
TITLE 812 INDIANA AUCTIONEER COMMISSION

Final Rule

LSA Document #22-217(F)

DIGEST

Amends [812 IAC 1-1-19](#) concerning contracts. Amends [812 IAC 1-1-24](#) concerning unprofessional conduct. Amends [812 IAC 1-1-31](#) concerning student auctioneers and supervision of practice. Amends [812 IAC 2-3-3](#) concerning instructors. Amends [812 IAC 2-4-1](#) concerning auctioneer courses. Amends [812 IAC 2-4-4](#) concerning examinations. Amends [812 IAC 2-6-1](#) concerning auctioneer courses online and in person. Amends [812 IAC 2-7-13](#) concerning online and electronic teaching. Amends [812 IAC 2-7-17](#) concerning subject matter. Amends [812 IAC 3-1-1](#) concerning continuing education requirements. Amends [812 IAC 3-1-5](#) concerning course records. Amends [812 IAC 3-1-6](#) concerning continuing education sponsors. Amends [812 IAC 3-1-8](#) concerning instructors. Amends [812 IAC 3-1-10](#) concerning renewal applications. Amends [812 IAC 3-2-1](#) to update the definition of "distance learning continuing education". Amends [812 IAC 3-2-6](#) concerning digital instruction. Amends [812 IAC 3-2-7](#) concerning online distance learning continuing education. Repeals [812 IAC 1-1-13](#), [812 IAC 1-1-16](#), [812 IAC 1-1-16.1](#), [812 IAC 1-1-38](#), and [812 IAC 3-1-12](#). Effective 30 days after filing with the Publisher.

[812 IAC 1-1-13](#); [812 IAC 1-1-16](#); [812 IAC 1-1-16.1](#); [812 IAC 1-1-19](#); [812 IAC 1-1-24](#); [812 IAC 1-1-31](#); [812 IAC 1-1-38](#); [812 IAC 2-3-3](#); [812 IAC 2-4-1](#); [812 IAC 2-4-4](#); [812 IAC 2-6-1](#); [812 IAC 2-7-13](#); [812 IAC 2-7-17](#); [812 IAC 3-1-1](#); [812 IAC 3-1-5](#); [812 IAC 3-1-6](#); [812 IAC 3-1-8](#); [812 IAC 3-1-10](#); [812 IAC 3-1-12](#); [812 IAC 3-2-1](#); [812 IAC 3-2-6](#); [812 IAC 3-2-7](#)

SECTION 1. [812 IAC 1-1-19](#) IS AMENDED TO READ AS FOLLOWS:

[812 IAC 1-1-19](#) Contracts; specifications; retention of original**Authority:** [IC 25-6.1-2-5](#)**Affected:** [IC 25-6.1-6-4](#)

Sec. 19. (a) All contract agreements, or any authority to sell, shall show a definite date of contract and a definite date **or dates of the** sale, shall be in writing, made in duplicate, **and one (1) copy given** to the owner at the time of signing. ~~and the original to be retained in the office of the auctioneer and/or auction company licensee for a period of not less than two years.~~

(b) A signature, contract, or other record relating to such transactions may not be denied legal effect, validity, or enforceability solely because it is in electronic form.

(Indiana Auctioneer Commission; Rule 20; filed Oct 7, 1977, 3:25 p.m.: Rules and Regs. 1978, p. 168; filed Nov 18, 1980, 8:55 a.m.: 4 IR 53; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236; readopted filed Jul 19, 2007, 1:00 p.m.: [20070808-IR-812070044RFA](#); readopted filed Nov 25, 2013, 9:20 a.m.: [20131225-IR-812130278RFA](#); readopted filed Nov 26, 2019, 3:42 p.m.: [20191225-IR-812190182RFA](#); filed Nov 28, 2022, 10:20 a.m.: [20221228-IR-812220217FRA](#))

SECTION 2. [812 IAC 1-1-24](#) IS AMENDED TO READ AS FOLLOWS:

