

January 23, 1998

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## HOUSE BILL No. 1221

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DIGEST OF HB 1221 (Updated January 21, 1998 10:48 am - DI 93)

**Citations Affected:** IC 25-1; IC 25-4; IC 25-6.1; IC 25-8; IC 25-9; IC 25-28.5; IC 30-2; noncode.

**Synopsis:** Professional licensing. Allows licenses to be issued for periods longer than two years if the law under which the license is issued specifically provides for such periods. Specifies that cheating on a licensing examination is grounds for disciplinary sanctions. Allows a licensing board to rescind the license of an applicant or practitioner who has engaged in fraud or material deception to obtain the license. Allows the board of registration for architects to deny a certificate of registration to practice architecture to a person who holds or has held a license that is under probation or suspension or has been revoked or terminated for reasons related to the practice of architecture or who has illegally practiced architecture without the proper license, certification, or registration. Allows the Indiana auctioneer commission to include out-of-state instruction and practice as fulfillment of the education requirement for licensure as an auctioneer. Allows the Indiana  
(Continued next page)

**Effective:** July 1, 1998.

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**Bottorff**

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January 13, 1998, read first time and referred to Committee on Commerce and Economic Development.  
January 22, 1998, amended, reported — Do Pass.

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auctioneer commission to waive the examination requirement for licensure as an auctioneer if a nonresident applicant is licensed, certified, or registered in another state or jurisdiction with similar licensure requirements. (Current law requires the nonresident applicant to be licensed in the state of the applicant's domicile.) Allows a person to apply to become a barber instructor if the person has five years of full-time experience as a barber. Requires applicants for a manicurist license that are licensed in another state to take the same examination that in-state applicants must take and score 75% or higher to pass. Allows the state board of cosmetology examiners to issue a license to act as an esthetician to a person who is licensed to act as an esthetician in another state or jurisdiction if the other state or jurisdiction imposes substantially similar requirements. Allows the state board of cosmetology examiners to count education hours and practice hours in another state as fulfillment of the education requirements of an esthetician license. Permits instead of requires the state boxing commission to adopt rules establishing the qualifications of applicants that apply to hold boxing matches. Removes fee requirements for licensure and licensure renewal that currently must be followed by the Indiana plumbing commission and requires the commission to establish the amount of the fees.

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January 23, 1998

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

## HOUSE BILL No. 1221

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A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 25-1-2-2.1, AS AMENDED BY P.L.147-1997,  
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 1998]: Sec. 2.1. **Rather than being issued annually**, the  
4 following permits, licenses, certificates of registration, or evidences of  
5 authority granted by a state agency must be issued for a period of two  
6 (2) years **rather than issued annually; or for the period specified in**  
7 **the article under which the permit, license, certificate of**  
8 **registration, or evidence of authority is issued if the period**  
9 **specified in the article is longer than two (2) years:**  
10 (1) Certified public accountants, public accountants, and account-  
11 ing practitioners.  
12 (2) Architects and landscape architects.  
13 (3) Dry cleaners.  
14 (4) Professional engineers.  
15 (5) Land surveyors.

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- 1 (6) Real estate brokers.  
 2 (7) Real estate agents.  
 3 (8) Security dealers' licenses issued by the securities  
 4 commissioner.  
 5 (9) Dental hygienists.  
 6 (10) Dentists.  
 7 (11) Veterinarians.  
 8 (12) Physicians.  
 9 (13) Chiropractors.  
 10 (14) Physical therapists.  
 11 (15) Optometrists.  
 12 (16) Pharmacists and assistants, drugstores or pharmacies.  
 13 (17) Motels and mobile home park licenses.  
 14 (18) Nurses.  
 15 (19) Podiatrists.  
 16 (20) Occupational therapists and occupational therapy assistants.  
 17 (21) Respiratory care practitioners.  
 18 (22) Social workers, marriage and family therapists, and mental  
 19 health counselors.  
 20 (23) Real estate appraiser licenses and certificates issued by the  
 21 real estate appraiser licensure and certification board.  
 22 (24) Wholesale legend drug distributors.  
 23 (25) Physician assistants.  
 24 (26) Dietitians.  
 25 (27) Hypnotists.

