



March 26, 1999

**ENGROSSED
HOUSE BILL No. 1755**

DIGEST OF HB 1755 (Updated March 23, 1999 1:59 pm - DI 71)

Citations Affected: IC 25-1; IC 25-8; IC 25-9; IC 25-21.5; noncode.

Synopsis: Occupational licensing. Provides that a board that regulates occupations or professions may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license in another jurisdiction or who has practiced without a license in violation of the law. Changes the application requirements for the following: cosmetology school licenses, esthetics instructor licenses, electrology instructor licenses, cosmetologist licenses, manicurist licenses, shampoo operator licenses, and esthetician licenses. Provides that if a student in a cosmetology school presents to the school a valid license issued by the state board of cosmetology examiners, the school shall provide credit toward the student's current program for the hours formerly completed in a cosmetology school in specified subjects. Voids an administrative rule that provides that hours obtained in one course at a cosmetology school may not be credited toward another
(Continued next page)

Effective: Upon passage; July 1, 1999.

Budak, Crosby, Ruppel, Mahern
(SENATE SPONSOR — WYSS)

January 26, 1999, read first time and referred to Committee on Commerce and Economic Development.
February 16, 1999, amended, reported — Do Pass.
February 24, 1999, read second time, amended, ordered engrossed.
February 25, 1999, engrossed. Read a third time, passed. Yeas 89, nays 6.
SENATE ACTION
March 4, 1999, read first time and referred to Committee on Public Policy.
March 25, 1999, amended, reported favorably — Do Pass.

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course. Provides that the required sign at the entrance of a salon must indicate that the establishment is licensed as one of the following: a cosmetology salon, an electrology salon, a manicuring salon, or an esthetic salon. Prohibits a cosmetology professional from using products containing methyl methacrylate (MMA). Provides that a cosmetology professional who uses products containing MMA is subject to disciplinary sanctions. Changes bonding requirements for boxing matches. Changes the registration fee for a land surveyor from a minimum of \$50 to a maximum of \$50.

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March 26, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

ENGROSSED HOUSE BILL No. 1755

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 25-1-11-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) A practitioner
3 shall comply with the standards established by the board regulating a
4 profession. A practitioner is subject to the exercise of the disciplinary
5 sanctions under section 12 of this chapter if, after a hearing, the board
6 finds that:
7 (1) a practitioner has:
8 (A) engaged in or knowingly cooperated in fraud or material
9 deception in order to obtain a license to practice, including
10 cheating on a licensing examination;
11 (B) engaged in fraud or material deception in the course of
12 professional services or activities; or
13 (C) advertised services or goods in a false or misleading
14 manner;
15 (2) a practitioner has been convicted of a crime that has a direct
16 bearing on the practitioner's ability to continue to practice

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- 1 competently;
- 2 (3) a practitioner has knowingly violated a state statute or rule or
- 3 federal statute or regulation regulating the profession for which
- 4 the practitioner is licensed;
- 5 (4) a practitioner has continued to practice although the
- 6 practitioner has become unfit to practice due to:
- 7 (A) professional incompetence;
- 8 (B) failure to keep abreast of current professional theory or
- 9 practice;
- 10 (C) physical or mental disability; or
- 11 (D) addiction to, abuse of, or severe dependency on alcohol or
- 12 other drugs that endanger the public by impairing a
- 13 practitioner's ability to practice safely;
- 14 (5) a practitioner has engaged in a course of lewd or immoral
- 15 conduct in connection with the delivery of services to the public;
- 16 (6) a practitioner has allowed the practitioner's name or a license
- 17 issued under this chapter to be used in connection with an
- 18 individual or business who renders services beyond the scope of
- 19 that individual's or business's training, experience, or competence;
- 20 (7) a practitioner has had disciplinary action taken against the
- 21 practitioner or the practitioner's license to practice in another state
- 22 or jurisdiction on grounds similar to those under this chapter;
- 23 (8) a practitioner has assisted another person in committing an act
- 24 that would constitute a ground for disciplinary sanction under this
- 25 chapter; or
- 26 (9) a practitioner has allowed a license issued by a board to be:
- 27 (A) used by another person; or
- 28 (B) displayed to the public when the license has expired, is
- 29 inactive, or has been revoked or suspended.
- 30 (b) If an applicant or a practitioner has engaged in or knowingly
- 31 cooperated in fraud or material deception to obtain a license to
- 32 practice, including cheating on the licensing examination, the board
- 33 may rescind the license if it has been granted, void the examination or
- 34 other fraudulent or deceptive material, and prohibit the applicant from
- 35 reapplying for the license for a length of time established by the board.
- 36 An applicant who is aggrieved by a decision of the board under this
- 37 section is entitled to hearing and appeal rights under the Indiana
- 38 administrative rules and procedures act (IC 4-21.5).
- 39 **(c) The board may deny licensure to an applicant who has had**
- 40 **disciplinary action taken against the applicant or the applicant's**
- 41 **license to practice in another state or jurisdiction or who has**
- 42 **practiced without a license in violation of the law.**

