

SOURCE: IC 25-34.1-8-12; (10)SE0356.1.72. --> SECTION 72. IC 25-34.1-8-12, AS AMENDED BY P.L.3-2008, SECTION 204, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12. (a) A person who:

(1) performs:

- (A) the acts of a licensed real estate appraiser without a license; or
- (B) the acts of a certified real estate appraiser without a certificate; or

(2) conducts or solicits or accepts enrollment of students for a course without course approval as required by section 13 of this chapter;

commits a Class B infraction. When a judgment is entered for an offense under this section, the court shall add to any fine imposed the amount of any fee or other compensation earned in the commission of the offense. Each transaction constitutes a separate offense.

(b) In all actions for the collection of a fee or other compensation for performing acts regulated by this article, a party seeking relief must allege and prove that at the time the cause of action arose the party was not in violation of this section.

(c) The attorney general, the board, or the prosecuting attorney of any county in which a violation occurs may maintain an action in the name of the state of Indiana to enjoin a person from violating this section.

(d) In charging any person in a complaint for a judgment or an injunction for the violation of this section, it is sufficient, without averring any further or more particular facts, to charge that the person upon a certain day and in a certain county:

(1) acted as:

- (A) a certified real estate appraiser without a certificate; or
- (B) a licensed real estate appraiser without a license; or

(2) conducted, or solicited or accepted enrollment of students for a real estate appraiser course without course approval.

(e) Each enforcement procedure established in this section **and IC 25-1-7-14** is supplemental to other enforcement procedures established in this section.

SOURCE: IC 25-39-1.5-1; (10)SE0356.1.73. --> SECTION 73. IC 25-39-1.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. For the purposes of

this article, the occupation of a ~~licensed water well driller licensee~~ is a regulated occupation under IC 25-1-7-1.

SOURCE: IC 25-39-1.5-2; (10)SE0356.1.74. --> SECTION 74. IC 25-39-1.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. For the purposes of licensing a water well ~~drillers~~ **driller and well water pump installer** under IC 25-39-3, the department of natural resources is a "board" under IC 25-1-8-1.

SOURCE: IC 25-39-1.5-3; (10)SE0356.1.75. --> SECTION 75. IC 25-39-1.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. IC 25-39-3 and IC 25-39-4 do not apply to the following:

(1) A person who installs a well that:

- (A) is for personal use; and
- (B) is not greater than one and one-fourth (1 1/4) inches inside diameter and not greater than twenty-four (24) feet deep.

(2) A plumber who:

- (A) is licensed under IC 25-28.5;
- (B) is registered with the department under section 4 of this chapter; and
- (C) installs wells that are not greater than one and one-fourth (1 1/4) inches inside diameter and not greater than twenty-four (24) feet deep.

(3) A person who installs or repairs a water well pump or water well pumping equipment for personal use.

(4) A person who is working under the direction and personal supervision of a person who holds a license.

SOURCE: IC 25-39-1.5-4; (10)SE0356.1.76. --> SECTION 76. IC 25-39-1.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. A plumber licensed under IC 25-28.5 must register with the department before the plumber installs a well **or well water pump**.

SOURCE: IC 25-39-2-12; (10)SE0356.1.77. --> SECTION 77. IC 25-39-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12. "License" refers to a water well driller's **and water well pump**

installer's license issued by the department under this ~~chapter~~ **article**.

SOURCE: IC 25-39-2-12.5; (10)SE0356.1.78. --> SECTION 78. IC 25-39-2-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 12.5. "Licensee" refers to a person who has been issued a water well driller's and water well pump installer's license issued by the department under this article.**

SOURCE: IC 25-39-2-15.5; (10)SE0356.1.79. --> SECTION 79. IC 25-39-2-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 15.5. "Water well pump**

installer" means a person who installs or repairs water well pumps.

SOURCE: IC 25-39-3-1; (10)SE0356.1.80. --> SECTION 80. IC 25-39-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 1. (a) An individual may not be a water well driller or water well pump installer without a license.**

(b) The department shall issue a license to each individual who applies and qualifies for a license under this chapter.

(c) The license of the licensee operating well drilling equipment **or installing a water well pump** shall be carried by the licensee and presented for inspection by a representative of the department upon request.

(d) Every license expires on December 31 of the year for which it was issued.

SOURCE: IC 25-39-3-2; (10)SE0356.1.81. --> SECTION 81. IC 25-39-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 2. (a) An application for a license must be made on a form prescribed by the commission in rules adopted under IC 4-22-2. The purpose of the form is to identify the applicant and obtain information to determine if the applicant is qualified to be licensed.**

(b) An application for an original license or a license renewal must be accompanied by a license fee of one hundred dollars (\$100).

