Real Estate Appraiser Licensure and Certification Board

Laws and Regulations

A compilation of the Indiana Code and Indiana Administrative Code

2008 Edition

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NOTICE: This compilation incorporates the most recent revisions of statutes and administrative rules governing the real estate appraiser profession, as of July 1, 2008. Note that this compilation is not an official version of the Indiana Code. It is distributed as a general guide to individuals in the real estate appraiser profession regulated by the Indiana Professional Licensing Agency. It is not intended to be offered as legal advice, and it may contain typographical errors. The Real Estate Appraiser Licensure and Certification Board 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, contact your nearest public library or visit the website of the Indiana General Assembly at www.in.gov/legislative.

REAL ESTATE APPRAISER LICENSURE AND CERTIFICATION BOARD

July 2008 Edition

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INDIANA CODE § 25-34.1-8

Chapter 8. Real Estate Appraiser Certification Board

IC 25-34.1-8-1 Creation of board

Sec. 1. The real estate appraiser licensure and certification board is created.

As added by P.L.186-1990, SEC.14. Amended by P.L.183-1991, SEC.10.

IC 25-34.1-8-2 Qualification of members; appointment

Sec. 2. (a) The board consists of seven (7) members appointed by the governor as follows:

(1) Five (5) members who are real estate appraisers:
(A) who are licensed or certified under this article;
(B) who have at least five (5) years experience as real estate appraisers; and
(C) at least three (3) of whom are certified appraisers.

(2) One (1) representative who represents lenders qualified to:
(A) make Federal Housing Administration insured loans and Veterans Administration guaranteed loans; and
(B) sell loans to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(3) One (1) member who is not associated with the real estate business in any way other than as a consumer.

(b) When making appointments under subsection (a), the governor shall consider the geographic areas represented on the board.

As added by P.L.186-1990, SEC.14. Amended by P.L.183-1991, SEC.11.

IC 25-34.1-8-3 Term

Sec. 3. Each board member serves for a term of four (4) years.

As added by P.L.186-1990, SEC.14.

IC 25-34.1-8-3.5 Officers

Sec. 3.5. (a) The board shall annually elect one (1) of its members to be the chair and another member to be the vice chair.

(b) A member of the board who serves as chair or vice chair serves until a successor is elected.

(c) A member who serves as chair or vice chair may serve not more than two (2) consecutive terms in that capacity.

(d) The chair shall preside at all of the board's meetings.

(e) The vice chair shall:

(1) preside at meetings in the absence of the chair; and
(2) perform other duties as directed by the chair.

As added by P.L.236-1995, SEC.51.

IC 25-34.1-8-4 Quorum

Sec. 4. (a) The board must have a quorum to transact business.

(b) Four (4) members of the board constitute a quorum.

As added by P.L.186-1990, SEC.14.

IC 25-34.1-8-5 Majority vote

Sec. 5. The affirmative vote of four (4) members of the board is required for the board to take action.

As added by P.L.186-1990, SEC.14.

IC 25-34.1-8-6 Repealed

(Repealed by P.L.57-2007, SEC.9.)

IC 25-34.1-8-6.5 Recommendations to commission; implementation and operation of program; fee; rules

Sec. 6.5. The board shall submit recommendations to the commission concerning the following:

(1) Implementation and operation of the real estate appraiser licensure and certification program under IC 25-34.1-3-8.
(2) Rules governing real estate appraisers licensed and certified under IC 25-34.1-3-8.
(3) Establishing a fee in an amount necessary to fund the investigative fund established by section 7.5 of this chapter but not more than twenty dollars ($20).
(4) Rules governing the administration of the investigative fund established by section 7.5 of this chapter.

As added by P.L.57-2007, SEC.5.

IC 25-34.1-8-7 Approval of applications; issuance of licenses and certificates

Sec. 7. The board shall do the following:

(1) Approve and disapprove applications for licensure and certification.
(2) Issue licenses and certificates.

As added by P.L.186-1990, SEC.14. Amended by P.L.183-1991, SEC.13.

IC 25-34.1-8-7.5 Investigative fund; administration by attorney general and professional licensing agency

Sec. 7.5. (a) The investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against real estate fraud and real estate appraisal fraud. The fund shall be administered by the attorney general and the professional licensing agency.

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of money from a fee imposed upon licensed or certified appraisers and real estate brokers and salespersons under IC 25-34.1-2-7 and IC 25-34.1-3-9.5.

(c) 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 money may be invested.

(d) Except as otherwise provided in this subsection, money in the fund at the end of a state fiscal year does not revert to the state general fund. If the total amount in the investigative fund exceeds seven hundred fifty thousand dollars ($750,000) at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds seven hundred fifty thousand dollars ($750,000) reverts to the state general fund.

(e) Money in the fund is continually appropriated for use by the attorney general and the licensing agency to administer and enforce the provisions of this article and to conduct investigations and take enforcement action against real estate and appraisal fraud under this article. The attorney general shall receive five dollars ($5) of each fee collected under IC 25-34.1-2-7 and IC 25-34.1-3-9.5, and the licensing agency shall receive any amount that exceeds five dollars ($5) of each fee collected under IC 25-34.1-2-7 and IC 25-34.1-3-9.5.

As added by P.L.145-2003, SEC.12. Amended by P.L.87-2006, SEC.6; P.L.57-2007, SEC.6.

IC 25-34.1-8-7.7 Memorandum of understanding

Sec. 7.7. (a) The attorney general and the licensing agency shall enter into a memorandum of understanding to administer and enforce this article.

(b) The attorney general and the licensing agency shall present the memorandum of understanding annually to the commission for review.

As added by P.L.87-2006, SEC.7.

IC 25-34.1-8-8 Repealed

(*Repealed by P.L.183-1991, SEC.19.)*

IC 25-34.1-8-9 Per diem; travel and other expenses

Sec. 9. Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member of the board is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

As added by P.L.186-1990, SEC.14. Amended by P.L.3-2008, SEC.203.

IC 25-34.1-8-10 Qualification of applicants

Sec. 10. (a) To be licensed or certified as a real estate appraiser, an individual must meet the following conditions:

(1) Not have a conviction for any of the following:

(A) An act that would constitute a ground for disciplinary sanction under IC 25-1-11.

(B) A crime that has a direct bearing on the individual's ability to practice competently.

(C) Fraud or material deception in the course of professional services or activities.

(D) A crime that indicates the individual has the propensity to endanger the public.

(2) Have satisfied the requirements established under IC 25-34.1-3-8(f).

(b) After December 31, 2008, the board shall require each applicant for initial licensure or certification under this chapter to submit fingerprints for a national criminal history background check (as defined in IC 10-13-3-12) by the Federal Bureau of Investigation, for use by the board in determining whether the applicant should be denied licensure or certification under this chapter for any reason set forth in subsection (a)(1). The applicant shall pay any fees or costs associated with the fingerprints and background check required under this subsection. The board may not release the results of a background check described in this subsection to any private entity.

(c) The board may request evidence of compliance with this section in accordance with subsection (d). Evidence of compliance with this section may include any of the following:

(1) Subject to subsections (b) and (d)(2), criminal background checks, including a national criminal history background check (as defined in IC 10-13-3-12) by the Federal Bureau of Investigation.

(2) Credit histories.

(3) Other background checks considered necessary by the board.

(d) The board may request evidence of compliance with this section at any of the following times:

(1) The time of application for an initial license or certificate.

(2) The time of renewal of a license or certificate.

(3) Any other time considered necessary by the board.

(e) The commission, upon recommendation of the board, shall adopt rules under IC 4-22-2 to implement this section.

As added by P.L.183-1991, SEC.14. Amended by P.L.214-1993, SEC.85; P.L.182-1996, SEC.3; P.L.145-2008, SEC.30.

IC 25-34.1-8-11 Repealed

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

IC 25-34.1-8-12 Real estate appraisal practice or education without license or certification; injunctions; enforcement

Sec. 12. (a) A person who:

(1) performs:

(A) the acts of a licensed real estate appraiser without a license; or

(B) the acts of a certified real estate appraiser without a certificate; or

(2) conducts or solicits or accepts enrollment of students for a course without course approval as required by section 13 of this chapter;

commits a Class B infraction. When a judgment is entered for an offense under this section, the court shall add to any fine imposed the amount of any fee or other compensation earned in the commission of the offense. Each transaction constitutes a separate offense.

(b) In all actions for the collection of a fee or other compensation for performing acts regulated by this article, a party seeking relief must allege and prove that at the time the cause of action arose the party was not in violation of this section.

(c) The attorney general, the board, or the prosecuting attorney of any county in which a violation occurs may maintain an action in the name of the state of Indiana to enjoin a person from violating this section.

(d) In charging any person in a complaint for a judgment or an injunction for the violation of this section, it is sufficient, without averring any further or more particular facts, to charge that the person upon a certain day and in a certain county:

(1) acted as:

(A) a certified real estate appraiser without a certificate; or

(B) a licensed real estate appraiser without a license; or

(2) conducted, or solicited or accepted enrollment of students for a real estate appraiser course without course approval.

(e) Each enforcement procedure established in this section is supplemental to other enforcement procedures established in this section.

As added by P.L.183-1991, SEC.16. Amended by P.L.57-2007; SEC.7; P.L.3-2008, SEC.204.

IC 25-34.1-8-13 Real estate appraiser courses; approval

Sec. 13. (a) A person may not conduct, solicit, or accept student enrollment for a real estate appraiser course represented as satisfying the requirements of the board without approval of the course by 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 (12 U.S.C. 3331 et seq.).

As added by P.L.183-1991, SEC.17. Amended by P.L.57-2007, SEC.8.

IC 25-34.1-8-14 Repealed

(Repealed by P.L.57-2007, SEC.9.)

IC 25-34.1-8-15 Use of investigative fund

Sec. 15. The office of the attorney general and the professional licensing agency may use the investigative fund established by section 7.5 of this chapter to hire investigators and other employees to administer and enforce the provisions of this article and to investigate and prosecute real estate fraud and real estate appraisal fraud.

As added by P.L.145-2003, SEC.13.

Non-Code Provisions

P.L.145-2008, SECTION 35

(a) As used in this SECTION, "task force" refers to the mortgage lending and fraud prevention task force created under subsection (b).

(b) Not later than May 1, 2008, the following agencies shall create the mortgage lending and fraud prevention task force by each appointing an equal number of representatives to serve on the task force:

(1) The securities division of the office of the secretary of state established under IC 23-19-6-1(a).

(2) The homeowner protection unit established by the attorney general under IC 4-6-12-2.

(3) The department of financial institutions established by IC 28-11-1-1.
(4) The department of insurance created by IC 27-1-1-1.
(5) The Indiana real estate commission created by IC 25-34.1-2-1.
(6) The real estate appraiser licensure and certification board created by IC 25-34.1-8-1.

(c) The members of the task force shall annually appoint a chair from among the members of the task force. Each year, the chair shall rotate among the agencies set forth in subsection (b).

