

# HOUSE BILL No. 1409

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 24-5; IC 34-30-2-96.8.

**Synopsis:** Credit reporting for consumers under medical care. Provides that a consumer may provide to a creditor a note or other written certification that: (1) is signed by a health care provider; and (2) indicates that the consumer was hospitalized or under medical care for a specified period in connection with a medical condition or an illness. Provides that if the creditor receives the note or certification not later than 30 days after the end date of the period of hospitalization or medical care, the creditor shall: (1) promptly notify each consumer reporting agency to which the creditor has reported a delinquency that was incurred by the consumer at any time during the period: (A) beginning 15 days before the start date of the consumer's hospitalization or medical care; and (B) ending 15 days after the end date of the consumer's hospitalization or medical care; and (2) request that the consumer reporting agency delete the record of the delinquency from the consumer's file. Provides that if certain delinquent account actions have been taken with respect to the account, the creditor shall: (1) promptly notify any third party furnisher of information to credit reporting agencies; and (2) request the third party furnisher to request any consumer reporting agency to which the information about the delinquent account action was furnished to delete the record of the delinquent account action from the consumer's file. Provides that a creditor may not report to a consumer reporting agency any delinquency incurred by the consumer during the period: (1) beginning 15 days before the start date of the consumer's hospitalization or medical care; and (2) ending 15 days after the end date of the consumer's hospitalization or medical care; unless 60 days have elapsed from the end date of the period of hospitalization or medical  
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**Effective:** July 1, 2020.

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## Forestal

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January 15, 2020, read first time and referred to Committee on Financial Institutions.

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Digest Continued

care, and the consumer's account remains delinquent. Provides that not later than five business days after receiving a request to delete information from a consumer's file under these provisions, a consumer reporting agency shall delete the information from the consumer's file. Provides that: (1) a creditor; or (2) a third party furnisher; that requests that a consumer reporting agency delete information from a consumer's file is not liable for any action taken or not taken by the consumer reporting agency in response to the request. Specifies that the bill's provisions do not affect a consumer's rights under the federal: (1) Fair Credit Reporting Act; and (2) Health Insurance Portability and Accountability Act. Specifies that the federal Fair Credit Reporting Act does not exempt: (1) a creditor; (2) a third party furnisher; or (3) a consumer reporting agency; from the bill's provisions. Provides that a person that violates the bill's provisions commits a deceptive act that is subject to the penalties set forth in the statute concerning deceptive consumer sales.



Introduced

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

## HOUSE BILL No. 1409

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

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

1           SECTION 1. IC 24-5-0.5-3, AS AMENDED BY P.L.211-2019,  
2           SECTION 33, AND AS AMENDED BY P.L.242-2019, SECTION 6,  
3           AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL  
4           OF THE 2020 GENERAL ASSEMBLY, IS CORRECTED AND  
5           AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:  
6           Sec. 3. (a) A supplier may not commit an unfair, abusive, or deceptive  
7           act, omission, or practice in connection with a consumer transaction.  
8           Such an act, omission, or practice by a supplier is a violation of this  
9           chapter whether it occurs before, during, or after the transaction. An  
10          act, omission, or practice prohibited by this section includes both  
11          implicit and explicit misrepresentations.  
12          (b) Without limiting the scope of subsection (a), the following acts,  
13          and the following representations as to the subject matter of a  
14          consumer transaction, made orally, in writing, or by electronic  
15          communication, by a supplier, are deceptive acts:

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IN 1409—LS 7224/DI 101



- 1 (1) That such subject of a consumer transaction has sponsorship,  
2 approval, performance, characteristics, accessories, uses, or  
3 benefits it does not have which the supplier knows or should  
4 reasonably know it does not have.
- 5 (2) That such subject of a consumer transaction is of a particular  
6 standard, quality, grade, style, or model, if it is not and if the  
7 supplier knows or should reasonably know that it is not.
- 8 (3) That such subject of a consumer transaction is new or unused,  
9 if it is not and if the supplier knows or should reasonably know  
10 that it is not.
- 11 (4) That such subject of a consumer transaction will be supplied  
12 to the public in greater quantity than the supplier intends or  
13 reasonably expects.
- 14 (5) That replacement or repair constituting the subject of a  
15 consumer transaction is needed, if it is not and if the supplier  
16 knows or should reasonably know that it is not.
- 17 (6) That a specific price advantage exists as to such subject of a  
18 consumer transaction, if it does not and if the supplier knows or  
19 should reasonably know that it does not.
- 20 (7) That the supplier has a sponsorship, approval, or affiliation in  
21 such consumer transaction the supplier does not have, and which  
22 the supplier knows or should reasonably know that the supplier  
23 does not have.
- 24 (8) That such consumer transaction involves or does not involve  
25 a warranty, a disclaimer of warranties, or other rights, remedies,  
26 or obligations, if the representation is false and if the supplier  
27 knows or should reasonably know that the representation is false.
- 28 (9) That the consumer will receive a rebate, discount, or other  
29 benefit as an inducement for entering into a sale or lease in return  
30 for giving the supplier the names of prospective consumers or  
31 otherwise helping the supplier to enter into other consumer  
32 transactions, if earning the benefit, rebate, or discount is  
33 contingent upon the occurrence of an event subsequent to the time  
34 the consumer agrees to the purchase or lease.
- 35 (10) That the supplier is able to deliver or complete the subject of  
36 the consumer transaction within a stated period of time, when the  
37 supplier knows or should reasonably know the supplier could not.  
38 If no time period has been stated by the supplier, there is a  
39 presumption that the supplier has represented that the supplier  
40 will deliver or complete the subject of the consumer transaction  
41 within a reasonable time, according to the course of dealing or the  
42 usage of the trade.



- 1 (11) That the consumer will be able to purchase the subject of the  
 2 consumer transaction as advertised by the supplier, if the supplier  
 3 does not intend to sell it.
- 4 (12) That the replacement or repair constituting the subject of a  
 5 consumer transaction can be made by the supplier for the estimate  
 6 the supplier gives a customer for the replacement or repair, if the  
 7 specified work is completed and:
- 8 (A) the cost exceeds the estimate by an amount equal to or  
 9 greater than ten percent (10%) of the estimate;
- 10 (B) the supplier did not obtain written permission from the  
 11 customer to authorize the supplier to complete the work even  
 12 if the cost would exceed the amounts specified in clause (A);
- 13 (C) the total cost for services and parts for a single transaction  
 14 is more than seven hundred fifty dollars (\$750); and
- 15 (D) the supplier knew or reasonably should have known that  
 16 the cost would exceed the estimate in the amounts specified in  
 17 clause (A).
- 18 (13) That the replacement or repair constituting the subject of a  
 19 consumer transaction is needed, and that the supplier disposes of  
 20 the part repaired or replaced earlier than seventy-two (72) hours  
 21 after both:
- 22 (A) the customer has been notified that the work has been  
 23 completed; and
- 24 (B) the part repaired or replaced has been made available for  
 25 examination upon the request of the customer.
- 26 (14) Engaging in the replacement or repair of the subject of a  
 27 consumer transaction if the consumer has not authorized the  
 28 replacement or repair, and if the supplier knows or should  
 29 reasonably know that it is not authorized.
- 30 (15) The act of misrepresenting the geographic location of the  
 31 supplier by listing an alternate business name or an assumed  
 32 business name (as described in IC 23-0.5-3-4) in a local telephone  
 33 directory if:
- 34 (A) the name misrepresents the supplier's geographic location;
- 35 (B) the listing fails to identify the locality and state of the  
 36 supplier's business;
- 37 (C) calls to the local telephone number are routinely forwarded  
 38 or otherwise transferred to a supplier's business location that  
 39 is outside the calling area covered by the local telephone  
 40 directory; and
- 41 (D) the supplier's business location is located in a county that  
 42 is not contiguous to a county in the calling area covered by the