[812 IAC 1-1-24](#) Unprofessional conduct**Authority:** [IC 25-6.1-2-5](#)**Affected:** [IC 25-6.1-6-1](#); [IC 25-6.1-6-2](#)

Sec. 24. A licensee shall conduct professional activities in a professional manner that will reflect credit upon ~~himself or herself~~, **the licensee**, the auction profession, and auctioneers. Unprofessional conduct includes, but is not limited to, ~~the following~~:

~~(1) Failure of a licensee to account to and pay over all monies and tangible personal property coming into his or her possession which belong to others including buyers at auction as well as consignors no later than thirty (30) days from the date that the obligation arises to remit or deliver the said monies or tangible personal property.~~

~~(2) a licensee's payment of compensation in money or other valuable thing to any person other than a licensee for the rendering of any service or the doing of any of the acts by this act forbidden to be rendered or~~

performed by other than licensees.

(Indiana Auctioneer Commission; Rule 25; filed Oct 7, 1977; 3:25 p.m.: Rules and Regs. 1978, p. 169; filed Nov 18, 1980, 8:55 a.m.: 4 IR 54; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236; readopted filed Jul 19, 2007, 1:00 p.m.: [20070808-IR-812070044RFA](#); readopted filed Nov 25, 2013, 9:20 a.m.: [20131225-IR-812130278RFA](#); filed Mar 27, 2015, 4:19 p.m.: [20150422-IR-812140386RFA](#); readopted filed Nov 26, 2019, 3:42 p.m.: [20191225-IR-812190182RFA](#); filed Nov 28, 2022, 10:20 a.m.: [20221228-IR-812220217FRA](#))

SECTION 3. [812 IAC 1-1-31](#) IS AMENDED TO READ AS FOLLOWS:

[812 IAC 1-1-31](#) Student auctioneers; supervision of practice

Authority: [IC 25-6.1-2-5](#)

Affected: [IC 25-6.1-2-5](#)

Sec. 31. The commission shall grant permission to auctioneer schools ~~accredited by the Private School Accrediting Commission of Indiana,~~ **approved by the commission under [812 IAC 2](#)** to allow their students, through the duration of the school, to practice and participate in the capacity of an auctioneer, under the supervision of their instructor.

(Indiana Auctioneer Commission; Rule 32; filed Oct 7, 1977, 3:25 p.m.: Rules and Regs. 1978, p. 169; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236; readopted filed Jul 19, 2007, 1:00 p.m.: [20070808-IR-812070044RFA](#); readopted filed Nov 25, 2013, 9:20 a.m.: [20131225-IR-812130278RFA](#); readopted filed Nov 26, 2019, 3:42 p.m.: [20191225-IR-812190182RFA](#); filed Nov 28, 2022, 10:20 a.m.: [20221228-IR-812220217FRA](#))

SECTION 4. [812 IAC 2-3-3](#) IS AMENDED TO READ AS FOLLOWS:

[812 IAC 2-3-3](#) Instructors; prohibitions

Authority: [IC 25-6.1-2-5](#)

Affected: [IC 25-6.1](#)

Sec. 3. An approved course provider is prohibited from hiring, or retaining in its employ, an instructor who:

- (1) has ~~had his or her~~ **their** auctioneer license revoked or suspended by any jurisdiction;
- (2) has obtained or used, or attempted to obtain or use, in any manner, Indiana auctioneer licensing examination questions to be used on future examinations unless authorized by law;
- (3) has been convicted of a crime, which has a direct bearing on the individual's ability to competently instruct, including, but not necessarily limited to, violations of auction laws and abuse of fiduciary responsibilities;
- (4) has falsely certified hours of attendance or grades for any student; or
- (5) unless allowed by law, has refused to appear ~~and/or~~ **or** testify, **or both**, under oath at any hearing held by the commission.