(d) Subject to subsection (e), beginning not later than July 2008, the task force shall meet each month to:
(1) coordinate the state's efforts to:
(A) regulate the various participants involved in originating, issuing, and closing home loans;
(B) enforce state laws and rules concerning mortgage lending practices and mortgage fraud; and
(C) prevent fraudulent practices in the home loan industry; and
(2) share information and resources necessary for the efficient administration of the tasks set forth in subdivision (1), unless prohibited by law.

(e) With respect to any meeting of the task force:
(1) one (1) or more members of the task force may participate in the meeting; or
(2) the meeting may be conducted in its entirety;
by means of a conference telephone or similar communications equipment by which all persons participating in the meeting can communicate with each other. Participation by the means described in this subsection constitutes presence in person at the meeting.

(f) Beginning in 2008, not later than November 1 of each year, the task force shall report to the legislative council on the activities of each agency comprising the task force under subsection (b) with respect to the most recent state fiscal year. The report required under this subsection must include:
(1) information on the regulatory activities of each agency described in subsection (b), including a description of any:
(A) disciplinary or enforcement actions taken;
(B) criminal prosecutions pursued;
(C) rules adopted;
(D) policies issued; or
(E) legislative recommendations made;
concerning the professions involved in originating, issuing, and closing home loans;
(2) a description of any challenges:
(A) encountered by the task force during the most recent state fiscal year; or
(B) anticipated by the task force in the current state fiscal year;
in carrying out the duties set forth in subsection (d);
(3) any additional information required by the legislative council; and
(4) any recommendations by the task force for legislation necessary to assist the task force in carrying out the duties set forth in subsection (d).
A report to the legislative council under this subsection must be in an electronic format under IC 5-14-6.

P.L.145-2008, SECTION 38

(a) As used in this SECTION, "board" refers to the real estate appraiser licensure and certification board created by IC 25-34.1-8-1.

(b) As used in this SECTION, "commission" refers to the Indiana real estate commission created by IC 25-34.1-2-1.

(c) Notwithstanding IC 25-34.1-8-10(e), as added by this act, the commission shall adopt rules to implement IC 25-34.1-8-10, as amended by this act, in the same manner as emergency rules are adopted under IC 4-22-2-37.1. Not later than July 1, 2008, the board shall make recommendations to the commission concerning the rules needed to implement IC 25-34.1-8-10, as amended by this act. The commission shall adopt any emergency rules under this SECTION not later than December 1, 2008. An emergency rule adopted under this SECTION:
(1) takes effect on January 1, 2009; and
(2) expires on the earlier of:
(A) the date the rule is adopted by the commission under IC 4-22-2-24 through IC 4-22-2-36; or
(B) January 1, 2010.

(d) This SECTION expires January 1, 2010.

INDIANA CODE § 25-1

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 25-26-14.

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) Hypnotists.

(28) Athlete agents.

(29) Manufactured home installers.

(30) Home inspectors.

(31) Massage therapists.

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.

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 therefor 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 barber examiners.
(6) State board of cosmetology examiners.
(7) Medical licensing board of Indiana.
(8) Secretary of state.
(9) State board of dentistry.
(10) State board of funeral and cemetery service.
(11) Worker's compensation board of Indiana.
(12) Indiana state board of health facility administrators.
(13) Committee of hearing aid dealer examiners.
(14) Indiana state board of nursing.
(15) Indiana optometry board.
(16) Indiana board of pharmacy.
(17) Indiana plumbing commission.
(18) Board of podiatric medicine.
(19) Private investigator and security guard licensing board.
(20) State board of registration for professional engineers.
(21) Board of environmental health specialists.
(22) State psychology board.
(23) Indiana real estate commission.
(24) Speech-language pathology and audiology board.
(25) Department of natural resources.
(26) State boxing commission.
(27) Board of chiropractic examiners.
(28) Mining board.
(29) Indiana board of veterinary medical examiners.
(30) State department of health.
(31) Indiana physical therapy committee.
(32) Respiratory care committee.
(33) Occupational therapy committee.
(34) Social worker, marriage and family therapist, and mental health counselor board.
(35) Real estate appraiser licensure and certification board.
(36) State board of registration for land surveyors.
(37) Physician assistant committee.
(38) Indiana dietitians certification board.
(39) Indiana hypnotist committee.
(40) Attorney general (only for the regulation of athlete agents).
(41) Manufactured home installer licensing board.
(42) Home inspectors licensing board.
(43) State board of massage therapy.
(44) 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.

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.

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

Sec. 0.3. As used in section 3 of 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) State board of barber examiners (IC 25-7-5-1).
(6) State boxing commission (IC 25-9-1).
(7) Board of chiropractic examiners (IC 25-10-1).
(8) State board of cosmetology examiners (IC 25-8-3-1).
(9) State board of dentistry (IC 25-14-1).
(10) Indiana dietitians certification board (IC 25-14.5-2-1).
(11) State board of registration for professional engineers (IC 25-31-1-3).
(12) Board of environmental health specialists (IC 25-32).
(13) State board of funeral and cemetery service (IC 25-15-9).
(14) Indiana state board of health facility administrators (IC 25-19-1).
(15) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
(16) Home inspectors licensing board (IC 25-20.2-3-1).
(17) Indiana hypnotist committee (IC 25-20.5-1-7).
(18) State board of registration for land surveyors (IC 25-21.5-2-1).
(19) Manufactured home installer licensing board (IC 25-23.7).
(20) Medical licensing board of Indiana (IC 25-22.5-2).
(21) Indiana state board of nursing (IC 25-23-1).
(22) Occupational therapy committee (IC 25-23.5).
(23) Indiana optometry board (IC 25-24).
(24) Indiana board of pharmacy (IC 25-26).
(25) Indiana physical therapy committee (IC 25-27-1).
(26) Physician assistant committee (IC 25-27.5).
(27) Indiana plumbing commission (IC 25-28.5-1-3).
(28) Board of podiatric medicine (IC 25-29-2-1).
(29) Private investigator and security guard licensing board (IC 25-30-1-5.2).
(30) State psychology board (IC 25-33).
(31) Indiana real estate commission (IC 25-34.1-2).
(32) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(33) Respiratory care committee (IC 25-34.5).
(34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
(35) Speech-language pathology and audiology board (IC 25-35.6-2).
(36) Indiana board of veterinary medical examiners (IC 25-38.1-2).

As added by P.L.269-2001, SEC.2. Amended by P.L.157-2006, SEC.11; P.L.185-2007, SEC.2; P.L.2-2008, SEC.52.

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.

As added by P.L.157-2006, SEC.12. Amended by P.L.57-2007, SEC.1.

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 25-1-4-1 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.

(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 receipt 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 receipt 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 receipt of the notice.

(B) Acquire, within six (6) months after receiving 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.

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 barber examiners (IC 25-7-5-1).
(5) State boxing commission (IC 25-9-1).
(6) State board of cosmetology examiners (IC 25-8-3-1).
(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).
(11) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
(12) Private investigator and security guard licensing board (IC 25-30-1-5.2).
(13) State board of registration for land surveyors (IC 25-21.5-2-1).
(14) Manufactured home installer licensing board (IC 25-23.7).
(15) Home inspectors licensing board (IC 25-20.2-3-1).
(16) 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.

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) State board of barber examiners (IC 25-7-5-1).
(5) State boxing commission (IC 25-9-1).
(6) Board of chiropractic examiners (IC 25-10-1).
(7) State board of cosmetology examiners (IC 25-8-3-1).
(8) State board of dentistry (IC 25-14-1).
(9) State board of funeral and cemetery service (IC 25-15-9).
(10) State board of registration for professional engineers (IC 25-31-1-3).
(11) Indiana state board of health facility administrators (IC 25-19-1).
(12) Medical licensing board of Indiana (IC 25-22.5-2).
(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) Board of podiatric medicine (IC 25-29-2-1).
(18) Board of environmental health specialists (IC 25-32-1).
(19) State psychology board (IC 25-33).
(20) Speech-language pathology and audiology board (IC 25-35.6-2).
(21) Indiana real estate commission (IC 25-34.1-2).
(22) Indiana board of veterinary medical examiners (IC 25-38.1).
(23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
(24) Respiratory care committee (IC 25-34.5).
(25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
(26) Occupational therapy committee (IC 25-23.5).
(27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
(28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(29) State board of registration for land surveyors (IC 25-21.5-2-1).
(30) Physician assistant committee (IC 25-27.5).
(31) Indiana athletic trainers board (IC 25-5.1-2-1).
(32) Indiana dietitians certification board (IC 25-14.5-2-1).
(33) Indiana hypnotist committee (IC 25-20.5-1-7).
(34) Indiana physical therapy committee (IC 25-27).
(35) Manufactured home installer licensing board (IC 25-23.7).
(36) Home inspectors licensing board (IC 25-20.2-3-1).
(37) State department of health, for out-of-state mobile health care facilities.
(38) State board of massage therapy (IC 25-21.8-2-1)
(39) 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, SEC.16.

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. The division is responsible for the investigation of complaints concerning licensees.

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

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) 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.

IC 25-1-7-6 Statement of settlement; period of time 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) 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.

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.

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 board of barber examiners (IC 25-7-5-1).
(5) State boxing commission (IC 25-9-1).
(6) Board of chiropractic examiners (IC 25-10-1).
(7) State board of cosmetology examiners (IC 25-8-3-1).
(8) State board of dentistry (IC 25-14-1).
(9) State board of funeral and cemetery service (IC 25-15).
(10) State board of registration for professional engineers (IC 25-31-1-3).
(11) Indiana state board of health facility administrators (IC 25-19-1).
(12) Medical licensing board of Indiana (IC 25-22.5-2).
(13) Mining board (IC 22-10-1.5-2).
(14) Indiana state board of nursing (IC 25-23-1).
(15) Indiana optometry board (IC 25-24).
(16) Indiana board of pharmacy (IC 25-26).
(17) Indiana plumbing commission (IC 25-28.5-1-3).
(18) Board of environmental health specialists (IC 25-32-1).
(19) State psychology board (IC 25-33).
(20) Speech-language pathology and audiology board (IC 25-35.6-2).
(21) Indiana real estate commission (IC 25-34.1-2-1).
(22) Indiana board of veterinary medical examiners (IC 25-38.1-2-1).
(23) Department of insurance (IC 27-1).
(24) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
(25) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
(26) Private investigator and security guard licensing board (IC 25-30-1-5.2).
(27) Occupational therapy committee (IC 25-23.5-2-1).
(28) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6-2-1).
(29) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(30) State board of registration for land surveyors (IC 25-21.5-2-1).
(31) Physician assistant committee (IC 25-27.5).
(32) Indiana athletic trainers board (IC 25-5.1-2-1).
(33) Board of podiatric medicine (IC 25-29-2-1).
(34) Indiana dietitians certification board (IC 25-14.5-2-1).
(35) Indiana physical therapy committee (IC 25-27).
(36) Manufactured home installer licensing board (IC 25-23.7).
(37) Home inspectors licensing board (IC 25-20.2-3-1).
(38) State board of massage therapy (IC 25-21.8-2-1)
(39) 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.

