECTION 37. **An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1487, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 5. IC 23-0.5-1.5-15, AS ADDED BY P.L.118-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 15. "Governing person" means:

- (1) a director of a business corporation;
- (2) a director or trustee of a nonprofit corporation;
- (3) a general partner of a general partnership;
- (4) a general partner of a limited partnership;
- (5) a manager of a manager-managed limited liability company;
- (6) a member of a member-managed limited liability company; or
- (7) any other ~~person~~ **individual** under whose authority the powers of an entity are exercised and under whose direction the activities and affairs of the entity are managed under the organic law and organic rules of the entity."

Page 4, line 19, reset in roman "an instrument in writing duly executed;"

Page 4, line 20, delete "electronic application;"

Page 5, line 29, delete "established" and insert "**approved**".

Page 5, line 30, delete "Administrators;" and insert "**Administrators; or**".

Page 5, line 31, delete "a rule adopted" and insert "**rule**".

Page 5, line 32, delete "; and" and insert ".".

Page 5, delete line 33.

Page 13, line 35, delete "Except as" and insert "**Beginning on October 1, 2019, and** except as".

Page 29, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 25. IC 33-42-17-9, AS ADDED BY P.L.59-2018, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) A remote notary public may charge a fee of not more than ~~fifteen dollars (\$15)~~ **twenty-five dollars (\$25)** for each remote notarial act.

(b) A remote notary public may charge a reasonable fee to recover expenses related to **the** copying of:



- (1) electronic journal entries; or
- (2) audiovisual recording of remote notarial acts."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1487 as introduced.)

TORR

Committee Vote: yeas 9, nays 1.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1487, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 11 with "[EFFECTIVE OCTOBER 1, 2019]".

Page 25, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 22. IC 33-42-17-1, AS ADDED BY P.L.59-2018, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) This chapter applies only to a remote notarial act performed after ~~June 30, 2019~~; **the earlier of:**

- (1) the effective date of rules adopted under IC 33-42-16-2; or**
- (2) July 1, 2020.**

(b) To the extent that this chapter conflicts with another provision of this article concerning remote notarial acts, this chapter is controlling."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1487 as printed January 29, 2019.)

HUSTON

Committee Vote: yeas 15, nays 7.

EH 1487—LS 7062/DI 97



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1487, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, delete lines 28 through 42, begin a new paragraph and insert:

"SECTION 6. IC 23-0.5-4-3, AS AMENDED BY P.L.52-2018, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2019]: Sec. 3. (a) A registered agent must be an individual, a general partnership, a domestic filing entity, or a registered foreign entity.

(b) A registered agent filing must provide either:

(1) if the entity has a commercial registered agent, the name of the entity's commercial registered agent; or

(2) if the entity does not have a commercial registered agent:

(A) the name of the individual, general partnership, domestic filing entity, or registered foreign entity; **and**

(B) the address of the entity's registered agent. ~~and~~

~~(C)~~

(c) If the entity does not have a commercial registered agent, a registered agent filing may provide the electronic mail address of the registered agent at which the registered agent will accept electronic service of process only in the manner prescribed by the Indiana supreme court in the Indiana trial rules.

~~(c)~~ **(d)** A registered agent filing must state:

(1) the registered agent's consent; or

(2) a representation that the registered agent has consented.

~~(d)~~ **(e)** Each entity registered under the laws of Indiana shall provide to the entity's registered agent, and update from time to time as necessary, the name, business address, and business telephone number of an individual who is:

(1) an officer, a director, an employee, or a designated agent of the entity; and

(2) authorized to receive communications from the registered agent.

The individual is considered to be the communications contact for the entity.

~~(e)~~ **(f)** A registered agent shall retain, in paper or electronic form, the information provided by an entity under subsection ~~(d)~~: **(e)**.

~~(f)~~ **(g)** If an entity fails to provide the registered agent with the



information required under subsection ~~(d)~~; **(e)**, the registered agent may resign, as provided in section 9 of this chapter, as the registered agent for the entity.

(h) The secretary of state may provide to the Indiana supreme court the electronic mail address of a registered agent.