(Indiana Auctioneer Commission; [812 IAC 2-3-3](#); filed Jul 3, 1996, 5:00 p.m.: 19 IR 3090; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: [20081015-IR-812080335RFA](#); readopted filed Dec 2, 2014, 10:09 a.m.: [20141231-IR-812140387RFA](#); readopted filed Oct 28, 2021, 3:01 p.m.: [20211124-IR-812210376RFA](#); filed Nov 28, 2022, 10:20 a.m.: [20221228-IR-812220217FRA](#))

SECTION 5. [812 IAC 2-4-1](#) IS AMENDED TO READ AS FOLLOWS:

[812 IAC 2-4-1](#) Auctioneer courses; hours of classroom instruction

Authority: [IC 25-6.1-2-5](#)

Affected: [IC 25-6.1](#)

Sec. 1. (a) An auctioneer course shall consist of at least eighty (80) hours of classroom instruction.

(b) Each **fully in-person** auctioneer course shall be conducted on at least ten (10) different days with a maximum of eight (8) hours of instruction per day.

(c) Of the eighty (80) hours required, the commission may approve up to forty-eight (48) hours of

online distance learning, provided that the minimum of thirty-two (32) hours remain fully in person.

~~(e)~~ **(d)** The examinations required under section 4(a) of this rule may not count toward the hours required by subsection (a).

(Indiana Auctioneer Commission; [812 IAC 2-4-1](#); filed Jul 3, 1996, 5:00 p.m.: 19 IR 3090; errata filed Sep 23, 1996, 3:00 p.m.: 20 IR 333; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: [20081015-IR-812080335RFA](#); readopted filed Dec 2, 2014, 10:09 a.m.: [20141231-IR-812140387RFA](#); readopted filed Oct 28, 2021, 3:01 p.m.: [20211124-IR-812210376RFA](#); filed Nov 28, 2022, 10:20 a.m.: [20221228-IR-812220217FRA](#))

SECTION 6. [812 IAC 2-4-4](#) IS AMENDED TO READ AS FOLLOWS:

[812 IAC 2-4-4](#) Examinations

Authority: [IC 25-6.1-2-5](#)

Affected: [IC 25-6.1](#)

Sec. 4. (a) Each auctioneer course shall be required to have three (3) written examinations with each examination consisting of one hundred (100) questions. A total of two hundred twenty-five (225) points from the three (3) examinations is required to pass the course.

(b) Dates of all examinations must be announced to the students at least one (1) day in advance, and examinations shall be evenly spaced throughout the course.

(c) Up to two (2) of the required examinations may be electronically administered provided they have sufficient security to assure against fraudulent practices and be approved by the commission.

~~(e)~~ **(d)** All examinations must be administered in the scheduled class session under the supervision of the course instructor. Take home examinations may not be credited toward the required passing score in the course.

~~(d)~~ **(e)** The total score to pass a course must be based only on scores earned on the required in-class examinations. Class recitations and quizzes may not be used to supplement or take the place of examination grades.

~~(e)~~ **(f)** Total security shall be provided for all examinations prior to, during, and after administration. Questions may not be distributed to students or discussed in class in advance. Students shall be prohibited from copying an examination after it has been administered.

~~(f)~~ **(g)** An examination booklet and all answer sheets shall be retained by the sponsoring school for at least one (1) year. Examinations may be made available to students only for personal review in a supervised situation after the examinations have been graded and scores recorded.

~~(g)~~ **(h)** Examinations administered in the auction course shall not be taken from the school premises under any circumstances.

~~(h)~~ **(i)** Administration of make up examinations shall be at the discretion of the course instructor. If make up examinations are permitted, and the student is taking the examination prior to other students in the class, the same examination that will be used for the class shall be administered. If the student will be taking a make up examination after other students in the class, a different examination shall be used, however, the examination must cover the same subject content.

~~(i)~~ **(j)** Each approved course provider shall establish a written policy against cheating in its auctioneer courses.