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 for 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) State board of barber examiners (IC 25-7-5-1).
(6) State boxing commission (IC 25-9-1).
(7) Board of chiropractic examiners (IC 25-10-1).
(8) State board of cosmetology examiners (IC 25-8-3-1).
(9) State board of dentistry (IC 25-14-1).
(10) Indiana dietitians certification board (IC 25-14.5-2-1).
(11) State board of registration for professional engineers (IC 25-31-1-3).
(12) Board of environmental health specialists (IC 25-32-1).
(13) State board of funeral and cemetery service (IC 25-15-9).
(14) Indiana state board of health facility administrators (IC 25-19-1).
(15) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
(16) Home inspectors licensing board (IC 25-20.2-3-1).
(17) Indiana hypnotist committee (IC 25-20.5-1-7).
(18) State board of registration for land surveyors (IC 25-21.5-2-1).
(19) Manufactured home installer licensing board (IC 25-23.7).
(20) Medical licensing board of Indiana (IC 25-22.5-2).
(21) Indiana state board of nursing (IC 25-23-1).
(22) Occupational therapy committee (IC 25-23.5).
(23) Indiana optometry board (IC 25-24).
(24) Indiana board of pharmacy (IC 25-26).
(25) Indiana physical therapy committee (IC 25-27).
(26) Physician assistant committee (IC 25-27.5).
(27) Indiana plumbing commission (IC 25-28.5-1-3).
(28) Board of podiatric medicine (IC 25-29-2-1).
(29) Private investigator and security guard licensing board (IC 25-30-1-5.2).
(30) State psychology board (IC 25-33).
(31) Indiana real estate commission (IC 25-34.1-2).
(32) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(33) Respiratory care committee (IC 25-34.5).
(34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
(35) Speech-language pathology and audiology board (IC 25-35.6-2).
(36) Indiana board of veterinary medical examiners (IC 25-38.1).
(37) 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.

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 board of barber examiners (IC 25-7-5-1).

(5) State boxing commission (IC 25-9-1).

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

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

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

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

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

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

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

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

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

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

(16) 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.

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.

(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.

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 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.

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

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

As added by P.L.214-1993, SEC.1. Amended by P.L. 194-2005, SEC. 8.

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.

INIDIANA 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 boxing commission may participate in meetings of the commission to consider the final approval of a permit for a particular boxing or sparring 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.

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.

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.

TITLE 876 INDIANA REAL ESTATE COMMISSION

ARTICLE 3. REAL ESTATE APPRAISER LICENSURE AND CERTIFICATION

Rule 1. Definitions

876 IAC 3-1-1 Applicability
Authority: IC 25-34.1-3-8
Affected: IC 25-34.1
Sec. 1. The definitions in this rule apply throughout this article.
(Indiana Real Estate Commission; 876 IAC 3-1-1; filed Sep 24, 1992, 9:00 a.m.: 16 IR 736; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA)

876 IAC 3-1-2 "Board" defined
Authority: IC 25-34.1-3-8
Affected: IC 25-34.1-8-1
Sec. 2. "Board" refers to the real estate appraiser licensure and certification board established under IC 25-34.1-8-1.
(Indiana Real Estate Commission; 876 IAC 3-1-2; filed Sep 24, 1992, 9:00 a.m.: 16 IR 736; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA)

876 IAC 3-1-3 "License" defined
Authority: IC 25-34.1-3-8
Affected: IC 25-34.1
Sec. 3. "License" refers to any of the following:
(1) Indiana licensed trainee appraiser.
(2) Indiana licensed residential appraiser.
(3) Indiana certified residential appraiser.
(4) Indiana certified general appraiser.
(Indiana Real Estate Commission; 876 IAC 3-1-3; filed Sep 24, 1992, 9:00 a.m.: 16 IR 736; filed Dec 8, 1993, 4:00 p.m.: 17 IR 770; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA)

Rule 2. General Provisions

876 IAC 3-2-1 Licenses issued by the board
Authority: IC 25-34.1-3-8
Affected: IC 25-34.1
Sec. 1. (a) There shall be three (3) licenses issued by the board, specifically, the following:
(1) Indiana licensed trainee appraiser.
(2) Indiana certified residential appraiser.
(3) Indiana certified general appraiser.
(b) Indiana licensed residential appraiser licenses issued before January 1, 2008, continue to remain in effect after December 31, 2007, as long as renewed as required by law and subject to the disciplinary process.
(Indiana Real Estate Commission; 876 IAC 3-2-1; filed Sep 24, 1992, 9:00 a.m.: 16 IR 736; filed Dec 8, 1993, 4:00 p.m.: 17 IR 771; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA; filed Aug 15, 2007, 10:01 a.m.: 20070912-IR-876060095FRA, eff Jan 1, 2008)

876 IAC 3-2-2 Types of appraisals of real estate governed by federal law
Authority: IC 25-34.1-3-8
Affected: IC 25-34.1
Sec. 2. Types of appraisals of real estate involved in transactions governed by the federal act allowed to be done by holders of the various licenses shall be governed by federal law.
(Indiana Real Estate Commission; 876 IAC 3-2-2; filed Sep 24, 1992, 9:00 a.m.: 16 IR 736; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA)

876 IAC 3-2-3 Types of real estate transactions not governed by federal law
Authority: IC 25-34.1-3-8
Affected: IC 25-34.1
Sec. 3. (a) As concerns appraisals of real estate not involved in transactions governed by the federal act, holders of any of the four (4) licenses may do any type of appraisal they are competent to conduct as provided by the competency provision of the Uniform Standards of Professional Appraisal Practice (as adopted in 876 IAC 3-6-2 and 876 IAC 3-6-3) subject to the limitations provided for in subsection (b).
(b) Subject to the limitations stated in subsection (a), the following apply:
(1) Indiana licensed trainee appraiser may do appraisals (not review appraisals) identified in 876 IAC 3-3-11 and 876 IAC 3-3-12 subject to the requirements of 876 IAC 3-6-8 and 876 IAC 3-6-9.
(2) Indiana licensed residential appraiser may independently do appraisals of other types of property, or review appraisals performed by others, in the residential category identified in 876 IAC 3-3-11 (except for appraisals of subdivisions or apartment complexes of two (2) or more buildings). Indiana licensed residential appraisers may do appraisals of other types of property identified in 876 IAC 3-3-12 if these appraisals are cosigned by an appraiser certified to complete these appraisals and the cosigner accepts full responsibility for all appraisals completed by the licensed residential appraiser.
(3) Indiana certified residential appraisers may independently do appraisals of other types of property, or review appraisals performed by others, in the residential category as identified in 876 IAC 3-3-11 (except for appraisals of subdivisions or apartment complexes of two (2) or more buildings) and appraisals in the general (nonresidential) category identified in 876 IAC 3-3-12(a)(1) through 876 IAC 3-3-12(a)(5). Indiana certified residential appraisers may do appraisals of other types of property identified in 876 IAC 3-3-12 if these appraisals are in compliance with the Uniform Standards of Professional Appraisal Practice as adopted in 876 IAC 3-6-2 and 876 IAC 3-6-3 and are cosigned by a certified general appraiser and the cosigner accepts full responsibility for all appraisals completed by the certified residential appraiser.
(4) Indiana certified general appraiser may do appraisals, or review appraisals performed by others, of all types of real property.
(c) Indiana licensed trainee appraisers are also governed by 876 IAC 3-6-8 and 876 IAC 3-6-9.
(d) Nothing about this article shall be construed to limit the right of licensed real estate brokers to conduct appraisals of real estate except to the extent that federal law requires that they be conducted by individuals who hold Indiana licensed residential appraiser licenses, Indiana certified residential appraiser licenses, or Indiana certified general appraiser licenses issued by the board.
(Indiana Real Estate Commission; 876 IAC 3-2-3; filed Sep 24, 1992, 9:00 a.m.: 16 IR 736; filed Dec 8, 1993, 4:00 p.m.: 17 IR 771; errata filed Jan 21, 1994, 3:00 p.m.: 17 IR 1101; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1757; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA)

876 IAC 3-2-4 Expiration of licenses
Authority: IC 25-34.1-3-8
Affected: IC 25-1-6-4; IC 25-34.1

Sec. 4. (a) Licenses issued under this article shall expire on a date established by the Indiana professional licensing agency under IC 25-1-6-4(j).

(b) To renew a license, an individual must do the following:

(1) Pay the fee required by section 7(b)(2) of this rule.

(2) Complete an application for renewal on a form provided by the board.

(3) Satisfactorily complete the continuing education required by 876 IAC 3-5.

(4) Sign a statement under penalty of perjury that:

(A) the hours submitted are correct;

(B) the licensee attended and completed courses taken; and

(C) to the best of the licensee's knowledge, the courses completed meet the requirements of 876 IAC 3-5.

(c) When renewing a license, a licensee may apply for and receive an inactive license. Such an individual is exempt from the continuing education requirements stated in subsection (b)(3) and 876 IAC 3-5. The holder of an inactive license may not appraise real estate.

(d) To reactivate an inactive license, a licensee must:

(1) complete an application for reactivation;

(2) have obtained the number of qualifying continuing education hours that would have been required by the provisions of 876 IAC 3-5-1 had the license been active for all years the licensee was in inactive status; and

(3) within the continuing education required by subdivision (2), have obtained seven (7) hours of Uniform Standards of Professional Appraisal Practice as required by 876 IAC 3-5-1.5 that covered the version of the Uniform Standards of Professional Appraiser Practice in effect at the time the application for reactivation is filed.

(Indiana Real Estate Commission; 876 IAC 3-2-4; filed Sep 24, 1992, 9:00 a.m.: 16 IR 736; filed Jan 8, 1993, 4:00 p.m.: 17 IR 771; filed Apr 10, 1995, 10:00 a.m.: 18 IR 2113; filed Jun 14, 1995, 11:00 a.m.: 18 IR 2790; errata filed Jul 3, 1995, 12:00 p.m.: 18 IR 2796; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1758; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Dec 3, 2002, 3:00 p.m.: 26 IR 1106; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA; filed May 5, 2008, 11:21 a.m.: 20080604-IR-876070338FRA; filed Feb 3, 2009, 10:12 a.m.: 20090304-IR-876080357FRA)

876 IAC 3-2-5 Reinstatement of expired license
Authority: IC 25-1-8-2; IC 25-34.1-3-8
Affected: IC 25-34.1

Sec. 5. (a) An expired license may be reinstated within one hundred twenty (120) days after its expiration by complying with section 4(b) of this rule and paying a reinstatement fee of twenty dollars ($20).

(b) If the license is renewed within one (1) year, but more than one hundred twenty (120) days after expiration, the licensee must comply with section 4(b) of this rule and pay a reinstatement fee of one hundred twenty-five dollars ($125).