SECTION 7. IC 23-0.5-5-7, AS AMENDED BY P.L.52-2018, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2019]: Sec. 7. (a) A registered foreign entity may withdraw its registration by delivering a statement of withdrawal to the secretary of state for filing. The statement of withdrawal must be signed by the entity and state:

- (1) the name of the entity and its jurisdiction of formation;
- (2) that the entity is not doing business in Indiana and that it withdraws its registration to do business in Indiana;
- (3) that the entity revokes the authority of its registered agent to accept service of process on its behalf in Indiana;
- (4) an address ~~and electronic mail address~~ to which service of process may be made under subsection ~~(b)~~; **(c)**; and
- (5) a commitment to notify the secretary of state in the future of any change in its street ~~or electronic mail~~ address.

(b) A statement of withdrawal may include an electronic mail address to which service of process may be made under subsection (c). If an electronic mail address is included in the statement of withdrawal, the statement of withdrawal must include a commitment to notify the secretary of state in the future of any change in its electronic mail address.

~~(b)~~ **(c)** After the withdrawal of the registration of an entity, service of process in any action or proceeding based on a cause of action arising during the time the entity was registered to do business in Indiana may be made under IC 23-0.5-4-10.

SECTION 8. IC 23-0.5-5-9, AS AMENDED BY P.L.52-2018, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2019]: Sec. 9. (a) A registered foreign entity that has dissolved and completed winding up or has converted to a domestic or foreign entity that is not a filing entity shall deliver a statement of withdrawal to the secretary of state for filing. The statement must be signed by the dissolved or converted entity and state:

- (1) in the case of a foreign entity that has completed winding up:
 - (A) its name and jurisdiction of formation; and
 - (B) that the foreign entity surrenders its registration to do business in Indiana; and
- (2) in the case of a foreign entity that has converted to a domestic



or foreign entity that is not a filing entity:

- (A) the name of the converting foreign entity and its jurisdiction of formation;
- (B) the type of entity other than a filing entity to which it has converted and its jurisdiction of formation;
- (C) that it surrenders its registration to do business in Indiana and revokes the authority of its registered agent to accept service on its behalf; and
- (D) a street ~~or electronic mail~~ address to which service of process may be made under subsection ~~(b)~~: **(c)**.

(b) A statement of withdrawal under this section may include an electronic mail address to which service of process may be made under subsection (c).

~~(b)~~ **(c)** After a withdrawal under this section is effective, service of process in any action or proceeding based on a cause of action arising during the time the foreign entity was registered to do business in Indiana may be made under IC 23-0.5-4-10.

SECTION 9. IC 23-0.5-6-2, AS AMENDED BY P.L.52-2018, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) If the secretary of state determines that one (1) or more grounds exist under section 1 of this chapter for administratively dissolving an entity, the secretary of state shall provide to the entity written notice of the determination unless the secretary of state:

- (1) receives a receipt showing failure of a previous attempt of service of process upon the entity's registered agent at the address of the registered office; and
- (2) determines that the secretary of state's office has no record of the filing entity's principal office address.

(b) If a domestic filing entity, not later than sixty (60) days after receiving the notice provided under subsection (a), does not cure or demonstrate to the satisfaction of the secretary of state the nonexistence of each ground determined by the secretary of state, the secretary of state shall administratively dissolve the entity by signing a certificate of administrative dissolution that recites the grounds for dissolution and the effective date of dissolution. The secretary of state shall file the certificate and provide to the entity a copy of the certificate.

(c) A domestic filing entity that is dissolved administratively continues its existence as the same type of entity but may not carry on any activities except:

- (1) to apply for reinstatement under section 3 of this chapter;**
- or**



(2) as necessary to wind up its activities and affairs and liquidate its assets in the manner provided in its organic law **as follows:**

(A) For corporations, under:

- (i) IC 6-8.1-10-9;
- (ii) IC 23-1-45-5;
- (iii) IC 23-1-45-6; and
- (iv) IC 23-1-45-7.

(B) For nonprofit corporations, under:

- (i) IC 6-8.1-10-9;
- (ii) IC 23-17-22-5;
- (iii) IC 23-17-22-6; and
- (iv) IC 23-17-22-7.