(c) **Unless an applicant has held an original license for less than one (1) year, a license renewal application must be accompanied by:**

(1) **a copy of the continuing education verification of attendance forms; and**

(2) **a statement by the applicant attesting that the applicant has complied with the continuing education requirements under IC 25-39-6.**

SOURCE: IC 25-39-3-3; (10)SE0356.1.82. --> SECTION 82. IC 25-39-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 3. (a) To qualify for an original license an individual must:**

(1) be at least eighteen (18) years of age;

(2) furnish evidence from three (3) references, two (2) of whom are water well drillers, **water well pump installers**, or licensed plumbing contractors familiar with the applicant's work experience and professional competency; and

(3) have successfully completed a competency examination prepared and administered by the department.

(b) The competency examination shall be administered at least two (2) times every calendar year.

(c) The fee to take the competency examination shall be set by the director under IC 25-1-8. This fee is nonrefundable and must be paid each time an applicant applies to take the examination.

SOURCE: IC 25-39-3-3.5; (10)SE0356.1.83. --> SECTION 83. IC 25-39-3-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 3.5. (a)**

Notwithstanding this article, an individual, who is not exempt under this article, is not required to have a license to install a water well pump until January 1, 2011.

(b) **Notwithstanding section 3 of this chapter, the department shall issue an original license to an applicant who meets the following qualifications:**

(1) **Is at least eighteen (18) years of age.**

(2) **Furnishes evidence that the applicant has installed water well pumps for at least three (3) years.**

(3) **Furnishes references from three (3) individuals who are licensed under this article and who are familiar with the applicant's experience and competency.**

(4) **Complies with the requirements under section 2 of this chapter.**

(c) This section expires July 1, 2011.

SOURCE: IC 25-39-3-4; (10)SE0356.1.84. --> SECTION 84. IC 25-39-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) In consultation with the Indiana Well Drilling Contractors Association **and the Indiana Ground Water Association**, the department shall prepare one (1) or more competency examinations to determine if an applicant for a license is qualified to be a water well driller **and water well pump installer**.

(b) The competency examination must include questions to determine if the applicant for a license has adequate knowledge and expertise concerning the following:

- (1) Placement of wells.
- (2) Well drilling procedures.
- (3) Operations of well drilling **and water well pump** equipment.
- (4) Contamination precautions.
- (5) Installation of well casing **and water well pumps**.
- (6) Well grouting procedures.
- (7) Well screen design and installation.
- (8) Pitless adapter units.
- (9) Installation of pumping apparatus.
- (10) Well disinfection.
- (11) Sealing abandoned wells.

(12) Ground water occurrence.

(13) Aquifer characteristics.

(14) Drawdown requirements and limitations.

(15) Depth considerations.

(16) Methods of measuring well yield.

(17) The requirements of this chapter and other laws relating to wells.

(18) Other accepted standards relating to the drilling, operation, and abandonment of wells **and water well pumps**.

SOURCE: IC 25-39-4-1; (10)SE0356.1.85. --> SECTION 85. IC 25-39-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) Each ~~water well driller~~ **licensee** shall keep accurate records for each well drilled. The record for each well must contain the following information:

- (1) The location of the well.
- (2) The depth and diameter of the well.
- (3) The date the contractor completed the well.
- (4) The character and thickness of materials or formations drilled.
- (5) The static water level and performance data of the well.
- (6) Any other information required by rule.

(b) Each ~~water well driller~~ **licensee** shall, within thirty (30) days after the completion of a well, forward a copy of the record of the well to the department on forms prescribed or approved by the department.

SOURCE: IC 25-39-4-2; (10)SE0356.1.86. --> SECTION 86. IC 25-39-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) The commission shall, by rule, establish standards for well siting, construction, and operation. The standards must address the following:

- (1) Placement of wells.
- (2) Well drilling procedures.
- (3) Operation of well drilling **and water well pump** equipment.
- (4) Contamination precautions.
- (5) Well casing **and water well pump** specification and installation.
- (6) Well grouting procedures.
- (7) Well screen design and installation.
- (8) Pitless adapter units.
- (9) Installation of pumping apparatus.

(10) Well disinfection techniques.

(11) Sealing and plugging abandoned wells.

(12) Other generally accepted standards relating to the drilling, operation, or abandonment of wells.

(b) A well that is drilled after December 31, 1987, must be drilled in compliance with the rules adopted under this section.

SOURCE: IC 25-39-4-7; (10)SE0356.1.87. --> SECTION 87. IC 25-39-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) Under IC 4-21.5-3-6, the director may suspend or revoke the license of a ~~water well driller licensee~~ who has done any of the following:

(1) Acted as a ~~well driller licensee~~ without a license in violation of this article.

(2) Secured a license through error or fraud.

(3) Failed to comply with any of the requirements of sections 1, 2, 4, 5, and 6 of this chapter.

(b) Under IC 4-21.5-3-5, the director may refuse to grant, renew, or restore a license to a person who has done any of the following:

(1) Acted as a ~~well driller licensee~~ without a license in violation of this article.

(2) Secured a license through error or fraud.

