

Adopted	Rejected
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## COMMITTEE REPORT

<b>YES:</b>	<b>12</b>
<b>NO:</b>	<b>0</b>

### MR. SPEAKER:

*Your Committee on Employment, Labor and Pensions, to which was referred Senate Bill 615, 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:*

- 1 Page 4, between lines 5 and 6, begin a new paragraph and insert:
- 2 "SECTION 4. IC 25-34.1-3-10 *CURRENT VERSION*, AS
- 3 AMENDED BY P.L.157-2006, SEC.73, IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) A salesperson
- 5 licensed under section 3.1 of this chapter or a broker licensed under
- 6 section 4.1 of this chapter may apply for and receive an inactive license
- 7 from the commission.
- 8 (b) An individual may not be granted an inactive license without the
- 9 approval of the commission if a disciplinary or suspension hearing is
- 10 pending against the individual.
- 11 (c) An individual with an inactive license:
- 12 (1) may not perform an act that requires a salesperson or broker's
- 13 license;
- 14 (2) is not required to fulfill the continuing education requirements

1 under IC 25-34.1-9;  
 2 (3) is required to pay any fees that a licensee is required to pay;  
 3 and  
 4 (4) must fulfill the requirements under IC 25-34.1-9-11 for the  
 5 current licensing period before applying for reactivation of the  
 6 individual's license.

7 (d) Notwithstanding IC 25-34.1-9-11(2), the commission may adopt  
 8 rules under IC 4-22-2 establishing continuing education requirements  
 9 for individuals who have reactivated a license with less than twelve  
 10 (12) months remaining in the licensing period.

11 **(e) A valid inactive salesperson license issued before July 1,**  
 12 **2014, under subsection (a), becomes a broker's license on July 1,**  
 13 **2014.**

14 **(f) Notwithstanding subsection (c), an individual whose**  
 15 **salesperson's license becomes a broker's license under subsection**  
 16 **(e) may not perform an act that requires a broker's license under**  
 17 **this article unless the individual does all of the following:**

18 **(1) Completes at least twenty-four (24) hours of the education**  
 19 **described in IC 25-34.1-5-5.**

20 **(2) Meets the requirements to be a licensed broker under**  
 21 **IC 25-34.1-3-4.1.**

22 **(3) Attests to the commission that the individual has**  
 23 **completed the twenty-four (24) hours of education described**  
 24 **in subdivision (1).**

25 SECTION 5. IC 25-34.1-3-10 *DELAYED VERSION*, AS  
 26 AMENDED BY P.L.127-2012, SECTION 16, IS AMENDED TO  
 27 READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) A  
 28 broker licensed under section 4.1 of this chapter may apply for and  
 29 receive an inactive license from the commission.

30 (b) An individual may not be granted an inactive license without the  
 31 approval of the commission if a disciplinary or suspension hearing is  
 32 pending against the individual.

33 (c) An individual with an inactive license:

34 (1) may not perform an act that requires a broker's license;

35 (2) is not required to fulfill the continuing education requirements  
 36 under IC 25-34.1-9;

37 (3) is required to pay any fees that a licensee is required to pay;

38 and

1 (4) must fulfill the:  
 2 (A) requirements under IC 25-34.1-9-11 for the current  
 3 licensing period; or  
 4 (B) postlicensing education requirements as described in  
 5 subsection (f);  
 6 whichever is applicable, before applying for reactivation of the  
 7 individual's license.

8 (d) Notwithstanding IC 25-34.1-9-11(2), the commission may adopt  
 9 rules under IC 4-22-2 establishing continuing education requirements  
 10 for individuals who have reactivated a license with less than twelve  
 11 (12) months remaining in the licensing period.

12 **(e) A valid inactive salesperson license issued before July 1,**  
 13 **2014, under subsection (a), becomes a broker's license on July 1,**  
 14 **2014.**

15 **(f) Notwithstanding subsection (c), an individual whose**  
 16 **salesperson's license becomes a broker's license under subsection**  
 17 **(e) may not perform an act that requires a broker's license under**  
 18 **this article unless the individual does all of the following:**

19 **(1) Completes at least twenty-four (24) hours of the education**  
 20 **described in IC 25-34.1-5-5.**

21 **(2) Meets the requirements to be a licensed broker under**  
 22 **IC 25-34.1-3-4.1.**

23 **(3) Attests to the commission that the individual has**  
 24 **completed the twenty-four (24) hours of education described**  
 25 **in subdivision (1).**

26 ~~(e)~~ **(g)** Beginning July 1, 2014, a person who was licensed as a  
 27 salesperson under section 3.1 of this chapter, before its repeal, and who  
 28 applies for reactivation must complete the twenty-four (24) hour course  
 29 required to become a broker under this article. The course described  
 30 under this subsection may count toward the person's continuing  
 31 education requirements.

