

# SENATE BILL No. 459

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 24-5.

**Synopsis:** Fair credit reporting. Provides that a violation of the federal Fair Credit Reporting Act (act), or any regulations issued under the act, in connection with a consumer transaction involving an Indiana consumer, is a deceptive act that is subject to the penalties set forth in the statute concerning deceptive consumer sales. Requires the attorney general to investigate complaints made by or on behalf of Indiana consumers and concerning alleged violations of specified provisions of the act. Allows the attorney general to investigate, on the attorney general's own motion, suspected violations of the specified provisions of the act. Authorizes the attorney general to bring an action in federal district court or in any other court with jurisdiction for: (1) injunctive relief; or (2) damages on behalf of Indiana consumers; for violations of the specified provisions of the act. Specifies that these enforcement procedures are in addition to the enforcement procedures and remedies available to the attorney general or a consumer under the statute concerning deceptive consumer sales for a violation of the act, or any regulations issued under the act, in connection with a consumer transaction involving an Indiana consumer.

**Effective:** July 1, 2015.

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**Miller Patricia**

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January 14, 2015, read first time and referred to Committee on Insurance & Financial Institutions.

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First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 459

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 24-5-0.5-2, AS AMENDED BY P.L.65-2014,  
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2015]: Sec. 2. (a) As used in this chapter:  
4 (1) "Consumer transaction" means a sale, lease, assignment,  
5 award by chance, or other disposition of an item of personal  
6 property, real property, a service, or an intangible, except  
7 securities and policies or contracts of insurance issued by  
8 corporations authorized to transact an insurance business under  
9 the laws of the state of Indiana, with or without an extension of  
10 credit, to a person for purposes that are primarily personal,  
11 familial, charitable, agricultural, or household, or a solicitation to  
12 supply any of these things. However, the term includes the  
13 following:  
14 (A) A transfer of structured settlement payment rights under  
15 IC 34-50-2.  
16 (B) An unsolicited advertisement sent to a person by telephone



- 1 facsimile machine offering a sale, lease, assignment, award by  
 2 chance, or other disposition of an item of personal property,  
 3 real property, a service, or an intangible.
- 4 (C) The collection of or attempt to collect a debt by a debt  
 5 collector.
- 6 **(D) Transactions that:**
- 7 **(i) are governed by the federal Fair Credit Reporting Act**  
 8 **(15 U.S.C. 1681 et seq.) or any regulations issued under**  
 9 **the federal Fair Credit Reporting Act (15 U.S.C. 1681 et**  
 10 **seq.); and**
- 11 **(ii) involve a consumer (as defined in 15 U.S.C. 1681a(c))**  
 12 **whose principal residence is in Indiana.**
- 13 (2) "Person" means an individual, corporation, the state of Indiana  
 14 or its subdivisions or agencies, business trust, estate, trust,  
 15 partnership, association, nonprofit corporation or organization, or  
 16 cooperative or any other legal entity.
- 17 (3) "Supplier" means the following:
- 18 (A) A seller, lessor, assignor, or other person who regularly  
 19 engages in or solicits consumer transactions, including  
 20 soliciting a consumer transaction by using a telephone  
 21 facsimile machine to transmit an unsolicited advertisement.  
 22 The term includes a manufacturer, wholesaler, or retailer,  
 23 whether or not the person deals directly with the consumer.
- 24 (B) A person who contrives, prepares, sets up, operates,  
 25 publicizes by means of advertisements, or promotes a pyramid  
 26 promotional scheme.
- 27 (C) A debt collector.
- 28 **(D) Any of the following that is subject to the federal Fair**  
 29 **Credit Reporting Act (15 U.S.C. 1681 et seq.) or any**  
 30 **regulations issued under the federal Fair Credit Reporting**  
 31 **Act (15 U.S.C. 1681 et seq.):**
- 32 **(i) A consumer reporting agency (as defined in 15 U.S.C.**  
 33 **1681a(f)).**
- 34 **(ii) A creditor (as defined in 15 U.S.C. 1681a(r)).**
- 35 **(iii) A person that uses a consumer report (as defined in**  
 36 **15 U.S.C. 1681a(d)) on a consumer (as defined in 15**  
 37 **U.S.C. 1681a(c)) whose principal residence is in Indiana.**
- 38 (4) "Subject of a consumer transaction" means the personal  
 39 property, real property, services, or intangibles offered or  
 40 furnished in a consumer transaction.
- 41 (5) "Cure" as applied to a deceptive act, means either:
- 42 (A) to offer in writing to adjust or modify the consumer