(c) If the license is renewed within eighteen (18) months, but more than one (1) year after expiration, the licensee must comply with section 4(b) of this rule and pay a reinstatement fee of two hundred dollars ($200).

(d) If a licensee fails to reinstate a license within eighteen (18) months after expiration, the license may not be reinstated. To be licensed again, the individual must obtain a new license following the requirements of this article.

(Indiana Real Estate Commission; 876 IAC 3-2-5; filed Sep 24, 1992, 9:00 a.m.: 16 IR 737; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1758; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Dec 3, 2002, 3:00 p.m.: 26 IR 1107; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA)

876 IAC 3-2-6 Transitional license expiration *(Repealed)*

Sec. 6. *(Repealed by Indiana Real Estate Commission; filed Dec 8, 1993, 4:00 p.m.: 17 IR 782)*

876 IAC 3-2-7 Fee schedule
Authority: IC 25-1-8-2; IC 25-34.1-3-8
Affected: IC 25-34.1-8-7.5

Sec. 7. (a) This section establishes the fee schedule for the real estate appraiser licensure and certification program. The fees stated in subsection (b) apply to Indiana licensed trainee appraisers, Indiana licensed residential appraisers, Indiana certified residential appraisers, and Indiana certified general appraisers. However, the fee for licensed trainee appraisers under subsection (b)(2), (b)(3), (b)(5), (b)(6), and (b)(7) shall be one hundred ten dollars ($110) (including the ten dollars ($10) for the investigative fund under IC 25-34.1-8-7.5), because there is not a requirement under federal law to transmit these amounts for licensed trainee appraisers.

(b) The fee schedule is as follows:

(1) Application for admittance to the examination$100

(2) Fee for license or certificate (after passing the examination) during an even-numbered year (including fifty dollars ($50) required by federal law to be transmitted to the federal government and ten dollars ($10) for the investigative fund under IC 25-34.1-8-7.5) $160

(3) Fee for license or certificate (after passing the examination) during an odd-numbered year (including twenty-five dollars ($25) required by federal law to be transmitted to the federal government and ten dollars ($10) for the investigative fund under IC 25-34.1-8-7.5) $135

(4) Application for licensure by reciprocity $100

(5) Fee for license or certificate by reciprocity (after approval by the board) during an even-numbered year (including fifty dollars ($50) required by federal law to be transmitted to the federal government and ten dollars ($10) for the investigative fund under IC 25-34.1-8-7.5) $160

(6) Fee for license or certificate by reciprocity (after approval by the board) during an odd-numbered year (including twenty-five dollars ($25) required by federal law to be transmitted to the federal government and ten dollars ($10) for the investigative fund under IC 25-34.1-8-7.5) $135

(7) Application for the renewal of a license or certification (including fifty dollars ($50) required by federal law to be transmitted to the federal government and ten dollars ($10) for the investigative fund under IC 25-34.1-8-7.5) $160

(8) Duplicate license or certificate $10

(9) Duplicate pocket card $10

(10) Certification of license to another state $10

(11) Application by a holder of an Indiana trainee appraiser license to be approved for a regular license$25

(12) Application for the issuance of a permit for temporary practice $150

(13) Fee for issuance and renewal of approvals for (prelicensure) real estate appraiser schools and courses under 876 IAC 3-4 $500

(14) Fee for issuance and renewal of approval for real estate appraiser continuing education course providers under 876 IAC 3-5 $250

(c) All fees are nonrefundable and nontransferable.

(Indiana Real Estate Commission; 876 IAC 3-2-7; filed Sep 24, 1992, 9:00 a.m.: 16 IR 737; filed Dec 8, 1993, 4:00 p.m.: 17 IR 772, eff Jan 2, 1994 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #93-130 was filed Dec 8, 1993.]; filed Jun 14, 1995, 11:00 a.m.: 18 IR 2791;

filed Jun 21, 1996, 10:00 a.m.: 19 IR 3111; filed Apr 12, 2001, 12:30 p.m.: 24 IR 2697; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Dec 3, 2002, 3:00 p.m.: 26 IR 1107; filed Apr 26, 2004, 2:15 p.m.: 27 IR 2740; filed Aug 12, 2004, 10:12 a.m.: 28 IR 212, eff Oct 1, 2004; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA)

876 IAC 3-2-8 Change of name or address
Authority: IC 25-34.1-3-8
Affected: IC 25-34.1

Sec. 8. All licenses and certificate holders shall notify the board in writing of each change of address or name under which the licensee conducts business, within ten (10) days of said change. The address shall be sufficiently descriptive to enable the board to correspond with and locate the licensee or certificate holder.
(Indiana Real Estate Commission; 876 IAC 3-2-8; filed Sep 24, 1992, 9:00 a.m.: 16 IR 737; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA)

876 IAC 3-2-9 Use of titles
Authority: IC 25-34.1-3-8
Affected: IC 25-34.1

Sec. 9. (a) Inasmuch as individuals licensed by the board are not required to be designated and because many appraisers are designated, Indiana licensed trainee appraisers, Indiana licensed residential appraisers, Indiana certified residential appraisers, or Indiana certified general appraisers, cannot use abbreviations connoting licensure or certification after their names.

(b) Whenever a licensee signs the licensed appraiser's name on an appraisal report or correspondence concerning an appraisal report, the licensed appraiser must include, with the licensed appraiser's signature, the words, "Indiana licensed trainee appraiser", "Indiana licensed residential appraiser", "Indiana certified residential appraiser", or "Indiana certified general appraiser", whichever is applicable, and the licensed appraiser's license number. This wording shall not be in letters larger than the licensed appraiser's name.

(c) Whenever an individual licensed by a temporary permit signs an appraisal report or correspondence concerning an appraisal report, the temporary permit holder must include with the signature the words "Operating under Indiana Temporary Permit Number" followed by the temporary permit number. The temporary permit holder must also state the license type, license number, and state of issue of the appraisal license given on the temporary permit application.
(Indiana Real Estate Commission; 876 IAC 3-2-9; filed Sep 24, 1992, 9:00 a.m.: 16 IR 737; filed Dec 8, 1993, 4:00 p.m.: 17 IR 772; filed Apr 12, 2001, 12:30 p.m.: 24 IR 2698; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA)

876 IAC 3-2-10 Use of designation; corporation; partnership
Authority: IC 25-34.1-3-8
Affected: IC 25-34.1

Sec. 10. The terms "Indiana licensed residential appraiser", "Indiana certified residential appraiser", or "Indiana certified general appraiser" shall only be used to refer to individuals who hold licenses or certificates and may not be used following or immediately in connection with the name of a partnership, association, corporation, or group, or in such a manner that it might be interpreted as referring to a firm, partnership, corporation, group, or anyone other than an individual holder of the license or certificate. No license or certificate shall be issued to a firm, partnership, corporation, or group practice. However, this shall not be construed to prevent an appraiser licensed by the board from signing an appraisal report on behalf of a corporation, partnership, firm, or group practice, although the individual is solely responsible for the appraisal.
(Indiana Real Estate Commission; 876 IAC 3-2-10; filed Sep 24, 1992, 9:00 a.m.: 16 IR 738; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA)

876 IAC 3-2-11 Investigation of appraisals and file records
Authority: IC 25-34.1-2-5
Affected: IC 25-34.1-2-5

Sec. 11. An appraiser shall provide access to all appraisal records and related documents upon request by Indiana professional licensing agency compliance officers for investigative purposes. Indiana professional licensing agency compliance officers shall have the right to inspect, review, and copy these documents.
(Indiana Real Estate Commission; 876 IAC 3-2-11; filed Apr 12, 2001, 12:30 p.m.: 24 IR 2698; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA)

Rule 3. Requirements for Real Estate Appraisers; Licensure and Certification

876 IAC 3-3-1 Scope of rule
Authority: IC 25-34.1-3-8
Affected: IC 25-34.1

Sec. 1. This rule establishes education, experience, and examination requirements to obtain a license from the board.
(Indiana Real Estate Commission; 876 IAC 3-3-1; filed Sep 24, 1992, 9:00 a.m.: 16 IR 738; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA)

876 IAC 3-3-2 Admittance to examination
Authority: IC 25-34.1-3-8
Affected: IC 25-34.1

Sec. 2. To be admitted to the examination for any of the licenses, an applicant must:

(1) meet all the requirements for the license for which application has been made except for the passing of the examination;
(2) complete the application provided for in section 15 of this rule; and
(3) pay the applicant's cost of purchasing the examination, payable to the examination service.

(Indiana Real Estate Commission; 876 IAC 3-3-2; filed Sep 24, 1992, 9:00 a.m.: 16 IR 738; filed Jun 14, 1995, 11:00 a.m.: 18 IR 2791; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA)

876 IAC 3-3-3 Educational requirements for Indiana licensed residential appraiser *(Repealed)*

Sec. 3. *(Repealed by Indiana Real Estate Commission; filed Aug 15, 2007, 10:01 a.m.: 20070912-IR-876060095FRA, eff Jan 1, 2008)*

876 IAC 3-3-3.1 Educational requirements for Indiana licensed trainee appraiser
Authority: IC 25-34.1-3-8
Affected: IC 25-34.1

Sec. 3.1. (a) This section establishes the educational requirements for the Indiana trainee appraiser license.

(b) The minimum prerequisite to sit for the Indiana trainee appraiser examination is ninety (90) classroom hours of specific course content stated in subsection (i).

(c) A classroom hour is defined as fifty (50) minutes of classroom lecture out of each sixty (60) minute segment.

(d) Credit toward the classroom hour requirement may only be granted where the:

(1) length of the educational offering is at least fifteen (15) hours; and

(2) individual successfully completes an examination pertinent to that educational offering.

(e) Credit for the classroom hour requirement must be from a course, including a distance learning course, approved by the Appraisal Qualifications Board.

(f) For applications filed before January 1, 2010, subsection (e) shall not apply to a course taken before January 1, 2008, as long as the course meets all the requirements of this section except for subsection (e).

(g) Qualifying education credit will be accepted regardless of when the courses were taken as long as they were taken before the application was filed.

(h) The minimum classroom hours shall be as follows:

Basic appraisal principles	30
Basic appraisal procedures	30
The 15 hour Uniform Standards of Professional Appraisal Practice course or its equivalent	15
Electives – any other topic allowed under section 4.1(l) or 5.1(l) of this rule	15
TOTAL	90

(i) For a course to meet the fifteen (15) hours of Uniform Standards of Professional Appraisal Practice requirement under subsection (h) after December 31, 2003, the instructor must be:

(1) an Appraiser Qualification Board certified Uniform Standards of Professional Appraisal Practice instructor; and

(2) a state certified residential or certified general real estate appraiser.

However, if the course is taught by two (2) or more instructors, only one (1) is required to have been a state certified residential or certified general real estate appraiser.

(j) Notwithstanding subsection (i), the fifteen (15) hours of Uniform Standards of Professional Appraisal Practice course will meet the requirements under subsection (h) if the course was taken before January 1, 2004.

