Indiana Auctioneer Commission

Laws and Regulations

A compilation of the Indiana Code and Indiana Administrative Code

2011 Edition

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NOTICE: This compilation incorporates the most recent revisions of statutes and administrative rules governing the auctioneering profession, as of July 1, 2011. Note that this compilation is not an official version of the Indiana Code. It is distributed as a general guide to individuals in the auctioneering profession regulated by the Indiana Auctioneer Commission and the Indiana Professional Licensing Agency. It is not intended to be offered as legal advice, and it may contain typographical errors. The Indiana Auctioneer Commission and the Indiana Professional Licensing Agency are prohibited from providing legal advice on issues contained herein. For legal advice, please consult an attorney. To obtain official copies of the Indiana Code or Indiana Administrative Code, please contact your nearest public library or visit the website of the Indiana General Assembly at www.in.gov/legislative.

INDIANA AUCTIONEER COMMISSION

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ARTICLE 6.1. AUCTIONEERS AND AUCTIONS

INDIANA CODE § 25-6.1-1

Chapter 1. Short Title and Definitions

IC 25-6.1-1-1 Short title

Sec. 1. Short Title. This article shall be known and may be cited as the "Auctioneer and Auction Licensing Act."

As added by Acts 1977, P.L.270, SEC.1.

IC 25-6.1-1-2 Scope of article

Sec. 2. This article provides licensing and registration for persons engaged in operating, conducting or otherwise producing auctions. No other agency or political subdivision of the state shall impose on a licensee or seller at auction any registration or license requirement or any license or employment fee or charge on account of such auction activities.

As added by Acts 1977, P.L.270, SEC.1. Amended by Acts 1980, P.L.163, SEC.1.

IC 25-6.1-1-3 Definitions

Sec. 3. As used in this article:

"Auction" means a sale transaction conducted by means of oral or written exchanges between an auctioneer and the members of the auctioneer's audience, which exchanges consist of a series of invitations for offers for the purchase of goods or real estate made by the auctioneer and offers to purchase made by members of the audience and culminate in the acceptance by the auctioneer of the highest or most favorable offer made by a member of the participating audience.

"Auction company" means any person or persons who, as a part of its business, arranges, manages, sponsors, advertises, or carries out auctions.

"Auction house" means an established place of business including an auction barn, a sale barn, and a sale pavilion and its contiguous surroundings where two (2) or more auctions are held within any twelve (12) month period and where representations are regularly made that goods are sold at auction. Each day during which goods or real estate are being offered for sale at auction shall constitute one (1) auction. A sale barn or livestock auction market that is used exclusively for the auctioning of livestock and is licensed by the Indiana state board of animal health is not an auction house as defined herein.

"Auctioneer" means an individual who is engaged in, or who by advertising or otherwise holds the individual out as being available to engage in, the calling for, the recognition of, and the acceptance of offers for the purchase of goods or real estate at an auction.

"Commission" means the Indiana auctioneer commission.

"Goods" means any goods, wares, chattels, merchandise, or other personal property, including domestic animals and farm products.

"Licensee" means any person licensed or issued a temporary permit under this article and, in the case of an auction house or auction company, includes the person required to obtain a license for such auction house or auction company.

"Organization" means a corporation, a limited liability company, a partnership, a trust (specifically including a business trust), a firm, an association, or any other form of business enterprise which is owned by two (2) or more individuals.

"Person" means an organization or an individual.

"Real estate" means any right, title, or interest in real property, including fixtures.

"Licensing agency" means the Indiana professional licensing agency established under IC 25-1-5-3.

As added by Acts 1977, P.L.270, SEC.1. Amended by Acts 1980, P.L.163, SEC.2; Acts 1981, P.L.222, SEC.35; P.L.132-1984, SEC.14; P.L.214-1993, SEC.13; P.L.1-2006, SEC.422.

INDIANA CODE § 25-6.1-2

Chapter 2. Creation of Commission

IC 25-6.1-2-1 Creation and membership

Sec. 1. Creation and Membership. (a) The Indiana auctioneer commission is created consisting of six (6) members, not more than four (4) of whom may be members of the same political party.

(b) A member of the commission is appointed by the governor to serve for a term of three (3) years and until his successor is appointed and qualified. A vacancy arising on the commission shall be filled by the governor, and the individual appointed to fill such vacancy shall serve for the unexpired term of the individual whose vacancy is being filled.

(c) Five (5) individuals appointed to membership on the commission must be citizens of Indiana and engaged as auctioneers for a period of not less than five (5) years immediately preceding their appointment. One (1) individual appointed to membership on the commission must be a citizen of Indiana who has not been associated with auctioneering in any way other than as a consumer.

(d) An individual may not act as a member of the commission while holding another elected or appointed office in either the state or federal government.

As added by Acts 1977, P.L.270, SEC.1. Amended by Acts 1981, P.L.222, SEC.36.

IC 25-6.1-2-2 Meetings

Sec. 2. Meetings. (a) The commission shall meet each January, at a time and place established by the chairman, to conduct an election of officers and such other business as may be appropriate. The commission shall also meet upon the call of the chairman or upon the request of any two (2) members of the commission. The secretary shall provide reasonable notice of the time and place of each meeting to all members.

(b) Three (3) members constitute a quorum for the purpose of transacting business. A majority vote of the commission is necessary to bind the commission.

As added by Acts 1977, P.L.270, SEC.1.

IC 25-6.1-2-3 Officers

Sec. 3. (a) At the meeting to be held each January, the commission shall elect from its membership a chairman and a vice chairman. Each officer shall serve for a term of one (1) year and until his successor is elected.

(b) The chairman shall preside at all meetings of the commission.

(c) The vice chairman shall act as presiding officer in the absence of the chairman and shall perform such other duties as the chairman may direct.

(d) The commission shall be provided with an executive secretary by the licensing agency. The person provided may not be a member of the commission.

(e) The executive secretary, through the licensing agency, shall:

(1) notify all members of meetings;

(2) keep a record of all meetings of the commission, votes taken by the commission, and other proceedings, transactions, communications, official acts, and records of the commission; and

(3) perform other duties as the chairman directs.

As added by Acts 1977, P.L.270, SEC.1. Amended by Acts 1980, P.L.163, SEC.3; Acts 1981, P.L.222, SEC.37; P.L.132-1984, SEC.15.

IC 25-6.1-2-4 Per diem and expenses

Sec. 4. Per Diem and Expenses. Each member of the commission shall receive a salary per diem for each day actually engaged in service of the commission, together with reimbursement for necessary travel expense incurred in the performance of his strictly official duties, in accordance with travel policies and procedures established by the department of administration and the state budget agency. The compensation and expense of said commission shall be paid out of the general fund of the state upon appropriation being made therefor in the manner provided by law for the making of such appropriations.
As added by Acts 1977, P.L.270, SEC.1.

IC 25-6.1-2-5 Powers

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:

(1) Standards for competent:

(A) practice as an auctioneer; and

(B) operation of an auction company or auction house.

(2) Continuing education requirements for an individual who has reactivated an auctioneer license with less than twelve (12) months remaining in the licensing period.

As added by Acts 1977, P.L.270, SEC.1. Amended by Acts 1980, P.L.163, SEC.4; Acts 1981, P.L.222, SEC.38; P.L.132-1984, SEC.16; P.L.7-1987, SEC.112; P.L.1-1991, SEC.163; P.L.238-1995, SEC.1.

IC 25-6.1-2-6 Fees; disposition

Sec. 6. Fees, disposal. All fees received by the commission under this article shall be paid to the state treasurer to be placed by him in the general fund of the state. All records of such fees received by the commission shall be available for the inspection of the general public.
As added by Acts 1977, P.L.270, SEC.1.

INDIANA CODE § 25-6.1-3

Chapter 3. Licensing

IC 25-6.1-3-1 Coverage

Sec. 1. Coverage. (a) Except as provided in subsection (b) of this section, no individual may act as an auctioneer and no person may operate an auction house or an auction company without obtaining and having in full force and effect a valid license issued by the commission in accordance with this chapter.

(b) The requirements of this article do not apply to:

(1) An auction of goods or real estate conducted exclusively by individuals who personally own such goods or real estate and who did not acquire such goods or real estate for resale.

(2) An auction conducted by or under the direction of any public authority.

(3) An auction conducted pursuant to any judicial order or to the settlement of a decedent's estate.

(4) A sale conducted by or on behalf of any political party, church, charitable corporation or association if the individual conducting the sale receives no compensation and does not, by advertising or otherwise, hold himself out as being available to engage in the sale of goods or real estate at auction.

As added by Acts 1977, P.L.270, SEC.1. Amended by P.L.8-1993, SEC.374.

IC 25-6.1-3-2 Auctioneer license

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 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 application for an auctioneer license, each individual shall pay a nonrefundable examination fee established by the commission under IC 25-1-8-2.

(e) When applying for a renewal of an auctioneer license, each individual shall do the following:

(1) Apply in a manner required 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 renewal fee established by the commission under IC 25-1-8-2.

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

(g) An applicant who is seeking an initial license must pass an examination approved by the commission that covers subjects and topics of knowledge required to practice as an auctioneer. The commission shall hold examinations as the commission may prescribe.

(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 four (4) years. A license expires at midnight on the date established by the licensing agency under IC 25-1-6-4 and every fourth year thereafter, unless renewed before that date. If the license has expired, it may be reinstated not later than four (4) years after the date it expired if the license holder meets the requirements of IC 25-1-8-6(c).

(j) If the license has expired for a period of more than four (4) years, the holder of the license may have the license reinstated by satisfying the requirements for reinstatement under IC 25-1-8-6(d).

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

(1) is licensed 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 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.

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

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

(n) 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.

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

As added by Acts 1977, P.L.270, SEC.1. Amended by Acts 1980, P.L.163, SEC.5; Acts 1981, P.L.222, SEC.39; Acts 1982, P.L.113, SEC.32; P.L.3-1990, SEC.87; P.L.214-1993, SEC.14; P.L.238-1995, SEC.2; P.L.23-2003, SEC.3; P.L.194-2005, SEC.19; P.L. 157-2006, SEC.19; P.L.105-2008, SEC.16.

IC 25-6.1-3-3 Auction house license

Sec. 3. (a) This section does not apply to an organization that operates a wholesale dealer automobile auction.

(b) Every person, before operating an auction house, must obtain a license from the commission for that auction house.

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

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

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

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

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

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

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

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

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

(h) Auction house licenses shall expire on a date established by the licensing agency under IC 25-1-6-4, and every fourth year thereafter.

(i) If the holder of an auction house license does not renew the license by the date established by the licensing agency, the license expires and becomes invalid without any action taken by the commission.

(j) The holder of an auction house license that has been expired for not more than four (4) years may have the license reinstated by meeting the requirements under IC 25-1-8-6(c).

(k) The holder of an auction house license that has been expired for more than four (4) years may have the license reinstated by satisfying the requirements for reinstatement under IC 25-1-8-6(d).

As added by Acts 1977, P.L.270, SEC.1. Amended by Acts 1980, P.L.163, SEC.6; P.L.3-1990, SEC.88; P.L.214-1993, SEC.15; P.L.84-1998, SEC.19; P.L.23-2003, SEC.4; P.L.105-2008, SEC.17.

IC 25-6.1-3-4 Auction company license

Sec. 4. (a) Every person other than:

(1) an individual who is a licensed auctioneer; or

(2) an individual who has a licensed auction house;

who is seeking to operate as an auction company must obtain a license from the commission. Notwithstanding the fact that an individual who is a licensed auctioneer or an individual who has a licensed auction house also has an interest in an organization, every organization which seeks to operate an auction company must obtain a license for that auction company.

(b) Every such person shall file with the commission a completed application on the form prescribed by the commission. Each application shall be accompanied by the license fee prescribed by section 5 of this chapter and a surcharge described in IC 25-6.1-8-2.

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

(d) Upon a determination by the commission that an application is completed and duly verified, the commission shall issue an auction company license, in such form as it may prescribe, to the applicant.

(e) Auction company licenses shall expire on a date established by the licensing agency under IC 25-1-6-4, and every fourth year thereafter.

(f) If the holder of an auction company license does not renew the license by the date established by the licensing agency, the license expires and becomes invalid without any action taken by the commission.

(g) The holder of an auction company license that has been expired for not more than four (4) years may have the license reinstated by meeting the requirements under IC 25-1-8-6(c).

(h) The holder of an auction company license that has been expired for more than four (4) years may have the license reinstated by satisfying the requirements for reinstatement under IC 25-1-8-6(d).

(i) Any individual who wishes to operate an auction company, and who is exempt under subsection (a) from obtaining an auction company license, shall, not more than thirty (30) days before the date on which the individual begins to operate an auction company, notify the commission, in a writing signed by the individual, that the individual is operating as an auction company or as more than one (1) auction company. The individual shall specify in such written notification the trade or business name, and the address of the principal place of business, of each auction company which the individual operates. Whenever an individual to whom this subsection applies shall discontinue the operation of an auction

company theretofore operated by the individual, or shall change its address or trade or business name, the individual shall promptly notify the secretary of the commission of such discontinuance or change, in a writing signed by the individual.
As added by Acts 1977, P.L.270, SEC.1. Amended by Acts 1980, P.L.163, SEC.7; P.L.3-1990, SEC.89; P.L.214-1993, SEC.16; P.L.23-2003, SEC.5; P.L.105-2008, SEC.18.

IC 25-6.1-3-5 License fee; surcharge

Sec. 5. At the time of obtaining a license under this chapter, the licensee shall pay:

(1) the license fee established by the commission under IC 25-1-8-2; and

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

As added by Acts 1977, P.L.270, SEC.1. Amended by P.L.256-1987, SEC.2; P.L.23-2003, SEC.6; P.L.194-2005, SEC.20.

IC 25-6.1-3-6 License requirement; "auction house" defined

Sec. 6. All auctions arranged by or through an auction house or an auction company shall be conducted exclusively by individuals who are licensed as auctioneers under this chapter. For purposes of this subsection only, the term "auction house" includes a sale barn or sale pavilion that is used exclusively for the auctioning of livestock and is licensed by the Indiana state board of animal health.
As added by Acts 1977, P.L.270, SEC.1.

IC 25-6.1-3-7 Display of license

Sec. 7. Display of License. Every person licensed under this article shall display his license or a certified copy of it issued by the commission in the full and unobstructed view of the public at his principal place of business.
As added by Acts 1977, P.L.270, SEC.1.

IC 25-6.1-3-8 Duplicates and certified copies of licenses; fees

Sec. 8. (a) The commission may charge the fee established under IC 25-1-8-2 as the cost of providing duplicate licenses to replace lost or destroyed licenses.

(b) The commission may charge a fee established under IC 25-1-8-2 for the cost of verifying a license to another state.
As added by Acts 1977, P.L.270, SEC.1. Amended by P.L.235-1995, SEC.2; P.L.194-2005, SEC.21.

IC 25-6.1-3-9 Cease and desist order

Sec. 9. Cease and Desist Order. (a) When the commission determines that a person not licensed under this article is engaged in or is believed to be engaged in activities for which a license is required under this article, the commission may issue an order to that person requiring him to show cause why he should not be ordered to cease and desist from such activities. The show cause order shall set forth a time and place for a hearing at which the affected person may appear and show cause as to why he should not be subject to licensing under this article.

(b) If the commission, after a hearing, determines that the activities in which the person is engaged are subject to licensing under this article, the commission may issue a cease and desist order which shall describe the person and activities which are the subject of the order.

(c) A cease and desist order issued under this section shall be enforceable in the circuit courts of this state.
As added by Acts 1977, P.L.270, SEC.1.

IC 25-6.1-3-10 Denial of license; rights and remedies

Sec. 10. Any person who makes proper and complete application to the commission and who is denied a license under this article has all of the rights and remedies prescribed in IC 4-21.5.
As added by Acts 1977, P.L.270, SEC.1. Amended by P.L.7-1987, SEC.113.

INDIANA CODE § 25-6.1-4

Chapter 4. Suspension and Revocation of Licenses

IC 25-6.1-4-1 Repealed

(Repealed by Acts 1981, P.L.222, SEC.296.)

IC 25-6.1-4-1.1 Repealed

(Repealed by P.L.214-1993, SEC.91.)

IC 25-6.1-4-2 Repealed

(Repealed by Acts 1981, P.L.222, SEC.296.)

IC 25-6.1-4-3 Repealed

(Repealed by Acts 1981, P.L.222, SEC.296.)

IC 25-6.1-4-4 Hearing

Sec. 4. All hearings held under this chapter shall be held in accordance with IC 4-21.5-3.
As added by Acts 1977, P.L.270, SEC.1. Amended by P.L.7-1987, SEC.114.

INDIANA CODE § 25-6.1-5

Chapter 5. Repealed

(Repealed by P.L.256-1987, SEC.5.)

INDIANA CODE § 25-6.1-6

Chapter 6. Licensee Obligations

IC 25-6.1-6-1 Performance by auctioneer

Sec. 1. Performance by Auctioneer. In performing the duties of an auctioneer, every auctioneer shall follow all reasonable requests of the owner or consignor of the goods or real estate being sold at the auction, shall perform his duties so that the highest or most favorable offer made by a member of his audience is accepted, and shall otherwise perform his duties in accordance with the highest standards of the auctioneering profession.
As added by Acts 1977, P.L.270, SEC.1.

IC 25-6.1-6-2 Accounting and paying over

Sec. 2. Accounting and Paying Over. (a) Every licensee, within thirty (30) days after the sale transaction, shall account to, or see to an accounting for, those persons who own or who are acting as consignor of goods or real estate which is the subject of an auction engaged in or conducted by such licensee or upon such licensee's premises.

(b) Every licensee, within thirty (30) days after a sale transaction of goods and within a reasonable time after a real estate sale transaction, shall pay over, or see to the paying over of, all monies and proceeds due to the owner or the consignor of goods or real estate which was the subject of an auction engaged in or conducted by such licensee or upon such licensee's premises.
As added by Acts 1977, P.L.270, SEC.1. Amended by Acts 1980, P.L.163, SEC.9.

IC 25-6.1-6-3 Records and accounts

Sec. 3. Records and Accounts. Each licensee shall keep and maintain in a place of safety for a period of not less than two (2) years complete and correct records and accounts pertaining to that licensee's licensed activity, including the name and address of the owner or consignor of all goods and real estate involved in such activities, a description of such goods and real estate, the terms and conditions of the acceptance and sale of such goods and real estate, and accounts of all monies received and paid out, whether on the licensee's own behalf or as agent, as a result of such activities.
As added by Acts 1977, P.L.270, SEC.1.

IC 25-6.1-6-4 Written contracts

Sec. 4. Written Contracts. Except with respect to goods sold through an auction house, no licensee shall sell goods or real estate at auction until the auctioneer or auction company involved has first entered into a written contract with the owner or consignor of such goods or real estate, which contract sets forth the terms and conditions upon which such auctioneer or auction company accepts the goods or real estate for sale. A copy of every written contract shall be retained for a period of two (2) years from the date of the auction.
As added by Acts 1977, P.L.270, SEC.1. Amended by Acts 1980, P.L.163, SEC.10.

IC 25-6.1-6-5 Advertising

Sec. 5. Advertising. All advertisements of auctions shall disclose:

(1) the auctioneer's name and the name of the auction house or the auction company involved; and

(2) the name of the owner or consignor of goods or real estate to be sold or the fact that the goods are being sold on general consignment.

As added by Acts 1977, P.L.270, SEC.1. Amended by Acts 1980, P.L.163, SEC.11.

IC 25-6.1-6-6 Trust accounts

Sec. 6. (a) Each licensee:

(1) shall keep in one (1) or more trust accounts (interest or noninterest bearing) all funds belonging to others that come into the possession of the licensee and are held by the licensee for more than twenty-four (24) hours after the funds become available for use by the licensee; and

(2) shall clearly identify any account containing those funds as a trust account.

The trust accounts shall contain all auction proceeds not yet disbursed and all other funds belonging to others.

(b) The licensee shall not use any trust account for the deposit of any personal funds or other business funds and shall keep a detailed record of the funds and any interest accrued in each trust account that identifies the amount of funds held for each beneficiary. Any interest earned shall be held for the beneficiary.

(c) Upon the death or termination of a licensee or the expiration or revocation of the licensee's license, the commission shall take custody of each trust account and may appoint a successor trustee to protect and distribute the proceeds of that account.
As added by P.L.256-1987, SEC.3.

INDIANA CODE § 25-6.1-7

Chapter 7. Penalties

IC 25-6.1-7-1 Failure to be licensed

Sec. 1. (a) An individual may not act as an auctioneer without first having obtained and having in full force and effect the license required under this article.

(b) Except as provided in IC 25-6.1-3-3, a person may not operate an auction house without having obtained and having in full force and effect the license for the auction house as required under this article.

(c) A person (except a person who shall have become exempt, by reason of compliance with the provisions of IC 25-6.1-3-4, from the auction company licensing requirements of this article) may not operate an auction company without first having obtained and having in full force and effect the auction company license required under this article.

(d) A person who knowingly or intentionally violates the provisions of this section commits a Class A misdemeanor.
As added by Acts 1977, P.L.270, SEC.1. Amended by P.L.84-1998, SEC.20; P.L.1-1999, SEC.57.