- 1 transaction to which the act relates to conform to the  
 2 reasonable expectations of the consumer generated by such  
 3 deceptive act and to perform such offer if accepted by the  
 4 consumer; or  
 5 (B) to offer in writing to rescind such consumer transaction  
 6 and to perform such offer if accepted by the consumer.  
 7 The term includes an offer in writing of one (1) or more items of  
 8 value, including monetary compensation, that the supplier  
 9 delivers to a consumer or a representative of the consumer if  
 10 accepted by the consumer.
- 11 (6) "Offer to cure" as applied to a deceptive act is a cure that:  
 12 (A) is reasonably calculated to remedy a loss claimed by the  
 13 consumer; and  
 14 (B) includes a minimum additional amount that is the greater  
 15 of:  
 16 (i) ten percent (10%) of the value of the remedy under  
 17 clause (A), but not more than four thousand dollars  
 18 (\$4,000); or  
 19 (ii) five hundred dollars (\$500);  
 20 as compensation for attorney's fees, expenses, and other costs  
 21 that a consumer may incur in relation to the deceptive act.
- 22 (7) "Uncured deceptive act" means a deceptive act:  
 23 (A) with respect to which a consumer who has been damaged  
 24 by such act has given notice to the supplier under section 5(a)  
 25 of this chapter; and  
 26 (B) either:  
 27 (i) no offer to cure has been made to such consumer within  
 28 thirty (30) days after such notice; or  
 29 (ii) the act has not been cured as to such consumer within a  
 30 reasonable time after the consumer's acceptance of the offer  
 31 to cure.
- 32 (8) "Incurable deceptive act" means a deceptive act done by a  
 33 supplier as part of a scheme, artifice, or device with intent to  
 34 defraud or mislead. The term includes a failure of a transferee of  
 35 structured settlement payment rights to timely provide a true and  
 36 complete disclosure statement to a payee as provided under  
 37 IC 34-50-2 in connection with a direct or indirect transfer of  
 38 structured settlement payment rights.
- 39 (9) "Pyramid promotional scheme" means any program utilizing  
 40 a pyramid or chain process by which a participant in the program  
 41 gives a valuable consideration exceeding one hundred dollars  
 42 (\$100) for the opportunity or right to receive compensation or



1 other things of value in return for inducing other persons to  
 2 become participants for the purpose of gaining new participants  
 3 in the program. The term does not include ordinary sales of goods  
 4 or services to persons who are not purchasing in order to  
 5 participate in such a scheme.

6 (10) "Promoting a pyramid promotional scheme" means:

7 (A) inducing or attempting to induce one (1) or more other  
 8 persons to become participants in a pyramid promotional  
 9 scheme; or

10 (B) assisting another in promoting a pyramid promotional  
 11 scheme.

12 (11) "Senior consumer" means an individual who is at least sixty  
 13 (60) years of age.

14 (12) "Telephone facsimile machine" means equipment that has  
 15 the capacity to transcribe text or images, or both, from:

16 (A) paper into an electronic signal and to transmit that signal  
 17 over a regular telephone line; or

18 (B) an electronic signal received over a regular telephone line  
 19 onto paper.

20 (13) "Unsolicited advertisement" means material advertising the  
 21 commercial availability or quality of:

22 (A) property;

23 (B) goods; or

24 (C) services;

25 that is transmitted to a person without the person's prior express  
 26 invitation or permission, in writing or otherwise.

27 (14) "Debt" has the meaning set forth in 15 U.S.C. 1692a(5)).

28 (15) "Debt collector" has the meaning set forth in 15 U.S.C.  
 29 1692a(6). The term does not include a person admitted to the  
 30 practice of law in Indiana if the person is acting within the course  
 31 and scope of the person's practice as an attorney.

32 (b) As used in section 3(b)(15) and 3(b)(16) of this chapter:

33 (1) "Directory assistance" means the disclosure of telephone  
 34 number information in connection with an identified telephone  
 35 service subscriber by means of a live operator or automated  
 36 service.