- 1 local telephone directory.
- 2 (16) The act of listing an alternate business name or assumed  
3 business name (as described in IC 23-0.5-3-4) in a directory  
4 assistance data base if:
- 5 (A) the name misrepresents the supplier's geographic location;  
6 (B) calls to the local telephone number are routinely forwarded  
7 or otherwise transferred to a supplier's business location that  
8 is outside the local calling area; and  
9 (C) the supplier's business location is located in a county that  
10 is not contiguous to a county in the local calling area.
- 11 (17) The violation by a supplier of IC 24-3-4 concerning  
12 cigarettes for import or export.
- 13 (18) The act of a supplier in knowingly selling or reselling a  
14 product to a consumer if the product has been recalled, whether  
15 by the order of a court or a regulatory body, or voluntarily by the  
16 manufacturer, distributor, or retailer, unless the product has been  
17 repaired or modified to correct the defect that was the subject of  
18 the recall.
- 19 (19) The violation by a supplier of 47 U.S.C. 227, including any  
20 rules or regulations issued under 47 U.S.C. 227.
- 21 (20) The violation by a supplier of the federal Fair Debt  
22 Collection Practices Act (15 U.S.C. 1692 et seq.), including any  
23 rules or regulations issued under the federal Fair Debt Collection  
24 Practices Act (15 U.S.C. 1692 et seq.).
- 25 (21) A violation of IC 24-5-7 (concerning health spa services), as  
26 set forth in IC 24-5-7-17.
- 27 (22) A violation of IC 24-5-8 (concerning business opportunity  
28 transactions), as set forth in IC 24-5-8-20.
- 29 (23) A violation of IC 24-5-10 (concerning home consumer  
30 transactions), as set forth in IC 24-5-10-18.
- 31 (24) A violation of IC 24-5-11 (concerning real property  
32 improvement contracts), as set forth in IC 24-5-11-14.
- 33 (25) A violation of IC 24-5-12 (concerning telephone  
34 solicitations), as set forth in IC 24-5-12-23.
- 35 (26) A violation of IC 24-5-13.5 (concerning buyback motor  
36 vehicles), as set forth in IC 24-5-13.5-14.
- 37 (27) A violation of IC 24-5-14 (concerning automatic  
38 dialing-announcing devices), as set forth in IC 24-5-14-13.
- 39 (28) A violation of IC 24-5-15 (concerning credit services  
40 organizations), as set forth in IC 24-5-15-11.
- 41 (29) A violation of IC 24-5-16 (concerning unlawful motor  
42 vehicle subleasing), as set forth in IC 24-5-16-18.



