Reprinted
January 30, 1998

HOUSE BILL No. 1221

DIGEST OF HB 1221 (Updated January 29, 1998 3:35 pm - 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to practice architecture to a person who holds or has held a license that is under probation or suspension or has been revoked or terminated for reasons related to the practice of architecture or who has illegally practiced architecture without the proper license, certification, or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.

Bottorff

January 13, 1998, read first time and referred to Committee on Commerce and Economic Development.
January 22, 1998, amended, reported — Do Pass.
January 28, 1998, read second time, made special order of business for January 29, 1998, at 1:30 p.m.
January 29, 1998, reread second time, amended, ordered engrossed.

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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.) Requires individuals who seek to operate an auction house and individuals designated by an organization seeking to operate an auction house to obtain a license to operate the auction house, but species that an organization that operates a wholesale dealer automobile auction. Exempts retroactively (as of July 1, 1995) an auctioneer who has practiced continuously for twenty-five (25) years from the auctioneer continuing education requirements. 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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Reprinted
January 30, 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.

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HOUSE BILL No. 1221

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:

SECTION 1. IC 25-1-2-2.1, AS AMENDED BY P.L.147-1997, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2.1. **Rather than being issued annually,** the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years ~~rather than issued annually:~~ **or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:**

(1) Certified public accountants, public accountants, and accounting practitioners.
(2) Architects and landscape architects.
(3) Dry cleaners.
(4) Professional engineers.
(5) Land surveyors.

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

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

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

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

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

(A) professional incompetence;

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

(C) physical or mental disability; or

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

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

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

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

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

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

(A) used by another person; or

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

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

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

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

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

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

(2) either:

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

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

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

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

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

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

(1) 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.

for reasons related to the practice of architecture; or

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

SECTION 4. IC 25-6.1-9-7, AS ADDED BY P.L.238-1995, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1995 (RETROACTIVE)]: Sec. 7. **(a) A licensee who has practiced continuously for twenty-five (25) years is exempt from the continuing education requirment under this chapter.**

(b) A licensee who is initially licensed in the second year of a renewal period is exempt from the continuing education requirement under this chapter for that renewal period.

SECTION 5. IC 25-6.1-3-2, AS AMENDED BY P.L.238-1995, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) Every individual, before acting as an auctioneer, must obtain a license from the commission.

(b) An applicant for a license must:

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

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

(3) not have a conviction for:

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

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

(c) Auction instruction required under subsection (b) must provide the applicant with knowledge of all of the following:

(1) The value of real estate and of various goods commonly sold at an auction.

(2) Bid calling.

(3) Sale preparation, sale advertising, and sale summary.

(4) Mathematics.

(5) The provisions of this article and the commission's rules.

(6) Any other subject matter approved by the commission.

(d) For the purposes of satisfying the instruction requirement under subsection (b)(2), the commission may approve:

(1) on a case by case basis, some or all auction instruction received by an applicant from a provider outside Indiana; and

(2) verified practice as an auctioneer outside Indiana at the rate of one (1) year of auction practice equaling twenty (20) hours of auction instruction.

~~(d)~~ **(e)** An individual seeking an initial license as an auctioneer under this article shall file with the commission a completed application on the form prescribed by the commission. When filing an initial application for an auctioneer license, each individual shall:

(1) pay a nonrefundable examination fee of thirty-five dollars ($35); and

(2) pay a surcharge under IC 25-6.1-8 for deposit in the auctioneer recovery fund.

~~(e)~~ **(f)** When filing an application for a renewal of an auctioneer license, each individual shall do the following:

(1) File with the commission a completed application on the form prescribed by the commission, including certification by the applicant that the applicant has complied with the requirements of IC 25-6.1-9-8, unless the commission has granted the applicant a waiver under IC 25-6.1-9-9.

(2) Pay the license fee prescribed by section 5 of this chapter.

~~(f)~~ **(g)** Upon the receipt of a completed application for an initial or

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a renewal license, the commission shall examine the application and verify the information contained therein.

~~(g)~~ **(h)** An applicant who is seeking an initial license must pass an examination prepared and administered by the commission. The commission shall hold examinations as the commission may prescribe. The examination for an auctioneer's license shall include questions on the applicant's:

(1) ability to read and write;

(2) knowledge of the value of real estate and of various goods commonly sold at an auction;

(3) knowledge of calling;

(4) knowledge of sale preparation, sale advertising, and sale summary;

(5) knowledge of mathematics; and

(6) knowledge of the provisions of this article and the commission's rules.

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

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

~~(j)~~ **(k)** The commission may waive the requirement that a nonresident applicant pass an examination and that the nonresident submit written statements by two (2) individuals, if the nonresident applicant:

(1) is licensed, **certified, or registered** to act as an auctioneer in ~~the state of the applicant's domicile;~~ **another state or jurisdiction;**

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(2) submits with the application a duly certified letter of **licensure,** certification, **or registration** issued by the licensing board of the ~~applicant's domiciliary state;~~ **state or jurisdiction in which the applicant is licensed, certified, or registered;**

(3) is ~~a resident of~~ **licensed, certified, or registered by** a state **or jurisdiction** whose licensing requirements are substantially equal to the requirements of Indiana;

(4) is ~~a resident of a~~ **licensed, certified, or registered by a** state that grants the same privileges to the licensees of Indiana; and

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

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

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

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

(1) File an examination application.