IC 25-6.1-7-2 Other violations

Sec. 2. Other Violations. A person who violates or fails to follow any provision of this article for which a specific penalty is not provided commits a Class A misdemeanor.
As added by Acts 1977, P.L.270, SEC.1.

IC 25-6.1-7-3 Injunctions

Sec. 3. Injunctions. The commission may maintain an action in the name of the state of Indiana to enjoin any person from engaging, without a license issued under this article (or pursuant to an exemption defined in this article), in any activity for which a license is required under this article.
As added by Acts 1977, P.L.270, SEC.1.

IC 25-6.1-7-4 Affidavit, information, or indictment; sufficiency of charge

Sec. 4. Affidavits, Informations, Indictments. In charging any person in an affidavit, information, or indictment with a violation of this article by carrying on (without a license obtained under, or pursuant to an exemption defined in, this article) an activity for the carrying-on of which a license issued under, or an exemption defined in, this article is required, it shall be sufficient to charge that the person did, upon a certain day and in a certain county, engage in such an activity and that he or it did not have a license to do so or an exemption (defined in this article) permitting him or it to do so. No further or more particular facts need be averred concerning the matter.
As added by Acts 1977, P.L.270, SEC.1.

INDIANA CODE § 25-6.1-8

Chapter 8. Auctioneer Recovery Fund

IC 25-6.1-8-1 Establishment of fund; administration; investments

Sec. 1. (a) The auctioneer recovery fund is established for the purpose set out in this chapter. The fund shall be administered by the auctioneer commission.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(c) Money in the fund at the end of a fiscal year does not revert to the state general fund, except as provided in section 2.1 of this chapter.
As added by P.L.256-1987, SEC.4. Amended by P.L.143-1990, SEC.1.

IC 25-6.1-8-2 Surcharge; formula; assessment

Sec. 2. (a) If the total amount in the auctioneer recovery fund (including principal and interest) is less than three hundred sixty thousand dollars ($360,000) on June 30 in an odd-numbered year after the payment of all claims and expenses, the auctioneer commission shall assess a surcharge according to the following formula in order to maintain the fund at an approximate level of four hundred thousand dollars ($400,000):

STEP ONE: Determine the amount remaining in the fund on June 30 of the current year after all expenses and claims have been paid.

STEP TWO: Subtract the amount determined under STEP ONE from four hundred thousand dollars ($400,000).

STEP THREE: Determine the number of licensees who had licenses in effect on June 30 of the current year.

STEP FOUR: Divide the number determined under STEP TWO by the number determined under STEP THREE.

(b) The auctioneer commission shall assess the surcharge described in subsection (a) against each licensee who:

(1) receives an initial license;

(2) receives a renewal license; or

(3) receives a temporary permit.

(c) The auctioneer commission shall assess the surcharge described in subsection (a) for the two (2) year period beginning on July 1 of the current year through June 30 of the next odd-numbered year.

(d) The surcharge assessed under this section is in addition to any other fee under this article.

As added by P.L.256-1987, SEC.4. Amended by P.L.143-1990, SEC.2; P.L.214-1993, SEC.17.

IC 25-6.1-8-2.1 Reversion of excess funds

Sec. 2.1. If the total amount in the auctioneer recovery fund (including principal and interest) exceeds five hundred fifty thousand dollars ($550,000) at the end of a state fiscal year after the payment of all claims and expenses, the amount in excess of five hundred fifty thousand dollars ($550,000) reverts to the state general fund.

As added by P.L.143-1990, SEC.3.

IC 25-6.1-8-3 Interest credited; payment of expenses

Sec. 3. Any interest earned on investment of money in the auctioneer recovery fund shall be credited at least annually to the fund. No money may be appropriated from the state general fund for payment of any expenses incurred under this chapter, and none of these expenses may be charged against the state.

As added by P.L.256-1987, SEC.4.

IC 25-6.1-8-4 Claims against fund; applications; amount of loss; limitation on recovery

Sec. 4. (a) If any aggrieved person obtains a final judgment in any court against any licensee to recover damages for failure to meet the obligations of a licensee under this article and the rules adopted under this article (with or without findings by the auctioneer commission) that results in an actual cash loss to the aggrieved person, the person may, upon termination of all proceedings including appeals and proceedings supplemental to judgment for collection purposes, file a verified application in the court in which the judgment was entered for an order directing payment out of the auctioneer recovery fund of the amount of actual and direct loss in the transaction that remains unpaid upon the judgment. The amount of actual and direct loss may include court costs but may not include attorney's fees or punitive damages awarded. The amount that may be paid from the auctioneer recovery fund may not exceed twenty thousand dollars ($20,000) per judgment and an aggregate lifetime limit of fifty thousand dollars ($50,000) with respect to any one (1) licensee.

(b) This section applies only to a final judgment that awards damages for an act by the licensee described in subsection (a) that arises directly out of any transaction:

(1) that occurred when the licensee was licensed;

(2) for which a license was required under IC 25-6.1; and

(3) that occurred after December 31, 1987.

As added by P.L.256-1987, SEC.4.

IC 25-6.1-8-5 Claims against single licensee in excess of dollar limitation; joinder of claims; payment; insufficient funds

Sec. 5. (a) If the payment in full of two (2) or more pending valid claims that have been filed by aggrieved persons against a single licensee would exceed the fifty thousand dollars ($50,000) limit set forth in section 4 of this chapter, the fifty thousand dollars ($50,000) shall be distributed among the aggrieved persons in the ratio that their respective claims bear to the aggregate of all valid claims or in any other manner that a court of record may determine equitable. This money shall be distributed among the persons entitled to share in it without regard to the order of priority in which their respective judgments have been obtained or their claims have been filed.

(b) Upon petition of the commission, the court may require all claimants and prospective claimants against one (1) licensee to be joined in one (1) action, to the end that the respective rights of all the claimants to the commission may be equitably adjudicated and settled.

(c) On June 30 and December 31 of each year, the auctioneer commission shall identify each claim that the court orders to be paid during the six (6) month period that ended on that day. The commission shall pay the part of each claim that is so identified within fifteen (15) days after the end of the six (6) month period in which the claim is ordered paid. However, if the balance in the fund is insufficient to pay the full payable amount of each claim that is ordered to be paid during a six (6) month period, the commission shall pay a prorated portion of each claim that is ordered to be paid during the period. Any part of the payable amount of a claim left unpaid due to the prorating of payments under this subsection must be paid (subject to the fifty thousand dollar ($50,000) limit described in section 4 of this chapter) before the payment of claims ordered to be paid during the following six (6) month period.

As added by P.L.256-1987, SEC.4.

IC 25-6.1-8-6 Agents for service of process

Sec. 6. Any auctioneer, auction company, or auction house that is licensed or renews a license under this article after December 31, 1987, and upon whom personal service cannot be made with reasonable diligence shall be considered to have appointed the commission as the licensee's agent for service of process for purposes of actions filed under section 4 of this chapter for recovery from the auctioneer recovery fund. Service of process under this section shall be made as nearly as practicable in the manner prescribed by the Indiana Rules of Trial Procedure for service on corporations.

As added by P.L.256-1987, SEC.4.

IC 25-6.1-8-7 Limitation of actions; notice of commencement of action

Sec. 7. An order for payment from the auctioneer recovery fund may not be issued unless the action to recover from the auctioneer recovery fund was commenced within one (1) year after the termination of all proceedings against the licensee for failure to meet the obligations of a licensee under this article and the rules adopted under this article, including appeals and proceedings supplemental to judgment. When any person commences an action for a judgment that may result in an order for payment from the fund, the person shall notify the commission in writing of the commencement of the action.

As added by P.L.256-1987, SEC.4.

IC 25-6.1-8-8 Commission as defendant; hearings; order of payment of claim

Sec. 8. When any person files an application for an order directing payment from the auctioneer recovery fund, the commission shall be made a party defendant to the proceedings. The court shall conduct a hearing on the application, and it may issue an order directing payment out of the auctioneer recovery fund, as provided in section 9 of this chapter, subject to the limitation of section 4 of this chapter, if the court finds:

(1) that there is no collusion between the judgment creditor and the judgment debtor;

(2) that the judgment creditor is making application not more than one (1) year after the termination of all proceedings in connection with the judgment, including appeals and proceedings supplemental to judgment for collection purposes;

(3) that the judgment creditor has caused to be issued a writ of execution on the judgment and the officer executing the writ has made a return showing that no personal or real property of the judgment debtor liable to be levied upon in satisfaction of the judgment could be found or that the amount realized on the sale under the execution was insufficient to satisfy the judgment;

(4) that the judgment creditor has diligently pursued the creditor's remedies against all the judgment debtors and all other persons liable to the creditor in the transaction for which the creditor seeks recovery from the auctioneer recovery fund;

(5) that the failure to meet the obligations of a licensee under this article and the rules adopted under this article arose directly out of a transaction that occurred when the judgment debtor was licensed and acted in a capacity for which a license is required under this article and that the transaction occurred after December 31, 1987; and

(6) that, in the event of a default judgment or a judgment entered upon stipulation of the parties, the judgment debtor's acts constituted failure to meet the obligations of a licensee under this article and the rules adopted under this article.

As added by P.L.256-1987, SEC.4.

IC 25-6.1-8-9 Payment of claim

Sec. 9. Upon a final order of the court directing that payment be made out of the auctioneer recovery fund, the commission shall, subject to sections 4 through 5 of this chapter, make the payment out of the auctioneer recovery fund as provided in section 5 of this chapter.

As added by P.L.256-1987, SEC.4.

IC 25-6.1-8-10 Suspension of judgment debtor's license; repayment by licensee; interest

Sec. 10. If the commission is required to make any payment from the auctioneer recovery fund in settlement of a claim or toward the satisfaction of a judgment under this chapter, the commission shall suspend the judgment debtor's license. The licensee is not eligible to be licensed again as either an auctioneer, auction company, or auction house until the licensee has repaid in full the amount paid from the auctioneer recovery fund with interest of twelve percent (12%) per annum.

As added by P.L.256-1987, SEC.4.

IC 25-6.1-8-11 Subrogation

Sec. 11. When, upon order of any court, the commission has caused payment to be made from the auctioneer recovery fund to a judgment creditor, the commission is subrogated to the rights of the judgment creditor with respect to the amount paid.

As added by P.L.256-1987, SEC.4.

IC 25-6.1-8-12 Expenditure of interest

Sec. 12. Subject to the approval of the state budget agency, the auctioneer commission may expend the interest earned by the auctioneer recovery fund for publications that provide:

(1) information concerning the commission's activities and administrative rulings; and

(2) other educational information concerning the practice of auctioneering.

As added by P.L.256-1987, SEC.4.

IC 25-6.1-8-13 Attorney general; assistance to commission; expenses

Sec. 13. (a) The office of the attorney general shall provide the staff assistance necessary to:

(1) enable the auctioneer commission to perform its duties under this chapter; and

(2) enforce this chapter.

(b) Expenses incurred by the office of the attorney general under this section shall be paid from the auctioneer recovery fund.

As added by P.L.256-1987, SEC.4.

INDIANA CODE § 25-6.1-9

Chapter 9. Continuing Education

IC 25-6.1-9-1 Continuing education required for license renewal

Sec. 1. (a) Except as provided in sections 7 and 9 of this chapter, an individual who applies for license renewal under IC 25-6.1-3-2 must complete sixteen (16) actual hours of continuing education every four (4) years from course providers that are approved by the commission.

(b) The continuing education requirement is as follows:

(1) At least six (6) actual hours of courses in any of the following core subjects:

(A) Indiana rules and statutes governing auctioneering.

(B) Federal statutes governing auctioneering.

(C) Auctioneering ethics.

(D) Escrow and trust funds.

(E) Contracts.

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

(2) At least ten (10) actual hours of courses in any of the following elective subjects:

(A) Agency.

(B) Business courses related to auctioneering.

(C) Auction management.

(D) Bid calling.

(E) Public speaking.

(F) Advertising.

(G) Specialty auction topics.

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

As added by P.L.238-1995, SEC.3. Amended by P.L.23-2003, SEC.7.

IC 25-6.1-9-2 Requirements for sponsor approval

Sec. 2. To obtain approval as a continuing education sponsor, a sponsor must do the following:

(1) Provide the commission information on courses, curriculum, and facilities as determined by the commission.

(2) Provide each participant who successfully completes an approved course a certificate that includes the following:

(A) The name of the participant.

(B) The name, address, and signature of the sponsor.

(C) The number of approved actual course hours.

(D) Any other information required by the commission.

(3) Meet any standard that the commission adopts by rule.

As added by P.L.238-1995, SEC.3.

IC 25-6.1-9-3 Sponsor records

Sec. 3. A continuing education sponsor that has received approval under section 2 of this chapter must maintain records for five (5) years of the participants who successfully complete and pass each course. If the sponsor ceases operations, the owner shall place the records in the care of a custodian that is approved by the commission.

As added by P.L.238-1995, SEC.3.

IC 25-6.1-9-4 Expiration and renewal of sponsor approval

Sec. 4. (a) The approval for a sponsor expires February 28 each even-numbered year.

(b) A sponsor must submit:
(1) a letter requesting renewal of approval; and
(2) the renewal fee;
at least thirty (30) days before the sponsor's approval expires.
As added by P.L.238-1995, SEC.3.

IC 25-6.1-9-5 Inspection of sponsor's records and facilities
Sec. 5. The commission may inspect an approved sponsor's records and facilities.
As added by P.L.238-1995, SEC.3.

IC 25-6.1-9-6 Advertisements related to courses offered
Sec. 6. (a) A person may advertise that the person's course is approved by the commission and fulfills the requirements of the commission.
(b) A person may not advertise that the sponsor or the sponsor's course is required or recommended by the commission.
As added by P.L.238-1995, SEC.3.

IC 25-6.1-9-7 Exemption
Sec. 7. A licensee who is initially licensed in the fourth year of a renewal period is exempt from the continuing education requirement under this chapter for that renewal period.
As added by P.L.238-1995, SEC.3. Amended by P.L.194-2005, SEC.22.

IC 25-6.1-9-8 Application
Sec. 8. An applicant for renewal must certify on the application that the applicant:
(1) has complied with the continuing education requirement;
(2) is exempt from the continuing education requirement because the individual has been licensed for less than one (1) year; or
(3) has not complied with the continuing education requirement but is seeking a waiver under section 9 of this chapter.
As added by P.L.238-1995, SEC.3.

IC 25-6.1-9-9 Waiver
Sec. 9. The commission may grant an applicant a waiver from all or part of the continuing education requirement for the renewal period if the applicant was not able to fulfill the requirement due to a hardship that resulted from any of the following conditions:
(1) Service in the armed forces of the United States during a substantial part of the renewal period.
(2) An incapacitating illness or injury.
(3) Other circumstances determined by the commission.
As added by P.L.238-1995, SEC.3. Amended by P.L.33-1999, SEC.1.

IC 25-6.1-9-10 Inactive license
Sec. 10. (a) The commission may grant an applicant an inactive auctioneer license if the auctioneer submits a written application to the commission requesting that the auctioneer license be classified as inactive.
(b) An auctioneer granted an inactive license under this section may not perform an act that requires an auctioneer license.
(c) If a disciplinary or suspension hearing is pending against an auctioneer, the individual may not be granted an inactive license without the approval of the commission.
(d) An individual granted an inactive license must continue to pay the same fees that a licensee is required to pay.
(e) An inactive licensee is not required to complete the continuing education requirement while the license is inactive.
(f) An individual may reinstate an inactive auctioneer license if the individual:
(1) submits a written application to the commission requesting that the inactive auctioneer license be classified as active; and
(2) fulfills the applicable continuing education requirement for the licensure period during which the license is reinstated.
As added by P.L.238-1995, SEC.3.

ARTICLE 1. GENERAL PROVISIONS

INDIANA CODE § 25-1-1

Chapter 1. Evidence of License Applicant's Payment of Personal Property Taxes Required

IC 25-1-1-1 Issuance of license; evidence of payment of personal property tax

Sec. 1. It is unlawful for any board, officer, or person to issue any license, as defined in section 2 of this chapter, to any person who is a resident of this state, unless the applicant, at the time he applies for such license, submits, in addition to all other requirements prescribed by law, a receipt or other evidence showing that he has paid all his personal property taxes in full. "Other evidence" in the case of all licenses issued by the bureau of motor vehicles means a statement signed by the treasurer of the county in which the applicant is a resident that the applicant has paid all personal taxes assessed against him, including all delinquent personal property tax; or, if the applicant owns no personal property subject to taxation, a signed statement from the assessor of the county in which the applicant resides certifying that he has made an affidavit to the effect that he owes no delinquent personal property tax in any county in Indiana.

(Formerly: Acts 1931, c.124, s.1; Acts 1941, c.61, s.1; Acts 1943, c.124, s.1; Acts 1953, c.208, s.1.) As amended by Acts 1978, P.L.2, SEC.2501.

IC 25-1-1-2 License defined

Sec. 2. The term "license" as used in this chapter shall be construed to mean and include motor vehicle registration licenses, certificates of title showing the ownership of any motor vehicle, except those classed as passenger vehicles.

(Formerly: Acts 1931, c.124, s.2; Acts 1972, P.L.183, SEC.1.)

IC 25-1-1-3 Repealed

(Repealed by Acts 1978, P.L.2, SEC.2570.)

IC 25-1-1-4 Repealed

(Repealed by Acts 1978, P.L.2, SEC.2570.)

INDIANA CODE § 25-1-1.1

Chapter 1.1. Effect of Criminal Convictions on Licensed or Registered Persons

IC 25-1-1.1-1 Denial, revocation, or suspension of license or certificate of registration; conviction of crime

Sec. 1. Except as provided under sections 2 through 3 of this chapter, a license or certificate of registration that an individual is required by law to hold to engage in a business, profession, or occupation may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(Formerly: Acts 1973, P.L.249, SEC.1.) As amended by Acts 1978, P.L.2, SEC.2502; P.L.67-1990, SEC.6.

IC 25-1-1.1-2 Suspension or revocation of license or certificate; conviction for drug related offense

Sec. 2. A board, a commission, or a committee may suspend or revoke a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

(1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
(2) Possession of methamphetamine under IC 35-48-4-6.1.
(3) Possession of a controlled substance under IC 35-48-4- 7(a).
(4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
(5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
(6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
(7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
(8) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.
(9) Maintaining a common nuisance under IC 35-48-4- 13.
(10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).
(12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).
(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (12).

As added by P.L.67-1990, SEC.7. Amended by P.L.1-1991, SEC.162; P.L.17-2001, SEC.5; P.L.151-2006, SEC.10.

IC 25-1-1.1-3 Suspension or revocation of license or certificate; conviction for additional drug related offenses

Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

(1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.
(2) Dealing in methamphetamine under IC 35-48-4-1.1.
(3)Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
(4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
(5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
(8) Dealing in a counterfeit substance under IC 35-48-4-5.
(9) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).
(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).
(11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).
(12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (11).
(13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-

As added by P.L.67-1990, SEC.8. Amended by P.L.182-1991, SEC.1; P.L.17-2001, SEC.6; P.L.1-2002, SEC.94; P.L.151-2006, SEC.11.

INDIANA CODE § 25-1-1.2

Chapter 1.2. Effect of Delinquency in Child Support Payments on Licensed or Registered Persons

IC 25-1-1.2-1 "Applicant" defined

Sec. 1. As used in this chapter, "applicant" means a person who applies for:

(1) an unlimited license, certificate, registration, or permit;

(2) a limited or probationary license, certificate, registration, or permit;

(3) a temporary license, certificate, registration, or permit; or

(4) an intern permit;

issued by a board regulating a profession or an occupation.

As added by P.L.133-1995, SEC.19.

IC 25-1-1.2-2 "Board" defined

Sec. 2. As used in this chapter, "board" means an entity that regulates occupations or professions under this title and the department of education established by IC 20-19-3-1.

As added by P.L.133-1995, SEC.19. Amended by P.L. 1-2005, SEC. 191; P.L. 246-2005, SEC. 210.

IC 25-1-1.2-3 "Bureau" defined

Sec. 3. As used in this chapter, "bureau" means the child support bureau established by IC 31-25-3-1.

As added by P.L.133-1995, SEC.19. Amended by P.L.145-2006, SEC.157.

IC 25-1-1.2-4 "Delinquent" defined

Sec. 4. As used in this chapter, "delinquent" means at least:

(1) two thousand dollars ($2,000); or

(2) three (3) months;

past due on payment of court ordered child support.

As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.18.

IC 25-1-1.2-5 "License" defined

Sec. 5. As used in this chapter, "license" has the meaning set forth in IC 25-1-2-6.

As added by P.L.133-1995, SEC.19.

IC 25-1-1.2-6 "Practitioner" defined

Sec. 6. As used in this chapter, "practitioner" means a person that holds:

(1) an unlimited license, certificate, registration, or permit;

(2) a limited or probationary license, certificate, registration, or permit;

(3) a temporary license, certificate, registration, or permit; or

(4) an intern permit;

issued by a board regulating a profession or an occupation.

As added by P.L.133-1995, SEC.19.