- 1 (30) A violation of IC 24-5-17 (concerning environmental  
2 marketing claims), as set forth in IC 24-5-17-14.
- 3 (31) A violation of IC 24-5-19 (concerning deceptive commercial  
4 solicitation), as set forth in IC 24-5-19-11.
- 5 (32) A violation of IC 24-5-21 (concerning prescription drug  
6 discount cards), as set forth in IC 24-5-21-7.
- 7 (33) A violation of IC 24-5-23.5-7 (concerning real estate  
8 appraisals), as set forth in IC 24-5-23.5-9.
- 9 (34) A violation of IC 24-5-26 (concerning identity theft), as set  
10 forth in IC 24-5-26-3.
- 11 (35) A violation of IC 24-5.5 (concerning mortgage rescue fraud),  
12 as set forth in IC 24-5.5-6-1.
- 13 (36) A violation of IC 24-8 (concerning promotional gifts and  
14 contests), as set forth in IC 24-8-6-3.
- 15 (37) A violation of IC 21-18.5-6 (concerning representations  
16 made by a postsecondary credit bearing proprietary educational  
17 institution), as set forth in IC 21-18.5-6-22.5.
- 18 *(38) A violation of IC 24-5-15.5 (concerning collection actions of*  
19 *a plaintiff debt buyer), as set forth in IC 24-5-15.5-6.*
- 20 ~~(38)~~ (39) *A violation of IC 24-14 (concerning towing services), as*  
21 *set forth in IC 24-14-10-1.*
- 22 ~~(38)~~ **(40) A violation of IC 24-5-14.5 (concerning misleading or**  
23 **inaccurate caller identification information), as set forth in**  
24 **IC 24-5-14.5-12.**
- 25 **(41) A violation of IC 24-5-24.8 (concerning credit reporting**  
26 **for consumers under medical care), as set forth in**  
27 **IC 24-5-24.8-13.**
- 28 (c) Any representations on or within a product or its packaging or  
29 in advertising or promotional materials which would constitute a  
30 deceptive act shall be the deceptive act both of the supplier who places  
31 such representation thereon or therein, or who authored such materials,  
32 and such other suppliers who shall state orally or in writing that such  
33 representation is true if such other supplier shall know or have reason  
34 to know that such representation was false.
- 35 (d) If a supplier shows by a preponderance of the evidence that an  
36 act resulted from a bona fide error notwithstanding the maintenance of  
37 procedures reasonably adopted to avoid the error, such act shall not be  
38 deceptive within the meaning of this chapter.
- 39 (e) It shall be a defense to any action brought under this chapter that  
40 the representation constituting an alleged deceptive act was one made  
41 in good faith by the supplier without knowledge of its falsity and in  
42 reliance upon the oral or written representations of the manufacturer,



1 the person from whom the supplier acquired the product, any testing  
 2 organization, or any other person provided that the source thereof is  
 3 disclosed to the consumer.

4 (f) For purposes of subsection (b)(12), a supplier that provides  
 5 estimates before performing repair or replacement work for a customer  
 6 shall give the customer a written estimate itemizing as closely as  
 7 possible the price for labor and parts necessary for the specific job  
 8 before commencing the work.

9 (g) For purposes of subsection (b)(15) and (b)(16), a telephone  
 10 company or other provider of a telephone directory or directory  
 11 assistance service or its officer or agent is immune from liability for  
 12 publishing the listing of an alternate business name or assumed  
 13 business name of a supplier in its directory or directory assistance data  
 14 base unless the telephone company or other provider of a telephone  
 15 directory or directory assistance service is the same person as the  
 16 supplier who has committed the deceptive act.

17 (h) For purposes of subsection (b)(18), it is an affirmative defense  
 18 to any action brought under this chapter that the product has been  
 19 altered by a person other than the defendant to render the product  
 20 completely incapable of serving its original purpose.

21 SECTION 2. IC 24-5-24.8 IS ADDED TO THE INDIANA CODE  
 22 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2020]:

24 **Chapter 24.8. Credit Reporting for Consumers Under Medical**  
 25 **Care**

26 **Sec. 1. This chapter applies to a creditor that regularly and in**  
 27 **the ordinary course of business furnishes to one (1) or more**  
 28 **consumer reporting agencies information about the creditor's**  
 29 **transactions or experiences with any consumer.**

30 **Sec. 2. (a) As used in this chapter, "consumer" means an**  
 31 **individual whose principal residence is in Indiana.**

32 **(b) The term includes the following:**

33 **(1) A protected consumer (as defined in IC 24-5-24.5-4).**

34 **(2) A representative acting on behalf of a protected consumer**  
 35 **(as defined in IC 24-5-24.5-4).**

36 **Sec. 3. As used in this chapter, "consumer report" means any**  
 37 **written, oral, or other communication of any information that:**

38 **(1) is made by a consumer reporting agency;**

39 **(2) bears on a consumer's creditworthiness, credit standing,**  
 40 **credit capacity, character, general reputation, personal**  
 41 **characteristics, or mode of living; and**

42 **(3) is used or expected to be used or collected in whole or in**





1 part for the purpose of serving as a factor in establishing a  
2 consumer's eligibility for:

- 3 (A) credit or insurance to be used primarily for personal,  
4 family, or household purposes;  
5 (B) employment purposes; or  
6 (C) any other purpose authorized under Section 604 of the  
7 federal Fair Credit Reporting Act (15 U.S.C. 1681b).

