

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.

HOUSE ENROLLED ACT No. 1487

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

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

SECTION 1. IC 4-5-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The secretary of state may:

- (1) establish; and
- (2) modify;

at any time fees to provide electronic, **expedited**, and enhanced access to information maintained by the secretary of state.

SECTION 2. IC 4-5-10-5, AS AMENDED BY P.L.114-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The electronic and enhanced access fund is established to do the following:

- (1) Improve and enhance the technology necessary and desirable to fulfill the duties of the secretary of state and state agencies as provided in section 1 of this chapter.
- (2) Improve service to customers of the secretary of state and state agencies as provided in section 1 of this chapter.
- (3) Provide the public electronic and other enhanced access to information maintained by:
 - (A) the secretary of state under IC 23, **IC 24, or IC 26, or IC 33;** and
 - (B) the secretary of state and state agencies as provided in section 1 of this chapter.

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(4) Allow the public to conduct business electronically with the secretary of state and state agencies as provided in section 1 of this chapter.

(5) Acquire and finance technology necessary or desirable to accomplish the purposes stated in subdivisions (1) through (4), including the purchase or lease of hardware, software, and other appropriate goods and services.

The secretary of state may enter into one (1) or more agreements in furtherance of the purposes of this chapter.

(b) The fund consists solely of the following:

(1) Electronic and enhanced access fees established and collected by the secretary of state under section 2 of this chapter.

(2) Other money specifically provided to the fund by law.

Fees collected by the secretary of state under IC 23, **IC 24, or IC 26, or IC 33** may not be deposited into the fund.

(c) The secretary of state shall administer the fund.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) The secretary of state may use money in the fund to pay expenses related to the purposes of the fund as set forth in section 5 of the chapter, to make payments under any agreement authorized by subsection (a) or authorized by law and directly relating to the purpose of the fund, and monies in the fund are continuously appropriated for the purposes set forth in this chapter.

(g) Money in the fund not currently needed to meet the obligations of the fund may be invested by either of the following:

(1) The treasurer of state in the same manner as other public funds may be invested.

(2) A financial institution designated by trust agreement with the secretary of state.

Interest that accrues from investment of money in the fund shall be deposited into the fund.

SECTION 3. IC 8-1-26.5-7 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 7. ~~In an entity filing required or permitted under IC 23-0.5, a filing entity that is a contractor must include a statement, signed by or on behalf of a person authorized to sign the filing, that the filing entity and its employees will comply with IC 8-1-26. An entity filing, including a biennial report filed under IC 23-0.5-2-13, that is submitted to the secretary of state before July 1, 2018, shall be:~~

~~(1) corrected in the manner prescribed by IC 23-0.5-2-5 to include~~



the statement required by this section; and
 (2) delivered to the secretary of state;
 before the filing entity to whom the entity filing applies may commence a new excavation or demolition described in IC 8-1-26.

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

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;
- (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.

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.

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

~~(d)~~ (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.

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

- (1) good will of the business in which the mark is used; or
- (2) part of the good will of the business:
 - (A) connected with the use of the mark; and



(B) symbolized by the mark.

(b) An assignment:

- (1) must be made by an instrument in writing duly executed; and
- (2) may be **electronically** recorded with the secretary upon the payment of a recording fee to the secretary.

(c) The secretary, after recording an assignment, shall issue in the name of the assignee a new certificate of registration for the remainder of the term of the:

- (1) registration; or
- (2) most recent renewal of the registration.

(d) An assignment of a registration under this chapter is void against a subsequent purchaser for valuable consideration without notice unless the assignment is recorded with the secretary not more than three (3) months:

- (1) after the date of the assignment; or
- (2) before the subsequent purchase.

SECTION 14. IC 26-1-1-108.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 108.1. (a) The secretary of state may provide that a document required to be filed under this article with the secretary of state may be filed by ~~telecopy, facsimile, or other form of~~ electronic transmission meeting the requirements established by the secretary of state.