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1 (⇆) **(d)** A certified copy of the record of disciplinary action is
 2 conclusive evidence of the other jurisdiction's disciplinary action under
 3 subsection (a)(7) **or subsection (c)**.

4 SECTION 2. IC 25-8-2-9.5 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9.5. (a) "Esthetician"
 6 means a person who engages solely in one (1) or more of the following
 7 practices:

8 (1) Giving facials, applying makeup, **and** giving skin care. ~~and~~
 9 ~~removing hair by tweezing, depilatory, or waxing.~~

10 (2) Beautifying, massaging, or cleaning the body with the use of
 11 cosmetic preparations, antiseptics, tonics, lotions, or creams.

12 (3) Removing superfluous hair from the body by the use of
 13 depilatories, waxing, or tweezers.

14 (b) The term does not include performing any of the acts described
 15 in subsection (a):

16 (1) in treating an illness or a disease;

17 (2) as a student in a cosmetology school that complies with the
 18 notice requirements under IC 25-8-5-6;

19 (3) without compensation; or

20 (4) incident to the retail sale of cosmetics.

21 SECTION 3. IC 25-8-2-10 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. ~~"Cosmetology~~
 23 ~~"Instructor"~~ means a person licensed under IC 25-8-6 to teach **in a**
 24 cosmetology **school**.

25 SECTION 4. IC 25-8-2-17 IS ADDED TO THE INDIANA CODE
 26 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 27 1, 1999]: **Sec. 17. "Shampoo operation" means performing any of**
 28 **the following acts on the head only:**

29 **(1) Applying shampoo, conditioner, or rinses.**

30 **(2) Massaging the scalp.**

31 **(3) Rinsing the hair and scalp.**

32 SECTION 5. IC 25-8-2-18 IS ADDED TO THE INDIANA CODE
 33 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 34 1, 1999]: **Sec. 18. "Shampoo operator" means a person licensed**
 35 **under IC 25-8-12 to perform shampoo operation.**

36 SECTION 6. IC 25-8-5-3 IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 1999]: Sec. 3. The application described in
 38 section 2 of this chapter must state that:

39 (1) **as a requirement for graduation**, the proposed school will
 40 require its students to successfully complete at least **the** one
 41 thousand five hundred (1,500) hours of course work **as a**
 42 **requirement for graduation; required to be eligible to sit for the**