(3) Failed to comply with any of the requirements of sections 1, 2, 4, 5, and 6 of this chapter.

SOURCE: IC 25-39-4-8; (10)SE0356.1.88. --> SECTION 88. IC 25-39-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) The department may initiate injunctive proceedings in the appropriate court against a person who acts as a ~~water well driller licensee~~ without a license or while the person's license is suspended. The department may not be compelled to give bond in such a cause.

(b) After an action has been filed and notice has been given, all matters involved in the action shall be held in abeyance until the action has been tried and determined.

(c) If a defendant continues to violate this article after notice of the action has been given but before trial and determination, the department may, upon a verified showing of those acts of the defendant, obtain a temporary restraining order without notice. The order is effective until the cause has been tried and determined.

SOURCE: IC 25-39-4-10; (10)SE0356.1.89. --> SECTION 89. IC 25-39-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10. Upon written application by the owner of a well or the ~~water well driller, licensee~~, the department shall keep the record of a well confidential for a period of one (1) year, and that record is not considered to be a public record.

SOURCE: IC 25-39-6; (10)SE0356.1.90. --> SECTION 90. IC 25-39-6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 6. Continuing Education

Sec. 1. Except as provided in section 6 of this chapter, a licensee who has held a license for at least one (1) calendar year shall complete six (6) actual hours of continuing education before

December 31 of each even-numbered year.

Sec. 2. A licensee shall retain the following for each continuing education course the individual attends:

(1) A record of:

(A) the number of hours the individual spent in the continuing education course;

(B) the name of the person or organization presenting the continuing education course;

(C) the date, location, and title of the continuing education course; and

(D) the number of hours of continuing education awarded for the course.

(2) Verification that the individual attended the course.

The records and verification of attendance must be retained for three (3) years after the individual attends a continuing education course.

Sec. 3. (a) An institution, organization, governmental agency, or individual that wishes to offer continuing education courses for the purposes of this chapter must apply in writing to the department for approval of each course. An application for approval of a course must be received by the department not less than thirty (30) days before the course is offered. The department shall approve or deny an application for approval of a continuing education course not more than ten (10) business days after receiving the application.

(b) An application must include the following information:

- (1) The title of the course and subjects that will be presented.
- (2) The name of the person or organization presenting the continuing education course.
- (3) The date, location, and title of the continuing education course.
- (4) The number of hours of continuing education to be offered.
- (5) Course outlines for the subjects to be offered.
- (6) The fee to be charged for each course.
- (7) Any other information requested by the department.

(c) The department may approve an application for approval of a continuing education course that addresses one (1) of the following topics:

- (1) Water well construction.
- (2) Pump installation and repair.
- (3) Grouting.

(4) Water sample collection and sampling.**(5) Contamination of water supplies.****(6) Other topics the department determines to be relevant for the continued improvement of the knowledge of a license holder.**

Sec. 4. An institution, organization, governmental agency, or individual that has been approved to offer a continuing education course for the purposes of this chapter shall submit to the department not more than forty-five (45) days after the course has been completed a typed listing of the following information:

- (1) The name of each individual who attended the course, including each individual's license number.
- (2) The title of the course.
- (3) The name of the person or organization presenting the continuing education course.
- (4) The date, location, and title of the continuing education course.
- (5) The number of hours of continuing education each individual received.

Sec. 5. The department shall maintain and make available to the public a list of future continuing education courses that will satisfy the continuing education requirements of this article.

Sec. 6. A licensee may apply in writing to the department for a waiver or modification of the continuing education requirements applying to the licensee under this article if the licensee:

- (1) establishes that an emergency existed during the period for which the continuing education was required;
- (2) has had an incapacitating illness verified by the applicant and a licensed physician; or
- (3) was prevented from completing the continuing education requirement because of active military duty during the period for which the continuing education was required.

Sec. 7. The department may enter into a contract with the Indiana Ground Water Association to administer this chapter.

SOURCE: IC 34-30-2-152.5; (10)SE0356.1.91. -->

SOURCE: IC 34-30-2-152.5. --> SECTION 91. IC 34-30-2-152.5, AS ADDED BY P.L.65-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 152.5. (a) IC 35-48-7-11.1(m) (Concerning providing information to or obtaining information from the Indiana scheduled prescription electronic collection and tracking program).

(b) IC 35-48-7-11.1(n) (Concerning providing information to a law enforcement agency based on a report from the Indiana scheduled prescription electronic collection and tracking program).

SOURCE: IC 35-48-2-1; (10)SE0356.1.92. --> SECTION 92. IC 35-48-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) The board shall administer this article and may recommend to the general assembly the addition, deletion, or rescheduling of all substances listed in the schedules in sections 4, 6, 8, 10, and 12 of this chapter by submitting in an electronic format under IC 5-14-6 a report of such recommendations to the legislative council. In making a determination regarding a substance, the board shall consider the following:

- (1) The actual or relative potential for abuse.