(b) The secretary of state may accept payment of a filing fee for a document filed by electronic transmission by credit card, debit card, charge card, or similar method. However, if the filing fee is paid by credit card, debit card, charge card, or similar method, the liability is not finally discharged until the secretary of state receives payment or credit from the institution responsible for making the payment or credit.

(c) The secretary of state may contract with a bank or credit card vendor for acceptance of bank or credit cards. However, if there is a vendor transaction charge or discount fee, whether billed to the secretary of state or charged directly to the secretary of state's account, the secretary of state or the credit card vendor may collect from the person using the bank or credit card a fee that may not exceed the highest transaction charge or discount fee charged to the secretary of state by the bank or credit card vendor during the most recent collection period. The fee may be collected regardless of any agreement between the bank and a credit card vendor or regardless of any internal policy of the credit card vendor that may prohibit this type of fee. The fee is a permitted additional charge under IC 24-4.5-3-202.

SECTION 15. IC 26-1-1.5-1, AS AMENDED BY P.L.54-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: Sec. 1. ~~The forms~~ **A format described** in IC 26-1-9.1-521 may be used for filings under IC 26-1.

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

(1) approved by the International Association of Commercial Administrators; or

(2) adopted by rule by the secretary of state under IC 26-1-9.1-526.

UCC FINANCING STATEMENT
FOLLOW INSTRUCTIONS

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

B. E-MAIL CONTACT AT FILER (optional)

C. SEND ACKNOWLEDGMENT TO: (Name and Address)

THE ABOVE SPACE IS FOR
FILING OFFICE USE ONLY

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

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

1a. ORGANIZATION'S NAME

OR

1b. INDIVIDUAL'S SURNAME FIRST PERSONAL
NAME

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

PART OF THE NAME OF THIS DEBTOR SUFFIX

1c. MAILING ADDRESS

CITY

STATE

POSTAL CODE

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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 F I R S T
PERSONAL NAME

ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

3c. MAILING ADDRESS

CITY STATE POSTAL CODE
COUNTRY



4. COLLATERAL: This financing statement covers the following collateral:

5. Check only if applicable and check only one box:
 Collateral is ☐ held in a Trust (see Instructions)

☐ being administered by a Decedent's Personal Representative.

6a. Check only if applicable and check only one box:
☐ Public-Finance Transaction ☐ Manufactured-Home Transaction
☐ A Debtor is a Transmitting Utility

6b. Check only if applicable and check only one box:
☐ Agricultural Lien ☐ Non-UCC Filing

7. ALTERNATIVE DESIGNATION (if applicable): ☐ Lessee/Lessor
☐ Consignee/Consignor ☐ Seller/Buyer ☐ Bailee/Bailor ☐ Licensee/Licensor

8. OPTIONAL FILER REFERENCE DATA

[UCC FINANCING STATEMENT (Form UCC1)]

UCC FINANCING STATEMENT ADDENDUM

FOLLOW INSTRUCTIONS

9. NAME OF FIRST DEBTOR (same as item 1a or 1b on Financing Statement)

9a. ORGANIZATION'S NAME

OR

9b. INDIVIDUAL'S SURNAME

FIRST PERSONAL NAME

ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

THE ABOVE SPACE IS FOR
 FILING OFFICE USE ONLY

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

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10a. ORGANIZATION'S NAME

OR

10b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

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

10c. MAILING ADDRESS

CITY STATE POSTAL CODE
 COUNTRY

11. ☐ ADDITIONAL SECURED PARTY'S
 NAME or ☐ ASSIGNOR SECURED

PARTY'S NAME = provide only one name (11a or 11b)

11a. ORGANIZATION'S NAME

OR

11b. INDIVIDUAL'S SURNAME FIRST
 PERSONAL NAME

ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

11c. MAILING ADDRESS

CITY STATE POSTAL CODE
 COUNTRY

12. ADDITIONAL SPACE FOR ITEM 4
 (Collateral)

13. ☐ This FINANCING STATEMENT is to

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be filed [for record] (or recorded) in the