26 SECTION 2. IC 25-1-11-5 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) A practitioner  
 28 shall comply with the standards established by the board regulating a  
 29 profession. A practitioner is subject to the exercise of the disciplinary  
 30 sanctions under section 12 of this chapter if, after a hearing, the ~~boards~~  
 31 **board** finds that:

- 32 (1) a practitioner has:  
 33 (A) engaged in or knowingly cooperated in fraud or material  
 34 deception in order to obtain a license to practice, **including**  
 35 **cheating on a licensing examination;**  
 36 (B) engaged in fraud or material deception in the course of  
 37 professional services or activities; or  
 38 (C) advertised services or goods in a false or misleading  
 39 manner;  
 40 (2) a practitioner has been convicted of a crime that has a direct  
 41 bearing on the practitioner's ability to continue to practice  
 42 competently;

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1 (3) a practitioner has knowingly violated a state statute or rule or  
 2 federal statute or regulation regulating the profession for which  
 3 the practitioner is licensed;

4 (4) a practitioner has continued to practice although the  
 5 practitioner has become unfit to practice due to:

6 (A) professional incompetence;

7 (B) failure to keep abreast of current professional theory or  
 8 practice;

9 (C) physical or mental disability; or

10 (D) addiction to, abuse of, or severe dependency on alcohol or  
 11 other drugs that endanger the public by impairing a  
 12 practitioner's ability to practice safely;

13 (5) a practitioner has engaged in a course of lewd or immoral  
 14 conduct in connection with the delivery of services to the public;

15 (6) a practitioner has allowed the practitioner's name or a license  
 16 issued under this chapter to be used in connection with an  
 17 individual or business who renders services beyond the scope of  
 18 that individual's or business's training, experience, or  
 19 competence;

20 (7) a practitioner has had disciplinary action taken against the  
 21 practitioner or the practitioner's license to practice in another  
 22 state or jurisdiction on grounds similar to those under this  
 23 chapter;

24 (8) a practitioner has assisted another person in committing an act  
 25 that would constitute a ground for disciplinary sanction under this  
 26 chapter; or

27 (9) a practitioner has allowed a license issued by a board to be:

28 (A) used by another person; or

29 (B) displayed to the public when the license has expired, is  
 30 inactive, or has been revoked or suspended.

31 **(b) If an applicant or a practitioner has engaged in or knowingly**  
 32 **cooperated in fraud or material deception to obtain a license to**  
 33 **practice, including cheating on the licensing examination, the**  
 34 **board may rescind the license if it has been granted, void the**  
 35 **examination or other fraudulent or deceptive material, and**  
 36 **prohibit the applicant from reapplying for the license for a length**  
 37 **of time established by the board.**

38 ~~(b)~~ (c) A certified copy of the record of disciplinary action is  
 39 conclusive evidence of the other jurisdiction's disciplinary action under  
 40 subsection (a)(7).

41 SECTION 3. IC 25-4-1-7, AS AMENDED BY P.L.1-1994,  
 42 SECTION 123, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 1998]: Sec. 7. (a) **Except as provided in**  
 2 **subsections (b) and (c)**, any person who is at least eighteen (18) years  
 3 of age shall be qualified for an examination for a certificate of  
 4 registration as a registered architect, provided he shall:

5 (1) have graduated with a professional degree from a school or  
 6 college of architecture recognized by the board; and

7 (2) either:

8 (A) have had at least three (3) years practical experience in the  
 9 office or offices of reputable, registered, practicing architects;  
 10 or

11 (B) have had a combination of training and practical  
 12 experience which shall be found by the board to be fully  
 13 equivalent to clause (A).

14 (b) The applicant must not have a conviction for:

15 (1) an act that would constitute a ground for disciplinary sanction  
 16 under IC 25-1-11; or

17 (2) a felony that has a direct bearing on the applicant's ability to  
 18 practice competently.

19 (c) **The board may deny a certificate of registration to a person**  
 20 **who:**

21 (1) **holds or has held a license that:**

22 (A) **is under probation or suspension;**

23 (B) **has been revoked or terminated; or**

24 (C) **has been the subject of disciplinary action that is the**  
 25 **functional equivalent of probation, suspension, revocation,**  
 26 **or termination.**

27 **for reasons related to the practice of architecture; or**

28 (2) **has illegally practiced architecture without the proper**  
 29 **licensure, certification, or registration.**

30 SECTION 4. IC 25-6.1-3-2, AS AMENDED BY P.L.238-1995,  
 31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 1998]: Sec. 2. (a) Every individual, before acting as an  
 33 auctioneer, must obtain a license from the commission.