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

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

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

SECTION 6. AMENDED TO READ AS FOLLOWS: Sec. 3. (a) **This section does not apply to an organization that operates a wholesale dealer automobile auction.**

(b) Every person, ~~except an individual who is a licensed auctioneer,~~ before operating an auction house, must obtain a license from the commission for that auction house. ~~Notwithstanding the fact that an~~

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~~individual who is a licensed auctioneer has an interest in an organization, every organization seeking to operate an auction house must obtain a license for that auction house.~~

(c) Except as provided in subsection (d), before applying for a license from the commission to operate an auction house, the following must obtain a license as an auctioneer as provided in section 2 of this chapter:

(1) An individual who seeks to operate an auction house.

(2) One (1) or more individuals designated by an organization that seeks to operate an auction house.

(d) Subsection (c) does not apply to:

(1) a person that holds a valid license for an auction house as of June 30, 1998; or

(2) a person that holds a valid renewal of a license described in subdivision (1).

~~(b)~~ **(e)** Every applicant seeking to operate an auction house shall file with the commission a completed application on a form provided by the commission for a license for each auction house to be operated by that person. Each application shall be accompanied by the license fee prescribed by section 5 of this chapter and a surcharge described in IC 25-6.1-8-2.

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

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

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

~~(f) In any case in which (by reason of the exception stated in subsection (a)) a licensed auctioneer who also operates an auction house or auction houses shall be exempt from the requirement that the auctioneer obtain a license under this section for such auction house or auction houses, such auctioneer shall, on February 28, 1978, or the date on which the auctioneer begins the operation of any auction house, whichever is later, notify the secretary of the commission, in a writing signed by the auctioneer, of the address of each auction house operated by the auctioneer and of the trade or business name by which each auction house is known. Whenever any licensed auctioneer to whom~~

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~~this subsection applies shall discontinue the operation of any auction house theretofore operated by the auctioneer, or shall change the address or trade or business name of any auction house operated by the auctioneer, the auctioneer shall promptly notify the secretary of the commission of the discontinuance or change, in a writing signed by the auctioneer.~~

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

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

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

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

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

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

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

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

(b) This subsection applies only to applications for a cosmetologist license under IC 25-8-9. If the jurisdiction issuing the license does not impose substantially equal requirements as required under subsection (a)(2), the board may approve the combination of education hours plus actual licensed practice in the other jurisdiction when issuing a license to a person from that jurisdiction. One (1) year of licensed practice is equal to one hundred (100) hours of education to an applicant who has

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completed a minimum of one thousand (1,000) hours of education.

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

SECTION 9. IC 25-8-12.5-4, AS AMENDED BY P.L.197-1995, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. (a) Subject to subsection (b) **and except as provided in section 7 of this chapter,** to receive a license issued under this chapter, a person must:

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

(2) have successfully completed the tenth grade or received the equivalent of a tenth grade education;

(3) have successfully completed at least seven hundred (700) hours of instruction in the theory and practice of esthetics as a student in a cosmetology school;

(4) have received a satisfactory grade (as defined by IC 25-8-4-9) on an examination for esthetician license applicants prescribed by the board;

(5) not have committed an act for which the person could be disciplined under IC 25-8-14; and

(6) pay the fee set forth in IC 25-8-13-11 for the issuance of a license under this chapter.

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

SECTION 10. IC 25-8-12.5-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 7. (a) If the board determines that:**

(1) a person is licensed to:

(A) act as an esthetician; or

(B) perform acts of an esthetician that require a license under this article to be performed in Indiana;

in a jurisdiction outside Indiana; and

(2) the jurisdiction in which the person is licensed imposes licensure requirements that are substantially equal to those imposed by Indiana;

the board may issue to the person a license to act as an esthetician in Indiana upon payment of the fee required under IC 25-8-13.

(b) If the board does not issue a license under subsection (a) to

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a person with esthetician instruction or practice experience from another state or jurisdiction, to satisfy the instruction requirements of section 4(a)(3) of this chapter, the board may approve a combination of:

(1) the person's instruction hours; and

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

SECTION 11. IC 25-9-1-5, AS AMENDED BY P.L.236-1995, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) Boxing and sparring matches or exhibitions for prizes or purses ~~or where an admission fee is charged or received~~ may be held in Indiana.

(b) The commission:

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

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

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

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

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

(3) without a prize or purse;

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

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

SECTION 12. IC 25-9-1-6, AS AMENDED BY P.L.236-1995, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. (a) The commission **may:**

(1) ~~may~~ cause to be issued by the Indiana professional licensing agency under the name and seal of the state boxing commission, an annual license in writing for holding boxing or sparring matches, semiprofessional elimination contests, or exhibitions to

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any person who is qualified under this chapter; and

(2) ~~shall~~ adopt rules to establish the qualifications of the applicants.