REAL ESTATE RECORDS (if applicable)

14. This FINANCING STATEMENT:

☐ covers timber to be cut ☐ covers as-extracted collateral ☐ is filed as a fixture filing

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

16. Description of real estate:

17. MISCELLANEOUS:

{UCC FINANCING STATEMENT ADDENDUM (Form UCC1Ad)}

(b) A filing office that accepts written records may not refuse to accept a written record in the following form and format except for a reason described in IC 26-1-9.1-516(b):

UCC FINANCING STATEMENT AMENDMENT
FOLLOW INSTRUCTIONS

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

B. E-MAIL CONTACT AT FILER (optional)

C. SEND ACKNOWLEDGMENT TO: (Name and Address)

THE ABOVE SPACE IS FOR
FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE NUMBER

1b. ☐ This FINANCING STATEMENT AMENDMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS.

Filer: attach Amendment Addendum (Form UCC3Ad) and provide Debtor's name in item 13:

2. ☐ TERMINATION: Effectiveness of the Financing Statement identified above is

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terminated with respect to the security interest(s) of

Secured Party authorizing this Termination Statement

3. ☐ ASSIGNMENT (full or partial): Provide name of Assignee in item 7a or 7b; and

address of Assignee in item 7c and name of Assignor in item 9: For partial assignment,

complete items 7 and 9 and also indicate affected collateral in item 8

4. ☐ CONTINUATION: Effectiveness of the Financing Statement identified above with

respect to the security interest(s) of Secured

Party authorizing this Continuation Statement is continued for the additional period

provided by applicable law

5. ☐ PARTY INFORMATION CHANGE:

Check one of these two boxes:

This Change affects ☐ Debtor or ☐ Secured Party of record:

AND

Check one of these three boxes to:

☐ CHANGE name and/or address: Complete item 6a or 6b; and item 7a or 7b and item

7c:

☐ ADD name: Complete item 7a or 7b; and item 7c:

☐ DELETE name: Give record name to be deleted in item 6a or 6b:

6. CURRENT RECORD INFORMATION: Complete for Party Information Change -

provide only one name (6a or 6b) (use exact, full name; do not omit, modify, or

abbreviate any word in the Debtor's name)

6a. ORGANIZATION'S NAME

OR

6b. INDIVIDUAL'S SURNAME

FIRST PERSONAL NAME

ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

7. CHANGED OR ADDED INFORMATION: Complete for Assignment or Party

Information Change - provide only one name (7a or 7b) (use exact full name; do not



omit, modify, or abbreviate any word in the Debtor's name)

7a. ORGANIZATION'S NAME

OR

7b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

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

7c. MAILING ADDRESS

CITY STATE POSTAL CODE
COUNTRY

8. ☐ COLLATERAL CHANGE:

Also check one of these four boxes:

☐ ADD collateral ☐ DELETE collateral ☐ RESTATE covered collateral

☐ ASSIGN collateral

Indicate collateral:

9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT

= provide only one name (9a or 9b) (name of Assignor; if this is an Assignment)

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

9a. ORGANIZATION'S NAME

OR

9b. INDIVIDUAL'S SURNAME

ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

10. OPTIONAL FILER REFERENCE DATA

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[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
 FOR ITEM 8 (Collateral)

15. This FINANCING

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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~~ dollars (~~\$8~~) if the record is communicated in writing;
~~including by facsimile~~; and consists of ~~more than two (2) pages~~;
 and

~~(3)~~ (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.

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

~~(c)~~ (d) The fee for responding to a request for information from the
 filing office, including for issuing a certificate showing whether there



is on file any financing statement naming a particular debtor, is:

- (1) five dollars (\$5) if the request is communicated in writing;
~~including by facsimile;~~ and
- (2) no **statutory** fee if the request is communicated electronically.