8 Sec. 4. As used in this chapter, "consumer reporting agency"  
9 refers to a consumer reporting agency that compiles and maintains  
10 files on consumers on a nationwide basis.

11 Sec. 5. As used in this chapter, "consumer reporting agency that  
12 compiles and maintains files on consumers on a nationwide basis"  
13 means a consumer reporting agency (as defined in 15 U.S.C.  
14 1681a(f)) that regularly engages in the practice of assembling or  
15 evaluating, and maintaining, for the purpose of furnishing to third  
16 parties, consumer reports bearing on a consumer's  
17 creditworthiness, credit standing, or credit capacity, each of the  
18 following regarding consumers residing nationwide:

- 19 (1) Public record information.  
20 (2) Credit account information from persons who furnish that  
21 information regularly and in the ordinary course of business.

22 Sec. 6. As used in this chapter, "credit" means the right granted  
23 by a creditor to a debtor to:

- 24 (1) defer payment of debt;  
25 (2) incur debt and defer its payment; or  
26 (3) purchase property or services and defer payment for the  
27 property or services purchased.

28 Sec. 7. (a) As used in this chapter, "creditor" means any person  
29 that regularly:

- 30 (1) extends, renews, or continues credit; or  
31 (2) arranges for the extension, renewal, or continuation of  
32 credit.

33 (b) The term includes any person that:

- 34 (1) is an assignee of a person described in subsection (a); and  
35 (2) participates in the decision to extend, renew, or continue  
36 credit.

37 Sec. 8. As used in this chapter, "delinquent account action",  
38 with respect to a consumer's delinquent account with a creditor,  
39 means any action taken to initiate, or in furtherance of:

- 40 (1) placing the customer's account for collection;  
41 (2) charging the customer's account to profit or loss; or  
42 (3) subjecting the customer's account to any similar action;



1 whether taken through the creditor's own actions or those of an  
2 agent or of a third party furnisher.

3 **Sec. 9.** As used in this chapter, "file", when used in connection  
4 with information on a consumer, means all the information on that  
5 consumer that is recorded and retained by a consumer reporting  
6 agency, regardless of how the information is stored.

7 **Sec. 10.** As used in this chapter, "third party furnisher" means  
8 a person that regularly and in the ordinary course of business  
9 furnishes to one (1) or more consumer reporting agencies  
10 information about the transactions and experiences of one (1) or  
11 more creditors with one (1) or more consumers, including  
12 information regarding delinquent account actions, regardless of  
13 whether the delinquent account actions were taken by:

14 (1) the person;

15 (2) the creditor on whose behalf the person furnishes the  
16 information; or

17 (3) any other person.

18 **Sec. 11. (a)** This section applies to:

19 (1) a creditor that regularly and in the ordinary course of  
20 business furnishes to one (1) or more consumer reporting  
21 agencies information about the creditor's transactions or  
22 experiences with a consumer; and

23 (2) any third party furnisher that furnishes to one (1) or more  
24 consumer reporting agencies information about the  
25 transactions and experiences of the creditor with one (1) or  
26 more consumers, including information regarding delinquent  
27 account actions.

28 (b) This section applies if a consumer provides to a creditor a  
29 note or other written certification that:

30 (1) is signed by a health care provider that has provided or is  
31 providing treatment to the consumer for a medical condition  
32 or an illness;

33 (2) indicates that the consumer was:

34 (A) hospitalized; or

35 (B) otherwise under medical care;

36 for a specified period in connection with the medical condition  
37 or illness; and

38 (3) is received by the creditor not later than thirty (30) days  
39 after the end date of the period of hospitalization or medical  
40 care identified by the consumer's health care provider.

