



January 25, 2024

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## HOUSE BILL No. 1068

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DIGEST OF HB 1068 (Updated January 24, 2024 10:30 am - DI 151)

**Citations Affected:** IC 24-5; IC 25-34.1; IC 32-21.

**Synopsis:** Unlicensed real estate solicitors. Defines an "unlicensed real estate solicitor". Requires an unlicensed real estate solicitor to include a specific disclosure on all solicitations promoting the unlicensed real estate solicitor's intent to purchase a residential, single-family home. Provides requirements for listing agreements and buyer agency agreements. Provides remedies to a homeowner that enters into an agreement with an unlicensed real estate solicitor. Provides that it is a deceptive act enforceable by the attorney general for an unlicensed real estate solicitor to solicit the sale or purchase of real estate without the required disclosure.

**Effective:** July 1, 2024.

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### Clere, Jeter, Torr, Garcia Wilburn

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January 8, 2024, read first time and referred to Committee on Judiciary.  
January 25, 2024, amended, reported — Do Pass.

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HB 1068—LS 6592/DI 106





January 25, 2024

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

## HOUSE BILL No. 1068

A BILL FOR AN ACT to amend the Indiana Code concerning property.

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

1 SECTION 1. IC 24-5-0.5-11 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2024]: **Sec. 11. (a) It is a deceptive act for an unlicensed real**  
4 **estate solicitor (as defined in IC 32-21-16.5-3) to solicit the sale or**  
5 **purchase of real estate without the disclosure required under**  
6 **IC 32-21-16.5-4.**

7 **(b) The attorney general shall enforce this section in the same**  
8 **manner as any other deceptive act under this chapter.**

9 SECTION 2. IC 25-34.1-12 IS ADDED TO THE INDIANA CODE  
10 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2024]:

12 **Chapter 12. Real Estate Agreements**

13 **Sec. 1. Listing agreements, or any authority to sell, shall show**  
14 **a definite date of expiration and shall be in writing, either on paper**  
15 **or in electronic format, with one (1) copy to go to the owner within**  
16 **three (3) business days of the time of signing. The original and all**  
17 **electronic files shall be retained in the office of the listing broker.**

HB 1068—LS 6592/DI 106



1           **Sec. 2. Buyer agency agreements, or any authority to represent**  
2 **a buyer, shall show a definite date of expiration and shall be in**  
3 **writing, either on paper or in electronic format, with one (1) copy**  
4 **to go to the buyer within three (3) business days of the time of**  
5 **signing. The original and all electronic files shall be retained in the**  
6 **office of the selling broker.**

7           SECTION 3. IC 32-21-16.5 IS ADDED TO THE INDIANA CODE  
8 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2024]:

10           **Chapter 16.5. Solicitation of Real Estate Sale or Purchase by an**  
11 **Unlicensed Real Estate Solicitor**

12           **Sec. 1. This chapter applies only to an agreement entered into**  
13 **or renewed after June 30, 2024.**

14           **Sec. 2. As used in this chapter, "solicitation" includes all**  
15 **methods of print, electronic, or broadcast solicitation, including:**

- 16           (1) televised advertisement;
- 17           (2) radio broadcast;
- 18           (3) newspaper or magazine advertisement;
- 19           (4) billboard;
- 20           (5) postcards or other mailer;
- 21           (6) yard signs;
- 22           (7) website;
- 23           (8) electronic mail, text message, or other means of electronic
- 24           communication;
- 25           (9) telephone call;
- 26           (10) social media; and
- 27           (11) any other print or electronic method.

28           **Sec. 3. As used in this chapter, "unlicensed real estate solicitor"**  
29 **refers to a person that does not have a valid real estate license**  
30 **under IC 25-34.1-3. The term does not include a:**

- 31           (1) home builder;
- 32           (2) nonprofit organization exempt from federal income
- 33           taxation under Section 501(c)(3) of the Internal Revenue
- 34           Code;
- 35           (3) governmental entity; or
- 36           (4) person described under IC 25-34.1-3-2(b).

37           **Sec. 4. (a) An unlicensed real estate solicitor may not solicit the**  
38 **sale or purchase of a residential, single-family home unless the**  
39 **solicitation includes the following disclosure:**

40           **"Before responding to a solicitation or entering into an**  
41 **agreement, a homeowner is advised to seek the advice of a**  
42 **licensed attorney, real estate broker, or real estate appraiser.**



- 1           Home values can change quickly and your home may be  
2           worth more than you think."
- 3           **(b) The disclosure required under subsection (a) must meet the**  
4           **following requirements:**
- 5           **(1) The disclosure must be included in all solicitations made**  
6           **by or on behalf of an unlicensed real estate solicitor for the**  
7           **purpose of soliciting the sale or purchase of a residential,**  
8           **single-family home.**
- 9           **(2) If the solicitation is in writing, the disclosure must be**  
10           **printed in a font of prominent size and color, relative to the**  
11           **font in which the solicitation is printed.**
- 12           **(3) If the solicitation is made aurally, the disclosure must be**  
13           **made clearly and audibly, relative to the clarity and audibility**  
14           **of the audio of the solicitation.**
- 15           **(4) The disclosure must include the legal name of the**  
16           **unlicensed real estate solicitor and the legal name of the**  
17           **person that is expected to purchase the residential,**  
18           **single-family home if the expected purchaser is not the**  
19           **unlicensed real estate solicitor.**
- 20           **Sec. 5. Before an unlicensed real estate solicitor enters into a**  
21           **written agreement with a homeowner, the unlicensed real estate**  
22           **solicitor shall inform the homeowner as to whether any**  
23           **information provided in the disclosure required under section 4 of**  
24           **this chapter has changed.**
- 25           **Sec. 6. (a) Within five (5) days of entering into an agreement**  
26           **with an unlicensed real estate solicitor, a homeowner may nullify**  
27           **the agreement by delivering a written rescission to the unlicensed**  
28           **real estate solicitor or the unlicensed real estate solicitor's agent,**  
29           **if any.**
- 30           **(b) A homeowner is not liable for nullifying an agreement under**  
31           **this section.**
- 32           **(c) In addition to any other legal or administrative remedies**  
33           **available to an owner, a violation of this chapter is a deceptive act**  
34           **that may be enforced by the attorney general under IC 24-5-0.5-11.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1068, 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 1, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 2. IC 25-34.1-12 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

**Chapter 12. Real Estate Agreements**

**Sec. 1. Listing agreements, or any authority to sell, shall show a definite date of expiration and shall be in writing, either on paper or in electronic format, with one (1) copy to go to the owner within three (3) business days of the time of signing. The original and all electronic files shall be retained in the office of the listing broker.**

**Sec. 2. Buyer agency agreements, or any authority to represent a buyer, shall show a definite date of expiration and shall be in writing, either on paper or in electronic format, with one (1) copy to go to the buyer within three (3) business days of the time of signing. The original and all electronic files shall be retained in the office of the selling broker."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1068 as introduced.)

JETER

Committee Vote: yeas 10, nays 0.