IC 25-1-1.2-7 Order for suspension or denial of license; notice to practitioner; contents; reinstatement

Sec. 7. (a) Upon receiving an order of a court issued under IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or IC 31-6-6.1-16(k) before their repeal), the board shall:

(1) suspend the license of the practitioner; or

(2) deny the application of the applicant;

who is the subject of the order.

(b) Upon receiving an order of a court issued under IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or IC 31-6-6.1-16(k) before their repeal), the board shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

(1) That the practitioner's license has been suspended, beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the board receives an order allowing reinstatement from the court that issued the suspension order.

(2) That the practitioner has the right to petition for reinstatement of the practitioner's license to the court that issued the order for suspension.

(c) The board may not reinstate a license suspended under this section until the board receives an order allowing reinstatement from the court that issued the order for suspension.

As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.19; P.L.1-1997, SEC.109.

IC 25-1-1.2-8 Notice of delinquency; contents; delinquency finding; probationary status; suspension; reinstatement

Sec. 8. (a) The board shall, upon receiving an order from the bureau under IC 31-25-4-32(e), send a notice to the practitioner identified by the bureau that includes the following:

(1) Specifies that the practitioner is delinquent and is subject to an order placing the practitioner on probationary status.

(2) Describes the amount of child support that the practitioner is in arrears.

(3) Explains that unless the practitioner contacts the bureau and:

(A) pays the practitioner's child support arrearage in full;

(B) establishes a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or

(C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed, the board shall place the practitioner on probationary status.

(4) Explains that the practitioner may contest the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(5) Explains that the only basis for contesting the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status is a mistake of fact.

(6) Explains the procedures to:

(A) pay the practitioner's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

(C) request a hearing under IC 31-25-4-33.

(7) Explains that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the practitioner has:

(A) paid the practitioner's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(b) If the board is advised by the bureau that the practitioner either requested a hearing and failed to appear or appeared and was found to be delinquent, the board shall promptly mail a notice to the practitioner who is the subject of the order stating the following:

(1) That the practitioner's license has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(2) That if the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(c) If the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(d) The board may not reinstate a license or permit placed on probation or suspended under this section until the board receives a notice from the bureau that the person has:

(1) paid the person's child support arrearage in full; or

(2) established a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.20; P.L.1-1997, SEC.110; P.L.145-2006, SEC.158; P.L.103-2007, SEC.7.

IC 25-1-1.2-9 Repealed

(Repealed by P.L.23-1996, SEC.33.)

IC 25-1-1.2-10 Repealed

(Repealed by P.L.23-1996, SEC.33.)

INDIANA CODE § 25-1-2

Chapter 2. Renewal of Licenses Granted by State Agencies. Notice of Expiration

IC 25-1-2-1 Declaration of intent

Sec. 1. It is the declared intent of the general assembly by the enactment of this law to require those agencies which are authorized to issue the licenses designated in section 2.1 of this chapter, in the interests of efficiency and economy in the administration of government, to issue such designated permits, licenses, certificates of registration, and other evidences of compliance with statute or regulation, and renewals thereof, for periods of two (2) years duration rather than upon an annual basis, and at the time of issuance or reissuance, or at the time designated by law for the collection of fees therefore, to require the payment of such fees for a period of two (2) years rather than for one (1) year.

(Formerly: Acts 1961, c.79, s.1.) As amended by P.L.1-1990, SEC.246.

IC 25-1-2-2 Repealed

(Repealed by P.L.1-1990, SEC.247.)

IC 25-1-2-2.1 Two year or longer period for certain licenses

Sec. 2.1. Rather than being issued annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

(1) Certified public accountants, public accountants, and accounting practitioners.

(2) Architects and landscape architects.

(3) Dry cleaners.

(4) Professional engineers.

(5) Land surveyors.

(6) Real estate brokers.

(7) Real estate agents.

(8) Security dealers' licenses issued by the securities commissioner.

(9) Dental hygienists.

(10) Dentists.

(11) Veterinarians.

(12) Physicians.

(13) Chiropractors.

(14) Physical therapists.

(15) Optometrists.

(16) Pharmacists and assistants, drugstores or pharmacies.

(17) Motels and mobile home community licenses.

(18) Nurses.

(19) Podiatrists.

(20) Occupational therapists and occupational therapy assistants.

(21) Respiratory care practitioners.

(22) Social workers, marriage and family therapists, and mental health counselors.

(23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.

(24) Wholesale legend drug distributors.

(25) Physician assistants.

(26) Dietitians.

(27) Athlete agents.

(28) Manufactured home installers.

(29) Home inspectors.

(30) Massage therapists.

(31) Interior designers.

(32) Genetic counselors.

As added by P.L.1-1990, SEC.248. Amended by P.L.186-1990, SEC.1; P.L.183-1991, SEC.1; P.L.182-1991, SEC.2; P.L.25-1992, SEC.26; P.L.227-1993, SEC.2; P.L.124-1994, SEC.1; P.L.234-1995, SEC.1; P.L.175-1997, SEC.2; P.L.147-1997, SEC.5; P.L.84-1998, SEC.1; P.L.54-2001, SEC.3; P.L.162-2002, SEC.1; P.L.145-2003, SEC.1; P.L.87-2005, SEC.31; P.L.200-2007, SEC.2; P.L.3-2008, SEC.175; P.L.177-2009, SEC.10; P.L.84-2010, SEC.6.

IC 25-1-2-3 Authorization to issue and reissue two year licenses

IC 25-1-2-3 Authorization to issue and reissue two year licenses

Sec. 3. Effective October 1, 1961, such licensing agencies as are authorized to issue any of the foregoing shall issue and reissue such licenses and collect the fees for the same on the basis of two (2) years and the dates by month and day which govern the issuance or reissuance of licenses for one (1) year shall govern the issuance or reissuance of licenses for two (2) years; provided, that entire fees for a two (2) year period shall be payable before issuance thereof on the day and month designated for payment of fees for one (1) year licenses.

(Formerly: Acts 1961, c.79, s.3.) As amended by Acts 1982, P.L.154, SEC.1.

IC 25-1-2-4 Rebates and proration of fees

Sec. 4. Rebates and proration of fees for fractions of a biennium shall be allowed only with respect to the second year of such license if claim be made therefore before the expiration of the first year for which the license was issued.

(Formerly: Acts 1961, c.79, s.4.)

IC 25-1-2-5 Rules and regulations

Sec. 5. Notice shall be given and forms prepared by such licensing agencies as necessary to execute the provisions of this chapter and in order to expedite and effectuate the conversion from one (1) year licensing periods to those of two (2) years, such licensing agencies may adopt and promulgate such rules and regulations they may deem necessary in the manner prescribed by law.

(Formerly: Acts 1961, c.79, s.5.) As amended by Acts 1982, P.L.154, SEC.2.

IC 25-1-2-6 Definitions; application of section; notice to licensee of need to renew

Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

(1) Indiana board of accountancy.
(2) Indiana grain buyers and warehouse licensing agency.
(3) Indiana auctioneer commission.
(4) Board of registration for architects and landscape architects.
(5) State board of cosmetology and barber examiners.
(6) Medical licensing board of Indiana.
(7) Secretary of state.
(8) State board of dentistry.
(9) State board of funeral and cemetery service.
(10) Worker's compensation board of Indiana.
(11) Indiana state board of health facility administrators.
(12) Committee of hearing aid dealer examiners.
(13) Indiana state board of nursing.
(14) Indiana optometry board.
(15) Indiana board of pharmacy.
(16) Indiana plumbing commission.
(17) Board of podiatric medicine.
(18 Private investigator and security guard licensing board.
(19) State board of registration for professional engineers.
(20) State psychology board.
(21) Indiana real estate commission.
(22) Speech-language pathology and audiology board.
(23) Department of natural resources.
(24) State athletic commission.
(25) Board of chiropractic examiners.
(26) Mining board.
(27) Indiana board of veterinary medical examiners.
(28) State department of health.
(29) Indiana physical therapy committee.
(30) Respiratory care committee.
(31) Occupational therapy committee.
(32) Behavioral health and human services licensing board.
(33) Real estate appraiser licensure and certification board.
(34) State board of registration for land surveyors.
(35) Physician assistant committee.
(36) Indiana dietitians certification board.
(37) Attorney general (only for the regulation of athlete agents).
(38) Manufactured home installer licensing board.
(39) Home inspectors licensing board.
(40) State board of massage therapy.
(41) Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

As added by Acts 1981, P.L.221, SEC.1. Amended by P.L.137-1985, SEC.5; P.L.246-1985, SEC.13; P.L.169-1985, SEC.22; P.L.149-1987, SEC.17; P.L.5-1988, SEC.132; P.L.28-1988, SEC.73; P.L.242-1989, SEC.4; P.L.234-1989, SEC.1; P.L.238-1989, SEC.4; P.L.186-1990, SEC.2; P.L.183-1991, SEC.2; P.L.23-1991, SEC.7; P.L.48-1991, SEC.12; P.L.2-1992, SEC.765; P.L.227-1993, SEC.3; P.L.33-1993, SEC.9; P.L.124-1994, SEC.2; P.L.175-1997, SEC.3; P.L.125-1997, SEC.17; P.L.147-1997, SEC.6; P.L.253-1997(ss), SEC.22; P.L.24-1999, SEC.2; P.L.82-2000, SEC.2; P.L.54-2001, SEC.4; P.L.162-2002, SEC.2; P.L.145-2003, SEC.2; P.L.185-2007, SEC.1; P.L.200-2007, SEC.3; P.L.3-2008, SEC.176; P.L.160-2009, SEC.4; P.L.122-2009, SEC.1; P.L. 84-2010, SEC 7.

IC 25-1-2-7 Application of IC 25-1-2-6

Sec. 7. Section 6 of this chapter applies to the mining board (IC 22-10-1.5-2).

As added by P.L.37-1985, SEC.56.

IC 25-1-2-8 Application of chapter; fees

Sec. 8. This chapter applies to the imposition and collection of fees under the following:

IC 14-24-10
IC 16-19-5-2
IC 25-30-1-17
IC 33-42-2-1.

As added by P.L.5-1988, SEC.133. Amended by P.L.2-1993, SEC.135; P.L.1-1995, SEC.69; P.L.98-2004, SEC.98.

IC 25-1-2-9 Repealed

(Repealed by P.L. 194-2005, SEC. 87.)

INDIANA CODE § 25-1-3

Chapter 3. Civil Immunity of Regulatory Agencies

IC 25-1-3-1 Definitions

Sec. 1. (a) As used in this chapter, the term "regulatory board" means any state board, commission, or state agency which licenses persons in order to regulate the practice of a particular profession or professions.

(b) As used in this chapter, the term "board members" means members of a regulatory board.

(c) As used in this chapter, the term "secretary" means the executive secretary or other person charged with the administration of the affairs of a regulatory board.

(Formerly: Acts 1975, P.L.268, SEC.1.)

IC 25-1-3-2 Extent of immunity from civil liability

Sec. 2. The board members, the secretary, his staff, counsel, investigators and hearing officer of every regulatory board, except as provided in section 4 of this chapter, shall be immune from civil liability for damages for conduct within the scope and arising out of the performance of their duties. This section shall not be construed to include civil actions for damages not directly related to the investigative process and shall apply only to the process for the finding of fact of the regulatory board.

(Formerly: Acts 1975, P.L.268, SEC.1.)

IC 25-1-3-3 Immunity from civil liability; statements in course of investigatory hearing or review proceedings

Sec. 3. Any person shall be immune from civil liability for damages for any sworn or written statements, made without malice, and transmitted to the regulatory board, executive secretary, or his staff, or made in the course of investigatory, hearing or review proceedings.

(Formerly: Acts 1975, P.L.268, SEC.1.)

IC 25-1-3-4 Regulatory boards covered

Sec. 4. The provisions of this chapter extend to every regulatory board of the state except the disciplinary commission of the supreme court of Indiana which is protected under IC 1971, 33-2-3-1. *(Formerly: Acts 1975, P.L.268, SEC.1.)*

INDIANA CODE § 25-1-4

Chapter 4. Continuing Education

IC 25-1-4-0.2 "Approved organization" defined

Sec. 0.2. As used in this chapter, "approved organization" refers to the following:

(1) United States Department of Education.
(2) Council on Post-Secondary Education.
(3) Joint Commission on Accreditation of Hospitals.
(4) Joint Commission on Healthcare Organizations.
(5) Federal, state, and local government agencies.
(6) A college or other teaching institution accredited by the United States Department of Education or the Council on Post-Secondary Education.
(7) A national organization of practitioners whose members practicing in Indiana are subject to regulation by a board or agency regulating a profession or occupation under this title.
(8) A national, state, district, or local organization that operates as an affiliated entity under the approval of an organization listed in subdivisions (1) through (7).
(9) An internship or a residency program conducted in a hospital that has been approved by an organization listed in subdivisions (1) through (7).
(10) Any other organization or individual approved by the board.

As added by P.L.157-2006, SEC.10. Amended by P.L.2-2008, SEC.51.

INDIANA CODE § 25-1-4-0.3

Chapter 4. Professional Licensing Agency

IC 25-1-4-0.3 "Board" defined

Sec. 0.3. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects and landscape architects (IC 25-4-1-2).
(3) Indiana athletic trainers board (IC 25-5.1-2-1).
(4) Indiana auctioneer commission (IC 25-6.1-2-1).
(5) Board of chiropractic examiners (IC 25-10-1).
(6) State board of cosmetology and barber examiners (IC 25-8-3-1).
(7) State board of dentistry (IC 25-14-1).
(8) Indiana dietitians certification board (IC 25-14.5-2-1).
(9) State board of registration for professional engineers (IC 25-31-1-3).
(10) State board of funeral and cemetery service (IC 25-15-9).
(11) Indiana state board of health facility administrators (IC 25-19-1).
(12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5)
(13) Home inspectors licensing board (IC 25-20.2-3-1).
(14) State board of registration for land surveyors (IC 25-21.5-2-1).
(15) Manufactured home installer licensing board (IC 25-23.7).
(16) Medical licensing board of Indiana (IC 25-22.5-2).
(17) Indiana state board of nursing (IC 25-23-1).
(18) Occupational therapy committee (IC 25-23.5).
(19) Indiana optometry board (IC 25-24).
(20) Indiana board of pharmacy (IC 25-26).
(21) Indiana physical therapy committee (IC 25-27-1).
(22) Physician assistant committee (IC 25-27.5).
(23) Indiana plumbing commission (IC 25-28.5-1-3).
(24) Board of podiatric medicine (IC 25-29-2-1).
(25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
(26) State psychology board (IC 25-33).
(27) Indiana real estate commission (IC 25-34.1-2).
(28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(29) Respiratory care committee (IC 25-34.5).
(30) *Behavioral health and human services licensing* board (IC 25-23.6).
(31) Speech-language pathology and audiology board (IC 25-35.6-2).
(32) Indiana board of veterinary medical examiners (IC 25-38.1-2).

As added by Acts 1981, P.L.221, SEC.1. Amended by P.L.137-1985, SEC.5; P.L.246-1985, SEC.13; P.L.169-1985, SEC.22; P.L.149-1987, SEC.17; P.L.5-1988, SEC.132; P.L.28-1988, SEC.73; P.L.242-1989, SEC.4; P.L.234-1989, SEC.1; P.L.238-1989, SEC.4; P.L.186-1990, SEC.2; P.L.183-1991, SEC.2; P.L.23-1991, SEC.7; P.L.48-1991, SEC.12; P.L.2-1992, SEC.765; P.L.227-1993, SEC.3; P.L.33-1993, SEC.9; P.L.124-1994, SEC.2; P.L.175-1997, SEC.3; P.L.125-1997, SEC.17; P.L.147-1997, SEC.6; P.L.253-1997(ss), SEC.22; P.L.24-1999, SEC.2; P.L.82-2000, SEC.2; P.L.54-2001, SEC.4; P.L.162-2002, SEC.2; P.L.145-2003, SEC.2; P.L.185-2007, SEC.1; P.L.200-2007, SEC.3; P.L.3-2008, SEC.176; P.L.160-2009, SEC.4; P.L.122-2009, SEC.1; P.L. 84-2010, SEC 8.
P.L.2-2008, SEC.52; P.L.160-2009, SEC.5; P.L.122-2009, SEC.2.

IC 25-1-4-0.5 "Continuing education" defined

Sec. 0.5. As used in this chapter, "continuing education" means an orderly process of instruction:

(1) that is approved by:
(A) an approved organization or the board for a profession or occupation other than a real estate appraiser; or
(B) for a real estate appraiser:
(i) the Appraiser Qualifications Board, under the regulatory oversight of the Appraisal Subcommittee established under Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989; or
(ii) the real estate appraiser licensure and certification board established under IC 25-34.1-8 for specific courses and course subjects, as determined by the real estate appraiser licensure and certification board; and
(2) that is designed to directly enhance the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.

The term includes an activity that is approved by the board for a profession or occupation, other than a real estate appraiser, and that augments the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.
As added by P.L.157-2006, SEC.12. Amended by P.L.57-2007, SEC.1; P.L.177-2009, SEC.11.

IC 25-1-4-0.6 "Practitioner" defined

Sec. 0.6. As used in section 3 of this chapter, "practitioner" means an individual who holds:

(1) an unlimited license, certificate, or registration;
(2) a limited or probationary license, certificate, or registration;
(3) a temporary license, certificate, registration, or permit;
(4) an intern permit; or
(5) a provisional license;

issued by the board regulating the profession in question.
As added by P.L.269-2001, SEC.3.

IC 25-1-4-0.7

Sec. 0.7. (a) In computing any period under this chapter, the day of the act, event, or default from which the designated period of time begins to

run is not included. The last day of the computed period is to be included unless it is:

(1) a Saturday;

(2) a Sunday;

(3) a legal holiday under a state statute; or

(4) a day that the office in which the act is to be done is closed during regular business hours.

(b) A period runs until the end of the next day after a day described in subsection (a)(1) through (a)(4). If the period allowed is less than seven (7) days, intermediate Saturdays, Sundays, state holidays, and days on which the office in which the act is to be done is closed during regular business hours are excluded from the calculation.

(c) A period under this chapter that begins when a person is served with a paper begins with respect to a particular person on the earlier of the date that:

(1) the person is personally served with the notice; or

(2) a notice for the person is deposited in the United States mail.

(d) If a notice is served through the United States mail, three (3) days must be added to a period that begins upon service of that notice.

As added by P.L.177-2009, SEC.12.

IC 25-1-4-1 Requirement

Sec. 1. No board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 may require continuing education as a condition of certification, registration, or licensure unless so specifically authorized or mandated by statute.

As added by Acts 1981, P.L.222, SEC.1. Amended by P.L.2-2008, SEC.53.

IC 25-1-4-2 Promotion

Sec. 2. A board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 may cooperate with members of the profession or occupation it regulates to promote continuing education within the profession or occupation.

As added by Acts 1981, P.L.222, SEC.1. Amended by P.L.2-2008, SEC.54.

IC 25-1-4-3 Sworn statements of compliance; retention of copies of certificates of completion; audits

Sec. 3. (a) Notwithstanding any other law, a board that is specifically authorized or mandated to require continuing education as a condition to renew a registration, certification, or license must require a practitioner to comply with the following renewal requirements:

(1) The practitioner shall provide the board with a sworn statement executed by the practitioner that the practitioner has fulfilled the continuing education requirements required by the board.

(2) The practitioner shall retain copies of certificates of completion for continuing education courses for three (3) years from the end of the licensing period for which the continuing education applied. The practitioner shall provide the board with copies of the certificates of completion upon the board's request for a compliance audit.

(b) Following every license renewal period, the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the practitioners required to take continuing education courses.

As added by P.L.269-2001, SEC.4. Amended by P.L.157-2006, SEC.13.

IC 25-1-4-3.2 Distance learning methods

Sec. 3.2. A board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 shall require that at least one-half (1/2) of all continuing education requirements must be allowed by distance learning methods, except for doctors, nurses, chiropractors, optometrists and dentists.

As added by P.L.227-2001, SEC.1. Amended by P.L.2-2008, SEC.55.

IC 25-1-4-4 Hardship waiver

Sec. 4. A board, a commission, a committee, or an agency regulating a profession or an occupation under this title or under IC 16 or IC 22 may grant an applicant a waiver from all or part of the continuing education requirement for a renewal period if the applicant was not able to fulfill the requirement due to a hardship that resulted from any of the following:

(1) Service in the armed forces of the United States during a substantial part of the renewal period.

(2) An incapacitating illness or injury.

(3) Other circumstances determined by the board or agency.

As added by P.L.88-2004, SEC.1. Amended by P.L.2-2008, SEC.56.

IC 25-1-4-5 Failure to comply; license suspension; penalties; reinstatement requirements

Sec. 5. (a) Notwithstanding any other law, if the board determines that a practitioner has not complied with this chapter or IC 25-1-8-6 at the time that the practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board shall do the following:

(1) Send the practitioner notice of noncompliance by certified mail to the practitioner's last known address.

(2) As a condition of license renewal or reinstatement, require the practitioner to comply with subsection (b).

(3) For license renewal, issue a conditional license to the practitioner that is effective until the practitioner complies with subsection (b).

(b) Upon service of a notice of noncompliance under subsection (a), a practitioner shall do either of the following:

(1) If the practitioner believes that the practitioner has complied with this chapter or IC 25-1-8-6, if applicable, within twenty-one (21) days of service of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.