(Indiana Auctioneer Commission; [812 IAC 2-4-4](#); filed Jul 3, 1996, 5:00 p.m.: 19 IR 3091; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: [20081015-IR-812080335RFA](#); readopted

SECTION 7. [812 IAC 2-6-1](#) IS AMENDED TO READ AS FOLLOWS:

[812 IAC 2-6-1](#) Subject areas; number of course hours

Authority: [IC 25-6.1-2-5](#)

Affected: [IC 25-6.1](#)

Sec. 1. (a) Auctioneer courses offered by an approved course provider must include no fewer than the minimum number of hours in each of the subject areas as listed in subsection (b).

(b) The subject areas and corresponding minimum hourly requirements for an auctioneer course are as follows:

(1) A minimum of sixty (60) hours must be accrued in the following subjects with the minimum hourly requirement for each subject being equal to the number of course hours listed:

Subject Area	Number of Course Hours
Bid calling/public speaking	8
Ethics	3
Sale advertising	5
Accounting procedures/mathematics	3
Sale summary/closing statements	3
Firearms	2
Auction law, including sales tax law and environmental law pertaining to auctioneering	15
UCC and bulk transfers	2
Contracts and legal matters	5
Bankruptcy	2
Appraising	5
Sale preparation, set-up, and clean-up	7
	<hr/> 60

(2) A minimum of eleven (11) hours must be accrued in the following subjects, with a minimum of one (1) hour in each subject listed:

- (A) Antiques.
- (B) Art, rugs, and jewelry.
- (C) Automobiles.
- (D) Cattle and livestock.
- (E) Computers.
- (F) Estate sales.
- (G) Farm machinery.
- (H) Furniture.
- (I) Heavy equipment.
- (J) Insurance.
- (K) Tobacco.

(3) A minimum of nine (9) hours must be accrued in the following subjects, with a minimum of three (3) hours in each subject listed:

- (A) Auction company operation.
- (B) Real estate.
- (C) Ring work.

A minimum of eighty (80) hours must be accrued by approved auctioneer course providers subject to the following requirements:

80 Hour Course Requirement Breakdown

Subject Areas	Total Hours Required	Maximum Online Hours
Auction Law; Sales Tax Law; Environmental Law	15	6

Bid Calling	8	2
Contracts and Legal Matters	5	3
Advertising and Marketing	5	3
Appraising	5	3
Auction Preparation, Set-Up, and Clean-Up	5	4
Online Auctions	5	4
Real Estate at Auction	4	2
Sale Summary; Closing Statements	3	2
Ethics	3	2
Accounting and Mathematics	3	3
Ringwork	3	1
Auction House Operation	3	2
UCC Bulk Transfer Laws	2	1
Bankruptcy	2	2
Firearms	2	1
Art, Rugs, and Jewelry	1	1
Antiques and Furniture	1	1
Automobiles	1	1
Livestock; Cattle	1	1
Estate Sales	1	1
Farm Machinery and Heavy Equipment	1	1
Insurance	1	1
Total Hours	80	48

(Indiana Auctioneer Commission; [812 IAC 2-6-1](#); filed Jul 3, 1996, 5:00 p.m.: 19 IR 3092; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: [20081015-IR-812080335RFA](#); readopted filed Dec 2, 2014, 10:09 a.m.: [20141231-IR-812140387RFA](#); filed Mar 27, 2015, 4:19 p.m.: [20150422-IR-812140386RFA](#); readopted filed Oct 28, 2021, 3:01 p.m.: [20211124-IR-812210376RFA](#); filed Nov 28, 2022, 10:20 a.m.: [20221228-IR-812220217FRA](#))

SECTION 8. [812 IAC 2-7-13](#) IS AMENDED TO READ AS FOLLOWS:

[812 IAC 2-7-13](#) Online and electronic teaching

Authority: [IC 25-6.1-2-5](#)

Affected: [IC 25-6.1](#)

Sec. 13. The following concepts must be emphasized with online and electronic teaching:

- (1) Knowledge and proper use of computer hardware and software specifically designed for auction purposes. ~~must be emphasized when teaching computers.~~
- (2) Instruction on computer operation.
- (3) Databases.
- (4) Data protection.
- (5) Cybersecurity.
- (6) Electronic payments and cryptocurrency.
- (7) Online auction software and platforms, their functions, and operation.

