

IC 24-7-9

Chapter 9. Violations; Civil Damages

IC 24-7-9-1

False or inaccurate information in agreements or disclosures; offense

Sec. 1. A lessor who knowingly gives false or inaccurate information in a rental purchase agreement or a written disclosure required under this article commits a Class C misdemeanor.

As added by P.L.254-1987, SEC.1.

IC 24-7-9-2

Failure to provide required information; offense

Sec. 2. A lessor who knowingly fails to provide information that the lessor is required to disclose to a lessee or provide to the department under this article commits a Class C misdemeanor.

As added by P.L.254-1987, SEC.1. Amended by P.L.172-1997, SEC.16.

IC 24-7-9-3

Unauthorized or excessive charges; offense

Sec. 3. A lessor who knowingly makes a charge under a rental purchase agreement that:

- (1) is not authorized under this article; or
- (2) exceeds the amount authorized under this article;

commits a Class C misdemeanor.

As added by P.L.254-1987, SEC.1.

IC 24-7-9-4

Civil damages recoverable by lessee

Sec. 4. (a) If a lessor violates this article and a lessee who is a party to the agreement prevails in the proceeding, the lessee may:

- (1) recover from the lessor committing the violation; or
- (2) set off in a counterclaim in any action by the lessor committing the violation;

the amounts described in subsection (b).

(b) The lessee in an action described in subsection (a) may recover all of the following:

- (1) Reasonable attorney's fees, as determined by the court.
- (2) Court costs.
- (3) The greater of:
 - (A) the actual damages incurred by the lessee as a result of the violation;
 - (B) three hundred dollars (\$300); or
 - (C) twenty-five percent (25%) of the total rental payments necessary to acquire ownership of the property leased under the agreement.

As added by P.L.254-1987, SEC.1.

IC 24-7-9-5

Defenses; clerical error and correction

Sec. 5. It is a defense in a criminal proceeding under sections 1 through 3 of this chapter or a civil proceeding under section 4 of this chapter that the lessor or an assignee of a lessor:

- (1) failed to comply with this article as a result of a bona fide clerical error; and
- (2) corrected the error after the date of execution of the rental purchase agreement.

As added by P.L.254-1987, SEC.1.

IC 24-7-9-6

Defense; compliance with rules

Sec. 6. It is a defense in a criminal proceeding under sections 1 through 3 of this chapter or a civil proceeding under section 4 of this chapter that the lessor complied with a rule adopted by the department.

As added by P.L.254-1987, SEC.1. Amended by P.L.172-1997, SEC.17.

IC 24-7-9-7

Limitation of actions

Sec. 7. Notwithstanding any other law, an action to recover the amounts described in section 4 of this chapter must be commenced within one (1) year after the action accrues.

As added by P.L.254-1987, SEC.1.