(C) For limited liability companies, under:

- (i) IC 23-18-9-4;
- (ii) IC 23-18-9-8; and
- (iii) IC 23-18-9-9.

(D) For limited partnerships, under:

- (i) IC 23-16-9-3; and
- (ii) IC 23-16-9-4.

(E) For limited liability partnerships, under:

- (i) IC 23-4-1-36; and
- (ii) IC 23-4-1-37.

or to apply for reinstatement under section 3 of this chapter.

(d) The administrative dissolution of a domestic filing entity does not terminate the authority of its registered agent.

SECTION 10. IC 23-0.6-2-5, AS AMENDED BY P.L.52-2018, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2019]: Sec. 5. (a) Articles of merger must be signed by each merging entity and delivered to the secretary of state for filing.

(b) Articles of merger must contain:

- (1) the name, jurisdiction of formation, and type of entity of each merging entity that is not the surviving entity;
- (2) the name, jurisdiction of formation, and type of entity of the surviving entity;
- (3) if the articles of merger are not effective upon filing, the later date and time on which the articles of merger will become effective, which may not be more than ninety (90) days after the date of filing;
- (4) a statement that the merger was approved by each domestic merging entity, if any, in accordance with this chapter and by each foreign merging entity, if any, in accordance with the law of its jurisdiction of formation;



(5) if the surviving entity is a domestic filing entity, any amendment to its public organic record approved as part of the plan of merger; and

(6) if the surviving entity is a foreign entity that is not a registered foreign entity, a mailing address ~~and an electronic mail address~~ to which the secretary of state may send any process served on the secretary of state under section 6(e) of this chapter.

(c) Articles of merger may contain an electronic mail address to which service of process may be made under section 6(e) of this chapter.

~~(c)~~ **(d)** In addition to the requirements of subsection (b), articles of merger may contain any other provision not prohibited by law.

~~(d)~~ **(e)** If the surviving entity is a domestic entity, its public organic record, if any, must satisfy the requirements of the law of Indiana, except that the public organic record does not need to be signed and may omit any provision that is not required to be included in a restatement of the public organic record.

~~(e)~~ **(f)** A plan of merger that is signed by all the merging entities and meets all the requirements of subsection (b) may be delivered to the secretary of state for filing instead of articles of merger and on filing has the same effect. If a plan of merger is filed as provided in this subsection, references in this article to articles of merger refer to the plan of merger filed under this subsection.

~~(f)~~ **(g)** Articles of merger are effective on the date and time of filing or the later date and time specified in the articles of merger.

~~(g)~~ **(h)** If the surviving entity is a domestic entity, the merger becomes effective when the articles of merger are effective. If the surviving entity is a foreign entity, the merger becomes effective on the later of:

- (1) the date and time provided by the organic law of the surviving entity; or
- (2) when the articles of merger are effective.

~~(h)~~ **(i)** The surviving entity resulting from a merger may, after the merger has become effective, file for record with the county recorder of each county in Indiana in which the entity has real property at the time of the merger, the title to which will be transferred by the merger, a file-stamped copy of the articles of merger. If the articles of merger set forth amendments to the articles of incorporation of the surviving corporation that change its entity name, a file-stamped copy of the articles of merger may be filed for record with the county recorder of each county in Indiana in which the surviving entity has any real property at the time the merger becomes effective. A failure to record



a copy of the articles of merger under this subsection does not affect the validity of the merger or the change in corporate name.

SECTION 11. IC 23-0.6-4-5, AS AMENDED BY P.L.52-2018, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2019]: Sec. 5. (a) Articles of conversion must be signed by the converting entity and delivered to the secretary of state for filing.

(b) Articles of conversion must contain:

- (1) the name, jurisdiction of organization, and type of the converting entity;
- (2) the name (which must satisfy the requirements of applicable law), jurisdiction of organization, and type of the converted entity;
- (3) if the articles of conversion are not to be effective upon filing, the later date and time on which it will become effective, which may not be more than ninety (90) days after the date of filing;
- (4) if the converting entity is a domestic entity, a statement that the plan of conversion was approved in accordance with this article or, if the converting entity is a foreign entity, a statement that the conversion was approved by the foreign entity in accordance with the law of its jurisdiction of formation;
- (5) if the converted entity is a domestic filing entity, its public organic record, as an attachment; and
- (6) if the converted entity is a foreign entity, a mailing address and an electronic mail address to which the secretary of state may send any process served on the secretary of state under section 6(e) of this chapter.

