



**2021 GENERAL ASSEMBLY – DFI LEGISLATION OF INTEREST**

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The following is a brief summary of legislation adopted by the 2021 Indiana General Assembly which may be of interest to the Department, its constituencies, staff, and members. For additional information regarding any bill of particular interest, the complete list of all legislation enacted or considered in the 2021 General Assembly can be found [here](#).

**SEA 346 Financial institutions and consumer credit (commonly known as the "DFI Omnibus Bill").**

The following is a summary of [SEA 346](#), authored by Senator Eric Bassler and sponsored by Representative Martin Carbaugh, which was signed by the Governor into Public Law 54 on April 15, 2021. As in years' past, the DFI Omnibus Bill includes updated references to federal and state laws in effect; streamlining and modernization efforts; and various technical changes and clarifications. The summary below is not all inclusive of the bill's accomplishments, and interested parties are encouraged to review all provisions of the legislation and the newly enacted statutes in greater detail.

While this publication is intended to provide DFI regulated industries, trade associations, attorneys and the public with an overview of recently enacted legislation over which the DFI has regulatory and administrative authority, businesses are encouraged to seek legal counsel with questions regarding how the new laws may impact a particular business model or product.

All provisions of the DFI Omnibus Bill became effective July 1, 2021. Unless otherwise notated below, all other bills referenced became effective July 1, 2021.

**Consumer Credit:**

❖ **Technical update to the definition of money order.** The definition of "check" in the Check Cashing Act (IC § 28-8-5 *et. seq.*) included identification of a money order, as well as a "personal" money order. In practice, there is no such category as a "personal" money order, and it can create confusion and unnecessary violations when a licensed check casher is uncertain as to how to categorize a check for imposing allowed statutory fees.

- Applies to: licensed check cashers
- Statutory references: IC § 28-8-5-2

### **Depositories:**

- ❖ **Repeal portion of outdated credit union statute concerning limitations on secured real estate loans.** The statutory section regarding restrictions on real estate secured loans as it pertained to credit unions was overly prescriptive and inconsistent with federal regulatory changes previously made by the federal regulator, NCUA. Regulatory oversight has generally moved away from prescriptive rulemaking and toward a risk-based approach tailored to the activities unique to the depository institution.
  - Applies to: state chartered credit unions
  - Statutory references: IC § 28-7-1-17 (AMENDED); IC § 28-7-17(4) (REPEALED)

### **Other Bills of Interest:**

- ❖ **Civil Immunity related to COVID-19 (SEA 1).** Provided immunity from civil tort liability to any individual, corporation, organization, or entity for damages “arising from COVID-19” which occurred on or after March 1, 2020 (effective upon signature; Feb. 18, 2021).
- ❖ **Recording requirements (HEA 1056).** Amended the requirements for instruments and conveyances and clarified a witness requirement from a prior session (effective upon signature; Feb. 18, 2021).
- ❖ **Revised Unclaimed Property Act (SEA 188).** Repealed the Unclaimed Property Act and replaced it with the Revised Unclaimed Property Act. The new Act contains several new definitions, including “game related digital content”, “non-freely transferable security”, and “virtual currency.”
- ❖ **Limitations on actions concerning deposit accounts (SEA 370).** Amends the statute of limitations for actions to include actions upon deposit accounts, and that the change was intended to be a restatement of existing law.
- ❖ **Statewide electronic lien and title system (SEA 400).** Requires the Bureau of Motor Vehicles to implement a statewide electronic lien and title system to process vehicle titles, certificates of title, and release of security interest in vehicles through electronic means. All entities that are a party to the transaction must use the electronic system beginning July 1, 2022 for liens and July 1, 2023 for titles.
- ❖ **Secretary of State securities division matters (HB 1462).** Included a provision that a federally registered mortgage loan originator is exempt from state licensure governing loan brokers regulated by the Secretary of State’s office.
- ❖ **Cybersecurity Incidents (HB 1169).** Requires the office of technology to maintain a repository of cybersecurity incidents and imposes an obligation upon state agencies and political subdivisions to report the occurrence of any cybersecurity incident.
- ❖ **Auto dealer services (HB 1246).** Provides that the Secretary of State may condition or limit a dealer license if it is in the best interest of the public. Provides that dealers may deliver a motor vehicle to a location other than the dealer’s licensed location under certain conditions.

- ❖ **Permanent trailer registration (HB 1356).** Provides that the owner of a trailer that weighs 3,000 pounds or less may apply to the Bureau of Motor Vehicles for a permanent registration for a set fee of \$82 and pay twice the surtax due at the time of registration. An owner of a trailer that obtains a permanent registration is not subject to additional surtax payments.
- ❖ **Business Law – prohibited use of name or assumed name (HEA 1464).** Provides that the Secretary of State (business services) may remove a name or assumed name of an entity from its filing records if the name or assumed name falsely indicates or implies that the entity (domestic or foreign) is or is connected with a government agency of this state, another state, or the United States. Expands what qualifies as an emergency for purposes of a conducting or postponing a board meeting by remote communication.
- ❖ **Popcorn grown in Indiana (SB 97).** Designates popcorn grown in Indiana as the official state snack of Indiana.

DFI Legislation of Interest published for 2021 as well as for previous years and related advisories can be found at the DFI website ([www.in.gov/dfi](http://www.in.gov/dfi)), under “General Information” - “Legal Resources” and “Policies and Guidance.”

Should you have any questions regarding the above, please contact the Department at: 317-232-3955.