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- 1 **licensing examination;**
 2 (2) no more than eight (8) hours of course work may be taken by
 3 a student during one (1) day;
 4 (3) the course work will instruct the students in all theories and
 5 practical application of ~~cosmetology~~ including the:
 6 (A) ~~histology of hair, skin, muscles, and nerves;~~
 7 (B) ~~structure of the head, face, neck, arms, and hands;~~
 8 (C) ~~structure of legs and feet for electrologists and pedicurists;~~
 9 (D) ~~elementary chemistry of sterilization and antiseptics; and~~
 10 (E) ~~diseases of the skin, hair, and glands; the students'~~
 11 **specific course of study;**
 12 (4) the school will provide one (1) instructor for each twenty (20)
 13 students or any fraction of that number;
 14 (5) the school will be operated under the personal supervision of
 15 a licensed cosmetologist instructor;
 16 (6) the person has obtained any building permit, certificate of
 17 occupancy, or other planning approval required under IC 22-15-3
 18 and IC 36-7-4 to operate the school;
 19 (7) the school, if located in the same building as a residence, will:
 20 (A) be separated from the residence by a substantial floor to
 21 ceiling partition; and
 22 (B) have a separate entry; and
 23 (8) the applicant has paid the fee set forth in IC 25-8-13-3.
 24 SECTION 7. IC 25-8-5-4.5 IS ADDED TO THE INDIANA CODE
 25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 26 UPON PASSAGE]: **Sec. 4.5. (a) If a student in a cosmetology school**
 27 **presents to the school a valid license issued by the board, the school**
 28 **shall accept and provide credit toward the student's current**
 29 **program for the hours completed in a cosmetology school in the**
 30 **theory and demonstration, or actual practice, of any of the**
 31 **following subjects:**
 32 (1) **Electricity (basic electricity).**
 33 (2) **Facials.**
 34 (3) **Hair coloring (color rinses).**
 35 (4) **Hair removal.**
 36 (5) **Makeup.**
 37 (6) **Manicuring.**
 38 (7) **Pedicuring.**
 39 (8) **Salesmanship (salesmanship and marketing).**
 40 (9) **Sanitation (infection control or bacteriology).**
 41 (10) **Scalp treatment.**
 42 (11) **Skin (skin care).**

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- 1 **(12) Shampooing (shampoo rinsing).**
- 2 **(13) Hair coloring (weekly rinses).**
- 3 **(14) Other areas as determined by the board.**

4 **(b) The school shall credit the appropriate subject areas on a**
 5 **student's transcript for the hours transferred under subsection (a).**

6 **(c) A student may not transfer any hours of credit above the**
 7 **amount required in each subject area under the student's current**
 8 **program.**

9 **(d) The student may receive credit for the number of hours that**
 10 **the student's current program requires in the subject areas**
 11 **covered by the student's license, even if the number of hours**
 12 **required under the current program is greater than the actual**
 13 **number of hours completed when the student's license was earned.**

14 SECTION 8. IC 25-8-6.1-3 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. The application
 16 described in section 2 of this chapter must require that the applicant:

- 17 (1) be at least eighteen (18) years of age;
- 18 (2) has graduated from high school or received the equivalent of
- 19 a high school education;
- 20 (3) hold an esthetician license issued under this article;
- 21 (4) has completed the education and experience requirements
- 22 subject to the rules adopted by the board;
- 23 (5) has not committed an act for which the applicant could be
- 24 disciplined under IC 25-8-14;
- 25 (6) has received a satisfactory grade (as defined in IC 25-8-4-9)
- 26 on an examination for ~~esthetics~~ instructor license applicants
- 27 prescribed by the board; and
- 28 (7) has paid the fee under IC 25-8-13-4 for the issuance of a
- 29 license under this chapter.

30 SECTION 9. IC 25-8-6.2-3 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. The application
 32 described in section 2 of this chapter must require that the applicant:

- 33 (1) be at least eighteen (18) years of age;
- 34 (2) has graduated from high school or received the equivalent of
- 35 a high school education;
- 36 (3) hold an electrologist license issued under this article;
- 37 (4) has completed the education and experience requirements
- 38 subject to the rules adopted by the board;
- 39 (5) has not committed an act for which the applicant could be
- 40 disciplined under IC 25-8-14;
- 41 (6) has received a satisfactory grade (as defined in IC 25-8-4-9)
- 42 on an examination for ~~electrology~~ instructor license applicants

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1 prescribed by the board; and

2 (7) has paid the fee under IC 25-8-13-4 for the issuance of a
3 license under this chapter.

4 SECTION 10. IC 25-8-7-8 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) A person holding
6 a license issued under IC 25-8-7, IC 25-8-7.1, ~~or~~ IC 25-8-7.2, **or**
7 **IC 25-8-12.6** shall display a sign complying with standards prescribed
8 by the board at the main public entrance to the ~~cosmetology~~ salon.

