



February 16, 2023

HOUSE BILL No. 1155

DIGEST OF HB 1155 (Updated February 15, 2023 10:09 am - DI 149)

Citations Affected: IC 24-5; IC 32-21.

Synopsis: Unlicensed real estate solicitor. Defines an "unlicensed real estate solicitor". Requires an unlicensed real estate solicitor to include a specific solicitation disclosure on all advertisements promoting the unlicensed real estate solicitor's intent to purchase a residential, single-family home. 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 through print or broadcast advertising without the required solicitation disclosure.

Effective: July 1, 2023.

Clere, Torr, Jeter, Hatfield

January 10, 2023, read first time and referred to Committee on Judiciary.
February 16, 2023, amended, reported — Do Pass.

HB 1155—LS 7428/DI 106



February 16, 2023

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1155

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 24-5-0.5-13 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2023]: **Sec. 13. (a) It is a deceptive act for an unlicensed real**
4 **estate solicitor (as defined in IC 32-21-16-3) to solicit the sale or**
5 **purchase of real estate through an advertisement without the**
6 **solicitation disclosure required under IC 32-21-16-4.**

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 32-21-16 IS ADDED TO THE INDIANA CODE
10 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2023]:

12 **Chapter 16. Solicitation of Real Estate Sale or Purchase by an**
13 **Unlicensed Real Estate Solicitor**

14 **Sec. 1. This chapter applies only to an agreement entered into**
15 **or renewed after June 30, 2023.**

16 **Sec. 2. As used in this chapter, "advertisement" refers to all**
17 **methods of print, electronic, or broadcast advertising, including:**

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- 1 (1) televised advertisement;
- 2 (2) radio broadcast;
- 3 (3) newspaper and magazine advertisement;
- 4 (4) billboard;
- 5 (5) postcards or other mailer;
- 6 (6) yard signs;
- 7 (7) website;
- 8 (8) electronic mail, text, or other means of electronic
- 9 communication;
- 10 (9) social media; and
- 11 (10) any other method of print or electronic advertising.

12 **Sec. 3. As used in this chapter, an "unlicensed real estate**
 13 **solicitor" refers to a person that does not have a valid real estate**
 14 **license under IC 25-34.1-3. This term does not include a:**

- 15 (1) home builder;
- 16 (2) nonprofit organization exempt from federal income
- 17 taxation under Section 501(c)(3) of the Internal Revenue
- 18 Code;
- 19 (3) governmental entity; or
- 20 (4) person described under IC 25-34.1-3-2(b).

21 **Sec. 4. (a) An unlicensed real estate solicitor may not advertise**
 22 **the sale or purchase of a residential, single-family home unless the**
 23 **advertisement includes the following solicitation disclosure:**
 24 **"Before responding to a solicitation or entering into an agreement,**
 25 **a homeowner is advised to seek the advice of a licensed attorney,**
 26 **real estate broker, or real estate appraiser. Home values can**
 27 **change quickly and your home may be worth more than you**
 28 **think."**

29 **(b) The solicitation disclosure required under subsection (a)**
 30 **must do the following:**

- 31 (1) Be included on all advertisements published by or on
- 32 behalf of an unlicensed real estate solicitor for the purpose of
- 33 soliciting the sale or purchase of a residential, single-family
- 34 home.
- 35 (2) Be printed in a font of prominent size and color.
- 36 (3) Be stated in an audible format for broadcast or televised
- 37 advertisement.
- 38 (4) Include the legal name of the unlicensed real estate
- 39 solicitor and the legal name of the person that is expected to
- 40 purchase the residential, single-family home if the expected
- 41 purchaser is not the unlicensed real estate solicitor.

42 **Sec. 5. Before an unlicensed real estate solicitor enters into a**



1 written agreement with a homeowner, the unlicensed real estate
2 solicitor shall inform the homeowner whether any information
3 provided in the solicitation disclosure required under section 4 of
4 this chapter has changed.

5 Sec. 6. (a) Within five (5) days of entering into an agreement
6 with an unlicensed real estate solicitor, a homeowner may nullify
7 the agreement by delivering a written rescission to the unlicensed
8 real estate solicitor or the unlicensed real estate solicitor's agent,
9 if any.

10 (b) A homeowner is not liable for nullifying an agreement under
11 this section.

12 (c) In addition to any other legal or administrative remedies
13 available to an owner, a violation of this chapter is a deceptive act
14 that may be enforced by the attorney general under IC 24-5-0.5-13.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1155, 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, line 3, delete "a buyer to make a" and insert "**an unlicensed real estate solicitor (as defined in IC 32-21-16-3) to solicit the sale or purchase of real estate through an advertisement without the solicitation disclosure required under IC 32-21-16-4.**".

Page 1, delete lines 4 through 5.

Page 1, delete lines 8 through 17, begin a new chapter and insert:
"SECTION 2. IC 32-21-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:

Chapter 16. Solicitation of Real Estate Sale or Purchase by an Unlicensed Real Estate Solicitor

Sec. 1. This chapter applies only to an agreement entered into or renewed after June 30, 2023.

Sec. 2. As used in this chapter, "advertisement" refers to all methods of print, electronic, or broadcast advertising, including:

- (1) televised advertisement;
- (2) radio broadcast;
- (3) newspaper and magazine advertisement;
- (4) billboard;
- (5) postcards or other mailer;
- (6) yard signs;
- (7) website;
- (8) electronic mail, text, or other means of electronic communication;
- (9) social media; and
- (10) any other method of print or electronic advertising.

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

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

Sec. 4. (a) An unlicensed real estate solicitor may not advertise the sale or purchase of a residential, single-family home unless the



advertisement includes the following solicitation disclosure: "Before responding to a solicitation or entering into an agreement, a homeowner is advised to seek the advice of a licensed attorney, real estate broker, or real estate appraiser. Home values can change quickly and your home may be worth more than you think."

(b) The solicitation disclosure required under subsection (a) must do the following:

- (1) Be included on all advertisements published by or on behalf of an unlicensed real estate solicitor for the purpose of soliciting the sale or purchase of a residential, single-family home.
- (2) Be printed in a font of prominent size and color.
- (3) Be stated in an audible format for broadcast or televised advertisement.
- (4) Include the legal name of the unlicensed real estate solicitor and the legal name of the person that is expected to purchase the residential, single-family home if the expected purchaser is not the unlicensed real estate solicitor.

Sec. 5. Before an unlicensed real estate solicitor enters into a written agreement with a homeowner, the unlicensed real estate solicitor shall inform the homeowner whether any information provided in the solicitation disclosure required under section 4 of this chapter has changed.

Sec. 6. (a) Within five (5) days of entering into an agreement with an unlicensed real estate solicitor, a homeowner may nullify the agreement by delivering a written rescission to the unlicensed real estate solicitor or the unlicensed real estate solicitor's agent, if any.

(b) A homeowner is not liable for nullifying an agreement under this section.

(c) In addition to any other legal or administrative remedies available to an owner, a violation of this chapter is a deceptive act that may be enforced by the attorney general under IC 24-5-0.5-13."

Delete pages 2 through 3.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1155 as introduced.)



TORR

Committee Vote: yeas 12, nays 0.