32 ~~(f)~~ **(h)** Beginning June 30, 2014, a broker licensed after June 30,  
 33 2014, who becomes inactive before completing the thirty (30) hour  
 34 postlicensing education required under section 4.1(f) of this chapter,  
 35 must complete the thirty (30) hours of postlicensure education before  
 36 reactivation of the broker's license."

37 Page 4, between lines 14 and 15, begin a new paragraph and insert:

38 "SECTION 7. IC 25-34.1-4.5-5.5 IS ADDED TO THE INDIANA

1 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 2 [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. (a) Notwithstanding**  
 3 **IC 25-34.1-3-4.1(g), a license issued to a broker under this article**  
 4 **that would have expired on June 30, 2013, will instead expire on**  
 5 **June 30, 2014. The 2014 renewals will be for a three (3) year term.**

6 **(b) The continuing education requirements for the 2014 broker**  
 7 **renewal shall be the:**

8 **(1) sixteen (16) hours required by IC 25-34.1-9-11 (before its**  
 9 **repeal on July 1, 2014), which may have been obtained any**  
 10 **time between July 1, 2011, and June 30, 2014; and**

11 **(2) eight (8) hours required by IC 25-34-9-11.1 (before its**  
 12 **expiration on July 1, 2014) to be obtained between July 1,**  
 13 **2013, and June 30, 2014."**

14 Page 4, line 19, delete "licensing agency." and insert  
 15 "commission."

16 Page 4, line 27, delete "Indiana." and insert "**Indiana, or an expert**  
 17 **in the field working in conjunction with a licensed real estate**  
 18 **broker or licensed attorney."**

19 Page 5, line 1, delete "and".

20 Page 5, line 3, delete "4-22-2." and insert "**4-22-2; and**

21 **(5) meet any additional requirements established by the**  
 22 **commission.**

23 **(e) Instructors approved by the commission before July 1, 2013,**  
 24 **shall be exempted from the requirement under subsection (c)(1)."**

25 Page 5, between lines 23 and 24, begin a new paragraph and insert:  
 26 "SECTION 10. IC 25-34.1-9-15.5 IS ADDED TO THE INDIANA  
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2013]: **Sec. 15.5. (a) The commission may**  
 29 **deny, suspend, or revoke approval of any course or course sponsor**  
 30 **if the commission determines that the course sponsor, by the act of**  
 31 **an employee or agent, has failed to comply with the standards**  
 32 **established in this chapter and the rules of the commission.**

33 **(b) The commission may deny, suspend, or revoke approval of**  
 34 **any course instructor permit issued under this article if the**  
 35 **commission determines that the instructor has failed to comply**  
 36 **with the standards established in this chapter and the rules of the**  
 37 **commission."**

38 Page 5, line 28, delete "licensing agency." and insert

- 1       **"commission."**
- 2       Page 5, line 37, delete "Indiana." and insert **"Indiana, or an expert**
- 3 **in the field working in conjunction with a licensed real estate**
- 4 **broker or licensed attorney."**
- 5       Page 5, line 39, delete "licensing agency" and inset **"commission"**.
- 6       Page 6, after line 13, begin a new paragraph and insert:
- 7       **"(e) Instructors approved by the commission before July 1,**
- 8 **2013, shall be exempted from the requirement under subsection**
- 9 **(c)(1).**
- 10       **(f) The commission may deny, suspend, or revoke approval of**
- 11 **any instructor permit issued under this chapter if the commission**
- 12 **determines that the instructor has failed to comply with the**
- 13 **standards established in this chapter and the rules of the**
- 14 **commission.**
- 15       SECTION 12. **An emergency is declared for this act."**  
      (Reference is to SB 615 as printed February 12, 2013.)

**and when so amended that said bill do pass.**

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Representative Gutwein