34 (b) An applicant for a license must:

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

36 (2) **subject to subsection (d)**, have completed at least eighty (80)  
 37 actual hours of auction instruction from a course provider  
 38 approved by the commission;

39 (3) not have a conviction for:

40 (A) an act which would constitute a ground for disciplinary  
 41 sanction under IC 25-1-11; or

42 (B) a felony that has a direct bearing on the applicant's ability

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- 1 to practice competently.
- 2 (c) Auction instruction required under subsection (b) must provide
- 3 the applicant with knowledge of all of the following:
- 4 (1) The value of real estate and of various goods commonly sold
- 5 at an auction.
- 6 (2) Bid calling.
- 7 (3) Sale preparation, sale advertising, and sale summary.
- 8 (4) Mathematics.
- 9 (5) The provisions of this article and the commission's rules.
- 10 (6) Any other subject matter approved by the commission.
- 11 **(d) For the purposes of satisfying the instruction requirement**
- 12 **under subsection (b)(2), the commission may approve:**
- 13 **(1) on a case by case basis, some or all auction instruction**
- 14 **received by an applicant from a provider outside Indiana; and**
- 15 **(2) verified practice as an auctioneer outside Indiana at the**
- 16 **rate of one (1) year of auction practice equaling twenty (20)**
- 17 **hours of auction instruction.**
- 18 ~~(d)~~ (e) An individual seeking an initial license as an auctioneer
- 19 under this article shall file with the commission a completed
- 20 application on the form prescribed by the commission. When filing an
- 21 initial application for an auctioneer license, each individual shall:
- 22 (1) pay a nonrefundable examination fee of thirty-five dollars
- 23 (\$35); and
- 24 (2) pay a surcharge under IC 25-6.1-8 for deposit in the
- 25 auctioneer recovery fund.
- 26 ~~(e)~~ (f) When filing an application for a renewal of an auctioneer
- 27 license, each individual shall do the following:
- 28 (1) File with the commission a completed application on the form
- 29 prescribed by the commission, including certification by the
- 30 applicant that the applicant has complied with the requirements
- 31 of IC 25-6.1-9-8, unless the commission has granted the applicant
- 32 a waiver under IC 25-6.1-9-9.
- 33 (2) Pay the license fee prescribed by section 5 of this chapter.
- 34 ~~(f)~~ (g) Upon the receipt of a completed application for an initial or
- 35 a renewal license, the commission shall examine the application and
- 36 verify the information contained therein.
- 37 ~~(g)~~ (h) An applicant who is seeking an initial license must pass an
- 38 examination prepared and administered by the commission. The
- 39 commission shall hold examinations as the commission may prescribe.
- 40 The examination for an auctioneer's license shall include questions on
- 41 the applicant's:
- 42 (1) ability to read and write;

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- 1 (2) knowledge of the value of real estate and of various goods  
 2 commonly sold at an auction;  
 3 (3) knowledge of calling;  
 4 (4) knowledge of sale preparation, sale advertising, and sale  
 5 summary;  
 6 (5) knowledge of mathematics; and  
 7 (6) knowledge of the provisions of this article and the  
 8 commission's rules.

9 (h) (i) The commission shall issue an auctioneer's license, in such  
 10 form as it may prescribe, to each individual who meets all of the  
 11 requirements for licensing and pays the appropriate fees.

12 (h) (j) Auctioneer licenses shall be issued for a term of two (2) years.  
 13 A license expires at midnight, February 28 of the next even-numbered  
 14 year following the year in which the license is issued, unless renewed  
 15 before that date. If the license has expired, it may be reinstated not  
 16 more than one (1) year after the date it expired upon the payment of the  
 17 renewal fee plus the sum of twenty-five dollars (\$25) and submission  
 18 of proof that the applicant has complied with the continuing education  
 19 requirement. If the license has expired for a period of more than one (1)  
 20 year, the person must file an application and take the required  
 21 examination. However, an applicant for restoration of an expired  
 22 license is not required to complete the initial eighty (80) hour education  
 23 requirement under this section in order to restore the expired license.  
 24 The holder of an expired license shall cease to display the original wall  
 25 certificate at the holder's place of business and shall return the wall  
 26 certificate to the commission upon notification by the commission of  
 27 the expiration of the holder's license.