(Indiana Auctioneer Commission; [812 IAC 2-7-13](#); filed Jul 3, 1996, 5:00 p.m.: 19 IR 3094; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: [20081015-IR-812080335RFA](#); readopted filed Dec 2, 2014, 10:09 a.m.: [20141231-IR-812140387RFA](#); readopted filed Oct 28, 2021, 3:01 p.m.: [20211124-IR-812210376RFA](#); filed Nov 28, 2022, 10:20 a.m.: [20221228-IR-812220217FRA](#))

SECTION 9. [812 IAC 2-7-17](#) IS AMENDED TO READ AS FOLLOWS:

[812 IAC 2-7-17](#) Other subjects; emphasis

Authority: [IC 25-6.1-2-5](#)

Affected: [IC 25-6.1](#)

Sec. 17. General categorical information, procedures pertaining to the auction of the items, and the methods of positive identification of the items must be emphasized when teaching the following subjects:

- (1) Antiques **and furniture.**
- (2) Art, rugs, and jewelry.
- (3) Automobiles.
- (4) Cattle and livestock.
- (5) Estate sales.
- (6) Farm machinery **and equipment.**
- ~~(7) Furniture.~~
- ~~(8) Heavy equipment.~~
- ~~(9) Tobacco.~~

(Indiana Auctioneer Commission; [812 IAC 2-7-17](#); filed Jul 3, 1996, 5:00 p.m.: 19 IR 3094; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: [20081015-IR-812080335RFA](#); readopted filed Dec 2, 2014, 10:09 a.m.: [20141231-IR-812140387RFA](#); readopted filed Oct 28, 2021, 3:01 p.m.: [20211124-IR-812210376RFA](#); filed Nov 28, 2022, 10:20 a.m.: [20221228-IR-812220217FRA](#))

SECTION 10. [812 IAC 3-1-1](#) IS AMENDED TO READ AS FOLLOWS:

[812 IAC 3-1-1](#) Continuing education requirements

Authority: [IC 25-6.1-2-5](#)

Affected: [IC 25-1-11](#); [IC 25-6.1-9-1](#)

Sec. 1. (a) ~~As a prerequisite to renewal of an auctioneer license, the licensee shall satisfactorily complete sixteen (16) hours of continuing education from an auctioneer continuing education course sponsor approved by the commission, which must be obtained during the four (4) year licensure period ending February 28 of every fourth year. No~~ **Not** more than eight (8) hours of continuing education may be acquired during any one (1) day. However, instruction for an approved distance learning continuing education program may be more than eight (8) hours of instruction in a one (1) day course.

(b) Notwithstanding subsection (a), continuing education credit may be granted to an individual for instructing an auctioneer continuing education course. One (1) hour of continuing education credit may be earned per one (1) hour taught. Not more than four (4) hours of continuing education credit accumulated in this manner may be applied toward license renewal requirements. Instructors of auctioneer continuing education courses may not receive credit for repeated courses.

(c) A licensee is not entitled to continuing education credit for any classroom hours that were used for required precensure education under [812 IAC 2-1](#).

(d) A licensee who attends the same continuing education course more than once in the same four (4) year license period is entitled to continuing education credit for that course only once.

(e) The commission may verify any information concerning continuing education that is submitted by the licensee as evidence supporting the course information. The commission may require licensees to provide information regarding the continuing education hours claimed on the individual's renewal. Failure to do so may lead to disciplinary action as provided for in [IC 25-1-11](#).

(f) It is the responsibility of each licensee to retain evidence to support the courses taken by the licensee for a period of three (3) years after the end of the renewal period for which the renewal application is submitted and the continuing education hours are claimed to the commission. These records shall include one (1) or more of the following:

- (1) Certificates of completion, such as the following:
 - (A) Course attendance verification by the sponsor.
 - (B) Certificates of completion.

