

IC 24-4.7-5

Chapter 5. Civil Remedies

IC 24-4.7-5-0.1

Application of certain amendments to chapter

Sec. 0.1. The amendments made to section 1 of this chapter by P.L.222-2005 apply only to a contract entered into or renewed after July 1, 2005.

As added by P.L.220-2011, SEC.393.

IC 24-4.7-5-1

Deceptive acts; state contractors

Sec. 1. A telephone solicitor, a supplier, or a caller who fails to comply with any provision of IC 24-4.7-4 commits a deceptive act that is actionable by the attorney general under this chapter. In addition, a contractor who contracts or seeks to contract with the state:

(1) may be prohibited from contracting with the state; or

(2) may have an existing contract with the state voided;

if the contractor, an affiliate or principal of the contractor, or any agent acting on behalf of the contractor or an affiliate or principal of the contractor does not or has not complied with the terms of this article, even if this article is preempted by federal law.

As added by P.L.189-2001, SEC.1. Amended by P.L.165-2005, SEC.5 and P.L.222-2005, SEC.32; P.L.61-2014, SEC.6.

IC 24-4.7-5-2

Remedies

Sec. 2. In an action under this chapter, the attorney general may obtain any or all of the following:

(1) An injunction to enjoin future violations of IC 24-4.7-4.

(2) A civil penalty of not more than the following:

(A) Ten thousand dollars (\$10,000) for the first violation of IC 24-4.7-4.

(B) Twenty-five thousand (\$25,000) dollars for each violation after the first violation.

For purposes of this subdivision, each telephone call in violation of IC 24-4.7-4-1 is considered a separate violation.

(3) All money the defendant obtained through violation of IC 24-4.7-4.

(4) The attorney general's reasonable costs in:

(A) the investigation of the deceptive act; and

(B) maintaining the action.

(5) Reasonable attorney's fees.

(6) Costs of the action.

As added by P.L.189-2001, SEC.1.

IC 24-4.7-5-3

Voidable contracts

Sec. 3. In an action under this chapter, the court may void or limit the application of contracts or clauses resulting from deceptive acts and order restitution to be paid to an aggrieved consumer.

As added by P.L.189-2001, SEC.1.

IC 24-4.7-5-4**Statute of limitations**

Sec. 4. An action brought under this chapter may not be brought more than two (2) years after the occurrence of the deceptive act.

As added by P.L.189-2001, SEC.1.

IC 24-4.7-5-5**Jurisdiction**

Sec. 5. An action under this chapter may be brought in the circuit or superior court of Marion County.

As added by P.L.189-2001, SEC.1.

IC 24-4.7-5-6**Representation of state**

Sec. 6. The attorney general may employ counsel to represent the state in an action under this chapter.

As added by P.L.189-2001, SEC.1.