(2) If the practitioner does not disagree with the board's determination of noncompliance, do the following:

(A) Except as provided in subsection (d), pay to the board a civil penalty not to exceed one thousand dollars ($1,000) within twenty-one (21) days of service of the notice.

(B) Acquire, within six (6) months after service of the notice, the number of credit hours needed to achieve full compliance.

(C) Comply with all other provisions of this chapter.

(c) If a practitioner fails to comply with subsection (b), the board shall immediately suspend or refuse to reinstate the license of the practitioner and send notice of the suspension or refusal to the practitioner by certified mail.

(d) If the board determines that a practitioner has knowingly or intentionally made a false or misleading statement to the board concerning compliance with the continuing education requirements, in addition to the requirements under this section the board may impose a civil penalty of not more than five thousand dollars ($5,000) under subsection (b)(2)(A).

(e) The board shall:

(1) reinstate a practitioner's license; or

(2) renew the practitioner's license in place of the conditional license issued under subsection (a)(3);

if the practitioner supplies proof of compliance with this chapter under subsection (b)(1) or IC 25-1-8-6, if applicable.

As added by P.L.157-2006, SEC.14. Amended by P.L.197-2007, SEC.17; P.L.177-2009, SEC.13.

IC 25-1-4-6 Failure to comply; denial of license renewal; penalties

Sec. 6. (a) Notwithstanding any other law, if at the time a practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board determines that the practitioner has failed to comply with this chapter or IC 25-1-8-6, if applicable, and the practitioner has previously received a notice of noncompliance under

section 5(a) of this chapter during the preceding license period, the board shall do the following:

(1) Provide the practitioner notice of noncompliance by certified mail.

(2) Deny the practitioner's application for license renewal or reinstatement.

(b) The board shall reinstate a license not renewed under subsection (a) upon occurrence of the following:

(1) Payment by a practitioner to the board of a civil penalty determined by the board, but not to exceed one thousand dollars ($1,000).

(2) Acquisition by the practitioner of the number of credit hours required to be obtained by the practitioner during the relevant license period.

(3) The practitioner otherwise complies with this chapter.

As added by P.L.157-2006, SEC.15. Amended by P.L.197-2007, SEC.18.

IC 25-1-4-7 Credit Hours

Sec. 7. Credit hours acquired by a practitioner under section 5(b)(2) or 6(b)(2) of this chapter may not apply to the practitioner's credit hour requirement for the license period in which the credit hours are acquired.

As added by P.L.157-2006, SEC.16.

IC 25-1-4-8 Rules

Sec. 8. The board may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.157-2006, SEC.17.

INDIANA CODE § 25-1-6

Chapter 6. Professional Licensing Agency

IC 25-1-6-1 Legislative intent

Sec. 1. The centralization of staff, functions, and services contemplated by this chapter shall be done in such a way as to enhance the licensing agency's ability to:

(1) make maximum use of data processing as a means of more efficient operation;

(2) provide more services and carry out functions of superior quality; and

(3) ultimately and significantly reduce the number of staff needed to provide these services and carry out these functions.

As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.2; P.L. 194-2005, SEC. 1.

IC 25-1-6-2 Definitions

Sec. 2. As used in this chapter:

"Board" means any agency, board, advisory committee, or group included in section 3 of this chapter.

"Licensing agency" means the Indiana professional licensing agency created by IC 25-1-5-3.

As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.3; P.L. 206-2005, SEC. 8.

IC 25-1-6-3 Indiana professional licensing agency; functions, duties, and responsibilities

Sec. 3. (a) The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) State board of cosmetology and barber examiners (IC 25-8-3-1).

(5) State board of funeral and cemetery service (IC 25-15-9).

(6) State board of registration for professional engineers (IC 25-31-1-3).

(7) Indiana plumbing commission (IC 25-28.5-1-3).

(8) Indiana real estate commission (IC 25-34.1).

(9) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).

(10) Private investigator and security guard licensing board (IC 25-30-1-5.2).

(11) State board of registration for land surveyors (IC 25-21.5-2-1).

(12) Manufactured home installer licensing board (IC 25-23.7).

(13) Home inspectors licensing board (IC 25-20.2-3-1).

(14) State board of massage therapy (IC 25-21.8-2-1).

(b) Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

As added by Acts 1981, P.L.222, SEC.3. Amended by Acts 1982, P.L.113, SEC.10; P.L.132-1984, SEC.4; P.L.246-1985, SEC.14; P.L.257-1987, SEC.14; P.L.234-1989, SEC.2; P.L.186-1990, SEC.4; P.L.23-1991, SEC.8; P.L.48-1991, SEC.15; P.L.1-1992, SEC.129; P.L.30-1993, SEC.4; P.L.234-1995, SEC.2; P.L.82-2000, SEC.3; P.L.227-2001, SEC.3; P.L.162-2002, SEC.3; P.L.145-2003, SEC.3; P.L. 194-2005, SEC. 2; P.L. 206-2005, SEC. 9; P.L.185-2007, SEC.3; P.L.200-2007, SEC.4; P.L.3-2008, SEC.177; P.L.160-2009, SEC.6, 84-2010, SEC 11.

IC 25-1-6-4 Additional duties and functions; staff

Sec. 4. (a) The licensing agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

(1) notice of board meetings and other communication services;

(2) recordkeeping of board meetings, proceedings, and actions;

(3) recordkeeping of all persons or individuals licensed, regulated, or certified by a board;

(4) administration of examinations; and

(5) administration of license or certificate issuance or renewal

(b) In addition, the licensing agency:

(1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;

(2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize licensing agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; and

(3) may consolidate, where feasible, office space, recordkeeping, and data processing services.

(c) In administering the renewal of licenses or certificates under this chapter, the licensing agency shall issue a sixty (60) day notice of expiration to all holders of a license or certificate. The notice must inform the holder of a license or certificate of the requirements to:

(1) renew the license or certificate; and

(2) pay the renewal fee.

(d) If the licensing agency fails to send notice of expiration under subsection (c), the holder of the license or certificate is not subject to a sanction for failure to renew if the holder renews the license or certificate not more than forty-five (45) days after the holder receives the notice from the licensing agency.

(e) The licensing agency may require an applicant for a license or certificate renewal to submit evidence showing that the applicant:

(1) meets the minimum requirements for licensure or certification; and

(2) is not in violation of:

(A) the law regulating the applicant's profession; or

(B) rules adopted by the board regulating the applicant's profession.

(f) The licensing agency may delay renewing a license or certificate for not more than ninety (90) days after the renewal date to permit the board to investigate information received by the licensing agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the licensing agency delays renewing a license or certificate, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (g), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

(1) Deny renewal of the license or certificate following a personal appearance by the applicant before the board.

(2) Renew the license or certificate upon satisfaction of all other requirements for renewal.

(3) Renew the license and file a complaint under IC 25-1-7.

(4) Request the office of the attorney general to conduct an investigation under subsection (h) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-11-5.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license or certificate and place the applicant on probation status under IC 25-1-11-12.

(g) If an applicant fails to appear before the board under subsection (f), the board may take action as provided in subsection (f)(1), (f)(2), or (f)(3).

(h) If the board makes a request under subsection (f)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds the applicant violated IC 25-1-11-5, the board may impose sanctions under IC 25-1-11-12. The board may delay renewing a license or certificate beyond ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license or certificate remains valid until the final determination of the board is rendered unless the renewal is:

(1) denied; or

(2) summarily suspended under IC 25-1-11-13.

(i) The license or certificate of the applicant for license renewal remains valid during the ninety (90) day period unless the license or certificate is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license or certificate shall be automatically renewed at the end of the ninety (90) day period.

(j) Notwithstanding any other law, the licensing agency may stagger license or certificate renewal cycles.

(k) An application for a license or certificate is abandoned without an action by the board if the applicant does not complete the requirements for obtaining the license or certificate not more than one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application.

As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.5; P.L. 194-2005, SEC. 3.

IC 25-1-6-5 Executive director

Sec. 5. (a) The licensing agency shall be administered by an executive director appointed by the governor who shall serve at the will and pleasure of the governor.

(b) The executive director must be qualified by experience and training.

(c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board listed in section 3 of this chapter, means the executive director of the licensing agency or the executive director's designee.

(d) The executive director is the chief fiscal officer of the licensing agency and is responsible for hiring of all staff and for procurement of all services and supplies in accordance with IC 5-22. The executive director and the employees of the licensing agency are subject to IC 4-15-1.8 but are not under IC 4-15-2. The executive director may appoint no more than three (3) deputy directors, who must be qualified to work for the boards which are served by the licensing agency.

(e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the executive director's hands or under the executive director's control. The executive director may likewise cause any employee of the licensing agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the licensing agency. The costs of any such bonds shall be paid from funds available to the licensing agency.

(f) The executive director may present to the general assembly legislative recommendations regarding operations of the licensing agency and the boards it serves, including adoption of four (4) year license or certificate renewal cycles wherever feasible.

(g) Upon the request of a board or commission, the executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of the board or commission.

(h) Upon the request of a board or commission, the executive director may provide advice and technical assistance on issues that may be presented to the board or commission.

As added by Acts 1981, P.L.222, SEC.3. Amended by Acts 1982, P.L.113, SEC.11; P.L.132-1984, SEC.6; P.L.49-1997, SEC.64; P.L. 194-2005, SEC. 4.

IC 25-1-6-5.5 Appeal of license renewal denial

Sec. 5.5. A person who has a license renewal denied by a board listed in section 3 of this chapter may file an appeal of the denial in accordance with IC 4-21.5-3.

As added by P.L.227-2001, SEC.4. Amended by P.L.1-2002, SEC.95; P.L. 194-2005, SEC. 5.

IC 25-1-6-6 Executive director; representatives; staff placement

Sec. 6. (a) The executive director shall designate certain employees of the licensing agency to represent the executive director of the licensing agency at board meetings, proceedings, or any other activities of a board.

(b) The executive director shall assign staff to individual boards and shall work with the boards to ensure efficient utilization and placement of staff.

As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.7.

IC 25-1-6-7 Repealed

(Repealed by P.L.186-1990, SEC.17.)

IC 25-1-6-8 Department of state revenue; access to names of licensees and applicants; persons on tax warrant list

Sec. 8. (a) The bureau and the boards may allow the department of state revenue access to the name of each person who:

(1) is licensed under this chapter or IC 25-1-5; or

(2) has applied for a license under this chapter or IC 25-1-5.

(b) If the department of state revenue notifies the licensing agency that a person is on the most recent tax warrant list, the licensing agency may not issue or renew the person's license until:

(1) the person provides to the licensing agency a statement from the department of revenue that the person's delinquent tax liability has been satisfied; or

(2) the licensing agency receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

As added by P.L.26-1985, SEC.20. Amended by P.L.332-1989(ss), SEC.46; P.L. 2-2005, SEC. 63; P.L. 206-2005, SEC. 10.

IC 25-1-6-9 Repealed

(Repealed by P.L.186-1990, SEC.17.)

IC 25-1-6-10 Provision of social security numbers; access to numbers

Sec. 10. (a) An individual who applies for a license issued by a board under this chapter or who holds a license issued by a board under this chapter shall provide the individual's Social Security number to the licensing agency.

(b) The licensing agency and the boards shall collect and release the applicant's or licensee's Social Security number as otherwise provided in state or federal law.

(c) Notwithstanding IC 4-1-10-3, the licensing agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or has applied for a license under this chapter to:

(1) a testing service that provides the examination for licensure to the licensing agency or the boards; or

(2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities among the individual states.

As added by P.L.157-2006, SEC.19.

INDIANA CODE § 25-1-7

Chapter 7. Investigation and Prosecution of Complaints Concerning Regulated Occupations

IC 25-1-7-1 Definitions

Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section. "Director" refers to the director of the division of consumer protection. "Division" refers to the division of consumer protection, office of the attorney general. "Licensee" means a person who is:

(1) licensed, certified, or registered by a board listed in this section; and

(2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation. "Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following: (1) Indiana board of accountancy (IC 25-2.1-2-1). (2) Board of registration for architects and landscape architects (IC 25-4-1-2). (3) Indiana auctioneer commission (IC 25-6.1-2-1). (4) Board of chiropractic examiners (IC 25-10-1). (5) State board of cosmetology and barber examiners (IC 25-8-3-1). (6) State board of dentistry (IC 25-14-1). (7) State board of funeral and cemetery service (IC 25-15-9). (8) State board of registration for professional engineers (IC 25-31-1-3). (9) Indiana state board of health facility administrators (IC 25-19-1). (10) Medical licensing board of Indiana (IC 25-22.5-2). (11) Indiana state board of nursing (IC 25-23-1). (12) Indiana optometry board (IC 25-24). (13) Indiana board of pharmacy (IC 25-26). (14) Indiana plumbing commission (IC 25-28.5-1-3). (15) Board of podiatric medicine (IC 25-29-2-1). (16) State psychology board (IC 25-33). (17) Speech-language pathology and audiology board (IC 25-35.6-2). (18) Indiana real estate commission (IC 25-34.1-2). (19) Indiana board of veterinary medical examiners (IC 25-38.1). (20) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3. (21) Respiratory care committee (IC 25-34.5). (22) Private investigator and security guard licensing board (IC 25-30-1-5.2). (23) Occupational therapy committee (IC 25-23.5). (24) Behavioral health and human services licensing board (IC 25-23.6). (25) Real estate appraiser licensure and certification board (IC 25-34.1-8). (26) State board of registration for land surveyors (IC 25-21.5-2-1). (27) Physician assistant committee (IC 25-27.5). (28) Indiana athletic trainers board (IC 25-5.1-2-1). (29) Indiana dietitians certification board (IC 25-14.5-2-1). (30) Indiana physical therapy committee (IC 25-27). (31) Manufactured home installer licensing board (IC 25-23.7). (32) Home inspectors licensing board (IC 25-20.2-3-1). (33) State department of health, for out-of-state mobile health care entities. (34) State board of massage therapy (IC 25-21.8-2-1). (35) Any other occupational or professional agency created after June 30, 1981.

As added by Acts 1981, P.L.222, SEC.4. Amended by Acts 1982, P.L.113, SEC.12; P.L.137-1985, SEC.7; P.L.246-1985, SEC.15; P.L.169-1985, SEC.29; P.L.149-1987, SEC.21; P.L.257-1987, SEC.15; P.L.242-1989, SEC.6; P.L.234-1989, SEC.3; P.L.238-1989, SEC.6; P.L.1-1990, SEC.249; P.L.186-1990, SEC.5; P.L.183-1991, SEC.3; P.L.23-1991, SEC.9; P.L.48-1991, SEC.16; P.L.1-1992, SEC.130; P.L.30-1993, SEC.5; P.L.227-1993, SEC.5; P.L.213-1993, SEC.2; P.L.8-1993, SEC.371; P.L.33-1993, SEC.11; P.L.1-1994, SEC.120; P.L.124-1994, SEC.4; P.L.234-1995, SEC.3; P.L.175-1997, SEC.5; P.L.147-1997, SEC.8; P.L.84-1998, SEC.3; P.L.24-1999, SEC.4; P.L.82-2000, SEC.4; P.L.162-2002, SEC.4; P.L.145-2003, SEC.4; P.L.185-2007, SEC.4; P.L.193-2007, SEC.4; P.L.200-2007, SEC.5; P.L.3-2008, SEC.178; P.L.134-2008, SEC.16; P.L.1-2009, SEC.138; P.L.122-2009, SEC.5; P.L.160-2009, SEC.7; P.L.1-2010, SEC.102; P.L.84-2010, SEC.12; P.L.113-2010, SEC.101; P.L.42-2011, SEC.51.

IC 25-1-7-2 Duties of attorney general

Sec. 2. The office of the attorney general, under the conditions specified in this chapter, may receive, investigate, and prosecute complaints concerning regulated occupations.

As added by Acts 1981, P.L.222, SEC.4.

IC 25-1-7-3 Investigation of complaints

Sec. 3. (a) Except as provided in subsection (b), the division is responsible for the investigation of complaints concerning licensees.

(b) The medical licensing board of Indiana shall investigate a complaint concerning a physician licensed under IC 25-22.5 and a violation specified in IC 25-22.5-2-8. The division shall forward a complaint concerning a physician licensed under IC 25-22.5 and a violation specified in IC 25-22.5-2-8 to the medical licensing board of Indiana for investigation by the board. However, if the complaint includes a violation in addition to a violation specified in IC 25-22.5-2-8, the division shall investigate the complaint in its entirety and notify the medical licensing board of Indiana of the investigation.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.149-2011, SEC.1; P.L.226-2011, SEC.17.

IC 25-1-7-4 Complaints; requisites; standing

Sec. 4. All complaints must be written and signed by the complainant and initially filed with the director. Except for employees of the attorney general's office acting in their official capacity, a complaint may be filed by any person, including members of any of the boards listed in section 1 of this chapter.

As added by Acts 1981, P.L.222, SEC.4.

IC 25-1-7-5 Duties and powers of director

Sec. 5. (a) Subsection (b)(1) does not apply to:

(1) a complaint filed by:

(A) a member of any of the boards listed in section 1 of this chapter; or

(B) the Indiana professional licensing agency; or

(2) a complaint filed under IC 25-1-5-4.

(b) Except as provided in section 3(b) of this chapter, the director has the following duties and powers:

(1) The director shall make an initial determination as to the merit of each complaint. A copy of a complaint having merit shall be submitted to the

board having jurisdiction over the licensee's regulated occupation, that board thereby acquiring jurisdiction over the matter except as otherwise provided in this chapter. (2) The director shall through any reasonable means notify the licensee of the nature and ramifications of the complaint and of the duty of the board to attempt to resolve the complaint through negotiation. (3) The director shall report any pertinent information regarding the status of the complaint to the complainant. (4) The director may investigate any written complaint against a licensee. The investigation shall be limited to those areas in which there appears to be a violation of statutes governing the regulated occupation. (5) The director has the power to subpoena witnesses and to send for and compel the production of books, records, papers, and documents for the furtherance of any investigation under this chapter. The circuit or superior court located in the county where the subpoena is to be issued shall enforce any such subpoena by the director.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.22-1999, SEC.2; P.L.14-2000, SEC.55; P.L.206-2005, SEC.11; P.L.149-2011, SEC.2; P.L.226-2011, SEC.18.

IC 25-1-7-6 Statement of settlement; period to resolve

Sec. 6. (a) This section does not apply to:

(1) a complaint filed by:

(A) a member of any of the boards listed in section 1 of this chapter; or

(B) the Indiana professional licensing agency; or

(2) a complaint filed under IC 25-1-5-4.

(b) If, at any time before the director files the director's recommendations with the attorney general, the board files with the director a statement signed by the licensee and the complainant that the complaint has been resolved, the director shall not take further action. For a period of thirty (30) days after the director has notified the board and the licensee that a complaint has been filed, the division shall not conduct any investigation or take any action whatsoever, unless requested by the board. If, during the thirty (30) days, the board requests an extension of the thirty (30) day time period, the director shall grant it for a period not exceeding an additional twenty (20) days. If at any time during the thirty (30) day period or an extension thereof, the board notifies the director of its intention not to proceed further to resolve the complaint, the division may proceed immediately under this chapter. For every purpose of this section, a board may designate a board member or staff member to act on behalf of or in the name of the board.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.22-1999, SEC.3; P.L.206-2005, SEC.12.

IC 25-1-7-7 Disciplinary sanctions; report to attorney general; prosecution; hearing officer

Sec. 7. (a) If there has been no statement of settlement filed by the board under section 6 of this chapter, and if, after conducting an investigation, the director believes that the licensee should be subjected to disciplinary sanctions by the board of his regulated occupation, then he shall so report to the attorney general. Upon receiving the director's report, the attorney general may prosecute the matter, on behalf of the state of Indiana, before the board. The board may designate any person as a hearing officer to hear the matter.

(b) Notwithstanding subsection (a) of this section, if the board by majority vote so requests, the attorney general shall prosecute the matter before the board, on behalf of the state of Indiana.

As added by Acts 1981, P.L.222, SEC.4.

IC 25-1-7-8 Witnesses

Sec. 8. At the hearing, the board or hearing officer may call witnesses in addition to those presented by the state or the licensee.

As added by Acts 1981, P.L.222, SEC.4.

IC 25-1-7-9 Disqualification of board member

Sec. 9. A board member is disqualified from any consideration of the case if the board member filed the complaint or participated in negotiations regarding the complaint. The board member is not disqualified from the board's final determination solely because the board member was the hearing officer or determined the complaint and the information pertaining to the complaint was current significant investigative information (as defined by IC 25-23.2-1-5 (repealed)).

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.181-2002, SEC.1; P.L.1-2007, SEC.166.

IC 25-1-7-10 Confidentiality of complaints and information

Sec. 10. (a) Except as provided in section 3(b) of this chapter, all complaints and information pertaining to the complaints shall be held in strict confidence until the attorney general files notice with the board of the attorney general's intent to prosecute the licensee.

(b) A person in the employ of the office of attorney general or any of the boards, or any person not a party to the complaint, may not disclose or further a disclosure of information concerning the complaint unless the disclosure is required:

(1) under law; or (2) for the advancement of an investigation.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.181-2002, SEC.2; P.L.1-2007, SEC.167; P.L.149-2011, SEC.3; P.L.226-2011, SEC.19.