(Indiana Real Estate Commission; 876 IAC 3-3-3.1; filed Dec 8, 1993, 4:00 p.m.: 17 IR 773; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA; filed Aug 15, 2007, 10:01 a.m.: 20070912-IR-876060095FRA, eff Jan 1, 2008)

876 IAC 3-3-4 Educational requirements for Indiana certified residential appraiser *(Repealed)*

Sec. 4. *(Repealed by Indiana Real Estate Commission; filed Aug 15, 2007, 10:01 a.m.: 20070912-IR-876060095FRA, eff Jan 1, 2008)*

876 IAC 3-3-4.1 Educational requirements for Indiana certified residential appraiser

Authority: IC 25-34.1-3-8

Affected: IC 25-34.1

Sec. 4.1. (a) This section establishes the educational requirements for an Indiana certified residential appraiser.

(b) The minimum prerequisite to sit for the Indiana certified residential appraiser examination is two hundred (200) classroom hours of specific course content stated in subsection (l) and meeting the requirements in subsection (j) or (k).

(c) A classroom hour is defined as fifty (50) minutes of classroom lecture out of each sixty (60) minute segment.

(d) Credit toward the classroom hour requirement may only be granted where the:

(1) length of the educational offering is at least fifteen (15) hours; and

(2) individual successfully completes an examination pertinent to that educational offering.

(e) Credit for the classroom hour requirement must be from a course, including a distance learning course, approved by the Appraisal Qualifications Board.

(f) For applications filed before January 1, 2010, subsection (e) shall not apply to a course taken before January 1, 2008, as long as the course meets all the requirements of this section except for subsection (e).

(g) Qualifying education credit will be accepted regardless of when the courses were taken as long as they were taken before the application was filed.

(h) The board may grant credit for courses where the applicant obtained credit from the course provider by challenge examination without attending the courses, provided that the:

(1) credit was granted by the course provider before July 1, 1990; and

(2) course meets the requirements of this rule.

(i) Applicants for licensure as a certified residential appraiser must hold an associate degree or higher from an accredited college or university or community or junior college.

(j) Notwithstanding subsection (i), in lieu of an associate degree, an applicant for licensure as a certified residential appraiser must successfully complete twenty-one (21) semester credit hours in the following subject matter courses from an accredited college or university, or junior or community college:

(1) English composition.

(2) Principles of microeconomics or macroeconomics.

(3) Finance.

(4) Algebra, geometry, or higher mathematics.

(5) Statistics.

(6) Introduction to computers, including word processing and spreadsheets.

(7) Business or real estate law.

(k) The minimum classroom hours shall be as follows:

Basic appraisal principles	30
Basic appraisal procedures	30
The 15 hour Uniform Standards of Professional Appraisal Practice course or its equivalent	15
Residential market analysis and highest and best use	15
Residential appraiser site valuation and cost approach	15
Residential sales comparison and income approaches	30
Residential report writing and case studies	15
Statistics, modeling and finance	15
Advanced residential applications and case studies	15
Appraisal subject matter electives	20
TOTAL	200

(l) For a course to meet the fifteen (15) hours of Uniform Standards of Professional Appraisal Practice requirement under subsection (k) after December 31, 2003, the instructor must be:

(1) an Appraiser Qualification Board certified Uniform Standards of Professional Appraisal Practice instructor; and

(2) a state certified residential or certified general real estate appraiser.

However, if the course is taught by two (2) or more instructors, only one (1) is required to have been a state certified residential or certified general real estate appraiser.

(m) Notwithstanding subsection (l), the fifteen (15) hours of Uniform Standards of Professional Appraisal Practice course will meet the requirements under subsection (k) if the course was taken prior to January 1, 2004.

(Indiana Real Estate Commission; 876 IAC 3-3-4.1; filed Aug 15, 2007, 10:01 a.m.: 20070912-IR-876060095FRA, eff Jan 1, 2008)

876 IAC 3-3-5 Educational requirements for Indiana certified general appraiser *(Repealed)*

Sec. 5. *(Repealed by Indiana Real Estate Commission; filed Aug 15, 2007, 10:01 a.m.: 20070912-IR-876060095FRA, eff Jan 1, 2008)*

876 IAC 3-3-5.1 Educational requirements for Indiana certified general appraiser

Authority: IC 25-34.1-3-8

Affected: IC 25-34.1

Sec. 5.1. (a) This section establishes the educational requirements for an Indiana certified general appraiser.

(b) The prerequisite to sit for the Indiana certified general appraiser examination is three hundred (300) classroom hours with specific course content stated in subsection (l) and meeting the requirements in subsection (j) or (k).

(c) A classroom hour is defined as fifty (50) minutes of classroom lecture out of each sixty (60) minute segment.

(d) Credit toward the classroom hour requirement may only be granted where the:

(1) length of the educational offering is at least fifteen (15) hours; and

(2) individual successfully completes an examination pertinent to that educational offering.

(e) Credit for the classroom hour requirement must be from a course, including a distance learning course, approved by the Appraisal Qualifications Board.

(f) For applications filed before January 1, 2010, subsection (e) shall not apply to a course taken before January 1, 2008, as long as the course meets all the requirements of this section except for subsection (e).

(g) Credit toward the classroom hour requirement may be awarded to teachers of appraisal courses meeting the requirements of this rule.

(h) Qualifying education credit will be accepted regardless of when the courses were taken as long as they were taken before the application was filed.

(i) The board may grant credit for courses where the applicant obtained credit from the course provider by challenge examination without attending the courses, provided that the:

(1) credit was granted by the course provider before July 1, 1990; and

(2) course meets the requirements of this rule.

(j) Applicants for licensure as a certified general appraiser must hold a bachelor's degree or higher from an accredited college or university or community or junior college.

(k) Notwithstanding subsection (j), in lieu of a bachelor's degree, an applicant for licensure as a certified general appraiser must successfully complete thirty (30) semester credit hours in the following subject matter courses from an accredited college, university, or junior or community college:

(1) English composition.
(2) Microeconomics.
(3) Macroeconomics.
(4) Finance.
(5) Algebra, geometry, or higher mathematics.
(6) Statistics.
(7) Introduction to computers, including word processing and spreadsheets.
(8) Business or real estate law.
(9) Two (2) elective courses in any of the following:
(A) Accounting.
(B) Geography.
(C) Ag-economics.
(D) Business management.
(E) Real estate.

(l) The minimum classroom hours shall be as follows:

Basic appraisal principles	30
Basic appraisal procedures	30
The 15 hour Uniform Standards of Professional Appraisal Practice course or its equivalent	15
General appraiser market analysis and highest and best use	30
Statistics, modeling and finance	15
General appraiser sales comparison approach	30
General appraiser site valuation and cost approach	30
General appraiser income approach	60
General appraiser report writing and case studies	30
Appraisal subject matter electives	30
TOTAL	300

(m) For a course to meet the fifteen (15) hours Uniform Standards of Professional Appraisal Practice requirement under subsection (k) after December 31, 2003, the instructor must be:

(1) an Appraiser Qualification Board certified Uniform Standards of Professional Appraisal Practice instructor; and

(2) a state certified residential or certified general real estate appraiser.

However, if the course is taught by two (2) or more instructors, only one (1) is required to have been a state certified residential or certified general real estate appraiser.

(n) Notwithstanding subsection (m), the fifteen (15) hours of Uniform Standards of Professional Appraisal Practice course will meet the requirements under subsection (l) if the course was taken before January 1, 2004.

(Indiana Real Estate Commission; 876 IAC 3-3-5.1; filed Aug 15, 2007, 10:01 a.m.: 20070912-IR-876060095FRA, eff Jan 1, 2008)

876 IAC 3-3-5.2 Conversion of quarter hours to semester hours

Authority: IC 25-34.1-3-8

Affected: IC 25-34.1

Sec. 5.2. Any provision in this article that requires a specific number of semester credit hours shall be converted to the equivalent if a different grading period is used at the college or university. Unless it is established that a different equivalency applies, it shall be presumed that the correct equivalency is two (2) semester hours for every three (3) quarter hours.

(Indiana Real Estate Commission; 876 IAC 3-3-5.2; filed Aug 15, 2007, 10:01 a.m.: 20070912-IR-876060095FRA)

876 IAC 3-3-6 Credit for courses obtained after June 30, 1990

Authority: IC 25-34.1-3-8

Affected: IC 25-34.1

Sec. 6. To obtain credit under section *[sections]* 3 through 5 of this rule for courses obtained after June 30, 1990, an applicant must have a certificate of course completion which must:

(1) state the applicant's name;
(2) contain the name of the sponsoring organization;
(3) indicate the course title;
(4) identify the course content;
(5) state the date and location of the course;
(6) certify the course minimum of fifteen (15) classroom hours;
(7) indicate hours completed;
(8) confirm passing grade; and
(9) contain the:
(A) instructor's name;
(B) type of license or faculty position;
(C) license number; and
(D) issuing state.

(Indiana Real Estate Commission; 876 IAC 3-3-6; filed Sep 24, 1992, 9:00 a.m.: 16 IR 741; filed Dec 8, 1993, 4:00 p.m.: 17 IR 775; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; errata filed Nov 15, 2002, 3:38 p.m.: 26 IR 1109; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA)

876 IAC 3-3-7 Credit for courses completed prior to July 1, 1990
Authority: IC 25-34.1-3-8
Affected: IC 25-34.1

Sec. 7. (a) To obtain credit for education under sections 3 through 5 of this rule for courses completed prior to July 1, 1990, verification may comply with section 6 of this rule or may be in the form of a certificate transcript or letter issued by the course provider showing course title, date of successful course completion, and number of classroom hours of applicant.

(b) Notwithstanding subsection (a), the board may consider a sworn notarized affidavit attesting to the successful completion of the educational requirements.

(Indiana Real Estate Commission; 876 IAC 3-3-7; filed Sep 24, 1992, 9:00 a.m.: 16 IR 741; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA)

876 IAC 3-3-8 Education course qualifications for credit
Authority: IC 25-34.1-3-8
Affected: IC 25-34.1

Sec. 8. (a) For an education course to qualify for credit under sections 3 through 5 of this rule, it must have been at least fifteen (15) classroom hours in length and meet the criteria for content and classroom hours provided for in this rule.

(b) Credit for duplicate or equivalent courses will not be recognized.

(Indiana Real Estate Commission; 876 IAC 3-3-8; filed Sep 24, 1992, 9:00 a.m.: 16 IR 741; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA)

876 IAC 3-3-9 Experience requirements for three licenses issued by the board
Authority: IC 25-34.1-3-8
Affected: IC 25-34.1

Sec. 9. (a) This section and sections 10 through 13.2 of this rule establish the experience requirements for the licenses issued by the board except for the Indiana trainee appraiser license, which has no experience requirements.

