



Reprinted  
February 25, 1999

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## HOUSE BILL No. 1755

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DIGEST OF HB 1755 (Updated February 24, 1999 10:06 pm - DI 101)

**Citations Affected:** IC 25-1; IC 25-6.1; IC 25-8; 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. Eliminates continuing education requirements for auctioneers. 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  
(Continued next page)

**Effective:** Upon passage; July 1, 1999.

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**Budak, Crosby, Ruppel, Mahern**

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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.

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course at a cosmetology school may not be credited toward another 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 the registration fee for a land surveyor from a minimum of \$50 to a maximum of \$50.

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Reprinted  
February 25, 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.

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## 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

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- 1 bearing on the practitioner's ability to continue to practice  
 2 competently;
- 3 (3) a practitioner has knowingly violated a state statute or rule or  
 4 federal statute or regulation regulating the profession for which  
 5 the practitioner is licensed;
- 6 (4) a practitioner has continued to practice although the  
 7 practitioner has become unfit to practice due to:
- 8 (A) professional incompetence;
- 9 (B) failure to keep abreast of current professional theory or  
 10 practice;
- 11 (C) physical or mental disability; or
- 12 (D) addiction to, abuse of, or severe dependency on alcohol or  
 13 other drugs that endanger the public by impairing a  
 14 practitioner's ability to practice safely;
- 15 (5) a practitioner has engaged in a course of lewd or immoral  
 16 conduct in connection with the delivery of services to the public;
- 17 (6) a practitioner has allowed the practitioner's name or a license  
 18 issued under this chapter to be used in connection with an  
 19 individual or business who renders services beyond the scope of  
 20 that individual's or business's training, experience, or competence;
- 21 (7) a practitioner has had disciplinary action taken against the  
 22 practitioner or the practitioner's license to practice in another state  
 23 or jurisdiction on grounds similar to those under this 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 board  
 34 may rescind the license if it has been granted, void the examination or  
 35 other fraudulent or deceptive material, and prohibit the applicant from  
 36 reapplying for the license for a length of time established by the board.  
 37 An applicant who is aggrieved by a decision of the board under this  
 38 section is entitled to hearing and appeal rights under the Indiana  
 39 administrative rules and procedures act (IC 4-21.5).
- 40 **(c) The board may deny licensure to an applicant who has had**  
 41 **disciplinary action taken against the applicant or the applicant's**  
 42 **license to practice in another state or jurisdiction or who has**

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1 **practiced without a license in violation of the law.**

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

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

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

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

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

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

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

40 (b) An applicant for a license must:

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

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- 1 instruction from a course provider approved by the commission;  
 2 (3) not have a conviction for:  
 3 (A) an act which would constitute a ground for disciplinary  
 4 sanction under IC 25-1-11; or  
 5 (B) a felony that has a direct bearing on the applicant's ability  
 6 to practice competently.
- 7 (c) Auction instruction required under subsection (b) must provide  
 8 the applicant with knowledge of all of the following:  
 9 (1) The value of real estate and of various goods commonly  
 10 sold at an auction.  
 11 (2) Bid calling.  
 12 (3) Sale preparation, sale advertising, and sale summary.  
 13 (4) Mathematics.  
 14 (5) The provisions of this article and the commission's rules.  
 15 (6) Any other subject matter approved by the commission.
- 16 (d) An individual seeking an initial license as an auctioneer under  
 17 this article shall file with the commission a completed application on  
 18 the form prescribed by the commission. When filing an initial  
 19 application for an auctioneer license, each individual shall:  
 20 (1) pay a nonrefundable examination fee of thirty-five dollars  
 21 (\$35); and  
 22 (2) pay a surcharge under IC 25-6.1-8 for deposit in the  
 23 auctioneer recovery fund.
- 24 (e) When filing an application for a renewal of an auctioneer  
 25 license, each individual shall do the following:  
 26 (1) File with the commission a completed application on the form  
 27 prescribed by the commission. ~~including certification by the~~  
 28 ~~applicant that the applicant has complied with the requirements~~  
 29 ~~of IC 25-6.1-9-8, unless the commission has granted the applicant~~  
 30 ~~a waiver under IC 25-6.1-9-9.~~  
 31 (2) Pay the license fee prescribed by section 5 of this chapter.
- 32 (f) Upon the receipt of a completed application for an initial or a  
 33 renewal license, the commission shall examine the application and  
 34 verify the information contained therein.
- 35 (g) An applicant who is seeking an initial license must pass an  
 36 examination prepared and administered by the commission. The  
 37 commission shall hold examinations as the commission may prescribe.  
 38 The examination for an auctioneer's license shall include questions on  
 39 the applicant's:  
 40 (1) ability to read and write;  
 41 (2) knowledge of the value of real estate and of various goods  
 42 commonly sold at an auction;



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1 (3) knowledge of calling;

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

4 (5) knowledge of mathematics; and

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

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

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

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

29 (1) is licensed to act as an auctioneer in the state of the applicant's  
30 domicile;