(b) In addition to the general license, a person must, before conducting any particular boxing or sparring match, semiprofessional elimination contest, or exhibition where one (1) or more contests are to be held, obtain a permit from the state boxing commission.

(c) Annual licenses may be revoked by the commission upon hearing and proof that any holder of an annual license has violated this chapter or any rule or order of the commission.

(d) A person who conducts a boxing or sparring match, semiprofessional elimination contest, or exhibition without first obtaining a license or permit commits a Class B misdemeanor.

SECTION 13. IC 25-28.5-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 23. ~~(a)~~ The fees to be charged by and paid to the commission by licensees for all licenses and **license** renewals thereof ~~shall be as prescribed by this section~~ **shall be established by the commission under IC 25-1-8-2.**

~~(b) A fee of fifteen dollars ($15.00) shall accompany an application for examination as an individual plumbing contractor and in the event that the applicant successfully passes the examination, an additional fee of fifty dollars ($50.00) shall be required for the issuance of the initial plumbing contractors license. If the applicant fails to pass the examination, or fails to appear at the examination, no refund of the fifteen dollars ($15.00) examination fee may be made. A corporation seeking licensing under the provisions of this chapter shall pay at the time of its initial licensing a fee of fifty dollars ($50.00).~~

~~(c) A fee of ten dollars ($10.00) shall accompany an application for examination as an individual journeyman plumber and in the event that the applicant successfully passes the examination, an additional fee of fifteen dollars ($15.00) shall be required for the issuance of the initial journeyman plumbers license. If the applicant fails to pass the examination, or fails to appear at the examination, no refund of the examination fee may be made.~~

~~(d) A fee of fifty dollars ($50.00) shall be paid to the commission for every initial licensing under section 34 of this chapter and every renewal of a plumbing contractor's license.~~

~~(e) A fee of fifteen dollars ($15.00) shall be paid to the commission for every initial licensing under section 34 of this chapter and every renewal of a journeyman plumber's license.~~

SECTION 14. IC 30-2-13-33, AS AMENDED BY P.L.195-1997, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 1998]: Sec. 33. (a) A seller may not sell or provide prepaid services or merchandise or a contract designed to provide a funding mechanism to be used in conjunction with the purchase of prepaid services or merchandise under this chapter without first obtaining a certificate of authority from the board. However, an employee of a seller is exempt from subsections (b) and (c).

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

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

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

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

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

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

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

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

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

SECTION 15. [EFFECTIVE JULY 1, 1998] **(a) Notwithstanding IC 25-7-8-3(3), the application described in IC 25-7-8-2 must state that the applicant has successfully completed at least:**

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

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

(b) This SECTION expires July 1, 2001.

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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.

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HOUSE MOTION

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

Page 7, between lines 28 and 29, begin a new paragraph and insert:

SECTION 5. AMENDED TO READ AS FOLLOWS: Sec. 3. (a) **This section does not apply to an organization that operates a wholesale dealer automobile auction.**

(b) Every person, ~~except an individual who is a licensed auctioneer,~~ before operating an auction house, must obtain a license from the commission for that auction house. ~~Notwithstanding the fact that an individual who is a licensed auctioneer has an interest in an organization, every organization seeking to operate an auction house must obtain a license for that auction house.~~

(c) Except as provided in subsection (d), before applying for a license from the commission to operate an auction house, the following must obtain a license as an auctioneer as provided in section 2 of this chapter:

(1) An individual who seeks to operate an auction house.

(2) One (1) or more individuals designated by an organization that seeks to operate an auction house.

(d) Subsection (c) does not apply to:

(1) a person that holds a valid license for an auction house as of June 30, 1998; or

(2) a person that holds a valid renewal of a license described in subdivision (1).

~~(b)~~ **(e)** Every applicant seeking to operate an auction house shall file with the commission a completed application on a form provided by the commission for a license for each auction house to be operated by that person. Each application shall be accompanied by the license fee prescribed by section 5 of this chapter and a surcharge described in IC 25-6.1-8-2.

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

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

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

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

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

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

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

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

Renumber all SECTIONS consecutively.

(Reference is to House Bill 1221 as printed January 23, 1998.)

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HOUSE MOTION

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

Page 4, between lines 29 and 30, begin a new paragraph and insert the following:

"SECTION 4. IC 25-6.1-9-7, AS ADDED BY P.L.238-1995, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1995 (RETROACTIVE)]: Sec. 7. **(a) A licensee who has practiced continuously for twenty-five (25) years is exempt from the continuing education requirment under this chapter.**

(b) A licensee who is initially licensed in the second year of a renewal period is exempt from the continuing education requirement under this chapter for that renewal period.".

(Reference is to House Bill 1221 as printed January 23, 1998.)

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