IC 25-1-7-11 Administrative orders and procedures

Sec. 11. Nothing in this chapter limits the rights of the licensee or the state under IC 4-21.5.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.7-1987, SEC.110.

IC 25-1-7-12 Reimbursement of attorney general

Sec. 12. (a) If:

(1) a fund is created by statute for the payment of an unpaid judgment against a licensee; and (2) the office of the attorney general is required by statute to provide services to the boards that administer the funds described in subdivision (1);

the office of the attorney general is entitled to reimbursement for the costs incurred in providing the services described in subdivision (2).

(b) If:

(1) more than one (1) fund is established by statute for the payment of an unpaid judgment against a licensee; and (2) the office of the attorney general is entitled to reimbursement under subsection (a);

the funds for reimbursement shall be taken in equal amounts from each of the funds described in subdivision (1).

As added by P.L.255-1987, SEC.1.

IC 25-1-7-13 Reports; contents

Sec. 13. The office of the attorney general shall submit to each board, at the request of the board, a report that includes the following information concerning that regulated occupation:

(1) The number of complaints filed. (2) The number of cases currently under investigation. (3) The number of cases closed. (4) The number of cases resolved. (5) The age of the complaints.

As added by P.L.177-1997, SEC.1.

IC 25-1-7-14 Cease and desist orders

Sec. 14. (a) Notwithstanding any other law, if the board of a regulated occupation believes that a person who is not licensed, certified, or registered under this title is engaged in or is believed to be engaged in activities for which a license, certification, or registration is required under this title, the board may do the following:

(1) File a complaint with the attorney general, who shall investigate and may file:

(A) with notice; or (B) without notice, if the attorney general determines that person is engaged in activities that may affect an individual's health or safety; a motion for a cease and desist order with the appropriate board. For purposes of this subdivision, the board may designate a board member or an employee of the Indiana professional licensing agency to act on behalf or in the name of the board.

(2) Upon review of the attorney general's motion for a cease and desist order, the board may issue an order requiring the affected person to show cause why the person should not be ordered to cease and desist from such activities. The show cause order must set forth a time and place for a hearing at which the affected person may appear and show cause as to why the person should not be subject to licensing,

certification, or registration under this title. For purposes of this subdivision, the board may designate a board member to act on behalf or in the name of the board.

(b) If the board, after a hearing, determines that the activities in which the person is engaged are subject to licensing, certification, or registration under this title, the board may issue a cease and desist order that must describe the person and activities that are the subject of the order.

(c) A hearing conducted under this section must comply with the requirements under IC 4-21.5.

(d) A cease and desist order issued under this section is enforceable in the circuit or superior courts. A person who is enjoined under a cease and desist order and who violates the order shall be punished for contempt of court.

(e) A cease and desist order issued under this section does not relieve any person from prosecution under any other law.

As added by P.L.84-2010, SEC.13. Amended by P.L.155-2011, SEC.9.

INDIANA CODE § 25-1-8

Chapter 8. Occupational and Professional Licensure, Registration, and Certification Fees

IC 25-1-8-1 "Board" defined

Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) State athletic commission (IC 25-9-1).

(5) Board of chiropractic examiners (IC 25-10-1).

(6) State board of cosmetology and barber examiners (IC 25-8-3-1).

(7) State board of dentistry (IC 25-14-1).

(8) State board of funeral and cemetery service (IC 25-15).

(9) State board of registration for professional engineers (IC 25-31-1-3).

(10) Indiana state board of health facility administrators (IC 25-19-1).

(11) Medical licensing board of Indiana (IC 25-22.5-2).

(12) Mining board (IC 22-10-1.5-2).

(13) Indiana state board of nursing (IC 25-23-1).

(14) Indiana optometry board (IC 25-24).

(15) Indiana board of pharmacy (IC 25-26).

(16) Indiana plumbing commission (IC 25-28.5-1-3).

(17) State psychology board (IC 25-33).

(18) Speech-language pathology and audiology board (IC 25-35.6-2).

(19) Indiana real estate commission (IC 25-34.1-2-1).

(20) Indiana board of veterinary medical examiners (IC 25-38.1-2-1).

(21) Department of insurance (IC 27-1).

(22) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.

(23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.

(24) Private investigator and security guard licensing board (IC 25-30-1-5.2).

(25) Occupational therapy committee (IC 25-23.5-2-1).

(26) Behavioral health and human services licensing board (IC 25-23.6-2-1).

(27) Real estate appraiser licensure and certification board (IC 25-34.1-8).

(28) State board of registration for land surveyors (IC 25-21.5-2-1).

(29) Physician assistant committee (IC 25-27.5).

(30) Indiana athletic trainers board (IC 25-5.1-2-1).

(31) Board of podiatric medicine (IC 25-29-2-1).

(32) Indiana dietitians certification board (IC 25-14.5-2-1).

(33) Indiana physical therapy committee (IC 25-27).

(34) Manufactured home installer licensing board (IC 25-23.7).

(35) Home inspectors licensing board (IC 25-20.2-3-1).

(36) State board of massage therapy (IC 25-21.8-2-1)

(37) Any other occupational or professional agency created after June 30, 1981.

As added by Acts 1981, P.L.223, SEC.1. Amended by P.L.250-1983, SEC.1; P.L.246-1985, SEC.16; P.L.169-1985, SEC.30; P.L.19-1986, SEC.42; P.L.149-1987, SEC.22; P.L.257-1987, SEC.16; P.L.3-1989, SEC.144; P.L.234-1989, SEC.4; P.L.186-1990, SEC.6; P.L.183-1991, SEC.4; P.L.23-1991, SEC.10; P.L.48-1991, SEC.17; P.L.1-1992, SEC.131; P.L.30-1993, SEC.6; P.L.33-1993, SEC.12; P.L.213-1993, SEC.3; P.L.227-1993, SEC.6; P.L.1-1994, SEC.121; P.L.124-1995, SEC.5; P.L.234-1995, SEC.4; P.L.147-1997, SEC.9; P.L.84-1998, SEC.4; P.L.24-1999, SEC.5; P.L.82-2000, SEC.5; P.L.162-2002, SEC.5; P.L.2-2003, SEC.64; P.L.145-2003, SEC.5; P.L.185-2007, SEC.5; P.L.200-2007, SEC.6; P.L.3-2008, SEC.179; P.L.122-2009, SEC.6; P.L.160-2009, SEC.8, P.L. 84-2010, SEC. 14.

IC 25-1-8-1.1 Repealed

(Repealed by P.L.19-1986, SEC.43.)

IC 25-1-8-2 Fees; establishment and collection

Sec. 2. (a) Notwithstanding any other provision regarding the fees to be assessed by a board, a board shall establish by rule and cause to be collected fees for the following:

(1) Examination of applicants for licensure, registration, or certification.

(2) Issuance, renewal, or transfer of a license, registration, or certificate.

(3) Restoration of an expired license, registration, or certificate when such action is authorized by law.

(4) Issuance of licenses by reciprocity or endorsement for out-of-state applicants.

(5) Issuance of board or committee reciprocity or endorsements for practitioners licensed, certified, or registered in Indiana who apply to another state for a license.

No fee shall be less than twenty-five dollars ($25) unless the fee is collected under a rule adopted by the board which sets a fee f or miscellaneous expenses incurred by the board on behalf of the practitioners the board regulates.

(b) Fees established by statute shall remain in effect until replaced by a new fee adopted by rule under this section.

(c) In no case shall the fees be less than are required to pay all of the costs, both direct and indirect, of the operation of the board.

(d) For the payment of fees, a board shall accept cash, a draft, a money order, a cashier's check, and a certified or other personal check. If a board receives an uncertified personal check for the payment of a fee and if the check does not clear the bank, the board may void the license, registration, or certificate for which the check was received.

(e) Unless designated by rule, a fee is not refundable.

(f) A board shall charge a fee of not more than ten dollars ($10) for the issuance of a duplicate license, registration, or certificate.

As added by Acts 1981, P.L.223, SEC.1. Amended by Acts 1982, P.L.113, SEC.13; P.L.169-1985, SEC.31; P.L.48-1991, SEC.18; P.L.33-1993, SEC.13; P.L.235-1995, SEC.1; P.L.197-2007, SEC.19.

IC 25-1-8-3 Quadrennial license or registration cycle; refunds

Sec. 3. (a) A board, operating on a quadrennial license, registration, or certificate renewal cycle, shall refund one-half (1/2) of the amount of the license, registration, or certificate fee if the holder of the license, registration, or certificate surrenders it at least two (2) years before it expires.

(b) This section does not apply to the holder of a license,

registration, or certificate revoked or suspended by the board.
As added by Acts 1982, P.L.113, SEC.14.

IC 25-1-8-4 Quadrennial license renewal system

Sec. 4. (a) Notwithstanding any law establishing a biennial license renewal system, a board operating on such a system may by rule establish a quadrennial license renewal system.

(b) If a board establishes a quadrennial license renewal system, it may provide for a reduction in the fees for the four (4) year license.
As added by P.L.234-1983, SEC.3.

IC 25-1-8-5 Employment of professionals for testing; examination on statutes, rules, and regulations; standards of review

Sec. 5. (a) Notwithstanding any statutory provisions regarding the administration of examinations, a board or committee may employ organizations or additional professionals to assist in the preparation, administration, and scoring of licensing examinations.

(b) A board or committee may require applicants for licensure, certification, or registration by examination, endorsement, or reciprocity to pass a test on the state or federal statutes, state rules, and federal regulations that the board or committee determines by rule to be relevant to the practice of a regulated profession.

(c) A board or committee may enter into a contract with a testing company or national association to set the standards of review for an examination by an applicant for licensure, certification, or registration. The standards of review may include:

(1) setting fees for review;

(2) requiring that an examination remain confidential; and

(3) prohibiting the release of the examination or copies of the examination.

As added by P.L.169-1985, SEC.32. Amended by P.L.152-1988, SEC.5; P.L.48-1991, SEC.19.

IC 25-1-8-6 Reinstatement of delinquent or lapsed licenses

Sec. 6. (a) As used in this section, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana athletic trainers board (IC 25-5.1-2-1).

(4) Indiana auctioneer commission (IC 25-6.1-2-1).

(5) Board of chiropractic examiners (IC 25-10-1).

(6) State board of cosmetology and barber examiners (IC 25-8-3-1).

(7) State board of dentistry (IC 25-14-1).

(8) Indiana dietitians certification board (IC 25-14.5-2-1).

(9) State board of registration for professional engineers (IC 25-31-1-3).

(10) State board of funeral and cemetery service (IC 25-15-9).

11) Indiana state board of health facility administrators (IC 25-19-1).

(12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).

(13) Home inspectors licensing board (IC 25-20.2-3-1).

(14) State board of registration for land surveyors (IC 25-21.5-2-1).

(15) Manufactured home installer licensing board (IC 25-23.7).

(16) Medical licensing board of Indiana (IC 25-22.5-2).

(17) Indiana state board of nursing (IC 25-23-1).

(18) Occupational therapy committee (IC 25-23.5).

(19) Indiana optometry board (IC 25-24).

(20) Indiana board of pharmacy (IC 25-26).

(21) Indiana physical therapy committee (IC 25-27).

(22) Physician assistant committee (IC 25-27.5).

(23) Indiana plumbing commission (IC 25-28.5-1-3).

(24) Board of podiatric medicine (IC 25-29-2-1).

(25) Private investigator and security guard licensing board (IC 25-30-1-5.2).

(26) State psychology board (IC 25-33).

(27) Indiana real estate commission (IC 25-34.1-2).

(28) Real estate appraiser licensure and certification board (IC 25-34.1-8).

(29) Respiratory care committee (IC 25-34.5).

(30) *Behavioral health and human services licensing* board (IC 25-23.6).

(31) Speech-language pathology and audiology board (IC 25-35.6-2).

(32) Indiana board of veterinary medical examiners (IC 25-38.1).

(33) State board of massage therapy (IC 25-21.8-2-1). (b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

(1) Submission of the holder's completed renewal application.

(2) Payment of the current renewal fee established by the board under section 2 of this chapter.

(3) Payment of a reinstatement fee established by the Indiana professional licensing agency

(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or

(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

(1) Submission of the holder's completed renewal application.

(2) Payment of the current renewal fee established by the board under section 2 of this chapter.

(3) Payment of a reinstatement fee equal to the current initial application fee.

(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or

(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6

(5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.

(6) Any other requirement that is provided for in statute or rule that is not related to fees.

As added by P.L.269-2001, SEC.5. Amended by P.L. 206-2005, SEC. 13; P.L.157-2006, SEC.20; P.L.185-2007, SEC.6; P.L.197-2007, SEC.20; P.L.3-2008, SEC.180; P.L.105-2008, SEC.2; P.L.122-2009, SEC.7; P.L.160-2009, SEC.9, P.L. 84-2010, SEC. 15.

IC 25-1-8-7 Repealed

(Repealed by P.L.157-2006, SEC.76.)

IC 25-1-8-8 License reinstatement; grounds for denial

Sec. 8. (a) As used in this section, "board" has the meaning set forth in section 6(a) of this chapter.

(b) The licensing agency may delay reinstating a license, certificate, or registration for not more than ninety (90) days after the date the applicant applies for reinstatement of a license, certificate, or registration to permit the board to investigate information received by the licensing agency that the applicant for reinstatement may have committed an act for which the applicant may be disciplined. If the licensing agency delays reinstating a license, certificate, or registration, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (c), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

(1) Deny reinstatement of the license, certificate, or registration following a personal appearance by the applicant before the board.

(2) Reinstate the license, certificate, or registration upon satisfaction of all other requirements for reinstatement.

(3) Reinstate the license and file a complaint under IC 25-1-7.

(4) Request the office of the attorney general to conduct an investigation under subsection (d) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, reinstate the license, certificate, or registration and place the applicant on probation status under IC 25-1-9-9 or IC 25-1-11-12.

(c) If an applicant fails to appear before the board under subsection (b), the board may take action as provided in subsection (b)(1), (b)(2), or (b)(3).

(d) If the board makes a request under subsection (b)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds that the applicant violated IC 25-1-9-4 or IC 25-1-11-5, the board may impose sanctions under IC 25-1-9-9 or IC 25-1-11-12. The board may delay reinstating a license, certificate, or registration beyond ninety (90) days after the date the applicant files an application for reinstatement of a license, certificate, or registration until a final determination is made by the board.

(e) The license, certificate, or registration of the applicant for license reinstatement remains invalid during the ninety (90) day period unless:

(1) the license, certificate, or registration is reinstated following a personal appearance by the applicant before the board before the end of the ninety (90) day period;

(2) the board issues a conditional license to the practitioner that is effective until the reinstatement is denied or the license is reinstated; or

(3) the reinstatement is denied.

If the ninety (90) day period expires without action by the board, the license, certificate, or registration shall be automatically reinstated at the end of the ninety (90) day period.

As added by P.L.197-2007, SEC.21.

INDIANA CODE § 25-1-10

Chapter 10. Reserved

INDIANA CODE § 25-1-11

Chapter 11. Professional Licensing Standards of Practice

IC 25-1-11-1 "Board" defined

Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2).

(4) State athletic commission (IC 25-9-1).

(5) State board of cosmetology and barber examiners (IC 25-8-3-1).

(6) State board of registration of land surveyors (IC 25-21.5-2-1).

(7) State board of funeral and cemetery service (IC 25-15-9).

(8) State board of registration for professional engineers (IC 25-31-1-3).

(9) Indiana plumbing commission (IC 25-28.5-1-3).

(10) Indiana real estate commission (IC 25-34.1-2-1).

(11) Real estate appraiser licensure and certification board (IC 25-34.1-8).

(12) Private investigator and security guard licensing board (IC 25-30-1-5.2).

(13) Manufactured home installer licensing board (IC 25-23.7).

(14) Home inspectors licensing board (IC 25-20.2-3-1)

(15) State board of massage therapy (IC 25-21.8-2-1)

As added by P.L.214-1993, SEC.1. Amended by P.L.2-1995, SEC.93; P.L.234-1995, SEC.5; P.L.82-2000, SEC.6; P.L.162-2002, SEC.6; P.L.145-2003, SEC.6; P.L.185-2007, SEC.7; P.L.200-2007, SEC.7; P.L.3-2008, SEC.181; P.L.160-2009, SEC.10, P.L. 84-2010 SEC. 18.

IC 25-1-11-2 "Practitioner" defined

Sec. 2. As used in this chapter, "practitioner" means a person that holds:

(1) an unlimited license, certificate, registration, or permit;

(2) a limited or probationary license, certificate, registration, or permit;

(3) a temporary license, certificate, registration, or permit;

(4) an intern permit; or

(5) an inactive license;

issued by the board regulating a profession.

As added by P.L.214-1993, SEC.1. Amended by P.L.236-1995, SEC.1.

IC 25-1-11-3 "License" defined

Sec. 3. As used in this chapter, "license" includes a license, certificate, registration, or permit.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-4 "Person" defined

Sec. 4. As used in this chapter, "person" means an individual, a partnership, a corporation, or a limited liability company.

As added by P.L.214-1993, SEC.1. Amended by P.L.236-1995, SEC.2.

IC 25-1-11-5 Practitioner compliance with professional standards; findings; meriting disciplinary sanctions

Sec. 5. (a) A practitioner shall comply with the standards established by the board regulating a profession. A practitioner is subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that:

(1) a practitioner has:

(A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;

(B) engaged in fraud or material deception in the course of professional services or activities;

(C) advertised services or goods in a false or misleading manner; or

(D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices.

(2) a practitioner has been convicted of a crime that:

(A) has a direct bearing on the practitioner's ability to continue to practice competently; or

(B) is harmful t o the public.

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

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

(A) professional incompetence, including undertaking professional activities that the practitioner is not qualified by training or experience to undertake;

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

(C) physical or mental disability; or

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

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

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

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

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

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

(A) used by another person; or

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

(10) a practitioner has failed to comply with an order imposing a sanction under section 12 of this chapter.

(b) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the board may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the board. An applicant who is aggrieved by a decision of the board under this section is entitled to hearing and appeal rights under the Indiana administrative rules and procedures act (IC 4-21.5).

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

As added by P.L.214-1993, SEC.1. Amended by P.L.84-1998, SEC.6; P.L.113-1999, SEC.1; P.L.197-2007, SEC.24.

IC 25-1-11-6 Architect or landscape architect; grounds for disciplinary sanctions

Sec. 6. A practitioner registered as an architect or a landscape architect is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has:

(1) permitted the practitioner's seal to be affixed to plans, specifications, or drawings that were not prepared by the practitioner or under the practitioner's personal supervision by the practitioner's regularly employed subordinates; or

(2) used the title "engineer" or advertised to practice engineering and is not registered under IC 25-31-1.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-7 Auctioneers; grounds for disciplinary sanctions

Sec. 7. A practitioner licensed to practice auctioneering is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has failed to:

(1) account and to make payment under IC 25-6.1-6-2; or

(2) keep the funds of others separate from the practitioner's own private accounts.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-8 Barbers; grounds for disciplinary sanctions

Sec. 8. A practitioner registered as a barber is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has continued to practice barbering while the practitioner has an infectious, a contagious, or a communicable disease that has been epidemiologically demonstrated to be transmitted through casual contact during the scope of practice of barbering.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-9 Engineers or land surveyors; grounds for disciplinary sanctions

Sec. 9. A practitioner registered as an engineer or a land surveyor is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner:

(1) has permitted the practitioner's seal to be affixed to plans, specifications, or drawings not prepared by the practitioner or under the practitioner's personal supervision by the practitioner's regularly employed subordinates;

(2) has used the title "architect" or advertised to practice architecture and is not registered under IC 25-4-1.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-9.5 Repealed

(Repealed by P.L. 194-2005, SEC. 87.)

IC 25-1-11-10 Physical and mental examination of practitioner

Sec. 10. The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner's expense, if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding.

As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.1. Amended by P.L. 194-2005, SEC. 7.

IC 25-1-11-11 Refusal of physical or mental examination; summary suspension

Sec. 11. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 13 of this chapter.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-12 Sanctions for violations

Sec. 12. (a) The board may impose any of the following sanctions, singly or in combination, if the board finds that a practitioner is subject to disciplinary sanctions under sections 5 through 9 of this chapter:

(1) Permanently revoke a practitioner's license.

(2) Suspend a practitioner's license.

(3) Censure a practitioner.

(4) Issue a letter of reprimand.

(5) Place a practitioner on probation status and require the practitioner to:

(A) report regularly to the board upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the board;

(C) continue or renew professional education approved by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

(6) Assess a civil penalty against the practitioner for not more than one thousand dollars ($1,000) for each violation listed in sections 5 through 9 of this chapter except for a finding of incompetency due to a physical or mental disability.

(7) Order a practitioner to pay consumer restitution to a person who suffered damages as a result of the conduct or omission that was the basis for the disciplinary sanctions under this chapter.

(b) When imposing a civil penalty under subsection (a)(6), the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(c) The board may withdraw or modify the probation under subsection (a)(5) if the board finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

As added by P.L.214-1993, SEC.1. Amended by P.L.32-2000, SEC.12; P.L.177-2009, SEC.17.