37 (2) "Local telephone directory" refers to a telephone classified  
 38 advertising directory or the business section of a telephone  
 39 directory that is distributed by a telephone company or directory  
 40 publisher to subscribers located in the local exchanges contained  
 41 in the directory. The term includes a directory that includes  
 42 listings of more than one (1) telephone company.



1 (3) "Local telephone number" refers to a telephone number that  
 2 has the three (3) number prefix used by the provider of telephone  
 3 service for telephones physically located within the area covered  
 4 by the local telephone directory in which the number is listed. The  
 5 term does not include long distance numbers or 800-, 888-, or  
 6 900- exchange numbers listed in a local telephone directory.

7 SECTION 2. IC 24-5-0.5-3, AS AMENDED BY P.L.65-2014,  
 8 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2015]: Sec. 3. (a) A supplier may not commit an unfair,  
 10 abusive, or deceptive act, omission, or practice in connection with a  
 11 consumer transaction. Such an act, omission, or practice by a supplier  
 12 is a violation of this chapter whether it occurs before, during, or after  
 13 the transaction. An act, omission, or practice prohibited by this section  
 14 includes both implicit and explicit misrepresentations.

15 (b) Without limiting the scope of subsection (a), the following acts,  
 16 and the following representations as to the subject matter of a  
 17 consumer transaction, made orally, in writing, or by electronic  
 18 communication, by a supplier, are deceptive acts:

19 (1) That such subject of a consumer transaction has sponsorship,  
 20 approval, performance, characteristics, accessories, uses, or  
 21 benefits it does not have which the supplier knows or should  
 22 reasonably know it does not have.

23 (2) That such subject of a consumer transaction is of a particular  
 24 standard, quality, grade, style, or model, if it is not and if the  
 25 supplier knows or should reasonably know that it is not.

26 (3) That such subject of a consumer transaction is new or unused,  
 27 if it is not and if the supplier knows or should reasonably know  
 28 that it is not.

29 (4) That such subject of a consumer transaction will be supplied  
 30 to the public in greater quantity than the supplier intends or  
 31 reasonably expects.

32 (5) That replacement or repair constituting the subject of a  
 33 consumer transaction is needed, if it is not and if the supplier  
 34 knows or should reasonably know that it is not.

35 (6) That a specific price advantage exists as to such subject of a  
 36 consumer transaction, if it does not and if the supplier knows or  
 37 should reasonably know that it does not.

38 (7) That the supplier has a sponsorship, approval, or affiliation in  
 39 such consumer transaction the supplier does not have, and which  
 40 the supplier knows or should reasonably know that the supplier  
 41 does not have.

42 (8) That such consumer transaction involves or does not involve



- 1 a warranty, a disclaimer of warranties, or other rights, remedies,  
 2 or obligations, if the representation is false and if the supplier  
 3 knows or should reasonably know that the representation is false.  
 4 (9) That the consumer will receive a rebate, discount, or other  
 5 benefit as an inducement for entering into a sale or lease in return  
 6 for giving the supplier the names of prospective consumers or  
 7 otherwise helping the supplier to enter into other consumer  
 8 transactions, if earning the benefit, rebate, or discount is  
 9 contingent upon the occurrence of an event subsequent to the time  
 10 the consumer agrees to the purchase or lease.  
 11 (10) That the supplier is able to deliver or complete the subject of  
 12 the consumer transaction within a stated period of time, when the  
 13 supplier knows or should reasonably know the supplier could not.  
 14 If no time period has been stated by the supplier, there is a  
 15 presumption that the supplier has represented that the supplier  
 16 will deliver or complete the subject of the consumer transaction  
 17 within a reasonable time, according to the course of dealing or the  
 18 usage of the trade.  
 19 (11) That the consumer will be able to purchase the subject of the  
 20 consumer transaction as advertised by the supplier, if the supplier  
 21 does not intend to sell it.  
 22 (12) That the replacement or repair constituting the subject of a  
 23 consumer transaction can be made by the supplier for the estimate  
 24 the supplier gives a customer for the replacement or repair, if the  
 25 specified work is completed and:  
 26 (A) the cost exceeds the estimate by an amount equal to or  
 27 greater than ten percent (10%) of the estimate;  
 28 (B) the supplier did not obtain written permission from the  
 29 customer to authorize the supplier to complete the work even  
 30 if the cost would exceed the amounts specified in clause (A);  
 31 (C) the total cost for services and parts for a single transaction  
 32 is more than seven hundred fifty dollars (\$750); and  
 33 (D) the supplier knew or reasonably should have known that  
 34 the cost would exceed the estimate in the amounts specified in  
 35 clause (A).  
 36 (13) That the replacement or repair constituting the subject of a  
 37 consumer transaction is needed, and that the supplier disposes of  
 38 the part repaired or replaced earlier than seventy-two (72) hours  
 39 after both:  
 40 (A) the customer has been notified that the work has been  
 41 completed; and  
 42 (B) the part repaired or replaced has been made available for