(c) Articles of conversion may contain an electronic mail address to which service of process may be made under section 6(e) of this chapter.

~~(c)~~ **(d)** In addition to the requirements of subsection (b), articles of conversion may contain any other provision not prohibited by law.

~~(d)~~ **(e)** If the converted entity is a domestic entity, its public organic record, if any, must satisfy the requirements of the law of this state, except that the public organic record does not need to be signed and may omit any provision that is not required to be included in a restatement of the public organic record.

~~(e)~~ **(f)** A plan of conversion that is signed by a domestic converting entity and meets all the requirements of subsection (b) may be delivered to the secretary of state for filing instead of articles of conversion and on filing has the same effect. If a plan of conversion is filed as provided in this subsection, references in this article to articles of conversion refer to the plan of conversion filed under this subsection.



(f) (g) Articles of conversion are effective upon the date and time of filing or the later date and time specified in the articles of conversion.

(g) (h) If the converted entity is a domestic entity, the conversion becomes effective when the articles of conversion are effective. If the converted entity is a foreign entity, the conversion becomes effective on the later of:

- (1) the date and time provided by the organic law of the converted entity; or
- (2) when the articles of conversion are effective.

SECTION 12. IC 23-0.6-5-5, AS AMENDED BY P.L.52-2018, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2019]: Sec. 5. (a) Articles of domestication must be signed by the domesticating entity and delivered to the secretary of state for filing.

(b) Articles of domestication must contain:

- (1) the name, jurisdiction of formation, and type of entity of the domesticating entity;
- (2) the name (which must satisfy the requirements of applicable law) and jurisdiction of formation of the domesticated entity;
- (3) if the articles of domestication are not to be effective upon filing, the later date and time on which the articles of domestication will become effective, which may not be more than ninety (90) days after the date of filing;
- (4) if the domesticating entity is a domestic entity, a statement that the plan of domestication was approved in accordance with this article or, if the domesticating entity is a foreign entity, a statement that the domestication was approved in accordance with the law of its jurisdiction of formation;
- (5) if the domesticated entity is a domestic filing entity, its public organic record, as an attachment; and
- (6) if the domesticated entity is a foreign entity that is not a registered foreign entity, a mailing address ~~and an electronic mail address~~ to which the secretary of state may send any process served on the secretary of state pursuant to section 6(e) of this chapter.

(c) Articles of domestication may contain an electronic mail address to which service of process may be made under section 6(e) of this chapter.

(e) (d) In addition to the requirements of subsection (b), articles of domestication may contain any other provision not prohibited by law.

(f) (e) If the domesticated entity is a domestic entity, its public organic record, if any, must satisfy the requirements of the law of this



state, but the public organic record does not need to be signed and may omit any provision that is not required to be included in a restatement of the public organic record.

(e) (f) A plan of domestication that is signed by a domesticating domestic entity and meets all the requirements of subsection (b) may be delivered to the secretary of state for filing instead of articles of domestication and on filing has the same effect. If a plan of domestication is filed as provided in this subsection, references in this article to articles of domestication refer to the plan of domestication filed under this subsection.

(f) (g) Articles of domestication are effective on the date and time of filing or the later date and time specified in the articles of domestication.

(g) (h) A domestication in which the domesticated entity is a domestic entity becomes effective when the articles of domestication are effective. A domestication in which the domesticated entity is a foreign entity becomes effective on the later of:

- (1) the date and time provided by the organic law of the domesticated entity; or
- (2) when the articles of domestication become effective."

Page 4, delete lines 1 through 22.

Page 5, line 34, delete "UPON PASSAGE]" and insert "JUNE 1, 2019]:".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1487 as printed February 15, 2019.)

HEAD, Chairperson

Committee Vote: Yeas 9, Nays 0.