IC 25-1-11-13 Summary suspension of practitioners; real estate appraisers; notification by consumer protection division

Sec. 13. (a) The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for not more than ninety (90) days.

(b) The board may summarily suspend the license of a real estate appraiser for ninety (90) days before a final adjudication or during the appeals process if the board finds that the licensed real estate appraiser has engaged in material and intentional misrepresentations or omissions in the preparation of at least three (3) written appraisal reports that were submitted by a person to obtain a loan. The summary suspension may be renewed after a hearing before the board. Each renewal of a summary suspension may be for not more than ninety (90) days.

(c) Before the board may summarily suspend a license under this section, the consumer protection division of the office of the attorney general office shall make a reasonable attempt to notify a practitioner of:

(1) a hearing by the board to suspend the practitioner's license: and

(2) information regarding the allegation against the practitioner.

The consumer protection division of the office of the attorney general shall also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to notify the practitioner is made if the consumer protection division of the office of the attorney general attempts to notify the practitioner by telephone or facsimile at the last telephone number or facsimile number of the practitioner on file with the board.

As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.2; P.L.197-2007, SEC.25; P.L.209-2007, SEC.3; P.L.3-2008, SEC.182.

IC 25-1-11-14 Reinstatement of suspended license

Sec. 14. The board may reinstate a license that has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.3.

IC 25-1-11-15 Reinstatement of revoked license

Sec. 15. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-16 Consistency of sanctions

Sec. 16. The board shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-17 Surrender of practitioner license

Sec. 17. (a) Except as provided in subsection (b), a practitioner may petition the board to accept the surrender of the practitioner's license instead of having a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

(b) The board may not approve the surrender of a practitioner's license under subsection (a) if the office of the attorney general:

(1) has filed an administrative complaint concerning the practitioner's license; and

(2) opposes the surrender of the practitioner's license.

As added by P.L.214-1993, SEC.1. Amended by P.L.105-2009, SEC.13; P.L.52-2009, SEC.10.

IC 25-1-11-18 Costs; practitioners subjected to sanctions

Sec. 18. A practitioner who has been subjected to disciplinary sanctions may be required by a board to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. These costs are limited to costs for the following:

(1) Court reporters.
(2) Transcripts.
(3) Certification of documents.
(4) Photo duplication.
(5) Witness attendance and mileage fees.
(6) Postage.
(7) Expert witnesses.
(8) Depositions.
(9) Notarizations.
(10) Administrative law judges.
(11) Real estate review appraisals, if applicable.

As added by P.L.214-1993, SEC.1. Amended by P.L. 194-2005, SEC. 8; P.L.105-2009, SEC.14; P.L.52-2009, SEC.11.

IC 25-1-11-19 Refusal of licensure or granting of probationary license

Sec. 19. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

(1) the applicant has:

(A) been disciplined by a licensing entity of another state or jurisdiction; or

(B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and

(2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently perform or practice the profession in Indiana.

(b) The board may:

(1) refuse to issue a license; or
(2) issue a probationary license;
to an applicant for licensure if the applicant practiced without a license in violation of the law.

(c) Whenever the board issues a probationary license, the board may require a licensee to do any of the following:
(1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.
(2) Limit practice to the areas prescribed by the board.
(3) Continue or renew professional education requirements.
(4) Engage in community restitution or service without compensation for the number of hours specified by the board.
(5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

(d) The board shall remove any limitations placed on a probationary license under this section if the board finds after a public hearing that the deficiency that required disciplinary action has been remedied.
As added by P.L.194-2005, SEC.9. Amended by P.L.197-2007, SEC.26.

IC 25-1-11-20 Applicant appearance before board

Sec. 20. The board may require an applicant for licensure to appear before the board before issuing a license.
As added by P.L. 194-2005, SEC. 10.

IC 25-1-11-21 Adoption of rules; spouses of active duty military personnel

Sec. 21. The board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance or renewal of a:
(1) license;
(2) certificate;
(3) registration; or
(4) permit;
of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.
As added by P.L.144-2007, SEC.26.

INDIANA CODE § 25-1-12

Chapter 12. Renewal of Licenses Held by Individuals in Military Service

IC 25-1-12-1 Applicability of chapter

Sec. 1. This chapter applies to an individual who:
(1) holds a license, certificate, registration, or permit under this title, IC 16, or IC 22; and
(2) is called to active duty.
As added by P.L.88-2004, SEC.2. Amended by P.L.2-2008, SEC.61.

IC 25-1-12-2 "Active duty" defined

Sec. 2. As used in this chapter, "active duty" means full-time service in the:
(1) armed forces of the United States; or
(2) national guard;
for a period that exceeds thirty (30) consecutive days in a calendar year.
As added by P.L.88-2004, SEC.2.

IC 25-1-12-3 "Armed forces of the United States" defined

Sec. 3. As used in this chapter, "armed forces of the United States" means the active or reserve components of:
(1) the army;
(2) the navy;
(3) the air force;
(4) the coast guard;
(5) the marine corps; or
(6) the merchant marine.
As added by P.L.88-2004, SEC.2. Amended by P.L. 2-2005, SEC. 64.

IC 25-1-12-4 "National guard" defined

Sec. 4. As used in this chapter, "national guard" means:
(1) the Indiana army national guard; or
(2) the Indiana air national guard.
As added by P.L.88-2004, SEC.2.

IC 25-1-12-5 "Practitioner" defined

Sec. 5. As used in this chapter, "practitioner" means an individual who holds:
(1) an unlimited license, certificate, or registration;
(2) a limited or probationary license, certificate, or registration;
(3) a temporary license, certificate, registration, or permit;
(4) an intern permit; or
(5) a provisional license;
issued under this title, IC 16, or IC 22.
As added by P.L.88-2004, SEC.2. Amended by P.L.2-2008, SEC.62.

IC 25-1-12-6 Extension to renew license or complete continuing education; requirements for extension; additional extensions

Sec. 6. (a) Notwithstanding any other law, a practitioner who is called to active duty out-of-state and meets the requirements of subsection (b) is entitled to an extension of time described in subsection (c) to:
(1) renew; and
(2) complete the continuing education required by;
the practitioner's license, certificate, registration, or permit.

(b) The practitioner must meet the following requirements to receive the extension of time provided under subsection (a):
(1) On the date the practitioner enters active duty, the practitioner's license, certificate, registration, or permit may not be revoked, suspended, lapsed, or be the subject of a complaint under IC 25-1-7.
(2) The practitioner's license, certificate, registration, or permit must expire while the practitioner is out-of-state on active duty and the practitioner must not have received the notice of expiration before the date the practitioner entered active duty.
(3) The practitioner shall provide proof of out-of-state active duty by providing a copy of the practitioner's:
(A) discharge; or
(B) government movement orders;
to the agency, board, commission, or committee issuing the practitioner's license, certificate, registration, or permit at the time the practitioner renews the practitioner's license, certificate, registration, or permit under this chapter.

(c) The extension of time provided under subsection (a) is equal to one hundred eighty (180) days after the date of the practitioner's discharge or release from active duty.

(d) The agency, board, commission, or committee that issued the practitioner's license, certificate, registration, or permit may extend the period provided in subsection (c) if the agency or board determines that an illness, an injury, or a disability related to the practitioner's active duty prevents the practitioner from renewing or completing the continuing education required for the practitioner's license, certificate, registration, or permit. However, the agency, board, commission, or committee may not extend the period for longer than three hundred sixty-five (365) days after the date of the practitioner's discharge or release from active duty.
As added by P.L.88-2004, SEC.2. Amended by P.L. 2-2005, SEC. 65.

IC 25-1-12-7 Waiver of late fees

Sec. 7. Any late fees that may be assessed against a practitioner

in connection with a renewal under this chapter are waived.
As added by P.L.88-2004, SEC.2.

IC 25-1-12-8 Construction with federal law

Sec. 8. This chapter may not be construed as a restriction or limitation on any of the rights, benefits, and protections granted to a member of:

(1) the armed forces of the United States; or

(2) the national guard;

under federal law.
As added by P.L.88-2004, SEC.2.

INDIANA CODE § 25-1-14

Chapter 14. Meetings

IC 25-1-14-1 Applicability

Sec. 1. This section applies to a meeting of a board, committee, or commission listed in IC 25-1-5-3 or IC 25-1-6-3.
As added by P.L.179-2007, SEC.14.

IC 25-1-14-2 Participation by member not physically present at meeting

Sec. 2. (a) A member of a board, committee, or commission may participate in a meeting of the board, committee, or commission:

(1) except as provided in subsections (b) and (c), at which at least a quorum is physically present at the place where the meeting is conducted; and

(2) by using a means of communication that permits:

(A) all other members participating in the meeting; and

(B) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(b) A member of a board, committee, or commission may participate in an emergency meeting of the board, committee, or commission to consider disciplinary sanctions under IC 25-1-9-10 or IC 25-1-11-13 by using a means of communication that permits:

(1) all other members participating in the meeting; and

(2) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(c) A member of the state athletic commission may participate in meetings of the commission to consider the final approval of a permit for a particular boxing, sparring, or unarmed combat match or exhibition under IC 25-9-1-6(b) by using a means of communication that permits:

(1) all other members participating in the meeting; and

(2) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(d) A member who participates in a meeting under subsection (b) or (c):

(1) is considered to be present at the meeting;

(2) shall be counted for purposes of establishing a quorum; and

(3) may vote at the meeting.

As added by P.L.179-2007, SEC.14. Amended by P.L.105-2008, SEC.3; P.L.160-2009, SEC.11.

IC 25-1-14-3 Member considered present

Sec. 3. A member who participates in a meeting under section 2 of this chapter:

(1) is considered to be present at the meeting;

(2) shall be counted for purposes of establishing a quorum; and

(3) may vote at the meeting.

As added by P.L.179-2007, SEC.14.

IC 25-1-14-4 Meeting memoranda requirements

Sec. 4. The memoranda of the meeting prepared under IC 5-14-1.5-4 must state the name of:

(1) each member who was physically present at the place where the meeting was conducted;

(2) each member who participated in the meeting by using a means of communication described in section 2 of this chapter; and

(3) each member who was absent.

As added by P.L.179-2007, SEC.14.

INDIANA CODE § 25-1-16

Chapter 16. Evaluation of regulated occupations

Chapter 16. Evaluation of Regulated Occupations

Sec. 1. As used in this chapter, "agency" refers to the Indiana professional licensing agency.

Sec. 2. As used in this chapter, "board" means an entity that regulates a specific regulated occupation.

Sec. 3. As used in this chapter, "committee" means the regulated occupations evaluation committee established by section 6 of this chapter.

Sec. 4. As used in this chapter, "license" means:

(1) an unlimited license, certificate, or registration;

(2) a limited or probationary license, certificate, or registration;

(3) a temporary license, certificate, registration, or permit;

(4) an intern permit; or

(5) a provisional license;

issued by the board regulating the regulated occupation in question.

Sec. 5. As used in this chapter, "regulated occupation" has the meaning set forth in IC 25-1-7-1.

Sec. 6. The regulated occupations evaluation committee is established.

Sec. 7. (a) The committee consists of the following individuals:

(1) The dean of the Indiana University School of Public and Environmental Affairs or the dean's designee. The dean or the dean's designee shall serve as chairperson of the committee.

(2) The director of the agency or the director's designee.

(3) The attorney general or the attorney general's designee, as a nonvoting member.

(4) Two (2) individuals appointed by the governor who are licensed in a regulated occupation.

(5) Two (2) individuals appointed by the governor who are not licensed in a regulated occupation.

(b) The term of a member appointed under subsection (a)(4) or (a)(5) is three (3) years.

(c) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure.

Sec. 8. (a) The committee shall review and evaluate each regulated occupation. The review and evaluation must include the following:

(1) The functions, powers, and duties of the regulated occupation and the board, including any functions, powers, or duties that are inconsistent with current or projected practice of the occupation.

(2) An assessment of the management efficiency of the board.

(3) An assessment of the regulated occupation's and the board's ability to meet the objectives of the general assembly in licensing the regulated occupation.

(4) Any other criteria identified by the committee.

(b) The committee shall prepare a report concerning each regulated occupation that the committee reviews and evaluates. The report must contain the following:

(1) The number of individuals who are licensed in the regulated occupation.

(2) A summary of the board's functions and actions.

(3) The budget and other fiscal factors of regulating the regulated occupation.

(4) An assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.

(5) Any recommendations for legislation, including whether a regulated occupation should be modified, combined with another board, or terminated.

(6) Any recommendations for administrative changes.

Sec. 9. (a) A board shall cooperate with the committee, as the committee determines is necessary in the committee's review and evaluation of the board.

(b) The committee shall allow testimony concerning each regulated occupation that is being reviewed and evaluated.

Sec. 10. The committee shall establish a schedule to review and evaluate each regulated occupation. Each regulated occupation must be reviewed and evaluated at least every seven (7) years.

Sec. 11. (a) The agency shall provide staff and administrative support to the committee.

(b) The committee may hire, with approval of the director of the agency, an individual to assist the committee.

(c) The expenditures of the committee shall be paid from appropriations to the agency.

Sec. 12. (a) Each member of the committee who is not a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the committee who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 13. The committee shall submit a report to the:

(1) governor;

(2) health finance commission; and

(3) legislative services agency;

not later than July 1 of each year. The report submitted to the legislative services agency must be in an electronic format under IC 5-14-6.

As added by P.L. 84-2010, SEC. 19.

Non-Code Provision under Public Law 206-2005

P.L. 206-2005, SECTION 16

(a) The rules adopted by the health professions bureau before July 1, 2005, and in effect on June 30, 2005, shall be treated after June 30, 2005, as the rules of the Indiana professional licensing agency.

(b) On July 1, 2005, the Indiana professional licensing agency becomes the owner of all of the property of the health professions bureau. An appropriation made to the health professions bureau shall be treated after June 30, 2005, as an appropriation to the Indiana professional licensing agency.

(c) Any reference in a law, a rule, a license, a registration, a certification, or an agreement to the health professions bureau shall be treated after June 30, 2005, as a reference to the Indiana professional licensing agency.

Non-Code Provision under Public Law 177-2009

P.L. 177-2009, SECTION 66.

(a) As used in this SECTION, "board" means a board, commission, or committee.

(b) As used in this SECTION, "committee" refers to the professional licensing study committee established under this SECTION.

(c) The professional licensing study committee is established.

(d) The committee shall do the following:

(1) Study all of the boards that regulate occupations or professions under the Indiana professional licensing agency or the state department of health.

(2) Make recommendations concerning any changes that should be made to a board described under subdivision (1) or the regulation of a profession or occupation by a board described under subdivision (1), including the following recommendations:

(A) Eliminating the board.

(B) Having the board continue regulating the profession or occupation in the same manner that the profession or occupation is currently regulated by the board.

(C) Requiring registration of a profession or occupation through the electronic registry of professions under IC 25-1-5.5, as added by this act.

(D) Requiring national certification or registration of a profession or occupation.

(E) Restructuring the board.

(F) Merging two (2) or more boards.

(e) The committee shall operate under the policies governing study committees adopted by the legislative council.

(f) Before November 1, 2009, the committee shall issue a final report to the legislative council containing the findings and recommendations of the committee.

(g) This SECTION expires December 31, 2009.

TITLE 812 INDIANA AUCTIONEER COMMISSION

ARTICLE 1. GENERAL PROVISIONS

Rule 1. Powers of Commission; Permitted Activities; License Procedure; Fees

812 IAC 1-1-1 Applications and other forms; availability
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1-2-5

Sec. 1. Applications and all other pertinent forms are available at the Indiana Auctioneer Commission, office of the Indiana Professional Licensing Agency, Indiana Government Center, Indianapolis, Indiana, or will be mailed upon request of person seeking to be licensed as auctioneer, auction house, or auction company.

(Indiana Auctioneer Commission; Rule 2; filed Oct 7, 1977, 3:25 p.m.: Rules and Regs. 1978, p. 166; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1950; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236; readopted filed Jul 19, 2007, 1:00 p.m.: 20070808-IR-812070044RFA)

812 IAC 1-1-2 Time for holding examinations; individual examinations not permitted
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1-2-5

Sec. 2. Examinations will be held on the second Wednesday of March, July and November of each year in Indianapolis, Indiana and at such other time and places as the Commission may direct. Individual examinations are not permitted.

(Indiana Auctioneer Commission; Rule 3; filed Oct 7, 1977, 3:25 pm: Rules and Regs. 1978, p. 166; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236; readopted filed Jul 19, 2007, 1:00 p.m.: 20070808-IR-812070044RFA)

812 IAC 1-1-3 Receipt of application before examination; fee; failure to appear at examination
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1-3-2

Sec. 3. Completed application forms together with the thirty-five (35) dollars non-refundable examination fee shall be received in the office of the Commission at least thirty (30) days prior to an examination date. The applicant will be advised of the time and place of the examination upon receipt of the completed application. If the applicant does not appear at the initial examination for which he has been scheduled, the applicant will be re-scheduled for the following scheduled examination. If the applicant fails to appear for the following scheduled examination, the application and fee shall be forfeited.

(Indiana Auctioneer Commission; Rule 4; filed Oct 7, 1977, 3:25 pm: Rules and Regs. 1978, p. 166; filed Mar 21, 1988, 1:30 pm: 11 IR 2869; errata, 11 IR 3921; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236; readopted filed Jul 19, 2007, 1:00 p.m.: 20070808-IR-812070044RFA)

812 IAC 1-1-3.1 Completing education prior to examination
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1-3-2

Sec. 3.1. Auctioneer applicants may apply for the examination prior to completing their eighty (80) hour prelicensure education. If they do so, they must submit proof of completing the course by presenting a certificate of completion at the examination site prior to taking the examination.

(Indiana Auctioneer Commission; 812 IAC 1-1-3.1; filed Sep 17, 1998, 3:50 p.m.: 22 IR 453; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236; readopted filed Jul 19, 2007, 1:00 p.m.: 20070808-IR-812070044RFA)

812 IAC 1-1-4 Confidentiality and security of examinations
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1-2-5

Sec. 4. Auctioneer license examinations are confidential tests. Examinations are designed and administered under conditions established to protect the security of the tests.

(Indiana Auctioneer Commission; Rule 5; filed Oct 7, 1977, 3:25 p.m.: Rules and Regs. 1978, p. 166; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1950; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236; readopted filed Jul 19, 2007, 1:00 p.m.: 20070808-IR-812070044RFA)

812 IAC 1-1-5 License fee
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1-3-2; IC 25-6.1-3-5

Sec. 5. Upon receipt of notice of passing the examination, the applicant shall within thirty (30) days submit his biennial license fee of thirty-five dollars ($35). Failure to submit such license fee within the above prescribed time shall be deemed sufficient reason for cancellation of said application.

(Indiana Auctioneer Commission; Rule 6; filed Oct 7, 1977, 3:25 pm: Rules and Regs. 1978, p. 166; filed Mar 21, 1988, 1:30 pm: 11 IR 2869; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236; readopted filed Jul 19, 2007, 1:00 p.m.: 20070808-IR-812070044RFA)

812 IAC 1-1-6 Review of examination by applicant; petition for review
Authority: IC 25-6.1-2-5
Affected: IC 4-21.5-3; IC 25-6.1-3-2; IC 25-6.1-3-10

Sec. 6. (a) Upon notice of denial of licensure because of failure of an examination, examinees may petition for review concerning the denial of licensure in the manner provided for in IC 4-21.5-3.

(b) Individuals whose petitions for review are granted may review their examination in the commission office (in the offices of the Indiana professional licensing agency) by scheduling an appointment for review with the agency.

(Indiana Auctioneer Commission; Rule 7; filed Oct 7, 1977, 3:25 p.m.: Rules and Regs. 1978, p. 167; filed Nov 18, 1980, 8:55 a.m.: 4 IR 52; filed Mar 21, 1988, 1:30 p.m.: 11 IR 2869; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1950; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236; readopted filed Jul 19, 2007, 1:00 p.m.: 20070808-IR-812070044RFA)

812 IAC 1-1-7 Failure to pass examination; effect (Repealed)

Sec. 7. *(Repealed by Indiana Auctioneer Commission; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1952)*

812 IAC 1-1-8 Auction house or auction company license application; forfeiture of fee when application incomplete (Repealed)

Sec. 8. *(Repealed by Indiana Auctioneer Commission; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1952)*

812 IAC 1-1-9 Renewal of license (Repealed)

Sec. 9. *(Repealed by Indiana Auctioneer Commission; filed Nov 18, 1980, 8:55 am: 4 IR 52)*

812 IAC 1-1-10 Reinstatement after expiration (Repealed)

Sec. 10. *(Repealed by Indiana Auctioneer Commission; filed Nov 18, 1980, 8:55 am: 4 IR 52)*

812 IAC 1-1-11 Lapse of year; reexamination (Repealed)

Sec. 11. *(Repealed by Indiana Auctioneer Commission; filed Nov 18, 1980, 8:55 am: 4 IR 52)*

812 IAC 1-1-12 Lapse of license due to military service; renewal

Authority: IC 25-6.1-2-5
Affected: IC 25-6.1-3-2

Sec. 12. Any licensed auctioneer who permits his license to lapse due to his entering the armed services or government service in connection with a war effort shall, upon presentation of satisfactory evidence of honorable discharge, be granted a renewal of said license at the usual cost, without the penalty and without re-examination.