- 1 examination upon the request of the customer.
- 2 (14) Engaging in the replacement or repair of the subject of a  
3 consumer transaction if the consumer has not authorized the  
4 replacement or repair, and if the supplier knows or should  
5 reasonably know that it is not authorized.
- 6 (15) The act of misrepresenting the geographic location of the  
7 supplier by listing a fictitious business name or an assumed  
8 business name (as described in IC 23-15-1) in a local telephone  
9 directory if:
- 10 (A) the name misrepresents the supplier's geographic location;  
11 (B) the listing fails to identify the locality and state of the  
12 supplier's business;  
13 (C) calls to the local telephone number are routinely forwarded  
14 or otherwise transferred to a supplier's business location that  
15 is outside the calling area covered by the local telephone  
16 directory; and  
17 (D) the supplier's business location is located in a county that  
18 is not contiguous to a county in the calling area covered by the  
19 local telephone directory.
- 20 (16) The act of listing a fictitious business name or assumed  
21 business name (as described in IC 23-15-1) in a directory  
22 assistance database if:
- 23 (A) the name misrepresents the supplier's geographic location;  
24 (B) calls to the local telephone number are routinely forwarded  
25 or otherwise transferred to a supplier's business location that  
26 is outside the local calling area; and  
27 (C) the supplier's business location is located in a county that  
28 is not contiguous to a county in the local calling area.
- 29 (17) The violation by a supplier of IC 24-3-4 concerning  
30 cigarettes for import or export.
- 31 (18) The act of a supplier in knowingly selling or reselling a  
32 product to a consumer if the product has been recalled, whether  
33 by the order of a court or a regulatory body, or voluntarily by the  
34 manufacturer, distributor, or retailer, unless the product has been  
35 repaired or modified to correct the defect that was the subject of  
36 the recall.
- 37 (19) The violation by a supplier of 47 U.S.C. 227, including any  
38 rules or regulations issued under 47 U.S.C. 227.
- 39 (20) The violation by a supplier of the federal Fair Debt  
40 Collection Practices Act (15 U.S.C. 1692 et seq.), including any  
41 rules or regulations issued under the federal Fair Debt Collection  
42 Practices Act (15 U.S.C. 1692 et seq.).



