



Bankers Advisory

COMPLIANCE MONITOR

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Indiana Amends Definitions under SCRA, Amends UCCC Dollar Amounts

By Robert Harrison, J.D.

Indiana has amended the definitions for “active duty” and “military service”. This is important because certain benefits, rights, and protections are afforded to active duty military service members under the Servicemembers Civil Relief Act and the Federal Uniformed Services Employment and Reemployment Rights Act. Also, the Indiana UCCC dollar amounts have been amended, as required by law.

Indiana Amends Provisions under Servicemembers Civil Relief Act

The state of Indiana amended its definitions for “active duty” and “military service” under its Servicemembers Civil Relief Act (SCRA).

Section 1. IC 10-16-7-23 is amended to reflect the new definition of “active duty” which now includes those that are “state active duty under an order of a governor of another state”. Members of the National Guard of another state are now expressly granted the benefits, rights, and protections of the SCRA and the Federal Uniformed Services Employment and Reemployment Rights Act under Indiana Law, just as a member of the Indiana National Guard would be.

Section 2. IC 10-16-20-2 is amended to reflect the new definition of “military service” which now includes “member[s] or reserve member[s] of the national guard of another state, service under an order by the governor of that state to active duty for a period of more than thirty (30) consecutive days.”

These definitions and provisions regarding the SCRA are effective on July 1, 2016.

Indiana Amends Provisions Regarding UCCC Dollar Amounts

The Indiana Department of Financial Institutions amended its provisions regarding dollar amounts to the Uniform Consumer Credit Code. These changes are effective on July 1, 2016. The dollar amounts in *IC 24-4.5* are required to be changed by *IC 24-4.5-1-106*:

Amended	Dollar Amounts	Provisions Relating To
<u>IC 24-4.5-2-201(7)</u>	2,000/4,000	Graduated rate (sales)
<u>IC 24-4.5-2-201(8)</u>	48	Minimum credit service charge
<u>IC 24-4.5-2-203.5(5)</u>	18.50	Delinquency charge (sales)
<u>IC 24-4.5-2-407(4)</u>	1,110/4,000	Security interest (sales or leases)
<u>IC 24-4.5-3-201(7)</u>	48	Minimum loan finance charge
<u>IC 24-4.5-3-203.5(5)</u>	18.50	Delinquency charge (loans)
<u>IC 24-4.5-3-508(6)</u>	2,000/4,000	Graduated rate (supervised loans)
<u>IC 24-4.5-3-508(7)</u>	48	Minimum loan finance charge
<u>IC 24-4.5-3-510(2)</u>	4,000	Land as security (loans)
<u>IC 24-4.5-3-511(2)</u>	1,110/4,000	Maximum loan term
<u>IC 24-4.5-4-301(4)</u>	1,110	Property insurance
<u>IC 24-4.5-5-103(7)</u>	4,000	Deficiency judgment
<u>IC 24-4.5-7-104(2)</u>	605	Principal loan amount
<u>IC 24-4.5-7-201(4)</u>	605	Graduated rate scale
<u>IC 24-4.5-7-404(3)</u>	605	Combined loan amounts

The dollar amount change required by *IC 24-9-2-8*, as amended, shall be on July 1, 2016, as follows:

Amended	Dollar Amounts	Provisions Relating To
<u>IC 24-9-2-8</u>	44,000	High cost home loan

The dollar amount changes set forth in *IC 34-55-10-2*, as amended, required to be changed by *IC 34-55-10-2.5*, as amended, shall be as follows:

Amended	Dollar Amounts	Provisions Relating To
<u>IC 34-55-10-2(c)(1)</u>	19,300	Real estate family residence
<u>IC 34-55-10-2(c)(2)</u>	10,250	Other real estate or tangible property
<u>IC 34-55-10-2(c)(3)</u>	400	Intangible personal property

About the Author

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