28 (h) (k) The commission may waive the requirement that a  
 29 nonresident applicant pass an examination and that the nonresident  
 30 submit written statements by two (2) individuals, if the nonresident  
 31 applicant:

- 32 (1) is licensed, **certified, or registered** to act as an auctioneer in  
 33 **the state of the applicant's domicile; another state or**  
 34 **jurisdiction;**  
 35 (2) submits with the application a duly certified letter of  
 36 **licensure, certification, or registration** issued by the licensing  
 37 board of the **applicant's domiciliary state; state or jurisdiction in**  
 38 **which the applicant is licensed, certified, or registered;**  
 39 (3) is a **resident of licensed, certified, or registered by a state or**  
 40 **jurisdiction** whose licensing requirements are substantially equal  
 41 to the requirements of Indiana;  
 42 (4) is a **resident of a licensed, certified, or registered by a state**

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1 that grants the same privileges to the licensees of Indiana; and  
 2 (5) includes with the application an irrevocable consent that  
 3 actions may be commenced against the applicant. The consent  
 4 shall stipulate that service of process or pleadings on the  
 5 commission shall be taken and held in all courts as valid and  
 6 binding as if service of process had been made upon the applicant  
 7 personally within this state. If any process or pleading mentioned  
 8 in this subsection is served upon the commission, it shall be by  
 9 duplicate copies. One (1) of the duplicate copies shall be filed in  
 10 the office of the commission and one (1) shall be immediately  
 11 forwarded by the commission by registered or certified mail to the  
 12 applicant against whom the process or pleadings are directed.

13 ~~(k)~~ (l) The commission may enter into a reciprocal agreement with  
 14 another state concerning nonresident applicants.

15 ~~(l)~~ (m) The commission may, for good cause shown, upon the  
 16 receipt of an application for a license, issue a temporary permit for such  
 17 reasonable period of time, not to exceed one (1) year, as the  
 18 commission deems appropriate. A temporary permit has the same  
 19 effect as a license and entitles and subjects the permittee to the same  
 20 rights and obligations as if the individual had obtained a license.

21 ~~(m)~~ (n) An applicant for a temporary permit must do the following:

22 (1) File an examination application.

23 **(2) Meet the requirements to apply for licensure under**  
 24 **subsection (b).**

25 ~~(2)~~ (3) Pass the examination at one (1) of the next two (2)  
 26 regularly scheduled examinations.

27 ~~(n)~~ (o) An individual who does not pass the examination required  
 28 under subsection ~~(m)~~ (n) may not be issued a temporary permit.

29 SECTION 5. IC 25-8-4-2, AS AMENDED BY P.L.236-1995,  
 30 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 1998]: Sec. 2. (a) If the board determines that:

32 (1) a person possesses a valid license from another jurisdiction to  
 33 perform acts that require a license under this article; and

34 (2) the jurisdiction issuing the license imposes substantially equal  
 35 requirements on applicants for the license as are imposed on  
 36 applicants for an Indiana license;

37 the board may issue a license to perform those acts in Indiana to that  
 38 person upon payment of the fee required under IC 25-8-13.

39 (b) This subsection applies only to applications for a cosmetologist  
 40 license under IC 25-8-9. If the jurisdiction issuing the license does not  
 41 impose substantially equal requirements as required under subsection  
 42 (a)(2), the board may approve the combination of education hours plus



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1 actual licensed practice in the other jurisdiction when issuing a license  
 2 to a person from that jurisdiction. One (1) year of licensed practice is  
 3 equal to one hundred (100) hours of education to an applicant who has  
 4 completed a minimum of one thousand (1,000) hours of education.

5 **(c) This subsection applies only to applications for a manicurist**  
 6 **license under IC 25-8-11. Applicants for a manicurist license under**  
 7 **this section must take the written examination described by section**  
 8 **8(2) of this chapter and score at least seventy-five percent (75%)**  
 9 **on the examination.**

10 SECTION 6. IC 25-8-12.5-4, AS AMENDED BY P.L.197-1995,  
 11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 1998]: Sec. 4. (a) Subject to subsection (b) **and except as**  
 13 **provided in section 7 of this chapter**, to receive a license issued under  
 14 this chapter, a person must:

- 15 (1) be at least eighteen (18) years of age;
- 16 (2) have successfully completed the tenth grade or received the  
 17 equivalent of a tenth grade education;
- 18 (3) have successfully completed at least seven hundred (700)  
 19 hours of instruction in the theory and practice of esthetics as a  
 20 student in a cosmetology school;
- 21 (4) have received a satisfactory grade (as defined by IC 25-8-4-9)  
 22 on an examination for esthetician license applicants prescribed by  
 23 the board;
- 24 (5) not have committed an act for which the person could be  
 25 disciplined under IC 25-8-14; and
- 26 (6) pay the fee set forth in IC 25-8-13-11 for the issuance of a  
 27 license under this chapter.