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

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

- (1) The certificate must be completed contemporaneously with the performance of the notarial act.
- (2) The certificate must be signed and dated by the notarial officer. If the notarial officer is a notary public, the certificate must be signed in the manner on file with the secretary of state for the specific notary public.
- (3) The certificate must identify the jurisdiction in which the notarial act is performed.
- (4) The certificate must display the title of the notarial officer.
- (5) If the notarial officer is a notary public, the certificate must display:
 - (A) the expiration date of the notary public's commission; and
 - (B) **either of the following:**
 - (i) **The Indiana** county of the notary public's commission.
 - (ii) **If the notary public is not a resident of Indiana but is primarily employed in Indiana, the Indiana county where the notary public is primarily employed.**

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

- (1) affix, display, or emboss the notary's official seal; and
- (2) print or type the notary public's name underneath the notary public's signature on a certificate of acknowledgment, jurat, or other official record unless the name of the notary public:
 - (A) appears in printed form on the record; or
 - (B) appears as part of the notary public's seal; and

is legible when the record is photocopied.



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

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

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

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

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

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

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

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

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

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

- (1) The certificate must be completed contemporaneously with the performance of the notarial act.
- (2) The certificate must be signed and dated by the notarial officer. If the notarial officer is a notary public, the certificate must be signed in the manner on file with the secretary of state for the specific notary public.
- (3) The certificate must identify the jurisdiction in which the notarial act is performed as follows:

- (A) For a notarial act that is not a remote notarial act, the county and state in which the principal appears before the



notarial officer.

(B) For a remote notarial act, the information required by IC 33-42-17-7(a)(3).

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

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

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

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

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

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

(b) A notary public who performs a notarial act on a tangible record shall:

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

(2) print or type the notary public's name underneath the notary public's signature on a certificate of acknowledgment, jurat, or other official record unless the name of the notary public:

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

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

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

(d) If a notarial act is performed on an electronic record by a notary public:

(1) the electronic notarial certificate must contain the information described in subsection (a)(2) through (a)(5); and

(2) the notary public's electronic seal must be attached to or associated with the electronic notarial certificate.

(e) If a notarial act is performed on an electronic record by a notarial officer other than a notary public:

(1) the electronic notarial certificate must contain the information described in subsection (a)(2) through (a)(4); and

(2) the notarial officer's official seal must be attached to or associated with the electronic notarial certificate.

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

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



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

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

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

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

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

(j) An official:

(1) certificate of a notarial act bearing a notarial officer's official seal; or

(2) electronic notarial certificate bearing a notarial officer's electronic seal;

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

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

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

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

(1) a course of education; and

(2) an examination.

~~administered by the secretary of state.~~

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

SECTION 21. IC 33-42-13-3, AS ADDED BY P.L.128-2017, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A commission as a notary public does not allow a person to perform the following:

(1) Provide legal advice or otherwise practice law.

(2) Act as an immigration consultant or provide advice on



immigration matters.

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

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

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

(A) adjudicated mentally incompetent; or

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

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

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

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

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

(10) Perform a notarial act for:

(A) oneself;

(B) one's spouse; or

(C) any party;

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

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

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

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

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

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

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

(f) If size or space restrictions make it impossible for the disclaimer to be incorporated into an advertisement, the disclaimer described in



subsection (d) shall be prominently displayed at the site of the notarial service. A display described in this subsection must be shown before the performance of a notarial act.

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

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

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

(j) The secretary of state may:

- (1) investigate any violation of this chapter by a notary public; and
- (2) revoke the commission of a notary public as described in section 1 of this chapter.