- (C) Continuing education attendance history third party.
- (2) Course outline or other evidence of course content.
- (3) Other evidence of support and justification.

(g) For distance learning courses, licensees shall, in addition to the requirements in subsection (f), retain proof of examination grades.

(Indiana Auctioneer Commission; [812 IAC 3-1-1](#); filed Jul 3, 1996, 5:00 p.m.: 19 IR 3095; filed Sep 17, 1998, 3:50 p.m.: 22 IR 453; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: [20081015-IR-812080335RFA](#); filed Jul 31, 2009, 8:37 a.m.: [20090826-IR-812080757FRA](#); filed Jul 31, 2009, 8:40 a.m.: [20090826-IR-812080759FRA](#); readopted filed Dec 2, 2014, 10:09 a.m.: [20141231-IR-812140387RFA](#); readopted filed Oct 28, 2021, 3:01 p.m.: [20211124-IR-812210376RFA](#); filed Nov 28, 2022, 10:20 a.m.: [20221228-IR-812220217FRA](#))

SECTION 11. [812 IAC 3-1-5](#) IS AMENDED TO READ AS FOLLOWS:

[812 IAC 3-1-5](#) Course records

Authority: [IC 25-6.1-2-5](#)

Affected: [IC 25-6.1-9-3](#)

Sec. 5. ~~(a) An approved auctioneer continuing education course sponsor must retain records of students who complete the course for a minimum of five (5) years. These records must include attendance records for all courses showing date, place, and attendee's name.~~

~~(b) The course sponsor may be asked to provide to the commission copies of records required by subsection (a).~~ **[IC 25-6.1-9-3](#).**

(Indiana Auctioneer Commission; [812 IAC 3-1-5](#); filed Jul 3, 1996, 5:00 p.m.: 19 IR 3096; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: [20081015-IR-812080335RFA](#); readopted filed Dec 2, 2014, 10:09 a.m.: [20141231-IR-812140387RFA](#); readopted filed Oct 28, 2021, 3:01 p.m.: [20211124-IR-812210376RFA](#); filed Nov 28, 2022, 10:20 a.m.: [20221228-IR-812220217FRA](#))

SECTION 12. [812 IAC 3-1-6](#) IS AMENDED TO READ AS FOLLOWS:

[812 IAC 3-1-6](#) Approved auctioneer continuing education sponsor; certificate requirements

Authority: [IC 25-6.1-2-5](#)

Affected: [IC 25-6.1-9-2](#)

Sec. 6. ~~(a) Upon completion of a continuing education course, the approved auctioneer continuing education sponsor shall provide all attendees a course completion certificate that must include the information required by~~ **[IC 25-6.1-9-2\(2\)\(A\)](#) through [IC 25-6.1-9-2\(2\)\(C\)](#) and the following information:**

- ~~(1) The name of the participant.~~
- ~~(2) (1) The license number of the participant.~~
- ~~(3) The name, address, and signature of the sponsor.~~
- ~~(4) (2) The course title.~~
- ~~(5) (3) The course topic, if not reflected in the course title.~~
- ~~(6) (4) The date and location of the course.~~
- ~~(7) The number of approved actual course hours.~~
- ~~(8) (5) Distance learning certificates must include the instructional delivery method.~~

~~(b) The approved auctioneer continuing education sponsors must retain the certificates described in subsection (a) for at least five (5) years after the end of the four (4) year renewal period in which the course was taken.~~

(Indiana Auctioneer Commission; [812 IAC 3-1-6](#); filed Jul 3, 1996, 5:00 p.m.: 19 IR 3096; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: [20081015-IR-812080335RFA](#); filed Jul 31, 2009, 8:37 a.m.: [20090826-IR-812080757FRA](#); filed Jul 31, 2009, 8:40 a.m.: [20090826-IR-812080759FRA](#); readopted filed Dec 2, 2014, 10:09 a.m.: [20141231-IR-812140387RFA](#); readopted filed Oct 28, 2021, 3:01 p.m.: [20211124-IR-812210376RFA](#); filed Nov 28, 2022, 10:20 a.m.: [20221228-IR-812220217FRA](#))