28 (b) If an applicant demonstrates acceptable experience or  
 29 knowledge in the theory and practice of esthetics, the board may waive  
 30 or modify the requirements of subsection (a)(3).

31 SECTION 7. IC 25-8-12.5-7 IS ADDED TO THE INDIANA CODE  
 32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 33 1, 1998]: **Sec. 7. (a) If the board determines that:**

- 34 **(1) a person is licensed to:**
  - 35 **(A) act as an esthetician; or**
  - 36 **(B) perform acts of an esthetician that require a license**  
 37 **under this article to be performed in Indiana;**  
 38 **in a jurisdiction outside Indiana; and**
- 39 **(2) the jurisdiction in which the person is licensed imposes**  
 40 **licensure requirements that are substantially equal to those**  
 41 **imposed by Indiana;**

42 **the board may issue to the person a license to act as an esthetician**



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1 in Indiana upon payment of the fee required under IC 25-8-13.

2 (b) If the board does not issue a license under subsection (a) to  
 3 a person with esthetician instruction or practice experience from  
 4 another state or jurisdiction, to satisfy the instruction  
 5 requirements of section 4(a)(3) of this chapter, the board may  
 6 approve a combination of:

7 (1) the person's instruction hours; and

8 (2) the person's licensed practice of esthetics in the other state  
 9 or jurisdiction at the rate of one (1) year of licensed practice  
 10 to one hundred (100) approved instruction hours if the person  
 11 has completed at least four hundred (400) nonpractice hours  
 12 of instruction.

13 SECTION 8. IC 25-9-1-5, AS AMENDED BY P.L.236-1995,  
 14 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 1998]: Sec. 5. (a) Boxing and sparring matches or exhibitions  
 16 for prizes or purses ~~or where an admission fee is charged or received~~  
 17 may be held in Indiana.

18 (b) The commission:

19 (1) has the sole direction, management, control, and jurisdiction  
 20 over all boxing and sparring matches, semiprofessional  
 21 elimination contests, or exhibitions to be conducted, held, or  
 22 given in Indiana; and

23 (2) may issue licenses for those matches, contests, or exhibitions.

24 (c) A boxing or sparring match or an exhibition that is:

25 (1) conducted by any school, college, or university within Indiana;

26 ~~or~~

27 (2) sanctioned by United States Amateur Boxing, Inc.; ~~or~~

28 **(3) without a prize or purse;**

29 shall not be subject to the provisions of this chapter requiring a license.  
 30 The term "school, college, or university" does not include a school or  
 31 other institution for the principal purpose of furnishing instruction in  
 32 boxing, or other athletics.

33 (d) No boxing or sparring match, or exhibition, except as provided  
 34 in this article, shall be held or conducted within Indiana except under  
 35 a license and permit issued by the state boxing commission in  
 36 accordance with the provisions of this chapter and the rules adopted  
 37 under this chapter.

38 SECTION 9. IC 25-9-1-6, AS AMENDED BY P.L.236-1995,  
 39 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 1998]: Sec. 6. (a) The commission **may**:

41 (1) ~~may~~ cause to be issued by the Indiana professional licensing  
 42 agency under the name and seal of the state boxing commission,