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

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

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

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

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

- (1) Provide legal advice or otherwise practice law.
- (2) Act as an immigration consultant or provide advice on immigration matters.
- (3) Represent a person in an administrative or judicial proceeding related to citizenship or immigration.
- (4) Use an initial or name, other than the initial or name under which the notary public has been commissioned, to sign an acknowledgment.
- (5) Take an acknowledgment or administer an oath to any person the notary public knows at the time to be:
 - (A) adjudicated mentally incompetent; or



- (B) under a guardianship described in IC 29-3.
- (6) Take an acknowledgment from any person who is blind without first reading the record to the person who is blind.
- (7) Take the acknowledgment of any person who does not speak or understand the English language unless the nature and effect of the record is translated into a language the person speaks or understands.
- (8) Take the acknowledgment of a record without witnessing a signature or receiving an acknowledgment from the principal that the signature is authentic.
- (9) Take a verification of an affidavit or oath in the absence of an affirmation of truth by the affiant.
- (10) Perform a notarial act for:
 - (A) oneself;
 - (B) one's spouse; or
 - (C) any party;
 that may directly benefit ~~any a~~ person described in ~~clauses~~ **clause** (A) ~~through (C)~~ **or (B)**.
- (b) A notary public may not engage in false or deceptive advertising.
- (c) A notary public, other than an attorney licensed to practice law in Indiana, may not use the term "notario" or "notario publico".
- (d) Except as provided in subsection (g), a notary public may not advertise or represent that the notary public can draft legal documents, provide legal advice, or otherwise practice law. Any notary public who advertises notarial services shall include the following statement in each advertisement:

"I am not an attorney licensed to practice law in Indiana. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities."
- (e) The statement described in subsection (d) shall be translated into every language used in an advertisement.
- (f) If size or space restrictions make it impossible for the statement to be incorporated into an advertisement, the statement described in subsection (d) shall be prominently displayed at the site where the notarial act is performed. A display described in this subsection must be shown before the performance of a notarial act.
- (g) Subsections (c) through (f) do not apply to a notary public who is licensed to practice law in Indiana.
- (h) Unless otherwise permitted by law, a notary public may not withhold access to or possession of an original record provided by a person seeking the performance of a notarial act by a notary public.
- (i) A notary public who violates this chapter may have the notary



public's commission revoked by a judge with jurisdiction in the county in which the notary public resides or is primarily employed.

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

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

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

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

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

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

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

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

(d) Notarial acts that:

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

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

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

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

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

may not charge for services as a notary public in connection with any official business of that office or any other office belonging to the governmental unit in which the person serves.

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



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

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

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

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

(d) Notarial acts that:

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

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

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

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

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

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

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

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

- (1) An adoption.
- (2) A birth certificate **issued by the state of Indiana.**
- (3) A death certificate **issued by the state of Indiana.**
- (4) A student:
 - (A) transcript; or**



(B) diploma;

issued by an academic institution domiciled in Indiana and attested to in a notarial act by the academic institution's registrar or equivalent official.

(5) A document prepared by the secretary of state.

(b) A fee collected under subsection (a) is nonrefundable.

SECTION 26. IC 33-42-16-2, AS AMENDED BY P.L.59-2018, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The secretary of state shall adopt rules under IC 4-22-2 to implement this article, including rules to do the following:

(1) Prescribe the process for conditioning, denying, granting, renewing, revoking, or suspending the following:

(A) A commission as a notary public.

(B) A remote notary public registration.

(2) Prescribe standards to ensure the trustworthiness of individuals applying for or in possession of the following:

(A) A commission as a notary public.

(B) A remote notary public registration.

(3) Establish processes for accepting and approving assurances.

(4) Prescribe the manner by which notarial acts are performed with respect to tangible records and electronic records.

(5) Ensure that a change to or tampering with a record bearing an electronic notarial certificate is self-evident.

(6) Specify requirements to ensure the secure creation, storage, transmission, and authentication of electronic records, electronic seals, and electronic signatures.

(7) Establish standards for approval of the following for use in Indiana:

(A) Audio visual communication technology.

(B) Identity proofing.

(C) Credential analysis.

(D) Dynamic knowledge based authentication.

(E) Biometrics.

(F) Other methods of identification.