(b) To qualify for experience credit, an appraisal must have been performed during the sixty (60) months preceding the filing of the application. Submission of appraisals that are not in substantial compliance with the version of the Uniform Standards of Professional Appraisal Practice (as adopted in 876 IAC 3-6-2 and 876 IAC 3-6-3) in effect on the inspection date of the appraisal may result in the denial of the appraisal experience required for licensure as:

(1) a certified residential appraiser; and
(2) a certified general appraiser.

(c) An applicant for certified residential appraiser shall submit, on a form prescribed by the board, two thousand five hundred (2,500) hours of appraisal experience that the applicant has performed. The experience must be obtained over a period of at least twenty-four (24) months before the filing of the application. The board may request documentation in the form of reports or filed memoranda or any appraisal in support of the claim for experience.

(d) An applicant for certified general appraiser shall submit, on a form prescribed by the board, three thousand (3,000) hours of appraisal experience that the applicant has performed over a period of not less than thirty (30) months. At least two thousand (2,000) hours must be in the general category. The board may request documentation in the form of reports, file memoranda, or any appraisal in support of the claim for experience.

(Indiana Real Estate Commission; 876 IAC 3-3-9; filed Sep 24, 1992, 9:00 a.m.: 16 IR 741; filed Dec 8, 1993, 4:00 p.m.: 17 IR 775; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1761, eff Jan 1, 1998 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #97-65 was filed Dec 24, 1997.]; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA; filed Aug 15, 2007, 10:01 a.m.: 20070912-IR-876060095FRA, eff Jan 1, 2008)

876 IAC 3-3-10 Credit for appraisal performance
Authority: IC 25-34.1-3-8
Affected: IC 25-34.1

Sec. 10. (a) The quantitative experience requirements must be satisfied by time spent on the appraisal process. The appraisal process consists of the following:

(1) Analyzing factors that affect value.
(2) Defining the problem.
(3) Gathering and analyzing data.
(4) Applying the appropriate analysis and methodology.
(5) Arriving at an opinion in compliance with Uniform Standards of Professional Appraisal Practice.

(b) An applicant may be given full credit for performance of at least seventy-five percent (75%) of the work associated with an appraisal, including preparation of the appraisal report. Full credit may be claimed for that appraisal, even if the work was reviewed by a supervising appraiser who signed the appraisal report, notwithstanding subsection (c). No credit may be claimed by persons performing less than seventy-five percent (75%) of the work on an appraisal.

(c) An applicant may be given credit for twenty-five percent (25%) of the hours allotted for the type of property appraised if the applicant prepared a review of an appraisal prepared by another person, including a person under the applicant's supervision, but did not complete a field review and did not prepare a separate written review appraisal report but did sign the report as the reviewer.

(d) An applicant may be given credit for fifty percent (50%) of the hours allotted for the type of property appraised if the applicant prepared a review of an appraisal prepared by another person, did complete a field review, and prepared a separate written review appraisal report; or to claim the fifty percent (50%) credit, an applicant reviewing a report prepared by a person under the applicant's supervision must accept equal responsibility for the content of the report and the indicated value found in the report.

(e) An applicant may be given credit for an additional fifty percent (50%) of the hours allotted for the type of property appraised if the applicant performed an appraisal for condemnation purposes where there was a partial taking of the property and documented before and after value of the property was completed.

(f) An applicant may be given credit for fifty percent (50%) of the total experience requirement for practicum courses that are approved by the AQB Course Approval Program or board. A practicum course must include the generally applicable methods of appraisal practice for the credential category. Content includes, but is not limited to, the following:

(1) Requiring the student to produce credible appraisals that utilize an actual subject property.
(2) Performing market research containing actual sales analysis.
(3) Applying and reporting the applicable appraisal approaches in conformity with the Uniform Standards of Professional Appraisal Practice.

Assignments must require problem solving skills for a variety of property types for the credential category. Experience credit shall be granted for the actual classroom hours of instruction and hours of documented

research and analysis as awarded from the practicum course approval process.

(g) Any appraisal for which experience is claimed under this rule must:

(1) be either:

(A) a self-contained appraisal report;

(B) a summary appraisal report; or

(C) a restricted report; and

(2) comply with the Scope of Work Rule of the Uniform Standards of Professional Appraisal Practice (as adopted in 876 IAC 3-6-2).

(h) The total credit given for appraisal work consisting of restricted appraisal reports shall not exceed five hundred (500) hours.

(Indiana Real Estate Commission; 876 IAC 3-3-10; filed Sep 24, 1992, 9:00 a.m.: 16 IR 741; filed Apr 10, 1995, 10:00 a.m.: 18 IR 2115; filed Apr 12, 2001, 12:30 p.m.: 24 IR 2698; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA; filed Aug 15, 2007, 10:01 a.m.: 20070912-IR-876060095FRA)

876 IAC 3-3-11 Property defined under residential category

Authority: IC 25-34.1-3-8

Affected: IC 25-34.1

Sec. 11. (a) Types of property under the residential category are defined as follows:

(1) Single family.

(2) Multiple family, not more than four (4) units (duplex, triplex, and quadplex).

(3) Vacant lots, one (1) to four (4) units (except subdivisions).

(4) Rural, ten (10) acres to one hundred (100) acres with homestead.

(5) Other activities described in section 12(d)(4) through 12(d)(8) of this rule.

(b) An applicant performing an appraisal must describe, with supporting documentation, the properties appraised in sufficient detail to enable the board to determine the proper amount of credit that may be awarded.

(c) No credit may be claimed for the following:

(1) Market value estimates performed by real estate licensees in connection with the listing or sale, or both, of real property.

(2) Business appraisals.

(3) Feasibility or market analysis, except to the extent that the market value of a proposed real estate project is being estimated.

(d) Acceptable appraisal experience includes, but is not limited to, the following:

(1) Fee appraisal.

(2) Staff appraisal.

(3) Review appraisal.

(4) Ad valorem tax appraisal.

(5) Appraisal analysis.

(6) Real estate counseling.

(7) Highest and best use analysis.

(8) Feasibility analysis or study.

(e) Not more than five hundred (500) hours of credit will be accepted in any single category in subsection (d)(4) through (d)(8).

(f) Not more than seven hundred fifty (750) cumulative hours of credit will be accepted for the total amount of experience under subsection (d)(4) through (d)(8).

(Indiana Real Estate Commission; 876 IAC 3-3-11; filed Sep 24, 1992, 9:00 a.m.: 16 IR 742; filed Dec 8, 1993, 4:00 p.m.: 17 IR 776; filed Apr 10, 1995, 10:00 a.m.: 18 IR 2116; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1762, eff Jan 1, 1998 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #97-65 was filed Dec 24, 1997.]; filed Apr 12, 2001, 12:30 p.m.: 24 IR 2699; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA; filed Aug 15, 2007, 10:01 a.m.: 20070912-IR-876060095FRA, eff Jan 1, 2008)

876 IAC 3-3-12 Property defined under general (nonresidential) category

Authority: IC 25-34.1-3-8

Affected: IC 25-34.1

Sec. 12. (a) Types of property under the general (nonresidential) category are as follows:

(1) Land, one hundred (100) acres or more, including the following:

(A) Farms of one hundred (100) acres or more in size.

(B) Undeveloped tracts.

(C) Residential multiple family sites.

(D) Commercial sites.

(E) Industrial sites.

(F) Land in transition.

(G) Similar projects.

(2) Land, under one hundred (100) acres, including the following:

(A) Farms of one hundred (100) acres or less in size.

(B) Undeveloped tracts.

(C) Residential multiple family sites.

(D) Commercial sites.

(E) Industrial sites.

(F) Land in transition.

(G) Similar projects.

(3) Residential multiple family (five (5) to twelve (12) units), including the following:

(A) Apartments.

(B) Condominiums.

(C) Townhouses.

(D) Mobile home parks.

(4) Residential multiple family (thirteen (13) or more units), including the following:

(A) Apartments.

(B) Condominiums.

(C) Townhouses.

(D) Mobile home parks.

(5) Commercial single tenant, including the following:

(A) Office building.

(B) Retail store.

(C) Restaurant.

(D) Service station.

(E) Bank.

(F) Daycare center.

(G) Similar projects.

(6) Commercial multiple tenant, including the following:

(A) Office building.

(B) Shopping center.

(C) Hotel or motel.

(D) Similar projects.

(7) Industrial, including the following:

(A) Warehouse.

(B) Manufacturing plant.

(C) Similar projects.

(8) Special purpose, including the following:

(A) Rest home.

(B) Nursing home.

(C) Hospital.

(D) School.

(E) Church.

(F) Government building.

(G) Other special purpose properties, including intensive agricultural and business uses.

(9) Other activities described in subsection (d)(4) through (d)(8).

(b) An applicant performing an appraisal must describe, with supporting documentation, the properties appraised in sufficient detail to enable the board to determine the proper amount of credit that may be awarded.

(c) No credit may be claimed for the following:

(1) Market value estimates performed by real estate licensees in connection with the listing or sale, or both, of real property.

(2) Business appraisals.

(3) Personal property appraisals.

(4) Feasibility or market analysis, except to the extent that the market value of a proposed real estate project is being estimated.

(d) Acceptable appraisal experience includes, but is not limited to, the following:

(1) Fee appraisal.

(2) Staff appraisal.

(3) Review appraisal.

(4) Ad valorem tax appraisal.

(5) Appraisal analysis.

(6) Real estate counseling.

(7) Highest and best use analysis.

(8) Feasibility analysis or study.

(e) Not more than five hundred (500) hours of credit will be accepted in any single category in subsection (d)(4) through (d)(8).

(f) Not more than one thousand (1,000) cumulative hours of credit will be accepted for the total amount of experience under subsection (d)(4) through (d)(8).