31 (2) submits with the application a duly certified letter of  
32 certification issued by the licensing board of the applicant's  
33 domiciliary state;

34 (3) is a resident of a state whose licensing requirements are  
35 substantially equal to the requirements of Indiana;

36 (4) is a resident of a state that grants the same privileges to the  
37 licensees of Indiana; and

38 (5) includes with the application an irrevocable consent that  
39 actions may be commenced against the applicant. The consent  
40 shall stipulate that service of process or pleadings on the  
41 commission shall be taken and held in all courts as valid and  
42 binding as if service of process had been made upon the applicant



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1 personally within this state. If any process or pleading mentioned  
 2 in this subsection is served upon the commission, it shall be by  
 3 duplicate copies. One (1) of the duplicate copies shall be filed in  
 4 the office of the commission and one (1) shall be immediately  
 5 forwarded by the commission by registered or certified mail to the  
 6 applicant against whom the process or pleadings are directed.

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

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

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

16 (1) File an examination application.

17 (2) Pass the examination at one (1) of the next two (2) regularly  
 18 scheduled examinations.

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

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

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

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

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

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

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

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

36 (3) without compensation; or

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

38 SECTION 5. IC 25-8-2-10 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. "~~Cosmetology~~  
 40 "Instructor" means a person licensed under IC 25-8-6 to teach **in a**  
 41 cosmetology **school**.

42 SECTION 6. IC 25-8-2-17 IS ADDED TO THE INDIANA CODE



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
2 1, 1999]: **Sec. 17. "Shampoo operation" means performing any of  
3 the following acts on the head only:**

- 4 (1) **Applying shampoo, conditioner, or rinses.**  
5 (2) **Massaging the scalp.**  
6 (3) **Rinsing the hair and scalp.**

7 SECTION 7. IC 25-8-2-18 IS ADDED TO THE INDIANA CODE  
8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
9 1, 1999]: **Sec. 18. "Shampoo operator" means a person licensed  
10 under IC 25-8-12 to perform shampoo operation.**

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

- 14 (1) **as a requirement for graduation**, the proposed school will  
15 require its students to successfully complete at least **the** one  
16 thousand five hundred (1,500) hours of course work **as a**  
17 **requirement for graduation; required to be eligible to sit for the**  
18 **licensing examination;**  
19 (2) no more than eight (8) hours of course work may be taken by  
20 a student during one (1) day;  
21 (3) the course work will instruct the students in all theories and  
22 practical application of **cosmetology including the:**  
23 (A) **histology of hair, skin, muscles, and nerves;**  
24 (B) **structure of the head, face, neck, arms, and hands;**  
25 (C) **structure of legs and feet for electrologists and pedicurists;**  
26 (D) **elementary chemistry of sterilization and antiseptics; and**  
27 (E) **diseases of the skin, hair, and glands; the students'**  
28 **specific course of study;**  
29 (4) the school will provide one (1) instructor for each twenty (20)  
30 students or any fraction of that number;  
31 (5) the school will be operated under the personal supervision of  
32 a licensed cosmetologist instructor;  
33 (6) the person has obtained any building permit, certificate of  
34 occupancy, or other planning approval required under IC 22-15-3  
35 and IC 36-7-4 to operate the school;  
36 (7) the school, if located in the same building as a residence, will:  
37 (A) be separated from the residence by a substantial floor to  
38 ceiling partition; and  
39 (B) have a separate entry; and  
40 (8) the applicant has paid the fee set forth in IC 25-8-13-3.

41 SECTION 9. IC 25-8-5-4.5 IS ADDED TO THE INDIANA CODE  
42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE



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1 UPON PASSAGE]: **Sec. 4.5. (a) If a student in a cosmetology school**  
 2 **presents to the school a valid license issued by the board, the school**  
 3 **shall accept and provide credit toward the student's current**  
 4 **program for the hours completed in a cosmetology school in the**  
 5 **theory and demonstration, or actual practice, of any of the**  
 6 **following subjects:**

- 7 (1) **Electricity (basic electricity).**  
 8 (2) **Facials.**  
 9 (3) **Hair coloring (color rinses).**  
 10 (4) **Hair removal.**  
 11 (5) **Makeup.**  
 12 (6) **Manicuring.**  
 13 (7) **Pedicuring.**  
 14 (8) **Salesmanship (salesmanship and marketing).**  
 15 (9) **Sanitation (infection control or bacteriology).**  
 16 (10) **Scalp treatment.**  
 17 (11) **Skin (skin care).**  
 18 (12) **Shampooing (shampoo rinsing).**  
 19 (13) **Hair coloring (weekly rinses).**  
 20 (14) **Other areas as determined by the board.**

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

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

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

31 SECTION 10. IC 25-8-6.1-3 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. The application  
 33 described in section 2 of this chapter must require that the applicant:

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



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1 on an examination for ~~esthetics~~ instructor license applicants  
 2 prescribed by the board; and  
 3 (7) has paid the fee under IC 25-8-13-4 for the issuance of a  
 4 license under this chapter.