9 (b) The sign must:

10 (1) be clearly visible to a customer entering the establishment at
11 that entrance; and

12 (2) state in legible printing that the establishment is a structure
13 licensed as one (1) of the following:

14 (A) Cosmetology salon.

15 (B) Electrology salon.

16 (C) Manicuring salon.

17 **(D) Esthetic salon.**

18 SECTION 11. IC 25-8-9-3 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. The application
20 described in section 2 of this chapter must state that the applicant:

21 (1) is at least eighteen (18) years of age;

22 (2) has successfully completed the tenth grade or received the
23 equivalent of tenth grade education;

24 (3) has graduated from **a cosmetologist program in a**
25 **cosmetology school;**

26 (4) has received a satisfactory grade (as defined by IC 25-8-4-9)
27 on an examination for cosmetologist license applicants prescribed
28 by the board;

29 (5) has not committed an act for which the applicant could be
30 disciplined under IC 25-8-14; and

31 (6) has paid the fee set forth in IC 25-8-13-7 for the issuance of a
32 license under this chapter.

33 SECTION 12. IC 25-8-11-4 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. The application
35 described in section 3 of this chapter must state that the applicant:

36 (1) is at least ~~seventeen (17) years and six (6) months~~ **eighteen**
37 **(18) years** of age;

38 (2) has successfully completed the eighth grade or received the
39 equivalent of an eighth grade education;

40 (3) has ~~successfully completed at least three hundred (300) hours~~
41 ~~of instruction in the theory and practice of manicuring as a~~
42 ~~student in graduated from a manicurist program in a~~

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1 cosmetology school;

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

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

7 (6) has paid the fee set forth in IC 25-8-13-9 for the issuance of a
8 license under this chapter.

9 SECTION 13. IC 25-8-11-7 IS ADDED TO THE INDIANA CODE
10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 1999]: **Sec. 7. (a) A person licensed under this article may not use
12 acrylic liquid monomer formulated with methyl methacrylate
13 (MMA).**

14 **(b) A person who violates subsection (a) may be disciplined
15 under IC 25-1-11.**

16 SECTION 14. IC 25-8-12-3 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. The application
18 described in section 2 of this chapter must state that the applicant:

19 (1) is at least ~~seventeen (17) years and six (6) months~~ **eighteen
20 (18) years** of age;

21 (2) has successfully completed the eighth grade or received the
22 equivalent of an eighth grade education;

23 (3) has ~~successfully completed at least three hundred (300) hours~~
24 **of instruction in the theory and practice of shampoo operation as**
25 **a student graduated from a shampooing program** in a
26 cosmetology school;

27 (4) has received a satisfactory grade (as defined by IC 25-8-4-9)
28 on the examination for shampoo operator license applicants
29 prescribed by the board;

30 (5) has not committed an act for which the applicant could be
31 disciplined under IC 25-8-14; and

32 (6) has paid the fee set forth in IC 25-8-13-10 for the issuance of
33 a license under this chapter.

34 SECTION 15. IC 25-8-12.5-4 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. ~~(a) Subject to~~
36 ~~subsection (b) and~~ Except as provided in section 7 of this chapter, to
37 receive a license issued under this chapter, a person must:

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

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

41 (3) have ~~successfully completed at least seven hundred (700)~~
42 **hours of instruction in the theory and practice of esthetics as a**

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- 1 **student graduated from an esthetics program** in a cosmetology
 2 school;
 3 (4) have received a satisfactory grade (as defined by IC 25-8-4-9)
 4 on an examination for esthetician license applicants prescribed by
 5 the board;
 6 (5) not have committed an act for which the person could be
 7 disciplined under IC 25-8-14; and
 8 (6) pay the fee set forth in IC 25-8-13-11 for the issuance of a
 9 license under this chapter.