(Indiana Real Estate Commission; 876 IAC 3-3-12; filed Sep 24, 1992, 9:00 a.m.: 16 IR 742; filed Dec 8, 1993, 4:00 p.m.: 17 IR 776; filed Apr 10, 1995, 10:00 a.m.: 18 IR 2116; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1762; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA; filed Aug 15, 2007, 10:01 a.m.: 20070912-IR-876060095FRA, eff Jan 1, 2008)

876 IAC 3-3-13 Hour value of appraisal work established *(Repealed)*

Sec. 13. *(Repealed by Indiana Real Estate Commission; filed Aug 15, 2007, 10:01 a.m.: 20070912-IR-876060095FRA)*

876 IAC 3-3-13.1 Hour value of residential appraisal work established

Authority: IC 25-34.1-3-8

Affected: IC 25-34.1

Sec. 13.1. (a) The following table establishes the hour value of residential appraisal work that may qualify for experience credit:

(on next page)

RESIDENTIAL/FARM FORM APPRAISALS

Form Name WORK PERFORMED	Form # (NAME)	APPRAISAL PERFORMED BY APPLICANT I Hours Value	DOCUMENTARY REVIEW WITH FIELD REVIEW AND SEPARATE REPORT II Hours Value	 WITHOUT FIELD REVIEW AND SEPARATE REPORT III Hours Value
Uniform Residential Appraisal Report URAR	URAR	4.5	2.5	2
Individual Condominium Unit Appraisal Report				
– Interior & Exterior Inspection	465/1073	4.5	2.5	2
– Exterior only Inspection	1075	3	2.5	2
Individual Cooperative Interest Appraisal Report				
– Interior & Exterior Inspection	2090	4.5	2.5	2
– Exterior only Inspection	2095	3	2.5	2
Quantitative Analysis Appraisal Report	2055			
– Interior & Exterior Inspection		4.5	2.5	2
– Exterior only Inspection		3	2.5	2
Qualitative Analysis Appraisal Report	2065			
– Interior & Exterior Inspection		3	2.5	2
– Exterior only Inspection		2.5	2.5	2
Land Appraisal (Narrative)	N/A	4	2.5	2
Employee Relocation Council Summary	ERC	7	2.5	2

Small Residential Income Property Report		1025		5.5	2.5	2
Manufactured Home Appraisal Report		72/1004C		4.5	2.5	2
Noncategorized Residential Appraisal						
Noncategorized Residential Appraisal						
Noncategorized Residential Appraisal						
Noncategorized Residential Appraisal						
Noncategorized Residential Appraisal						
Noncategorized Residential Appraisal						
Noncategorized Residential Appraisal						
Noncategorized Residential Appraisal						
Noncategorized Residential Appraisal						
Noncategorized Residential Appraisal						
Appraisal Report - Farm Tract		1922-1				
(1) SELF-CONTAINED						
a. 3 approaches				15	7.5	3.75
b. 2 approaches				12	6	3
c. 1 approach				9	4.5	2.25
(2) SUMMARY						
a. 3 approaches				12	6	3
b. 2 approaches				9	4.5	2.25
c. 1 approach				6	3	1.5
(3) RESTRICTED						
a. 3 approaches				9	4.5	2.25
b. 2 approaches				6	3	1.5
c. 1 approach				3	1.5	0.75

RESIDENTIAL - RIGHT OF WAY APPRAISALS

	APPRAISAL	DOCUMENTARY REVIEW	
	PERFORMED BY APPLICANT	WITH FIELD REVIEW AND SEPARATE REPORT	WITHOUT FIELD REVIEW AND SEPARATE REPORT
WORK PERFORMED	I	II	III
	Hours	Hours	Hours
	Value	Value	Value
(A) PROPERTY TYPE-Residential Land			
(1) Long Form			
a. 3 approaches	NA	NA	NA
b. 2 approaches	NA	NA	NA
c. 1 approach	20	10	5
(2) Short Form			
a. 3 approaches	NA	NA	NA
b. 2 approaches	NA	NA	NA
c. 1 approach	10	5	2.5
(3) Value Finding			
a. 3 approaches	NA	NA	NA
b. 2 approaches	NA	NA	NA
c. 1 approach	8	4	2
(3) Waiver Valuation			
a. 3 approaches	N/A	N/A	N/A
b. 2 approaches	N/A	N/A	N/A
c. 1 approach	4	N/A	N/A
(B) PROPERTY TYPE-Residential			
Improved Single Family			
(1) Long Form			
a. 3 approaches	30	15	7.5
b. 2 approaches	25	12.5	6.25
c. 1 approach	20	10	5
(2) Short Form			

a. 3 approaches	25	12.5	6.25
b. 2 approaches	20	10	5
c. 1 approach	15	7.5	3.75
(3) Value Finding			
a. 3 approaches	NA	NA	NA
b. 2 approaches	NA	NA	NA
c. 1 approach	8	4	2
(3) Waiver Valuation			
a. 3 approaches	N/A	N/A	N/A
b. 2 approaches	N/A	N/A	N/A
c. 1 approach	4	N/A	N/A
(C) PROPERTY TYPE-Residential			
2- 4 Family			
(1) Long Form			
a. 3 approaches	35	17.5	8.75
b. 2 approaches	30	15	7.5
c. 1 approach	25	12.5	6.25
(2) Short Form			
a. 3 approaches	30	15	7.5
b. 2 approaches	25	12.5	6.25
c. 1 approach	20	10	5
(3) Value Finding			
a. 3 approaches	NA	NA	NA
b. 2 approaches	NA	NA	NA
c. 1 approach	8	4	2
(3) Waiver Valuation			
a. 3 approaches	N/A	N/A	N/A
b. 2 approaches	N/A	N/A	N/A
c. 1 approach	4	N/A	N/A

(b) The hour value of other appraisal work, whether it be in the residential or the general category, shall be the actual number of hours, provided that this is a reasonable number of hours. Not more than one hundred (100) hours per appraisal assignment will be granted.
(Indiana Real Estate Commission; 876 IAC 3-3-13.1; filed Aug 15, 2007, 10:01 a.m.: 20070912-IR-876060095FRA)

876 IAC 3-3-13.2 Hour value of general category appraisal work established

Authority: IC 25-34.1-3-8

Affected: IC 25-34.1

Sec. 13.2. (a) The following table establishes the hour value of general category appraisal work that may qualify for experience credit:

(on next page)

GENERAL CATEGORY

	APPRAISAL	DOCUMENTARY REVIEW	
	PERFORMED BY APPLICANT	WITH FIELD REVIEW AND SEPARATE REPORT	WITHOUT FIELD REVIEW AND SEPARATE REPORT
WORK PERFORMED	I	II	III
	Hours	Hours	Hours
	Value	Value	Value
(A) PROPERTY TYPE-LAND			
(1) SELF-CONTAINED			
a. Subdivision	40	20	10
b. = OR > 10 Acres	18	9	4.5
c. < 10 Acres	10	5	2.5
(2) SUMMARY			
a. Subdivision	35	17.5	8.75
b. = OR > 10 Acres	14	7	3.5
c. < 10 Acres	8	4	2
(3) RESTRICTED			
a. Subdivision	30	15	7.5
b. = OR > 10 Acres	10	5	2.5
c. < 10 Acres	5	2.5	1.25
(B) PROPERTY TYPE-Multi-Family			
Existing 5-12 Units			
(1) SELF-CONTAINED			
a. 3 approaches	25	12.5	6.25
b. 2 approaches	20	10	5
c. 1 approach	15	7.5	3.75
(2) SUMMARY			
a. 3 approaches	20	10	5
b. 2 approaches	15	7.5	3.75
c. 1 approach	10	5	2.5
(3) RESTRICTED			

a. 3 approaches	15	7.5	3.75
b. 2 approaches	10	5	2.5
c. 1 approach	5	2.5	1.25
(C) PROPERTY TYPE-Multi-Family			
Existing 13+ Units			
(1) SELF-CONTAINED			
a. 3 approaches	40	20	10
b. 2 approaches	35	17.5	8.75
c. 1 approach	30	15	7.5
(2) SUMMARY			
a. 3 approaches	35	17.5	8.75
b. 2 approaches	30	15	7.5
c. 1 approach	25	12.5	6.25
(3) RESTRICTED			
a. 3 approaches	30	15	7.5
b. 2 approaches	25	12.5	6.25
c. 1 approach	20	10	5
(D) PROPERTY TYPE-Multi-Family			
Proposed 5-12 Units			
(1) SELF-CONTAINED			
a. 3 approaches	35	17.5	8.75
b. 2 approaches	30	15	7.5
c. 1 approach	25	12.5	6.25
(2) SUMMARY			
a. 3 approaches	30	15	7.5
b. 2 approaches	25	12.5	6.25
c. 1 approach	20	10	5
(3) RESTRICTED			
a. 3 approaches	25	12.5	6.25
b. 2 approaches	20	10	5
c. 1 approach	15	7.5	3.75

	APPRAISAL	DOCUMENTARY REVIEW	
	PERFORMED BY APPLICANT	WITH FIELD REVIEW AND SEPARATE REPORT	WITHOUT FIELD REVIEW AND SEPARATE REPORT
WORK PERFORMED	I	II	III
	Hours	Hours	Hours
	Value	Value	Value
(E) PROPERTY TYPE-Multi-Family			
Proposed 13+ Units			
(1) SELF-CONTAINED			
a. 3 approaches	50	25	12.5
b. 2 approaches	45	22.5	11.25
c. 1 approach	40	20	10
(2) SUMMARY			
a. 3 approaches	45	22.5	11.25
b. 2 approaches	40	20	10
c. 1 approach	35	17.5	8.75
(3) RESTRICTED			
a. 3 approaches	40	20	10
b. 2 approaches	35	17.5	8.75
c. 1 approach	30	15	7.5
(F) PROPERTY TYPE-Commercial/Industrial			
Existing or Proposed Single User			
(1) SELF-CONTAINED			
a. 3 approaches	30	15	7.5
b. 2 approaches	25	12.5	6.25
c. 1 approach	20	10	5
(2) SUMMARY			
a. 3 approaches	25	12.5	6.25
b. 2 approaches	20	10	5
c. 1 approach	15	7.5	3.75
(3) RESTRICTED			

a. 3 approaches	20	10	5
b. 2 approaches	15	7.5	3.75
c. 1 approach	10	5	2.5
(G) PROPERTY TYPE-Commercial/Industrial			
Existing Multi-Tenant			
(1) SELF-CONTAINED			
a. 3 approaches	50	25	12.5
b. 2 approaches	40	20	10
c. 1 approach	30	15	7.5
(2) SUMMARY			
a. 3 approaches	40	20	10
b. 2 approaches	30	15	7.5
c. 1 approach	20	10	5
(3) RESTRICTED			
a. 3 approaches	30	15	7.5
b. 2 approaches	20	10	5
c. 1 approach	10	5	2.5
(H) PROPERTY TYPE-Commercial/Industrial			
Proposed Multi-Tenant			
(1) SELF-CONTAINED			
a. 3 approaches	60	30	15
b. 2 approaches	50	25	12.5
c. 1 approach	40	20	10
(2) SUMMARY			
a. 3 approaches	50	25	12.5
b. 2 approaches	40	20	10
c. 1 approach	30	15	7.5
(3) RESTRICTED			
a. 3 approaches	40	20	10
b. 2 approaches	30	15	7.5
c. 1 approach	20	10	5

GENERAL - RIGHT OF WAY APPRAISALS

		APPRAISAL	DOCUMENTARY REVIEW	
		PERFORMED BY APPLICANT	WITH FIELD REVIEW AND SEPARATE REPORT	WITHOUT FIELD REVIEW AND SEPARATE REPORT
WORK PERFORMED		I	II	III
		Hours	Hours	Hours
		Value	Value	Value
(A) PROPERTY TYPE-Multi-Family R/W				
5-12 Units				
(1) Long Form				
a. 3 approaches		45	22.5	11.25
b. 2 approaches		40	20	10
c. 1 approach		35	17.5	8.75
(2) Short Form				
a. 3 approaches		40	20	10
b. 2 approaches		35	17.5	8.75
c. 1 approach		20	10	5
(3) Value Finding				
a. 3 approaches		NA	NA	NA
b. 2 approaches		NA	NA	NA
c. 1 approach		8	4	2
(3) Waiver Valuation				
a. 3 approaches		N/A	N/A	N/A
b. 2 approaches		N/A	N/A	N/A
c. 1 approach		4	N/A	N/A
(M) PROPERTY TYPE-Multi-Family R/W				
13+ Units				
(J) Long Form				
a. 3 approaches		50	25	12.5
b. 2 approaches		45	22.5	11.25
c. 1 approach		40	20	10