(8) Establish standards related to electronic notarial certificates.

(b) When adopting, amending, or repealing rules governing electronic records or remote notarial acts, the secretary of state shall consider the following:

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



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

(3) Actions of other governmental entities and officials.

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

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

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

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

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

(1) The notary public's name.

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

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

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

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

SECTION 28. 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.

SECTION 29. IC 33-42-17-2, AS ADDED BY P.L.59-2018, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 2. (a) A notary public may perform a remote notarial act only after registering as a remote notary public with the secretary of state.**

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



- (1) holds a current commission as a notary public in Indiana;
- (2) complies with the continuing education requirements described in IC 33-42-12-2, and prescribed under IC 33-42-16-2;
- (3) is able to competently:

- (A) operate audiovisual communication technology; and
 - (B) use identity proofing and credential analysis technology;
- and**

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

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

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

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

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

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

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

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

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

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

- (1) Taking an acknowledgment.
- (2) Administering an affirmation or oath.
- (3) Taking a verification on an oath or affirmation.
- (4) Attesting to or witnessing a signature.
- (5) Attesting to or certifying a copy of a document or record.

(c) A remote notary public may use audiovisual communication



technology in performance of a remote notarial act described in subsection (b) if the remote notary public has first:

- (1) selected an audiovisual communication technology that has been approved by the secretary of state under rules adopted under IC 4-22-2; and
- (2) notified the secretary of state of the selection.
- (d) Subject to subsection (e), a remote notarial act performed:
 - (1) by a remote notary public commissioned in Indiana; and
 - (2) using audiovisual communication technology described in subsection (c);

is considered to have been performed in Indiana, regardless of the physical location of the principal at the time the remote notarial act is performed, and is governed by Indiana law.

(e) A remote notary public may perform a remote notarial act using audiovisual communication technology described in subsection (c) for a principal that is present:

- (1) in Indiana;
- (2) outside Indiana, but within the United States; or
- (3) outside the United States if:
 - (A) the requested notarial act is not prohibited in the jurisdiction where the principal is present at the time of the remote notarial act; and
 - (B) the remote notarial act concerns a matter that:
 - (i) is before a court, a governmental entity, or another entity in;
 - (ii) concerns a property located in; or
 - (iii) relates to a transaction substantially connected to a territory or jurisdiction of;

the United States.

(f) A remote notarial act that is performed using audiovisual communication technology described in subsection (c) must be captured by an audiovisual recording, regardless of whether the requested remote notarial act is completed.

(g) Before performing a remote notarial act described in subsections (b) and (c), a remote notary public shall inform the participating parties that the remote notarial act will be captured by an audiovisual recording.

(h) An audiovisual recording of a remote notarial act must include the following:

- (1) A recitation of the following by the remote notary public:
 - (A) Identifying information sufficient to identify the specific remote notarial act performed.



(B) A statement explaining one (1) of the following:

- (i) That the principal's identity is authenticated through the remote notary public's personal knowledge of the principal's identity.
- (ii) That the identity of the principal is authenticated by a credible witness.

(2) A confirmation by the principal that the principal's electronic signature is freely and voluntarily issued.

(i) Regardless of the physical location of the principal at the time of the notarial act, the validity of a remote ~~notarization~~ **notarial act** performed by a remote notary public commissioned in Indiana must be determined under the laws of this state.

SECTION 31. IC 33-42-17-6, AS ADDED BY P.L.59-2018, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) Technology used by a remote notary public for use in performing remote notarial acts must first be approved by the secretary of state.

(b) The secretary of state may approve technology described in subsection (a) only if the:

(1) technology:

- (A) is tamper evident;
- (B) allows a remote notarial act to be completed in accordance with this article;
- (C) conforms to rules adopted by the secretary of state under IC 4-22-2; and
- (D) if the technology is to be used for a remote notarial act described in section 4(a) of this chapter, allows for audiovisual communication between the parties; and

(2) vendor of the technology described in subdivision (1):

- (A) uses a ~~traditional or cloud based~~ backup strategy that is acceptable to the secretary of state for use as a record keeper for any record that is related to a remote notarial act; and
- (B) signs an agreement with the owner of the backup strategy described in clause (A) that, in the event that the vendor ceases business operations, the owner is required to release to the secretary of state any record described in clause (A).