(Indiana Auctioneer Commission; Rule 13; filed Oct 7, 1977, 3:25 pm: Rules and Regs. 1978, p. 167; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236; readopted filed Jul 19, 2007, 1:00 p.m.: 20070808-IR-812070044RFA)

812 IAC 1-1-13 Notice of operation or discontinuance of auction house or company by licensed auctioneer

Authority: IC 25-6.1-2-5
Affected: IC 25-6.1-3-3; IC 25-6.1-3-4

Sec. 13. An individual who is a licensed auctioneer operating an auction house and/or auction company shall notify the Commission of such operation in duplicate on prescribed forms provided by the Commission. Said licensee shall notify the Commission in writing of the discontinuance of such operation and/or operations.

(Indiana Auctioneer Commission; Rule 14; filed Oct 7, 1977, 3:25 pm: Rules and Regs. 1978, p. 167; filed Nov 18, 1980, 8:55 am: 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)

812 IAC 1-1-14 Notice of operation or discontinuance of auction company by auction house licensee

Authority: IC 25-6.1-2-5
Affected: IC 25-6.1-3-3; IC 25-6.1-3-4

Sec. 14. An individual who is an auction house licensee operating an auction company shall notify the Commission of such operation in duplicate on prescribed forms provided by the Commission. Said licensee shall notify the Commission in writing of the discontinuance of such operation and/or operations.

(Indiana Auctioneer Commission; Rule 15; filed Oct 7, 1977, 3:25 pm: Rules and Regs. 1978, p. 167; filed Nov 18, 1980, 8:55 am: 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)

812 IAC 1-1-15 Auction company licensee operating additional auction companies or auction houses; notice to commissioner (Repealed)

Sec. 15. *(Repealed by Indiana Auctioneer Commission; filed Nov 18, 1980, 8:55 am: 4 IR 52)*

812 IAC 1-1-16 Change of licensee address or business or trade name; notice

Authority: IC 25-6.1-2-5
Affected: IC 25-6.1-3-3; IC 25-6.1-3-4

Sec. 16. All licensees shall notify the commission in writing within ten (10) days of the following:

(1) Change of address.
(2) Change of business or trade name.
(3) For auction houses and auction companies, change of ownership as described in section 16.1 of this rule.

(Indiana Auctioneer Commission; Rule 17; filed Oct 7, 1977, 3:25 p.m.: Rules and Regs. 1978, p. 168; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1950; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236; readopted filed Jul 19, 2007, 1:00 p.m.: 20070808-IR-812070044RFA)

812 IAC 1-1-16.1 Change in ownership; auction house or auction company

Authority: IC 25-6.1-2-5
Affected: IC 25-6.1-3-2

Sec. 16.1. All changes in ownership of an auction house or auction company cause the auction house or auction company license to terminate. In order to operate the auction house or auction company, the new owner must obtain a license. Changes in ownership include:

(1) sale;
(2) changes of business organization; and
(3) changes in the identity of the partners in a partnership;

of an auction house or auction company.

(Indiana Auctioneer Commission; 812 IAC 1-1-16.1; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1950; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236; readopted filed Jul 19, 2007, 1:00 p.m.: 20070808-IR-812070044RFA)

812 IAC 1-1-17 Temporary permits

Authority: IC 25-6.1-2-5
Affected: IC 25-6.1-3-2

Sec. 17. (a) The commission may, for good cause shown, upon the receipt of an application for examination for an auctioneer license, and, for a temporary permit, issue a temporary permit for one (1) auction sale. This permit is not intended to circumvent the licensing procedure of IC 25-6.1-3-2.

(b) The applicant shall submit the following:

(1) The prescribed application and fee.
(2) A personally written letter to the Indiana auctioneer commission from the owner or owners of said property to be sold at auction, requesting and attesting to the necessity of the applicant's services as auctioneer conducting said sale.
(3) An affidavit from the owner of said property attesting to the fact that the applicant is qualified to conduct said auction.
(4) On prescribed form, the date, location, owner of property, and property to be sold at said auction sale.
(5) Evidence to the commission of applicant's intention to participate in a specific examination offered by the commission to become a duly licensed auctioneer in the state of Indiana.

(c) The application shall be presented to the Indiana auctioneer commission for its consideration. The applicant shall be advised in writing by the commission of its decision.

(d) A temporary permittee who fails to pass one (1) of the next two (2) regularly scheduled examinations may not be issued a temporary permit.

Indiana Auctioneer Commission; Rule 18; filed Oct 7, 1977, 3:25 p.m.: Rules and Regs. 1978, p. 168; filed Mar 21, 1988, 1:30 p.m.: 11 IR 2870; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1951; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236; readopted filed Jul 19, 2007, 1:00 p.m.: 20070808-IR-812070044RFA)

812 IAC 1-1-18 Reciprocal license application

Authority: IC 25-6.1-2-5
Affected: IC 25-6.1-3-2

Sec. 18. All individuals making application for an auctioneer license per reciprocal agreement shall submit with their application a letter of certification from the state board or commission of their state of domicile, certifying that they are duly licensed in said state, stating their residency, date of issuance and expiration of license.

(Indiana Auctioneer Commission; Rule 19; filed Oct 7, 1977, 3:25 pm: Rules and Regs. 1978, p. 168; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236; readopted filed Jul 19, 2007, 1:00 p.m.: 20070808-IR-812070044RFA)

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. All contract agreements, or any authority to sell shall show a definite date of contract and a definite date of sale, shall be in writing, made in duplicate, one copy 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.

(Indiana Auctioneer Commission; Rule 20; filed Oct 7, 1977, 3:25 pm: Rules and Regs. 1978, p. 168; filed Nov 18, 1980, 8:55 am: 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)

812 IAC 1-1-20 Real estate sales; powers and duties of auctioneers

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-6

Sec. 20. A licensed auctioneer may advertise and sell real estate at auction. The licensee shall have an executed contract or agreement with the owner or seller containing the terms and conditions upon which licensee receives or accepts the real estate for sale at auction. The licensee shall conduct the bidding and announce the culmination thereof. No further acts necessary to transfer title to the real estate shall be performed by the licensee.

(Indiana Auctioneer Commission; Rule 21; filed Oct 7, 1977, 3:25 pm: Rules and Regs. 1978, p. 168; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236; readopted filed Jul 19, 2007, 1:00 p.m.: 20070808-IR-812070044RFA)

812 IAC 1-1-21 Sign on real estate to be auctioned; consent of owner

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-6-4; IC 25-6.1-6-5

Sec. 21. An auctioneer and/or auction company licensee shall not place a sign on any property, offering it for sale, without the written consent of the owner.

(Indiana Auctioneer Commission; Rule 22; filed Oct 7, 1977, 3:25 pm: Rules and Regs. 1978, p. 168; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236; readopted filed Jul 19, 2007, 1:00 p.m.: 20070808-IR-812070044RFA)

812 IAC 1-1-22 Summary of receipts and disbursements; submission to seller

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-6-2

Sec. 22. Every auctioneer and/or auction company licensee shall deliver to the seller in every transaction wherein he acts as an auctioneer and/or auction company licensee a complete detailed summary showing all of the receipts and disbursements handled by such auctioneer and/or auction company licensee.

(Indiana Auctioneer Commission; Rule 23; filed Oct 7, 1977, 3:25 pm: Rules and Regs. 1978, p. 168; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236; readopted filed Jul 19, 2007, 1:00 p.m.: 20070808-IR-812070044RFA)

812 IAC 1-1-23 Knowledge of current market conditions; duty of auctioneer

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-3-2; IC 25-6.1-6-1

Sec. 23. An auctioneer and/or licensee shall keep informed on current market conditions of real and personal property at all times in order to be in a position to advise and perform services for his clients to the best of his ability.

(Indiana Auctioneer Commission; Rule 24; filed Oct 7, 1977, 3:25 pm: 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)

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 his professional activities in a professional manner that will reflect credit upon himself, 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 possession which belong to others including buyers at auction as well as consignors no later than thirty 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 pm: Rules and Regs. 1978, p. 169; filed Nov 18, 1980, 8:55 am: 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)

812 IAC 1-1-25 Practice of law prohibited

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-6-1

Sec. 25. A licensee shall not engage in activities that constitute the practice of law and shall recommend that his clients seek the services of a lawyer when he deems it necessary.

(Indiana Auctioneer Commission; Rule 26; filed Oct 7, 1977, 3:25 pm: 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)

812 IAC 1-1-26 Self-dealing prohibited; exemption

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-6-1

Sec. 26. A licensee shall refrain from buying or selling at his own auction for personal gain, unless disclosed to the seller.

(Indiana Auctioneer Commission; Rule 27; filed Oct 7, 1977, 3:25 pm: 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)

812 IAC 1-1-27 Auctioneer-client relationship; disclosure of costs and services

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-6-1

Sec. 27. A licensee shall preserve a professional, confidential relationship with his client, revealing estimated costs and services for conducting the auction.

(Indiana Auctioneer Commission; Rule 28; filed Oct 7, 1977, 3:25 pm: 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)

812 IAC 1-1-28 Fees for services (Repealed)

Sec. 28. *(Repealed by Indiana Auctioneer Commission; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1952)*

812 IAC 1-1-29 Advertising by auctioneer (Repealed)

Sec. 29. *(Repealed by Indiana Auctioneer Commission; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1952)*

812 IAC 1-1-30 Forms used by auctioneers (Repealed)

Sec. 30. *(Repealed by Indiana Auctioneer Commission; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1952)*

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, 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 pm: 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)

812 IAC 1-1-32 Complaints
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1-7-2

Sec. 32. Except for IC 25-6.1-7-2, all complaints filed concerning violations of IC 25-6.1 and this title must be filed with the office of the attorney general, consumer protection division on forms furnished by the consumer protection division.

(Indiana Auctioneer Commission; Rule 33; filed Oct 7, 1977, 3:25 p.m.: Rules and Regs. 1978, p. 169; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1951; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236; readopted filed Jul 19, 2007, 1:00 p.m.: 20070808-IR-812070044RFA)

812 IAC 1-1-33 Contract disputes; commission without jurisdiction to settle; written contracts required
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1-6-5

Sec. 33. The Commission is not a commission of arbitration and has no jurisdiction to settle disputes between parties concerning such matters of contract as the rates of commission, the division of commission, and similar matters. The statute requires, to avoid differences between parties that all agreements concerning auctions be reduced to writing at the earliest practical time.

(Indiana Auctioneer Commission; Rule 34; filed Oct 7, 1977, 3:25 pm: 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)

812 IAC 1-1-34 Auction procedure; completion of sale; sale without reserve
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1-2-5; IC 25-6.1-6-1

Sec. 34. Sale by Auction. (a) In a sale by auction if property being sold is put up in lots, each lot is the subject of a separate sale.

(b) A sale by auction is complete when the auctioneer so announces by the fall of the hammer or in any other customary manner. Where a bid is made while the hammer is falling in acceptance of a prior bid, the auctioneer may in his discretion reopen the bidding or declare the property sold under the bid on which the hammer was falling.

(c) Such a sale is with reserve unless the property being sold is in explicit terms put up without reserve. In an auction with reserve the auctioneer may withdraw the property being offered for sale at any time until he announces completion of the sale. In an auction without reserve, after an auctioneer calls for bids on property being offered for sale, such property cannot be withdrawn unless no bid is made within a reasonable time. In either case a bidder may retract his bid until the auctioneer's announcement of completion of the sale, but a bidder's retraction does not revive any previous bid.

(d) If the auctioneer knowingly receives a bid on the seller's behalf or the seller makes or procures such a bid, and notice has not been given that liberty for such bidding is reserved, the buyer may at his option avoid the sale or take the property at the price of the last good faith bid prior to the completion of the sale.

(Indiana Auctioneer Commission; Rule 35; filed Oct 7, 1977, 3:25 pm: 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)

812 IAC 1-1-35 Fees charged by commission

Authority: IC 25-1-8-2; IC 25-6.1-2-5
Affected: IC 25-6.1-3-5

Sec. 35. (a) The following fees shall be charged by and paid to the commission by applicants and licensees:

(1) Examination and reexamination as an auctioneer $35
(2) Application for licensure as an auctioneer per examination $70
(3) Application for licensure as an auctioneer per reciprocal greement $70
(4) Application for licensure as an auction house $70
(5) Application for licensure as an auction company $70
(6) Application for licensure as an auctioneer per temporary permit ..$25
(7) Quadrennial renewal of registration as an auctioneer.....$70
(8) Quadrennial renewal of registration as an auction house.....$70
(9) Quadrennial renewal of registration as an auction company $70
(10) License renewal reinstatement fee $50
(11) Duplicate license, where the original license is lost or destroyed, and an affidavit thereof, submitted to the commission or reissuance of a license involving change $5
(12) Duplicate pocket card, where the original card is lost or destroyed and an affidavit thereof, submitted to the commission.....$5
(13) Certification of status of license $5

(b) Every auctioneer, auction house, and auction company holding a license issued by the commission shall renew their license quadrennially on or before February 28 of the fourth even-numbered year. *(Indiana Auctioneer Commission; Rule 36; filed Oct 7,1977, 3:25 p.m.: Rules and Regs. 1978, p. 170; filed Nov 18, 1980, 8:55 a.m.: 4 IR 52; filed Mar 21, 1988, 1:30 p.m.: 11 IR 2870;filed Jun 14, 1996, 3:00 p.m.: 19 IR 3098; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236; readopted filed Jul 19, 2007, 1:00p.m.: 20070808-IR-812070044RFA; filed Jun 26, 2009, 2:17 p.m.: 20090722-IR-812080758FRA)*

812 IAC 1-1-36 Reconsideration of license after revocation
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1-3-2

Sec. 36. Not earlier than one (1) year after the revocation of a license, as a consideration for issuance, the Commission may consider the application of the licensee or his successor and may issue a new license for good cause and in the case of an auctioneer, shall in all cases require the examination as provided for by the Indiana Auctioneer and Auction Licensing Act (IC 25-6.1)

(Indiana Auctioneer Commission; Rule 37; filed Nov 18, 1980, 8:55 am: 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)

812 IAC 1-1-37 Investigation of trust accounts
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1-6-6

Sec. 37. Each licensee shall make available for inspection and copying the detailed record required by IC 25-6.1-6-6(b) upon request by the commission for investigative and compliance purposes.

(Indiana Auctioneer Commission; 812 IAC 1-1-37; filed Sep 25, 1990, 3:25 p.m.: 14 IR 288; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236; readopted filed Jul 19, 2007, 1:00 p.m.: 20070808-IR-812070044RFA)

812 IAC 1-1-38 Advertising
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1-6-5

Sec. 38. In addition to the requirements under IC 25-6.1-6-5, all advertisements of auctions shall disclose the following:

(1) The name and license number of the principal auctioneer involved in the auction.

(2) The name and license number of the principal auction house involved in the auction.

(3) The name and license number of the principal auction company involved in the auction.

(Indiana Auctioneer Commission; 812 IAC 1-1-38; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1951; filed Oct 16, 2000, 10:17 a.m.: 24 IR 687; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236; readopted filed Jul 19, 2007, 1:00 p.m.: 20070808-IR-812070044RFA)

812 IAC 1-1-39 Posting auction sign

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-2

Sec. 39. (a) Each licensee shall jointly be responsible for posting a sign at either the main entrance of the auction, the place of registration, or by the cashier that states the following:

(1) The name and license number of all auctioneers involved in the auction.

(2) The name and license number of all auction houses involved in the auction.

(3) The name and license number of all auction companies involved in the auction.

(4) That the persons identified in this subsection are licensed by the Indiana Auctioneer Commission, Indiana Government Center, Indianapolis, Indiana 46204.

(b) The sign required under subsection (a) shall be no smaller than twenty-four (24) inches by thirty (30) inches, and the letters and numbers appearing on the sign must be of adequate size so that they may be readily seen by an individual with normal vision when viewing them.

(Indiana Auctioneer Commission; 812 IAC 1-1-39; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1951; filed Oct 16, 2000, 10:17 a.m.: 24 IR 687; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236; readopted filed Jul 19, 2007, 1:00 p.m.: 20070808-IR-812070044RFA)

812 IAC 1-1-40 Auctioneer; records and accounts

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-6

Sec. 40. (a) The requirements of IC 25-6.1-6-1, IC 25-6.1-6-2, and IC 25-6.1-6-3 apply to auctioneers conducting auctions for auction houses or auction companies.

(b) The records and accounts required under IC 25-6.1-6-3 shall include the following:

(1) Name, license number, and address of auction company or auction house.

(2) Date of sale.

(3) Location of sale.

(Indiana Auctioneer Commission; 812 IAC 1-1-40; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1952; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236; readopted filed Jul 19, 2007, 1:00 p.m.: 20070808-IR-812070044RFA)

812 IAC 1-1-41 Auction company; auction house; records and accounts

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-6-3

Sec. 41. Each auction company licensee and auction house licensee, in addition to the requirements under IC 25-6.1-6-3, shall keep and maintain for a period of not less than two (2) years the name, license number, address, and date of auction sale of all auctioneers employed to conduct such auctions.

(Indiana Auctioneer Commission; 812 IAC 1-1-41; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1952; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236; readopted filed Jul 19, 2007, 1:00 p.m.: 20070808-IR-812070044RFA)

812 IAC 1-1-42 Compliance with IC 26-1-6-107

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 42. Auctioneers shall comply with IC 26-1-6-107 *[IC 26-1-6 was repealed by P.L.144-1997, SECTION 8, effective January 1, 1998.].*

(Indiana Auctioneer Commission; 812 IAC 1-1-42; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1952; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236; readopted filed Jul 19, 2007, 1:00 p.m.: 20070808-IR-812070044RFA)

812 IAC 1-1-43 Violations; professional incompetence

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-4-1.1

Sec. 43. Violations of sections 13, 14, 16, 16.1, 19 through 34, and 38 through 43 of this rule shall be considered professional incompetence under IC 25-6.1-4-1.1.

(Indiana Auctioneer Commission; 812 IAC 1-1-43; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1952; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236; readopted filed Jul 19, 2007, 1:00 p.m.: 20070808-IR-812070044RFA)

ARTICLE 2. AUCTIONEER COURSES AND INITIAL EDUCATION COURSE PROVIDERS

Rule 1. Definitions; General Provisions

812 IAC 2-1-1 Scope

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-3-2

Sec. 1. (a) This article establishes requirements for the education of applicants for auctioneer licensure and establishes requirements for auction instruction pursuant to IC 25-6.1-3-2.

(b) The definitions in this rule apply throughout this article.

(Indiana Auctioneer Commission; 812 IAC 2-1-1; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3088; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: 20081015-IR-812080335RFA)

812 IAC 2-1-2 "Course session" defined

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 2. "Course session" means a particular course of auction instruction conducted by an approved course provider.

(Indiana Auctioneer Commission; 812 IAC 2-1-2; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3088; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: 20081015-IR-812080335RFA)

812 IAC 2-1-3 Violations of statute and rules

Authority: IC 25-6.1-2-5

Affected: IC 4-21.5-3; IC 4-21.5-4; IC 25-6.1

Sec. 3. (a) Failure of an approved course provider to comply with the provisions of this article shall subject it to denial of course provider approval or revocation or suspension of course provider approval as appropriate.

(b) If an approved course provider fails to meet the requirements for course provider approval renewal established in 812 IAC 2-2-4 and 812 IAC 2-2-5, the renewal shall be denied.

(c) Under subsections (a) through (b), auction schools shall be responsible for the actions of their employees and other agents.

(d) Notices of denials of course provider approval or renewals and administrative review of such denials are governed by IC 4-21.5-3-4 and IC 4-21.5-3-7.

(e) Institution of proceedings to revoke or suspend course provider approval is governed by IC 4-21.5-3-8. Emergency suspensions may be issued, where appropriate, under IC 4-21.5-4.

(Indiana Auctioneer Commission; 812 IAC 2-1-3; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3088; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: 20081015-IR-812080335RFA)

812 IAC 2-1-4 Revocation, suspension, or denial of renewal of course provider approval; completion of courses
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 4. In the event it suspends, revokes, or denies renewal of course provider approval, the commission may, at its discretion, allow any course already in progress to be completed.
(Indiana Auctioneer Commission; 812 IAC 2-1-4; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3084; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: 20081015-IR-812080335RFA)

812 IAC 2-1-5 Application for course provider approval; content
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 5. (a) Any auction school seeking approval as a course provider shall make written application for approval and shall submit such documents, statements, and forms as required by the commission, and as may be reasonably necessary to establish whether the school complies with the requirements of this article.

(b) The application shall state the name and address of the school's owner.

(c) The application shall list all instructors who will be teaching the course and include evidence that they comply with the qualifications established in 812 IAC 2-3-2.
(Indiana Auctioneer Commission; 812 IAC 2-1-5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3089; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: 20081015-IR-812080335RFA)

Rule 2. Approved Course Providers; General Requirements

812 IAC 2-2-1 Facilities
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 1. (a) The premises, equipment, and facilities of the approved course provider shall comply with all local, city, county, and state regulations, such as fire, building, and sanitation codes.

