

IC 35-43-9

Chapter 9. Conversion or Misappropriation of Title Insurance Escrow Funds

IC 35-43-9-1

"Party" defined

Sec. 1. As used in this chapter, "party" means an individual who is:

- (1) buying;
- (2) selling; or
- (3) refinancing;

a dwelling in a residential real property transaction.

As added by P.L.300-1995, SEC.2.

IC 35-43-9-2

"Person" defined

Sec. 2. As used in this chapter, "person" means an individual, a corporation, a limited liability company, a partnership, a firm, an association, or another organization.

As added by P.L.300-1995, SEC.2.

IC 35-43-9-3

"Residential real property transaction" defined

Sec. 3. As used in this chapter, "residential real property transaction" means the purchase, sale, or refinancing of a dwelling that has been or will be the residence of a party in the purchase, sale, or refinancing.

As added by P.L.300-1995, SEC.2.

IC 35-43-9-4

"Title insurance agent" defined

Sec. 4. As used in this chapter, "title insurance agent" means a person who holds a limited lines producer's license issued under IC 27-1-15.6-18(4) and disburses funds from a title insurance escrow account to a party in connection with a residential real property transaction.

As added by P.L.300-1995, SEC.2. Amended by P.L.132-2001, SEC.25; P.L.178-2003, SEC.97.

IC 35-43-9-5

"Title insurance escrow account" defined

Sec. 5. As used in this chapter, "title insurance escrow account" means an account in which written instruments, money, or other items are deposited and held in escrow or trust for disbursement to a party in connection with a residential real property transaction upon the performance of a specified condition or the happening of a certain event.

As added by P.L.300-1995, SEC.2.

IC 35-43-9-6

"Title insurer" defined

Sec. 6. As used in this chapter, "title insurer" means a person holding a valid certificate of authority issued under IC 27-7-3-6.
As added by P.L.300-1995, SEC.2.

IC 35-43-9-7

Violations

Sec. 7. (a) An officer, a director, or an employee of a title insurer, an individual associated with the title insurer as an independent contractor, or a title insurance agent who knowingly or intentionally:

- (1) converts or misappropriates money received or held in a title insurance escrow account; or
- (2) receives or conspires to receive money described in subdivision (1);

commits a Class D felony, except as provided in subsection (b).

(b) The offense is:

- (1) a Class C felony if the amount of money:
 - (A) converted, misappropriated, or received; or
 - (B) for which there is a conspiracy;is more than ten thousand dollars (\$10,000) but less than one hundred thousand dollars (\$100,000); and
- (2) a Class B felony if the amount of money:
 - (A) converted, misappropriated, or received; or
 - (B) for which there is a conspiracy;is at least one hundred thousand dollars (\$100,000).

As added by P.L.300-1995, SEC.2.

IC 35-43-9-8

Notice of conviction

Sec. 8. The court shall direct the clerk of court to notify the Indiana department of insurance about a conviction of an offense under section 7 of this chapter.

As added by P.L.300-1995, SEC.2.

IC 35-43-9-9

Restitution

Sec. 9. In addition to any sentence or fine imposed for a conviction of an offense in section 7 of this chapter, the court shall order the person convicted to make restitution to the victim of the crime pursuant to IC 35-50-5-3.

As added by P.L.300-1995, SEC.2.