41 (c) A creditor may:

42 (1) prescribe the form and manner in which a consumer must



1 submit to the creditor any note or other written certification  
2 authorized under subsection (b); and

3 (2) require the consumer to furnish proper identification in  
4 connection with submitting the request.

5 (d) Upon receiving a note or other written certification under  
6 subsection (b), a creditor:

7 (1) shall promptly:

8 (A) notify each consumer reporting agency to which the  
9 creditor has reported a delinquency that was incurred by  
10 the consumer at any time during the period:

11 (i) beginning on the date that is fifteen (15) days before  
12 the start date of the period of hospitalization or medical  
13 care identified by the consumer's health care provider  
14 under subsection (b)(2); and

15 (ii) ending on the date that is fifteen (15) days after the  
16 end date of the period of hospitalization or medical care  
17 identified by the consumer's health care provider under  
18 subsection (b)(2); and

19 (B) request that the consumer reporting agency delete the  
20 record of the delinquency from the consumer's file;

21 (2) if any delinquent account action has been taken with  
22 respect to the consumer's account with the creditor, shall:

23 (A) notify any third party furnisher that has, or may have,  
24 reported to one (1) or more consumer reporting agencies  
25 information on the delinquent account action; and

26 (B) request that the third party furnisher:

27 (i) notify each consumer reporting agency to which the  
28 information was reported; and

29 (ii) request that the consumer reporting agency delete  
30 the record of the delinquent account action from the  
31 consumer's file; and

32 (3) not later than five (5) business days after taking an action  
33 required under subdivision (1) or (2), provide written notice  
34 to the consumer that the action has been taken.

35 (e) Upon receiving a note or other written certification under  
36 subsection (b), a creditor may not:

37 (1) report to a consumer reporting agency information on any  
38 delinquency incurred by the consumer at any time during the  
39 period:

40 (A) beginning on the date that is fifteen (15) days before  
41 the start date of the period of hospitalization or medical  
42 care identified by the consumer's health care provider



1           under subsection (b)(2); and  
 2           **(B) ending on the date that is fifteen (15) days after the end**  
 3           **date of the period of hospitalization or medical care**  
 4           **identified by the consumer's health care provider under**  
 5           **subsection (b)(2);**  
 6           **if the creditor has not done so before receiving the note or**  
 7           **other written certification under subsection (b); or**  
 8           **(2) take any delinquent account action with respect to the**  
 9           **consumer's account, whether through the creditor's own**  
 10           **actions or those of an agent or of a third party furnisher;**  
 11           **during the period that begins on the date of the creditor's receipt**  
 12           **of the consumer's note or other written certification under**  
 13           **subsection (b), and ends not later than sixty (60) days after the end**  
 14           **date of the period of hospitalization or medical care identified by**  
 15           **the consumer's health care provider in the note or certification. If**  
 16           **the consumer's account remains delinquent after sixty (60) days**  
 17           **have elapsed from the end date of the period of hospitalization or**  
 18           **medical care, the creditor may report the delinquency, including**  
 19           **any previously reported delinquency for which the creditor has**  
 20           **taken an action required under subsection (d), to one (1) or more**  
 21           **consumer reporting agencies, and may take any delinquent account**  
 22           **action with respect to the consumer's account in accordance with**  
 23           **the creditor's generally applicable account practices.**  
 24           **(f) Not later than five (5) business days after receiving a request:**  
 25           **(1) from a creditor under subsection (d)(1) to delete the**  
 26           **record of a delinquency from a consumer's file; or**  
 27           **(2) from a third party furnisher under subsection (d)(2) to**  
 28           **delete the record of a delinquent account action from a**  
 29           **consumer's file;**  
 30           **a consumer reporting agency shall take all lawful and reasonable**  
 31           **actions to delete, or cause to be deleted, the identified record from**  
 32           **the consumer's file.**  
 33           **(g) A creditor shall not obtain or use medical information (as**  
 34           **defined in 15 U.S.C. 1681a(i)) pertaining to a consumer in**  
 35           **connection with any determination of the consumer's eligibility, or**  
 36           **continued eligibility, for credit, as set forth in 15 U.S.C.**  
 37           **1681b(g)(2).**  
 38           **(h) A creditor or a third party furnisher may not impose any fee**  
 39           **or other charge on any consumer in connection with fulfilling any**  
 40           **action required under subsection (d).**  
 41           **(i) A consumer reporting agency may not impose any fee or**  
 42           **other charge on any consumer in connection with fulfilling any**



1 action required under subsection (f).