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

13 SECTION 16. IC 25-9-1-22 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 22. (a) Every person,
 15 club, corporation, firm, or association which may conduct any match
 16 or exhibition under this chapter shall, within twenty-four (24) hours
 17 after the termination thereof:

- 18 (1) furnish to the Indiana professional licensing agency by mail,
 19 a written report duly verified by that person or, if a club,
 20 corporation, firm, or association, by one (1) of its officers,
 21 showing the amount of the gross proceeds for the match or
 22 exhibition, and other related matters as the commission may
 23 prescribe; and
 24 (2) pay a tax of five percent (5%) of the price of admission
 25 collected from the sale of each admission ticket to the match or
 26 exhibition, which price shall be a separate and distinct charge and
 27 shall not include any tax imposed on and collected on account of
 28 the sale of any such ticket. Money derived from such state tax
 29 shall be deposited in the state general fund.

30 ~~(b) Before any license shall be granted to any person, club,~~
 31 ~~corporation, or association to conduct, hold, or give for any boxing or~~
 32 ~~sparring match, semiprofessional elimination contest, or exhibition or~~
 33 ~~before any person conducts any wrestling match or exhibition in this~~
 34 ~~state, such applicant or person shall execute and file with the treasurer~~
 35 ~~of state a bond or other instrument that provides financial recourse~~
 36 ~~must be provided to the state boxing commission. The instrument~~
 37 ~~must be:~~

- 38 ~~(1) in the sum of not less than ten thousand dollars (\$10,000)~~
 39 ~~which may be increased by order of an amount determined by~~
 40 ~~the commission;~~
 41 ~~(2) approved as to form and sufficiency of the sureties thereon by~~
 42 ~~the treasurer of state; commission;~~

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1 (3) payable to the state of Indiana; and
 2 (4) conditioned for the payment of the tax imposed, **the officials**
 3 **and contestants**, and ~~the~~ compliance with this chapter and
 4 ~~compliance with~~ the valid rules of the commission.
 5 Upon the filing and approval of the bond, the treasurer of state shall
 6 issue to the applicant or person a certificate and duplicate thereof of
 7 such filing and approval, one (1) of which shall be by the applicant
 8 filed with the licensing agency with the application for such license;
 9 and no license under this chapter shall be issued until the certificate
 10 shall have been filed.
 11 SECTION 17. IC 25-21.5-7-5 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. The board shall
 13 determine the amount of registration fees for a land surveyor and
 14 certification fees for a land-surveyor-in-training. Except as provided
 15 under IC 25-21.5-8-7, the registration and renewal fee for a land
 16 surveyor ~~must be at least~~ **may be not more than** fifty dollars (\$50) per
 17 year.
 18 SECTION 18. [EFFECTIVE UPON PASSAGE] **(a) 820 IAC 4-4-3**
 19 **is void.**
 20 **(b) The publisher of the Indiana Administrative Code and**
 21 **Indiana Register shall remove this section from the Indiana**
 22 **Administrative Code before August 1, 1999.**
 23 **(c) This SECTION expires on September 1, 1999.**
 24 SECTION 19. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred House Bill 1755, 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 5, line 14, after "least" insert "**the**".
- Page 5, line 14, reset in roman "one thousand".
- Page 5, line 15, reset in roman "five hundred (1,500)".
- Page 5, line 15, delete "the minimum number of"
- Page 7, delete lines 34 through 42.
- Page 8, delete lines 1 through 18.
- Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1755 as introduced.)

BOTTORFF, Chair

Committee Vote: yeas 9, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1755 be amended to read as follows:

Page 3, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 2. IC 25-6.1-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) The commission is empowered to do the following:

- (1) Administer and enforce the provisions of this article.
- (2) Adopt such rules in accordance with IC 4-22-2 and such forms as are necessary or appropriate for the administration and the effective and efficient enforcement of this article.
- (3) Issue, suspend, and revoke licenses in accordance with this article.
- (4) Subject to IC 25-1-7, investigate complaints concerning licensees or persons the commission has reason to believe should be licensees, specifically including complaints respecting failure to comply with this article or the rules, and to take appropriate action pursuant to IC 25-1-11.
- (5) Bring actions, in the name of the state of Indiana, in an appropriate circuit court in order to enforce compliance with this article or the rules by restraining order or injunction.
- (6) Hold public hearings on any matters for which a hearing is required under this article and to have all powers granted in IC 4-21.5.
- (7) Adopt a seal and, through its secretary, certify copies.