(b) Approved course providers shall prohibit the serving or obtaining of alcoholic beverages in the classroom and any other area that the student would have access to during the time class is in session, including breaks, such as the restroom and hallways.

(c) Subsection (b) shall not be interpreted to prohibit the use of facilities (such as hotels, motels, and convention centers) where alcoholic beverages are sold in separate rooms.
(Indiana Auctioneer Commission; 812 IAC 2-2-1; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3089; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: 20081015-IR-812080335RFA)

812 IAC 2-2-2 Student fees; cancellation of course sessions
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 2. (a) An approved course provider shall not charge a fee to students for seminars or other courses offered in preparation for the state licensing examination. This applies to students who are currently enrolled in a course or have completed a course within the past thirty (30) days.

(b) The cost of textbooks, supplemental texts, and required materials shall be included in the course fee. Disclosure of the full cost of the course (including tuition, books, and required materials) must be made to the student before enrollment.

(c) Each approved course provider shall establish a refund policy, which is included in all printed material related to the offering of the course. The refund policy shall be available for review and acceptance by the student at the time of enrollment.

(d) If a course session is canceled, the course provider must notify all individuals who have enrolled in it at least three (3) days in advance of the first scheduled class.
(Indiana Auctioneer Commission; 812 IAC 2-2-2; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3089; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: 20081015-IR-812080335RFA)

812 IAC 2-2-3 Course records
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 3. Each approved course provider must maintain records of students who successfully complete and pass the course of study for a minimum of two (2) years. The records must include:

(1) attendance records;
(2) examination score records;
(3) student course evaluations; and
(4) duplicate copies of completion certificates or the ability to reproduce duplicate completion certificates.

(Indiana Auctioneer Commission; 812 IAC 2-2-3; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3089; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: 20081015-IR-812080335RFA)

812 IAC 2-2-4 Renewal of course provider approval
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 4. The approval of course providers expires on February 28 of each even-numbered year. To obtain renewal of course provider approval, the school must submit a letter requesting such renewal to the commission by January 1 of each even-numbered year.
(Indiana Auctioneer Commission; 812 IAC 2-2-4; 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)

812 IAC 2-2-5 Review and investigation of approved course providers
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 5. (a) As a requirement for renewal, an approved course provider may be required to provide specific information, answer questions, and/or appear before the commission or its designee for the purpose of determining compliance with this article.

(b) The commission or its designee may, at any time, review and/or investigate any matter concerning any course, or applicant for course provider approval to determine compliance with this article.

(c) The method of review shall be determined by the commission in each case and will generally consist of the following:

(1) Consideration of information available from federal, state, and/or local agencies, private organizations or agencies, or interested persons.
(2) Conferences with the school director and other representatives of the school involved or with former students of the school.

(d) The commission may require a background check on school personnel, including a criminal history check.
(Indiana Auctioneer Commission; 812 IAC 2-2-5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 2090; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: 20081015-IR-812080335RFA)

Rule 3. Instructors

812 IAC 2-3-1 Instructors; compliance with rule required
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 1. All instructors employed by approved course providers must meet the requirements of this rule.

(Indiana Auctioneer Commission; 812 IAC 2-3-1; 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)

812 IAC 2-3-2 Instructors; qualifications

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 2. Each instructor shall possess at least one (1) of the following minimum requirements:

(1) A minimum of five (5) years of experience as an instructor in an establishment that offered auction instruction prior to July 1, 1996, or an auction school approved by the commission, or a combination of both.

(2) A bachelor's degree from an accredited college or university and a minimum of two (2) years of experience in the auction business.

(3) A minimum of five (5) years of experience as an auctioneer.

(4) A juris doctor or equivalent from an accredited law school, and a minimum of two (2) years of experience in the subject matter to be taught in the course.

(5) Two (2) years of experience as a qualified instructor or professor in the business, finance, or economics department of an accredited college or university.

(Indiana Auctioneer Commission; 812 IAC 2-3-2; 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)

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 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 testify 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)

Rule 4. Conduct of Courses

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 auctioneer course shall be conducted on at least ten (10) different days with a maximum of eight (8) hours of instruction per day.

(c) 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)

812 IAC 2-4-2 Breaks

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-3-2

Sec. 2. Any amount of time allotted to breaks may not be counted toward the eighty (80) hours of actual instruction required by IC 25-6.1-3-2.

(Indiana Auctioneer Commission; 812 IAC 2-4-2; 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)

812 IAC 2-4-3 Attendance

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 3. (a) All attendance shall be in the same course session and may not be cumulative.

(b) A student may not receive attendance credit for attending more than one (1) class meeting of a class other than a class in the course session to which the student is assigned. The one (1) class must cover the same material as the class missed, the make up class must be completed during the regular class session, and must be sponsored by the school in which the student is enrolled.

(Indiana Auctioneer Commission; 812 IAC 2-4-3; 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)

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) 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) 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) 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) 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) Examinations administered in the auction course shall not be taken from the school premises under any circumstances.

(h) 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) 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)

812 IAC 2-4-5 Course evaluations
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 5. (a) Course providers are required to survey their students at the end of each course session and/or after the students have taken the state licensing examination.

(b) The survey shall include information regarding:

(1) the quality of instruction;

(2) appropriateness of materials; and

(3) other information that will properly evaluate the course.

(c) Evaluations must be made available for inspection by the commission upon request.

(Indiana Auctioneer Commission; 812 IAC 2-4-5; 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)

Rule 5. Course Providers; Miscellaneous Prohibitions

812 IAC 2-5-1 Advertising
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 1. No course provider conducting a course of study shall advertise or make any reference in its advertising, promotional material, brochures, and/or registration forms that it is endorsed, recommended, or accredited by, or affiliated with the commission.

(Indiana Auctioneer Commission; 812 IAC 2-5-1; 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)

812 IAC 2-5-2 Advertising; requirements
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 2. (a) Course providers are prohibited from engaging in false or misleading advertising.

(b) If a course provider's advertisement contains representations concerning the number or percentage of its students who pass the commission's auctioneer examination, the course provider shall retain information, including the raw data and the calculation substantiating the accuracy of the representations, and make it available to the commission upon request.

(c) The method of calculation of passing percentage under subsection (b) shall be as follows:

(1) Advertisement must state the period for which passing percentages are reported.

(2) Percentages must be based on first-time candidates taking the state licensing examinations for the period reported.

(Indiana Auctioneer Commission; 812 IAC 2-5-2; 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)

812 IAC 2-5-3 Course providers; prohibitions
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 3. Course providers are prohibited from the following:

(1) Giving materially inaccurate or misleading information in an application for course provider approval or an annual report.

(2) Deliberately falsifying or misrepresenting any information supplied to the commission or the public.

(3) Possessing, claiming to possess, revealing, or distributing any questions used in the commission's auctioneer examination.

(4) Having substantially failed to comply with the provisions of any contract or agreement entered into with a student.

(5) Failing to allow the commission or its designee to inspect the school or its records or failing to make available such information as required by this article.

(6) Having been convicted, or one (1) of its owners having been convicted, of a crime that has a direct bearing on the course provider's ability to conduct an auction course, including, but not necessarily limited to, violation of auction laws and abuse of fiduciary responsibilities.

(7) Violating IC 25-6.1 or this title.

(8) Failing to notify the commission within thirty (30) days of the termination of its relationship with an instructor for cause.

(Indiana Auctioneer Commission; 812 IAC 2-5-3; 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)

Rule 6. Auctioneer Course; Subject Area Emphasis

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
	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:

Antiques
Art, rugs, and jewelry
Automobiles
Cattle and livestock
Computers
Estate sales
Farm machinery
Furniture
Heavy equipment
Insurance
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:

Auction house operation
Real estate

Ring work

(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)

Rule 7. Auctioneer Course; Outline

812 IAC 2-7-1 Bid calling; public speaking
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 1. The following are concepts that must be emphasized when teaching bid calling and/or public speaking:

(1) Individual poise.
(2) Command of the podium.
(3) Body language.
(4) Eye contact.
(5) Voice control.
(6) Auction chant.
(7) Clarity and timing.

(Indiana Auctioneer Commission; 812 IAC 2-7-1; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3093; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: 20081015-IR-812080335RFA)

812 IAC 2-7-2 Ethics
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 2. The following are concepts that must be emphasized when teaching auctioneering ethics:

(1) Proper conduct related to advertising.
(2) Cooperation between auctioneers.
(3) Opening statements.
(4) Client relationships.

(Indiana Auctioneer Commission; 812 IAC 2-7-2; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3093; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: 20081015-IR-812080335RFA)

812 IAC 2-7-3 Sale advertising
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 3. The following are concepts that must be emphasized when teaching the advertisement of sales:

(1) Setting an advertising budget.
(2) The use of sale bills, brochures, and electronic media.

(Indiana Auctioneer Commission; 812 IAC 2-7-3; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3093; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: 20081015-IR-812080335RFA)

812 IAC 2-7-4 Accounting procedures/mathematics
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 4. The following are concepts that must be emphasized when teaching accounting procedures and/or mathematics:

(1) General record keeping for auctioneers, auction companies, and auction houses.
(2) Escrow accounting.
(3) Real estate math.

(Indiana Auctioneer Commission; 812 IAC 2-7-4; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3093; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: 20081015-IR-812080335RFA)

812 IAC 2-7-5 Sale summary; closing statements
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 5. The following are concepts that must be emphasized when teaching sale summarization and closing statements:

(1) Settlement procedures.
(2) Required forms.

(Indiana Auctioneer Commission; 812 IAC 2-7-5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3093; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: 20081015-IR-812080335RFA)

812 IAC 2-7-6 Firearms
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 6. The following are concepts that must be emphasized when teaching about firearms:

(1) Local, state, and federal laws pertaining to the sale of firearms.
(2) Procedures for handling firearms in an auction setting.

(Indiana Auctioneer Commission; 812 IAC 2-7-6; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3093; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: 20081015-IR-812080335RFA)

812 IAC 2-7-7 Auction law
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 7. The following must be emphasized when teaching auction law:

(1) Local, state, and federal law as it pertains to conducting auctions.
(2) Indiana license law (IC 25-6.1 and 812 IAC).
(3) Sales tax law as it pertains to auctions.
(4) Environmental law and environmental concerns pertaining to auctions or auctioneering.
(5) Procedures for due diligence.

(Indiana Auctioneer Commission; 812 IAC 2-7-7; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3093; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: 20081015-IR-812080335RFA)

812 IAC 2-7-8 Contracts and legal matters
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 8. The following must be emphasized when teaching contracts and legal matters:

(1) Procedures and forms used when drawing up a contract.
(2) Recent case law decisions involving the auction profession.
(3) Contractual responsibilities.

(Indiana Auctioneer Commission; 812 IAC 2-7-8; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3093; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: 20081015-IR-812080335RFA)

812 IAC 2-7-9 Bankruptcy
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 9. The following must be emphasized when teaching about bankruptcy:

(1) Chapter 7 bankruptcy as it pertains to auctions.
(2) Chapter 11 bankruptcy as it pertains to auctions.
(3) Chapter 13 bankruptcy as it pertains to auctions.
(4) Procedures for conducting auctions involving Chapter 7, Chapter 11, or Chapter 13 bankruptcy.

(Indiana Auctioneer Commission; 812 IAC 2-7-9; 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)

812 IAC 2-7-10 Appraising
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 10. The following concepts must be emphasized when teaching appraising:

(1) Requirements for personal property appraisers and real estate appraisers.
(2) Appraising procedures.
(3) Appraising formats.
(4) Valuation techniques.

(Indiana Auctioneer Commission; 812 IAC 2-7-10; 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)

812 IAC 2-7-11 Sale preparation, set-up, and clean-up
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 11. The following concepts must be emphasized when teaching sale preparation, set-up, and clean-up:
(1) Practical applications.
(2) "How to" procedures.

(Indiana Auctioneer Commission; 812 IAC 2-7-11; 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)

812 IAC 2-7-12 Auction house operation
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 12. The following concepts must be emphasized when teaching auction house operation:
(1) Accounting and bookkeeping requirements.
(2) Consignor requirements.
(3) Auction procedures.
(4) Liability concerns.

(Indiana Auctioneer Commission; 812 IAC 2-7-12; 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)

812 IAC 2-7-13 Computers
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 13. Knowledge and proper use of computer hardware and software specifically designed for auction purposes must be emphasized when teaching computers. *(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)*

812 IAC 2-7-14 Insurance
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 14. The following concepts must be emphasized when teaching insurance:
(1) Policy types.
(2) Determining adequate coverage for auctions.
(3) Case studies involving recent insurance claims involving auctions, auction companies, or auction houses.

(Indiana Auctioneer Commission; 812 IAC 2-7-14; 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)

812 IAC 2-7-15 Real estate
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 15. The following concepts must be emphasized when teaching real estate:
(1) Identification of potential auction property.
(2) Listing procedures.
(3) Required forms.
(4) Proper pricing.
(5) Advertising.
(6) Signage.

(Indiana Auctioneer Commission; 812 IAC 2-7-15; 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)

812 IAC 2-7-16 Ring work
Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 16. The following concepts must be emphasized when teaching ring work:
(1) Practical application.
(2) Accepted procedures.
(3) Communication techniques.
(4) Proper conduct.

(Indiana Auctioneer Commission; 812 IAC 2-7-16; 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)

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.
(2) Art, rugs, and jewelry.
(3) Automobiles.
(4) Cattle and livestock.
(5) Estate sales.
(6) Farm machinery.
(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)

ARTICLE 3. CONTINUING EDUCATION

Rule 1. Continuing Education Requirements; General

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 twelve (12) hours of continuing education from an auctioneer continuing education course sponsor approved by the commission, which must be obtained during the two (2) year licensure period ending February 28 of every even-numbered year. No more than eight (8) hours of continuing education may be acquired during any one (1) day.

(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. No 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 prelicensure education under 812 IAC 2-1.

(d) A licensee who attends the same continuing education course more than once in the same two (2) year license period is entitled to continuing education credit for that course only once.

(e) Multimedia instruction must take place in classroom setting with a qualified instructor present throughout the duration of the educational offering.

(f) Correspondence courses do not qualify for continuing education credit.

(g) 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.

(h) It is the responsibility of each licensee to retain evidence to support the courses taken for a period of twenty-four (24) months after the end of the renewal period for which the renewal application is submitted to the commission. These records shall include one (1) or more of the following:

(1) Course attendance verification by the sponsor.

(2) Certificates of course completion.

(3) Continuing education attendance history by a third party.

(4) Other evidence of support and justification.

(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)

812 IAC 3-1-1.1 Core subjects as elective credits

Authority: IC 25-6.1-2-5

Affected: IC 25-1-11; IC 25-6.1-9-1

Sec. 1.1. When the licensee obtains more than the required six (6) hours of continuing education in subjects listed in IC 25-6.1-9-1(b)(2) as core subjects, the licensee may count the excess hours toward meeting the six (6) hour elective subject requirement in IC 25-6.1-9-1(b)(2).

(Indiana Auctioneer Commission; 812 IAC 3-1-1.1; 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)

812 IAC 3-1-2 Application for auctioneer continuing education course sponsor

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-9

Sec. 2. (a) Any request for commission approval of an auctioneer continuing education course sponsor shall be by written application on a form provided by the commission.

(b) Applicants for continuing education course sponsor shall submit the following information:

(1) Name, address, telephone number, and facsimile (FAX) number (if any) of the course sponsor.

(2) If the ownership of the course sponsor is a partnership, the names and addresses of the partners.

(3) If the ownership of the course sponsor is a corporation, the names and addresses of the officers and directors.

(4) If the ownership of the course sponsor is a limited liability company, the names and addresses of the members and managers.

(5) A course content outline describing the subjects to be offered during the approval period.

(6) A statement that each instructor meets the qualifications required by section 7 of this rule.

(7) A statement that the course sponsor shall provide the licensee who successfully completes an approved course a certificate of course completion that meets the requirements of section 6 of this rule.

(8) A copy of the certificate of course completion required under section 6 of this rule.

(9) A statement that the course sponsor shall conduct an instructor and course evaluation and that they shall be provided to the commission upon request.

(10) A statement that any facility utilized by the course sponsor shall meet the requirements of 812 IAC 2-2-1.

(c) Notwithstanding subsection (b)(5), the Certified Auctioneers Institute and the National Auctioneer Association are not required to submit course content outlines describing the subjects to be offered during the approval period.

(Indiana Auctioneer Commission; 812 IAC 3-1-2; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3095; errata filed Aug 1, 1996, 4:00 p.m.: 19 IR 3472; filed Sep 17, 1998, 3:50 p.m.: 22 IR 454; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: 20081015-IR-812080335RFA)

812 IAC 3-1-3 Course sponsor approval date

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 3. Sponsors of auctioneer continuing education courses shall be considered approved as of the date of approval by the commission, and therefore courses predating the approval date do not qualify.

(Indiana Auctioneer Commission; 812 IAC 3-1-3; 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)

812 IAC 3-1-4 Course outline

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 4. A course outline shall be prepared and distributed to the attendees. The outline shall state the number of continuing education hours offered.

(Indiana Auctioneer Commission; 812 IAC 3-1-4; 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)

812 IAC 3-1-5 Course records

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

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).

(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)

812 IAC 3-1-6 Approved auctioneer continuing education sponsor; certificate requirements

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

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 following information:

(1) The name of the participant.

(2) The license number of the participant.

(3) The name, address, and signature of the sponsor.

(4) The course title.

(5) The course topic, if not reflected in the course title.

(6) The date and location of the course.

(7) The number of approved actual course hours.

(b) Licensees must retain the certificates described in subsection (a) for at least two (2) years after the end of the two (2) 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)

812 IAC 3-1-7 Instructors; requirements

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 7. Each instructor used by an approved auctioneer continuing education sponsor must have a minimum of two (2) years of experience in the field in which that instructor is to teach.

(Indiana Auctioneer Commission; 812 IAC 3-1-7; 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)

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, auction company, or auction house 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 and/or testify 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)

812 IAC 3-1-9 Monitoring continuing education courses

Authority: IC 25-6.1-2-5

Affected: IC 25-1-11; IC 25-6.1-9

Sec. 9. (a) Continuing education courses offered by an approved course sponsor shall be monitored by that course sponsor to ensure that participants are physically present for the duration of the course.

(b) In order to monitor a continuing education course, an approved course sponsor must do the following:

(1) Require participants to sign in and out as they enter and exit the classroom, noting the time of arrival or departure.

(2) Designate one (1) employee to monitor the continuing education course.

(c) The duties of the individual listed in subsection (b)(2) shall include the following:

(1) Ensure that order is maintained throughout the duration of the course.

(2) Maintain the attendance sheets to assure their accuracy.

(3) Verify the participant's signature upon the participant's entrance and exit.

(4) Distribute course completion certificates to participants who have been physically present for the duration of the course.

(Indiana Auctioneer Commission; 812 IAC 3-1-9; 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)

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) The commission may request verification of any information submitted by the applicant and may request the applicant to submit evidence supporting the course credit claimed.

(c) It is the responsibility of each licensee to retain course attendance verification to support the courses taken by the licensee for two (2) years after the end of the biennial period for which the continuing education is claimed.

(d) The commission may request applicants to prove information as provided in subsection (c) 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)

812 IAC 3-1-11 Failure to meet continuing education provisions

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-3-2

Sec. 11. (a) A licensee who does not obtain the required number of continuing education hours during a two (2) year licensure period may cure that deficiency by taking them in the next licensure period. However, the license shall not be renewed until the necessary hours are obtained. An individual whose license has lapsed longer than one (1) year is governed by IC 25-6.1-3-2(i).

(b) Continuing education hours obtained to cure a deficiency in a prior licensure period shall not be double-counted by also being credited toward the hours required for license renewal at the conclusion of the current licensure period.

(Indiana Auctioneer Commission; 812 IAC 3-1-11; 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)

812 IAC 3-1-12 Inactive license

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-9-10

Sec. 12. An applicant for license renewal may request an inactive license under IC 25-6.1-9-10 by complying with that section and certifying under penalty of perjury that the applicant will not perform and does not intend to perform an act that requires an auctioneer license.

(Indiana Auctioneer Commission; 812 IAC 3-1-12; 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)

812 IAC 3-1-13 Reinstatement of inactive license; requirements

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 13. In order to reinstate an inactive license at any time during the licensure period, the licensee must have completed twelve (12) actual hours of continuing education from course sponsors approved by the commission.

(Indiana Auctioneer Commission; 812 IAC 3-1-13; 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)

812 IAC 3-1-14 Commission review of continuing education compliance

Authority: IC 25-6.1-2-5

Affected: IC 25-1-11; IC 25-6.1-9

Sec. 14. (a) If, as the result of an audit or other review, the commission determines that continuing education hours a licensee has claimed do

not meet the requirements of IC 25-6.1-9 and this article, the commission shall notify the licensee of that determination.

(b) A licensee, who has been notified under subsection (a), may within thirty (30) days submit information to the commission giving all the substantive reasons in support of the licensee's position that an adequate number of hours has been obtained.

(c) A licensee who submits false information under section 10 of this rule and this section shall be subject to the sanctions provided for under IC 25-1-11.

(Indiana Auctioneer Commission; 812 IAC 3-1-14; 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)