2 **Sec. 12. Any:**

3 (1) creditor, or any of the creditor's employees or agents, that  
4 requests under section 11(d)(1) of this chapter that a  
5 consumer reporting agency delete a record of a delinquency  
6 from a consumer's file; or

7 (2) third party furnisher, or any of the third party furnisher's  
8 employees or agents, that requests under section 11(d)(2) of  
9 this chapter that a consumer reporting agency delete a record  
10 of a delinquent account action from a consumer's file;

11 is not liable for any action taken or not taken by the consumer  
12 reporting agency in response to the request.

13 **Sec. 13. A person who violates this chapter commits a deceptive**  
14 **act that is actionable by the attorney general or by a consumer**  
15 **under IC 24-5-0.5-4 and is subject to the remedies and penalties set**  
16 **forth in IC 24-5-0.5.**

17 **Sec. 14. (a) The federal Fair Credit Reporting Act (15 U.S.C.**  
18 **1681 et seq.) does not exempt:**

- 19 (1) a creditor;  
20 (2) a third party furnisher; or  
21 (3) a consumer reporting agency;

22 **subject to this chapter from complying with this chapter, except to**  
23 **the extent that this chapter is inconsistent with any provision of the**  
24 **federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), and then**  
25 **only to the extent of the inconsistency, as provided in 15 U.S.C.**  
26 **1681t(a).**

27 **(b) This chapter does not annul, alter, or affect any rights and**  
28 **remedies available to a consumer under the federal Fair Credit**  
29 **Reporting Act (15 U.S.C. 1681 et seq.), including:**

- 30 (1) limitations on the furnishing of medical information (as  
31 defined in 15 U.S.C. 1681a(i)) about a consumer by a  
32 consumer reporting agency under 15 U.S.C. 1681b(g);  
33 (2) the right to request information in the consumer's file  
34 under 15 U.S.C. 1681g;  
35 (3) the right to dispute the completeness or accuracy of any  
36 item of information in the consumer's file under 15 U.S.C.  
37 1681i;  
38 (4) any applicable damages, costs, and attorney's fees  
39 available to the consumer under:  
40 (A) 15 U.S.C. 1681n for a person's willful noncompliance  
41 with the federal act; or  
42 (B) 15 U.S.C. 1681o for a person's negligent noncompliance



1                   with the federal act; and  
2                   **(5) any other applicable rights and remedies available to the**  
3                   **consumer under the federal act.**  
4                   **Sec. 15. (a) This chapter does not annul, alter, or affect any**  
5                   **obligations or duties of:**  
6                   **(1) a creditor;**  
7                   **(2) a third party furnisher; or**  
8                   **(3) a consumer reporting agency;**  
9                   **under the federal Health Insurance Portability and Accountability**  
10                  **Act (HIPAA) (P.L. 104-191) with respect to a consumer.**  
11                  **(b) This chapter does not annul, alter, or affect any rights of a**  
12                  **consumer under the federal Health Insurance Portability and**  
13                  **Accountability Act (HIPAA) (P.L. 104-191).**  
14                  SECTION 3. IC 34-30-2-96.8 IS ADDED TO THE INDIANA  
15                  CODE AS A NEW SECTION TO READ AS FOLLOWS  
16                  [EFFECTIVE JULY 1, 2020]: **Sec. 96.8. IC 24-5-24.8-12 (Concerning**  
17                  **creditors and third party furnishers of information to consumer**  
18                  **reporting agencies).**

