

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

### MR. SPEAKER:

I move that House Bill 1221 be amended to read as follows:

- 1 Page 7, between lines 28 and 29, begin a new paragraph and  
2 insert:  
3 SECTION 5. AMENDED TO READ AS FOLLOWS: Sec. 3. (a)  
4 **This section does not apply to an organization that operates a**  
5 **wholesale dealer automobile auction.**  
6 (b) Every person, ~~except an individual who is a licensed~~  
7 ~~auctioneer~~, before operating an auction house, must obtain a license  
8 from the commission for that auction house. ~~Notwithstanding the fact~~  
9 ~~that an individual who is a licensed auctioneer has an interest in an~~  
10 ~~organization, every organization seeking to operate an auction house~~  
11 ~~must obtain a license for that auction house.~~  
12 (c) ~~Except as provided in subsection (d), before applying for a~~  
13 ~~license from the commission to operate an auction house, the~~  
14 ~~following must obtain a license as an auctioneer as provided in~~  
15 ~~section 2 of this chapter:~~  
16 (1) ~~An individual who seeks to operate an auction house.~~  
17 (2) ~~One (1) or more individuals designated by an~~  
18 ~~organization that seeks to operate an auction house.~~  
19 (d) ~~Subsection (c) does not apply to:~~  
20 (1) ~~a person that holds a valid license for an auction house~~  
21 ~~as of June 30, 1998; or~~  
22 (2) ~~a person that holds a valid renewal of a license described~~  
23 ~~in subdivision (1).~~  
24 ~~(b) (e) Every applicant seeking to operate an auction house shall~~  
25 ~~file with the commission a completed application on a form provided~~  
26 ~~by the commission for a license for each auction house to be operated~~  
27 ~~by that person. Each application shall be accompanied by the license~~

1 fee prescribed by section 5 of this chapter and a surcharge described in  
2 IC 25-6.1-8-2.

3 ~~(e)~~ (f) Upon the receipt of a completed application for an initial or  
4 a renewal license, the commission shall examine the application and  
5 may verify the information contained therein.

6 ~~(d)~~ (g) If the commission determines that the application has been  
7 completed and that the statements made therein by the applicant are  
8 true, the commission shall issue a license, in such form as it may  
9 prescribe, for such auction house.

10 ~~(e)~~ (h) Auction house licenses shall expire at midnight, February  
11 28 of the next even-numbered year following the year in which the  
12 license is issued. A renewal license with a term of two (2) years shall  
13 be issued if an application is for a renewal license.

14 (f) ~~In any case in which (by reason of the exception stated in~~  
15 ~~subsection (a)) a licensed auctioneer who also operates an auction~~  
16 ~~house or auction houses shall be exempt from the requirement that the~~  
17 ~~auctioneer obtain a license under this section for such auction house or~~  
18 ~~auction houses; such auctioneer shall, on February 28, 1978, or the date~~  
19 ~~on which the auctioneer begins the operation of any auction house,~~  
20 ~~whichever is later, notify the secretary of the commission, in a writing~~  
21 ~~signed by the auctioneer, of the address of each auction house operated~~  
22 ~~by the auctioneer and of the trade or business name by which each~~  
23 ~~auction house is known. Whenever any licensed auctioneer to whom~~  
24 ~~this subsection applies shall discontinue the operation of any auction~~  
25 ~~house theretofore operated by the auctioneer, or shall change the~~  
26 ~~address or trade or business name of any auction house operated by the~~  
27 ~~auctioneer, the auctioneer shall promptly notify the secretary of the~~  
28 ~~commission of the discontinuance or change, in a writing signed by the~~  
29 ~~auctioneer.~~

30 SECTION 6. IC 25-6.1-7-1 IS AMENDED TO READ AS  
31 FOLLOWS: Sec. 1. ~~Failure to be Licensed:~~ (a) An individual may not  
32 act as an auctioneer without first having obtained and having in full  
33 force and effect the license required under this article.

34 (b) ~~Except as provided in IC 25-6.1-3-3, a~~ A person ~~(except a~~  
35 ~~licensed auctioneer who shall have become exempt, by reason of~~  
36 ~~compliance with the provisions of section 3 of chapter 3 of this article,~~  
37 ~~from the auction house licensing requirements of this article)~~ may not  
38 operate an auction house without having obtained and having in full  
39 force and effect the license for ~~such the~~ auction house as required  
40 under this article.

41 (c) A person (except a person who shall have become exempt, by  
42 reason of compliance with the provisions of section 4 of chapter 3 of  
43 this article, from the auction company licensing requirements of this  
44 article) may not operate an auction company without first having  
45 obtained and having in full force and effect the auction company  
46 license required under this article.

47 (d) A person who **knowingly or intentionally** violates the  
48 provisions of this section commits a Class A misdemeanor.

49 Renumber all SECTIONS consecutively.

(Reference is to HB1221 as printed January 23, 1998.)

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Representative KRUSE