SECTION 13. [812 IAC 3-1-8](#) IS AMENDED TO READ AS FOLLOWS:

[812 IAC 3-1-8](#) Instructors; prohibitions

Authority: [IC 25-6.1-2-5](#)

Affected: [IC 25-6.1](#)

Sec. 8. An auctioneer continuing education sponsor is prohibited from hiring, or retaining in its employ, an instructor who has:

- (1) had an auctioneer or auction company license revoked or suspended by any jurisdiction;
- (2) obtained or used, or attempted to obtain or use, in any manner, Indiana auctioneer licensing examination questions to be used on future examinations unless authorized by law;
- (3) been convicted of a crime that has a direct bearing on the individual's ability to competently instruct, including, but not necessarily limited to, violations of auction laws and abuse of fiduciary responsibilities;
- (4) falsely certified hours of attendance or grades for any student; or
- (5) unless allowed by law, refused to appear, or testify, or both, under oath at any hearing held by the commission.

(Indiana Auctioneer Commission; [812 IAC 3-1-8](#); filed Jul 3, 1996, 5:00 p.m.: 19 IR 3096; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: [20081015-IR-812080335RFA](#); readopted filed Dec 2, 2014, 10:09 a.m.: [20141231-IR-812140387RFA](#); filed Mar 27, 2015, 4:19 p.m.: [20150422-IR-812140386FRA](#); readopted filed Oct 28, 2021, 3:01 p.m.: [20211124-IR-812210376RFA](#); filed Nov 28, 2022, 10:20 a.m.: [20221228-IR-812220217FRA](#))

SECTION 14. [812 IAC 3-1-10](#) IS AMENDED TO READ AS FOLLOWS:

[812 IAC 3-1-10](#) Renewal applications

Authority: [IC 25-6.1-2-5](#)

Affected: [IC 25-1-11](#); [IC 25-6.1-9](#)

Sec. 10. ~~(a) An applicant for license renewal shall certify on the application that the applicant has complied with the continuing education requirements under [IC 25-6.1-9](#) and this article.~~

~~(b)~~ **(a)** The commission may request the following:

- (1) Verification of any information submitted by the applicant.
- (2) The applicant to submit evidence supporting the course credit claimed.

~~(c)~~ **(b)** The commission may request applicants to prove information as provided in section 4~~(h)~~ **1(f)** of this rule in order to verify continuing education hours claimed in the application. Failure to do so shall subject a licensee to the sanctions provided for under [IC 25-1-11](#).

(Indiana Auctioneer Commission; [812 IAC 3-1-10](#); filed Jul 3, 1996, 5:00 p.m.: 19 IR 3097; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: [20081015-IR-812080335RFA](#); filed Jul 31, 2009, 8:37 a.m.: [20090826-IR-812080757FRA](#); readopted filed Dec 2, 2014, 10:09 a.m.: [20141231-IR-812140387RFA](#); readopted filed Oct 28, 2021, 3:01 p.m.: [20211124-IR-812210376RFA](#); filed Nov 28, 2022, 10:20 a.m.: [20221228-IR-812220217FRA](#))

SECTION 15. [812 IAC 3-2-1](#) IS AMENDED TO READ AS FOLLOWS:

[812 IAC 3-2-1](#) "Distance learning continuing education" defined

Authority: [IC 25-6.1-2-5](#)

Affected: [IC 25-6.1](#)

Sec. 1. "Distance learning continuing education" means a course in which instruction does not take place in a traditional classroom setting but rather through other means where the instructor and licensed professional

learners are separated by distance and sometimes ~~time~~ **time**. The instruction:

- (1) is:
 - (A) presented in a sequential and logical order; and
 - (B) offered wholly or primarily by distance study, through virtually any media; and
- (2) may incorporate or make use of various media formats, including, but not limited to, the following:
 - (A) Printed materials.
 - (B) ~~Video or DVD.~~ **Digital.**
 - (C) Internet based delivery systems.