- 1 (21) A violation of IC 24-5-7 (concerning health spa services), as  
 2 set forth in IC 24-5-7-17.
- 3 (22) A violation of IC 24-5-8 (concerning business opportunity  
 4 transactions), as set forth in IC 24-5-8-20.
- 5 (23) A violation of IC 24-5-10 (concerning home consumer  
 6 transactions), as set forth in IC 24-5-10-18.
- 7 (24) A violation of IC 24-5-11 (concerning home improvement  
 8 contracts), as set forth in IC 24-5-11-14.
- 9 (25) A violation of IC 24-5-12 (concerning telephone  
 10 solicitations), as set forth in IC 24-5-12-23.
- 11 (26) A violation of IC 24-5-13.5 (concerning buyback motor  
 12 vehicles), as set forth in IC 24-5-13.5-14.
- 13 (27) A violation of IC 24-5-14 (concerning automatic  
 14 dialing-announcing devices), as set forth in IC 24-5-14-13.
- 15 (28) A violation of IC 24-5-15 (concerning credit services  
 16 organizations), as set forth in IC 24-5-15-11.
- 17 (29) A violation of IC 24-5-16 (concerning unlawful motor  
 18 vehicle subleasing), as set forth in IC 24-5-16-18.
- 19 (30) A violation of IC 24-5-17 (concerning environmental  
 20 marketing claims), as set forth in IC 24-5-17-14.
- 21 (31) A violation of IC 24-5-19 (concerning deceptive commercial  
 22 solicitation), as set forth in IC 24-5-19-11.
- 23 (32) A violation of IC 24-5-21 (concerning prescription drug  
 24 discount cards), as set forth in IC 24-5-21-7.
- 25 (33) A violation of IC 24-5-23.5-7 (concerning real estate  
 26 appraisals), as set forth in IC 24-5-23.5-9.
- 27 (34) A violation of IC 24-5-26 (concerning identity theft), as set  
 28 forth in IC 24-5-26-3.
- 29 (35) A violation of IC 24-5.5 (concerning mortgage rescue fraud),  
 30 as set forth in IC 24-5.5-6-1.
- 31 (36) A violation of IC 24-8 (concerning promotional gifts and  
 32 contests), as set forth in IC 24-8-6-3.
- 33 (37) A violation of IC 21-18.5-6 (concerning representations  
 34 made by a postsecondary credit bearing proprietary educational  
 35 institution), as set forth in IC 21-18.5-6-22.5.
- 36 **(38) A violation of the federal Fair Credit Reporting Act (15**  
 37 **U.S.C. 1681 et seq.), or of any regulations issued under the**  
 38 **federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), in**  
 39 **connection with a consumer transaction involving a consumer**  
 40 **(as defined in 15 U.S.C. 1681a(c)) whose principal residence**  
 41 **is in Indiana.**
- 42 (c) Any representations on or within a product or its packaging or



1 in advertising or promotional materials which would constitute a  
 2 deceptive act shall be the deceptive act both of the supplier who places  
 3 such representation thereon or therein, or who authored such materials,  
 4 and such other suppliers who shall state orally or in writing that such  
 5 representation is true if such other supplier shall know or have reason  
 6 to know that such representation was false.

7 (d) If a supplier shows by a preponderance of the evidence that an  
 8 act resulted from a bona fide error notwithstanding the maintenance of  
 9 procedures reasonably adopted to avoid the error, such act shall not be  
 10 deceptive within the meaning of this chapter.

11 (e) It shall be a defense to any action brought under this chapter that  
 12 the representation constituting an alleged deceptive act was one made  
 13 in good faith by the supplier without knowledge of its falsity and in  
 14 reliance upon the oral or written representations of the manufacturer,  
 15 the person from whom the supplier acquired the product, any testing  
 16 organization, or any other person provided that the source thereof is  
 17 disclosed to the consumer.

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

23 (g) For purposes of subsection (b)(15) and (b)(16), a telephone  
 24 company or other provider of a telephone directory or directory  
 25 assistance service or its officer or agent is immune from liability for  
 26 publishing the listing of a fictitious business name or assumed business  
 27 name of a supplier in its directory or directory assistance database  
 28 unless the telephone company or other provider of a telephone  
 29 directory or directory assistance service is the same person as the  
 30 supplier who has committed the deceptive act.

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

35 SECTION 3. IC 24-5-24.7 IS ADDED TO THE INDIANA CODE  
 36 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2015]:

38 **Chapter 24.7. Fair Credit Reporting**

39 **Sec. 1. As used in this chapter, "consumer" means an**  
 40 **individual:**

- 41 (1) whose principal residence is in Indiana; and  
 42 (2) whose credit information and history are recorded in a