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1           an annual license in writing for holding boxing or sparring  
2           matches, semiprofessional elimination contests, or exhibitions to  
3           any person who is qualified under this chapter; and  
4           (2) ~~shall~~ adopt rules to establish the qualifications of the  
5           applicants.  
6           (b) In addition to the general license, a person must, before  
7           conducting any particular boxing or sparring match, semiprofessional  
8           elimination contest, or exhibition where one (1) or more contests are to  
9           be held, obtain a permit from the state boxing commission.  
10          (c) Annual licenses may be revoked by the commission upon  
11          hearing and proof that any holder of an annual license has violated this  
12          chapter or any rule or order of the commission.  
13          (d) A person who conducts a boxing or sparring match,  
14          semiprofessional elimination contest, or exhibition without first  
15          obtaining a license or permit commits a Class B misdemeanor.  
16          SECTION 10. IC 25-28.5-1-23 IS AMENDED TO READ AS  
17          FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 23. (a) The fees to be  
18          charged by and paid to the commission by licensees for all licenses and  
19          **license renewals thereof shall be as prescribed by this section shall be**  
20          **established by the commission under IC 25-1-8-2.**  
21          (b) A fee of fifteen dollars (\$15.00) shall accompany an application  
22          for examination as an individual plumbing contractor and in the event  
23          that the applicant successfully passes the examination, an additional fee  
24          of fifty dollars (\$50.00) shall be required for the issuance of the initial  
25          plumbing contractors license. If the applicant fails to pass the  
26          examination, or fails to appear at the examination, no refund of the  
27          fifteen dollars (\$15.00) examination fee may be made. A corporation  
28          seeking licensing under the provisions of this chapter shall pay at the  
29          time of its initial licensing a fee of fifty dollars (\$50.00).  
30          (c) A fee of ten dollars (\$10.00) shall accompany an application for  
31          examination as an individual journeyman plumber and in the event that  
32          the applicant successfully passes the examination, an additional fee of  
33          fifteen dollars (\$15.00) shall be required for the issuance of the initial  
34          journeyman plumbers license. If the applicant fails to pass the  
35          examination, or fails to appear at the examination, no refund of the  
36          examination fee may be made.  
37          (d) A fee of fifty dollars (\$50.00) shall be paid to the commission  
38          for every initial licensing under section 34 of this chapter and every  
39          renewal of a plumbing contractor's license.  
40          (e) A fee of fifteen dollars (\$15.00) shall be paid to the commission  
41          for every initial licensing under section 34 of this chapter and every  
42          renewal of a journeyman plumber's license.

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1 SECTION 11. IC 30-2-13-33, AS AMENDED BY P.L.195-1997,  
 2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 1998]: Sec. 33. (a) A seller may not sell or provide prepaid  
 4 services or merchandise or a contract designed to provide a funding  
 5 mechanism to be used in conjunction with the purchase of prepaid  
 6 services or merchandise under this chapter without first obtaining a  
 7 certificate of authority from the board. However, an employee of a  
 8 seller is exempt from subsections (b) and (c).

9 (b) A seller who seeks a certificate of authority must submit a  
 10 statement to the board that includes the following:

11 (1) The seller's name and the address of the place of business.

12 (2) Information considered necessary by the board to show  
 13 evidence of the seller's good moral character, reputation for fair  
 14 dealing in business matters, and lack of a criminal record.

15 (3) The name, address, and Social Security number of each person  
 16 authorized to directly represent the seller as an agent.

17 (4) A statement by the seller notarized and affirmed under the  
 18 penalties for perjury that all payments required under section 27  
 19 of this chapter have been made.

20 (c) Upon issuance, the certificate of authority shall be posted  
 21 conspicuously in the seller's place of business.

22 (d) A seller holding a certificate of authority or an agent of a seller  
 23 who engages in door-to-door solicitation shall present a copy of the  
 24 certificate of authority upon entry onto the premises of a prospective  
 25 purchaser.

26 (e) A certificate of authority issued under this chapter expires  
 27 ~~January 1 of the next even-numbered year after issuance:~~ **annually on**  
 28 **March 1.**

29 (f) The board may renew a certificate of authority upon receipt of an  
 30 application for renewal that includes the information listed in  
 31 subsection (b).

32 SECTION 12. [EFFECTIVE JULY 1, 1998] **(a) Notwithstanding**  
 33 **IC 25-7-8-3(3), the application described in IC 25-7-8-2 must state**  
 34 **that the applicant has successfully completed at least:**

35 **(1) nine hundred (900) hours of instruction in the theory and**  
 36 **practice of instructor training as a student in a barber school;**  
 37 **or**

38 **(2) five (5) years of full-time experience as a barber.**

39 **(b) This SECTION expires July 1, 2001.**

C  
O  
P  
Y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred House Bill 1221, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 21, delete "is under a sanction" and insert "**holds or has held a license that:**

- (A) is under probation or suspension;
- (B) has been revoked or terminated; or
- (C) has been the subject of disciplinary action that is the functional equivalent of probation, suspension, revocation, or termination."

Page 4, line 21, before "related" begin a new line single block indented and insert "**for reasons**".

and when so amended that said bill do pass.

(Reference is to House Bill 1221 as introduced.)

BOTTORFF, Chair

Committee Vote: yeas 8, nays 0.

C  
O  
P  
Y