5 SECTION 11. IC 25-8-6.2-3 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. The application  
 7 described in section 2 of this chapter must require that the applicant:

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

21 SECTION 12. IC 25-8-7-8 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) A person holding  
 23 a license issued under IC 25-8-7, IC 25-8-7.1, ~~or~~ IC 25-8-7.2, **or**  
 24 **IC 25-8-12.6** shall display a sign complying with standards prescribed  
 25 by the board at the main public entrance to the ~~cosmetology~~ salon.

26 (b) The sign must:  
 27 (1) be clearly visible to a customer entering the establishment at  
 28 that entrance; and  
 29 (2) state in legible printing that the establishment is a structure  
 30 licensed as one (1) of the following:

- 31 (A) Cosmetology salon.  
 32 (B) Electrology salon.  
 33 (C) Manicuring salon.  
 34 **(D) Esthetic salon.**

35 SECTION 13. IC 25-8-9-3 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. The application  
 37 described in section 2 of this chapter must state that the applicant:

- 38 (1) is at least eighteen (18) years of age;  
 39 (2) has successfully completed the tenth grade or received the  
 40 equivalent of tenth grade education;  
 41 (3) has graduated from a **cosmetologist program in a**  
 42 cosmetology school;

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- 1 (4) has received a satisfactory grade (as defined by IC 25-8-4-9)
- 2 on an examination for cosmetologist license applicants prescribed
- 3 by the board;
- 4 (5) has not committed an act for which the applicant could be
- 5 disciplined under IC 25-8-14; and
- 6 (6) has paid the fee set forth in IC 25-8-13-7 for the issuance of a
- 7 license under this chapter.

8 SECTION 14. IC 25-8-11-4 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. The application  
 10 described in section 3 of this chapter must state that the applicant:

- 11 (1) is at least ~~seventeen (17) years and six (6) months~~ **eighteen**
- 12 **(18) years** of age;
- 13 (2) has successfully completed the eighth grade or received the
- 14 equivalent of an eighth grade education;
- 15 (3) has ~~successfully completed at least three hundred (300) hours~~
- 16 ~~of instruction in the theory and practice of manicuring as a~~
- 17 ~~student in~~ **graduated from a manicurist program in a**
- 18 cosmetology school;
- 19 (4) has received a satisfactory grade (as defined by IC 25-8-4-9)
- 20 on an examination for manicurist license applicants prescribed by
- 21 the board;
- 22 (5) has not committed an act for which the applicant could be
- 23 disciplined under IC 25-8-14; and
- 24 (6) has paid the fee set forth in IC 25-8-13-9 for the issuance of a
- 25 license under this chapter.

26 SECTION 15. IC 25-8-11-7 IS ADDED TO THE INDIANA CODE  
 27 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
 28 **1, 1999]: Sec. 7. (a) A person licensed under this article may not use**  
 29 **products containing methyl methacrylate (MMA).**

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

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

- 35 (1) is at least ~~seventeen (17) years and six (6) months~~ **eighteen**
- 36 **(18) years** of age;
- 37 (2) has successfully completed the eighth grade or received the
- 38 equivalent of an eighth grade education;
- 39 (3) has ~~successfully completed at least three hundred (300) hours~~
- 40 ~~of instruction in the theory and practice of shampoo operation as~~
- 41 ~~a student~~ **graduated from a shampooing program in a**
- 42 cosmetology school;

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

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

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

8 SECTION 17. IC 25-8-12.5-4 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. ~~(a) Subject to~~  
 10 ~~subsection (b) and~~ Except as provided in section 7 of this chapter, to  
 11 receive a license issued under this chapter, a person must:

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

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

15 (3) have ~~successfully completed at least seven hundred (700)~~  
 16 ~~hours of instruction in the theory and practice of esthetics as a~~  
 17 ~~student graduated from an esthetics program~~ in a cosmetology  
 18 school;

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

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

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

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

29 SECTION 18. IC 25-21.5-7-5 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. The board shall  
 31 determine the amount of registration fees for a land surveyor and  
 32 certification fees for a land-surveyor-in-training. Except as provided  
 33 under IC 25-21.5-8-7, the registration and renewal fee for a land  
 34 surveyor ~~must be at least~~ **may be not more than** fifty dollars (\$50) per  
 35 year.

36 SECTION 19. IC 25-6.1-9 IS REPEALED [EFFECTIVE JULY 1,  
 37 1999].

38 SECTION 20. [EFFECTIVE UPON PASSAGE] **(a) 820 IAC 4-4-3**  
 39 **is void.**

40 **(b) The publisher of the Indiana Administrative Code and**  
 41 **Indiana Register shall remove this section from the Indiana**  
 42 **Administrative Code before August 1, 1999.**

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1           **(c) This SECTION expires on September 1, 1999.**  
2           **SECTION 21. 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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