(Indiana Auctioneer Commission; [812 IAC 3-2-1](#); filed Jul 31, 2009, 8:40 a.m.: [20090826-IR-812080759FRA](#); readopted filed Nov 20, 2015, 3:31 p.m.: [20151216-IR-812150228RFA](#); readopted filed Oct 28, 2021, 3:01 p.m.: [20211124-IR-812210376RFA](#); filed Nov 28, 2022, 10:20 a.m.: [20221228-IR-812220217FRA](#))

SECTION 16. [812 IAC 3-2-6](#) IS AMENDED TO READ AS FOLLOWS:

[812 IAC 3-2-6](#) Digital instruction distance learning continuing education

Authority: [IC 25-6.1-2-5](#)

Affected: [IC 25-6.1](#)

Sec. 6. Licensees may take distance learning continuing education courses by ~~video or DVD~~ **digital** instruction so long as the courses meet the following criteria:

- (1) All courses must provide a test, and the participant must score at least seventy-five percent (75%) to pass and receive credit for the course.
- (2) Tests must have multiple choice questions with at least twenty (20) questions per two (2) hours of instruction. The following types of questions are not allowed:
 - (A) True or false.
 - (B) Essay.
- (3) The organization and presentation of the instructional materials shall be in accord with sound principles of learning.
- (4) ~~Video or DVD~~ **Digital** instruction classes must have a monitor in the room at all times to assure proper attendance.

(Indiana Auctioneer Commission; [812 IAC 3-2-6](#); filed Jul 31, 2009, 8:40 a.m.: [20090826-IR-812080759FRA](#); readopted filed Nov 20, 2015, 3:31 p.m.: [20151216-IR-812150228RFA](#); readopted filed Oct 28, 2021, 3:01 p.m.: [20211124-IR-812210376RFA](#); filed Nov 28, 2022, 10:20 a.m.: [20221228-IR-812220217FRA](#))

SECTION 17. [812 IAC 3-2-7](#) IS AMENDED TO READ AS FOLLOWS:

[812 IAC 3-2-7](#) Online distance learning continuing education

Authority: [IC 25-6.1-2-5](#)

Affected: [IC 25-6.1](#)

Sec. 7. Licensees may take continuing education courses ~~via the Internet~~ **online** so long as the courses meet the following criteria:

- (1) All courses must provide a test, and the participant must score at least seventy-five percent (75%) to pass and receive credit for the course.
- (2) Tests must have multiple choice questions with at least ~~twenty (20)~~ **five (5)** questions per two (2) hours of instruction. The following types of questions are not allowed:
 - (A) True or false.
 - (B) Essay.
- (3) The organization and presentation of the instructional materials shall be in accord with sound principles of learning.
- (4) ~~Internet~~ **Online** courses must have sufficient security to assure against fraudulent practices.

(Indiana Auctioneer Commission; [812 IAC 3-2-7](#); filed Jul 31, 2009, 8:40 a.m.: [20090826-IR-812080759FRA](#); readopted filed Nov 20, 2015, 3:31 p.m.: [20151216-IR-812150228RFA](#); readopted filed Oct 28, 2021, 3:01 p.m.: [20211124-IR-812210376RFA](#); filed Nov 28, 2022, 10:20 a.m.: [20221228-IR-812220217FRA](#))

SECTION 18. THE FOLLOWING ARE REPEALED: [812 IAC 1-1-13](#); [812 IAC 1-1-16](#); [812 IAC 1-1-16.1](#); [812 IAC 1-1-38](#); [812 IAC 3-1-12](#).

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Notice of Intent: [20220622-IR-812220217NIA](#)

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