- 1           **consumer report.**
- 2           **Sec. 2. As used in this chapter, "consumer report" means any**
- 3 **written, oral, or other communication of any information that:**
- 4           **(1) is made by a consumer reporting agency;**
- 5           **(2) bears on a consumer's creditworthiness, credit standing,**
- 6 **credit capacity, character, general reputation, personal**
- 7 **characteristics, or mode of living; and**
- 8           **(3) is used or expected to be used or collected in whole or in**
- 9 **part for the purpose of serving as a factor in establishing a**
- 10 **consumer's eligibility for:**
- 11           **(A) credit or insurance to be used primarily for personal,**
- 12 **family, or household purposes;**
- 13           **(B) employment purposes; or**
- 14           **(C) any other purpose authorized under Section 604 of the**
- 15 **federal Fair Credit Reporting Act (15 U.S.C. 1681b).**
- 16           **Sec. 3. (a) As used in this chapter, "consumer reporting agency"**
- 17 **means any person that, for monetary fees or dues, or on a**
- 18 **cooperative nonprofit basis, regularly engages in whole or in part**
- 19 **in the practice of assembling or evaluating consumer credit**
- 20 **information or other information on consumers for the purpose of**
- 21 **furnishing consumer reports to third parties.**
- 22           **(b) The term does not include a person listed in IC 24-5-24-11.**
- 23           **Sec. 4. As used in this chapter, "credit file", with respect to a**
- 24 **consumer, means all the information that:**
- 25           **(1) pertains to the consumer; and**
- 26           **(2) is recorded and retained by a consumer reporting agency;**
- 27 **regardless of how the information is stored.**
- 28           **Sec. 5. (a) The attorney general shall investigate any complaint**
- 29 **that is made by or on behalf of a consumer and that concerns**
- 30 **alleged violations of any of the following provisions of the federal**
- 31 **Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) and any**
- 32 **regulations issued in connection with the following provisions:**
- 33           **(1) 15 U.S.C. 1681g(a)(5) (concerning the duty of a consumer**
- 34 **reporting agency to disclose to a consumer, upon request, a**
- 35 **record of all inquiries that are received by the consumer**
- 36 **reporting agency and that concern credit or insurance**
- 37 **transactions not initiated by the consumer).**
- 38           **(2) 15 U.S.C. 1681b(c) (concerning furnishing consumer**
- 39 **reports in connection with credit or insurance transactions**
- 40 **not initiated by the consumer).**
- 41           **(3) 15 U.S.C. 1681g(f) (concerning the disclosure of credit**
- 42 **scores to consumers by consumer reporting agencies).**



1           **(4) 15 U.S.C. 1681g(g)** (concerning the disclosure of credit  
2 scores to consumers by certain mortgage lenders).

3           **(5) 15 U.S.C. 1681i** (concerning the right of a consumer to  
4 dispute information in the consumer's credit file).

5           **(6) 15 U.S.C. 1681m(d)** (concerning the duties of a person who  
6 uses a consumer's consumer report in connection with credit  
7 or insurance transactions not initiated by the consumer).

8           **(7) Subject to the limitations set forth in 15 U.S.C. 1681s(c),**  
9 **any other provision of the federal Fair Credit Reporting Act**  
10 **(15 U.S.C. 1681 et seq.).**

11           **(b) In addition to investigating complaints under subsection (a),**  
12 **the attorney general may, if the attorney general has reason to**  
13 **believe that any person has violated or is violating any of the**  
14 **provisions of the federal Fair Credit Reporting Act (15 U.S.C. 1681**  
15 **et seq.) described in subsection (a) with respect to one (1) or more**  
16 **consumers, conduct an investigation, on the attorney general's own**  
17 **motion, into the suspected violation. In conducting an investigation**  
18 **under this subsection or subsection (a), the attorney general may**  
19 **administer oaths or affirmations, compel the attendance of**  
20 **witnesses, and compel the production of documentary and other**  
21 **evidence, as described in 15 U.S.C. 1681s(c)(3).**

22           **(c) In connection with an investigation under subsection (a) or**  
23 **(b), the attorney general may bring an action, in any appropriate**  
24 **United States district court or in any other court with jurisdiction,**  
25 **including a state court in Indiana (subject to 15 U.S.C. 1681s(c)(2))**  
26 **for:**

27           **(1) injunctive relief;**

28           **(2) damages on behalf of consumers; or**

29           **(3) both injunctive relief and damages;**

30 **as determined by the court and as authorized by 15 U.S.C.**  
31 **1681s(c)(1).**

32           **(d) The enforcement procedures available under subsection (c)**  
33 **are in addition to the enforcement procedures and remedies**  
34 **available under IC 24-5-0.5 to the attorney general or a consumer**  
35 **for a violation of the federal Fair Credit Reporting Act (15 U.S.C.**  
36 **1681 et seq.), or of any regulations issued under the federal Fair**  
37 **Credit Reporting Act (15 U.S.C. 1681 et seq.), in connection with**  
38 **a consumer transaction involving a consumer (as defined in 15**  
39 **U.S.C. 1681a(c)) whose principal residence is in Indiana.**