(b) The licensing agency shall provide necessary employees and consultants to enforce this article.

(c) The commission shall adopt rules under IC 4-22-2 establishing the following:

- (+) standards for competent:
 - (A) (1) practice as an auctioneer; and
 - (B) (2) operation of an auction company or auction house.
- (-) Continuing education requirements for an individual who has reactivated an auctioneer license with less than twelve (-12) months remaining in the licensing period.

SECTION 3. IC 25-6.1-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) Every individual, before acting as an auctioneer, must obtain a license from the commission.

(b) An applicant for a license must:

- (1) be at least eighteen (18) years of age;
- (2) have completed at least eighty (80) actual hours of auction

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

(g) 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;



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- (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) 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) 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) 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 to act as an auctioneer in the state of the applicant's domicile;
- (2) submits with the application a duly certified letter of certification issued by the licensing board of the applicant's domiciliary state;
- (3) is a resident of a state whose licensing requirements are substantially equal to the requirements of Indiana;
- (4) is a resident of 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

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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) The commission may enter into a reciprocal agreement with another state concerning nonresident applicants.

(l) 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) An applicant for a temporary permit must do the following:

- (1) File an examination application.
- (2) Pass the examination at one (1) of the next two (2) regularly scheduled examinations.

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

Page 3, delete lines 7 through 42.

Page 4, delete lines 1 through 19.

Page 6, line 16, delete "(skincare)" and insert "(**skin care**)".

Page 9, between lines 34 and 35, begin a new paragraph and insert: "SECTION 19. IC 25-6.1-9 IS REPEALED [EFFECTIVE JULY 1, 1999]."

Renumber all SECTIONS consecutively.

(Reference is to HB 1755 as printed February 17, 1999.)

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COMMITTEE REPORT

Mr. President: The Senate Committee on Public Policy, to which was referred House Bill No. 1755, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, delete lines 5 through 42.

Delete pages 4 through 5.

Page 6, delete lines 1 through 20.

Page 10, line 29, delete "products containing" and insert "**acrylic liquid monomer formulated with**".

Page 11, between lines 28 and 29, begin a new paragraph and insert: "SECTION 18. IC 25-9-1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 22. (a) Every person, club, corporation, firm, or association which may conduct any match or exhibition under this chapter shall, within twenty-four (24) hours after the termination thereof:

(1) furnish to the Indiana professional licensing agency by mail, a written report duly verified by that person or, if a club, corporation, firm, or association, by one (1) of its officers, showing the amount of the gross proceeds for the match or exhibition, and other related matters as the commission may prescribe; and

(2) pay a tax of five percent (5%) of the price of admission collected from the sale of each admission ticket to the match or exhibition, which price shall be a separate and distinct charge and shall not include any tax imposed on and collected on account of the sale of any such ticket. Money derived from such state tax shall be deposited in the state general fund.

(b) Before any license shall be granted ~~to any person, club, corporation, or association to conduct, hold, or give for~~ any boxing or sparring match, semiprofessional elimination contest, or exhibition ~~or before any person conducts any wrestling match or exhibition in this state, such applicant or person shall execute and file with the treasurer of state a bond or other instrument that provides financial recourse must be provided to the state boxing commission. The instrument must be:~~

(1) ~~in the sum of not less than ten thousand dollars (\$10,000) which may be increased by order of an amount determined by the commission;~~

(2) ~~approved as to form and sufficiency of the sureties thereon by the treasurer of state; commission;~~

(3) payable to the state of Indiana; and

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(4) conditioned for the payment of the tax imposed, **the officials and contestants**, and ~~the~~ compliance with this chapter and ~~compliance with~~ the valid rules of the commission.

Upon the filing and approval of the bond, the treasurer of state shall issue to the applicant or person a certificate and duplicate thereof of such filing and approval, one (+) of which shall be by the applicant filed with the licensing agency with the application for such license; and no license under this chapter shall be issued until the certificate shall have been filed."

Page 11, delete lines 36 through 37.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1755 as reprinted February 25, 1999.)

WYSS, Chairperson

Committee Vote: Yeas 8, Nays 0.

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