(c) A remote notary public:

- (1) may select one (1) or more technologies approved by the secretary of state under this section to perform remote notarial acts; and
- (2) may not be required to use a particular technology not previously selected by the remote notary public.



(d) A remote notary public shall do the following:

- (1) Take reasonable steps to ensure that audiovisual technology used in a remote notarial act is secure from unauthorized interception.
- (2) Not later than thirty (30) days after the change occurs, notify the secretary of state of any change in technology used by the remote notary public to perform remote notarial acts.

SECTION 32. IC 33-42-17-8, AS ADDED BY P.L.59-2018, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) A remote notary public who performs a remote notarial act shall personally do the following:

- (1) Enter each remote notarial act in an electronic journal.
- (2) Maintain the electronic journal.
- (3) Keep the electronic journal in the exclusive control of the remote notary public.
- (4) Use commercially reasonable means to prevent unauthorized access to the electronic journal.
- (5) Provide for the lawful copying and inspection of the electronic journal.

(b) An employer may not perform the responsibilities described in subsection (a) on behalf of a remote notary public.

(c) A remote notary public may maintain more than one (1) electronic journal.

(d) The following apply to an electronic journal:

- (1) Access to the information contained in the electronic journal must be contingent upon the use of a password or other secure means of authentication.
- (2) It must be possible to print or produce a tangible record of any entry logged in the electronic journal.

(e) A journal entry for each remote notarial act must consist of the following:

- (1) The date and time of the remote notarial act.
- (2) The type of remote notarial act.
- (3) A title or description of the electronic record for each remote notarial act.
- (4) The full name of the principal.
- (5) A description of the manner by which the identity of the principal was authenticated or verified.
- (6) A description of any credential and the credential's corresponding date of expiration used to authenticate or verify the identity of the principal.
- (7) A listing of:



(A) every type of fee; and

(B) every fee amount;

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

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

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

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

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

SECTION 33. 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.

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

(1) where the plaintiff resides; or

(2) where the accident or collision occurred;

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

SECTION 35. IC 34-33-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. If a defendant refuses to accept or claim registered mail, the secretary of state shall return the registered mail to the plaintiff or to the plaintiff's attorney. The mail shall be appended to the original process, together with an



affidavit of the plaintiff or of the attorney or agent that the summons was delivered to the secretary of state ~~together with a fee of five dollars (\$5)~~, in accordance with Trial Rule 4.10 of the Indiana Rules of Trial Procedure, together with the fee set forth in IC 23-0.5-9-56, and was returned unclaimed by the United States Postal Service. The affidavit, together with the returned envelope including the summons, is considered sufficient service upon the defendant.

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

- (1) IC 33-42-9-12, as added by P.L.128-2017, SECTION 18, as amended by this act.
- (2) IC 33-42-13-3, as added by P.L.128-2017, SECTION 21, as amended by this act.
- (3) IC 33-42-14-1, as added by P.L.128-2017, SECTION 22, as amended by this act.

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

- (1) IC 33-42-9-12, as added by P.L.128-2017, SECTION 18, and as amended by P.L.59-2018, SECTION 52, as amended by this act.
- (2) IC 33-42-13-3, as added by P.L.128-2017, SECTION 21, and as amended by P.L.59-2018, SECTION 58, as amended by this act.
- (3) IC 33-42-14-1, as added by P.L.128-2017, SECTION 22, and as amended by P.L.59-2018, SECTION 60, as amended by this act.

(c) This SECTION expires July 1, 2020.

SECTION 37. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1487 — Concur