(2) Short Form				
a. 3 approaches		45	22.5	11.25
b. 2 approaches		40	20	10
c. 1 approach		35	17.5	8.75
(3) Value Finding				
a. 3 approaches		NA	NA	NA
b. 2 approaches		NA	NA	NA
c. 1 approach		8	4	2
(3) Waiver Valuation				
a. 3 approaches		N/A	N/A	N/A
b. 2 approaches		N/A	N/A	N/A
c. 1 approach		4	N/A	N/A
(N) PROPERTY TYPE-Commercial/Industrial R/W				
Single Tenant				
(1) Long Form				
a. 3 approaches		60	30	15
b. 2 approaches		50	25	12.5
c. 1 approach		40	20	10
(2) Short Form				
a. 3 approaches		50	25	12.5
b. 2 approaches		40	20	10
c. 1 approach		30	15	7.5
(3) Value Finding				
a. 3 approaches		N/A	N/A	N/A
b. 2 approaches		N/A	N/A	N/A
c. 1 approach		8	4	2
(3) Waiver Valuation				
a. 3 approaches		N/A	N/A	N/A
b. 2 approaches		N/A	N/A	N/A
c. 1 approach		4	N/A	N/A
(O) PROPERTY TYPE-Commercial/Industrial R/W				

Multi-Tenant Tenant				
(1) Long Form				
a. 3 approaches		80	40	20
b. 2 approaches		70	35	17.5
c. 1 approach		60	30	15
(2) Short Form				
a. 3 approaches		70	35	17.5
b. 2 approaches		60	30	15
c. 1 approach		50	25	12.5
(3) Value Finding				
a. 3 approaches		N/A	N/A	N/A
b. 2 approaches		N/A	N/A	N/A
c. 1 approach		8	4	2
(3) Waiver Valuation				
a. 3 approaches		N/A	N/A	N/A
b. 2 approaches		N/A	N/A	N/A
c. 1 approach		4	N/A	N/A

(b) The hour value of other appraisal work, whether it be in the residential or the general category, shall be the actual number of hours, provided that this is a reasonable number of hours. Not more than one hundred (100) hours per appraisal assignment will be granted.
(Indiana Real Estate Commission; 876 IAC 3-3-13.2; filed Aug 15, 2007, 10:01 a.m.: 20070912-IR-876060095FRA)

876 IAC 3-3-14 Examination for three licenses issued by the board
Authority: IC 25-34.1-3-8
Affected: IC 25-34.1
Sec. 14. (a) This section and sections 15 through 19 of this rule govern the examination for the three (3) licenses issued by the board.
(b) To qualify for real estate appraiser licensure or certification, an examination shall be passed that is designed to measure the applicant's knowledge and understanding of subject matter essential to real estate appraiser practice.
(c) An applicant for licensure shall obtain a license within one (1) year of passing the examination. An applicant failing to obtain a license within one (1) year shall:
(1) have the applicant's examination results voided; and
(2) not be eligible for licensure.
(d) Notwithstanding subsection (c), the board may grant a license to an applicant who has not obtained a license within one (1) year of passing the examination if the applicant demonstrates a good faith reason for not obtaining the license within one (1) year.
(e) If an applicant's examination results are voided under subsection (c), the applicant must:
(1) file a new application for examination; and
(2) pay the appropriate fees.
(Indiana Real Estate Commission; 876 IAC 3-3-14; filed Sep 24, 1992, 9:00 a.m.: 16 IR 745; filed Dec 8, 1993, 4:00 p.m.: 17 IR 777; filed Jun 14, 1995, 11:00 a.m.: 18 IR 2791; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1763; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA; filed Aug 15, 2007, 10:01 a.m.: 20070912-IR-876060095FRA, eff Jan 1, 2008)

876 IAC 3-3-15 Application for examination
Authority: IC 25-34.1-3-8
Affected: IC 25-34.1
Sec. 15. (a) An application for examination shall be filed on a form prescribed by the board.
(b) The board shall require applicants to provide documentation in support of education, experience, and other relevant data.
(c) The applicant shall indicate on the application the location in which the applicant desires to be examined.
(Indiana Real Estate Commission; 876 IAC 3-3-15; filed Sep 24, 1992, 9:00 a.m.: 16 IR 745; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA)

876 IAC 3-3-16 Special administration of examination
Authority: IC 25-34.1-3-8
Affected: IC 25-34.1
Sec. 16. (a) A special administration of the examination can be arranged if the applicant is unable to sit for examination under normal test conditions because of visual or physical problems.
(b) The board will act upon all requests for a special examination and, if the request is approved, notify the applicant of the date, time, place, and arrangements for the examination.
(Indiana Real Estate Commission; 876 IAC 3-3-16; filed Sep 24, 1992, 9:00 a.m.: 16 IR 745; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA)

876 IAC 3-3-17 Instructions for scheduling examinations; deadline
Authority: IC 25-34.1-3-8
Affected: IC 25-34.1
Sec. 17. (a) After an application has been processed and approved by the board, the board will send a letter of approval to the applicant. The instructions for scheduling examinations will be included with the approval letter.
(b) An applicant must pass the examination no later than one (1) year after the date of the approval letter described in subsection (a).
(c) The board may grant extensions to the time limit in subsection (b) due to physical incapacity, military service, and similar good cause.
(d) Notwithstanding subsection (b), an applicant whose approval letter predates July 1, 2001, shall have until July 1, 2002, to pass the examination.
(Indiana Real Estate Commission; 876 IAC 3-3-17; filed Sep 24, 1992, 9:00 a.m.: 16 IR 745; filed Apr 12, 2001, 12:30 p.m.: 24 IR 2704; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA)

876 IAC 3-3-18 Examination content
Authority: IC 25-34.1-3-8
Affected: IC 25-34.1
Sec. 18. (a) The real estate appraiser licensure and certification examinations will contain questions relating to the following:
(1) The appraisal of residential one (1) to four (4) unit properties.
(2) The appraisal of all types of properties.
(b) Although most of the topics listed in subsection (a) will be covered on both the licensure and certification appraiser examinations, questions on these common topics will frequently be more challenging on the certified appraiser examination.
(Indiana Real Estate Commission; 876 IAC 3-3-18; filed Sep 24, 1992, 9:00 a.m.: 16 IR 745; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA)

876 IAC 3-3-19 Individuals licensed in another state; licensing requirements; reciprocity
Authority: IC 25-34.1-2-8
Affected: IC 25-34.1
Sec. 19. (a) An individual who holds a valid license or certification that is not under any sanction from another state or territory may be issued an Indiana license or certification in the category of the out-of-state license or certification so long as the following are met:
(1) The requirements for examination, education, and experience in the state the individual is licensed or certified are substantially similar to those in Indiana.
(2) The individual meets all of the other Indiana requirements for the particular license or certification.
(3) The individual pays the fees under 876 IAC 3-2-7(b)(4) and 876 IAC 3-2-7(b)(5) or 876 IAC 3-2-7(b)(6).
(4) The individual has been licensed in the other state or territory for at least two (2) years.
(5) The other state or territory grants licensure or certification by reciprocity to Indiana licensees or certificate holders in the same license or certification category.
(b) Reciprocity may exist with another state or territory in one (1) or more licensure or certification categories but not necessarily in all licensure or certification categories.
(c) The board may enter into memorandums of understanding with other states concerning licensure or certification by reciprocity.
(Indiana Real Estate Commission; 876 IAC 3-3-19; filed Sep 24, 1992, 9:00 a.m.: 16 IR 745; filed Dec 8, 1993, 4:00 p.m.: 17 IR 777; filed Jun 14, 1995, 11:00 a.m.: 18 IR 2791; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1764; filed Apr 12, 2001, 12:30 p.m.: 24 IR 2705; readopted filed May 29,

2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA)

876 IAC 3-3-20 Requirements for holder of an Indiana licensed residential appraiser license applying for an Indiana certified residential appraiser license *(Repealed)*

Sec. 20. *(Repealed by Indiana Real Estate Commission; filed Jun 14, 1995, 11:00 a.m.: 18 IR 2792)*

876 IAC 3-3-20.1 Indiana licensed trainee appraiser; exemption from examination for transitional license holders *(Repealed)*

Sec. 20.1. *(Repealed by Indiana Real Estate Commission; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1767)*

876 IAC 3-3-21 Permit for temporary practice

Authority: IC 25-34.1-3-8

Affected: IC 25-34.1

Sec. 21. (a) The board will recognize, on a temporary basis, the license or certificate of an appraiser issued by another state, provided the following:

(1) The appraiser's business is of a temporary nature.

(2) The appraiser registers with the board.

(3) The license or certificate issued by the other state is appropriate for the type of property to be appraised.

(4) The work in Indiana does not last longer than twelve (12) months.

(b) An applicant must do the following:

(1) Apply on a form provided by the board.

(2) Pay a fee required by 876 IAC 3-2-7(b)(12).

(c) Each temporary license or certificate is limited to performing the appraisals or specialized services required by the contract for appraisal services.

(d) Temporary privileges expire:

(1) upon completion of the work required by the assignment or specialized service; or

(2) after twelve (12) months;

whichever is earlier, and no more than three (3) different temporary licenses may be issued to an individual per calendar year.

(e) An applicant:

(1) must consent to service of process in Indiana; and

(2) may not advertise or represent themselves as an Indiana licensed or certified appraiser.

(f) An individual who has been denied either admission to an examination or a license by the board will not be eligible for a temporary permit for the level of licensure for which the individual was denied or greater level of license. However, regardless of this subsection, an individual who otherwise qualifies under this section shall be eligible for a permit for federally related transactions.

(Indiana Real Estate Commission; 876 IAC 3-3-21; filed Sep 24, 1992, 9:00 a.m.: 16 IR 746; filed Dec 8, 1993, 4:00 p.m.: 17 IR 777; filed Jun 14, 1995, 11:00 a.m.: 18 IR 2792; filed Apr 12, 2001, 12:30 p.m.: 24 IR 2705, eff Jan 1, 2002; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Jul 15, 2002, 2:28 p.m.: 25 IR 4111; errata filed Nov 15, 2002, 3:39 p.m.: 26 IR 1109; filed Dec 18, 2006, 1:20 p.m.: 20070117-IR-876060093FRA; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA)

876 IAC 3-3-22 Indiana licensed trainee appraiser; examination; licensure procedures

Authority: IC 25-34.1-3-8

Affected: IC 25-34.1

Sec. 22. (a) An applicant for an Indiana appraiser license or certificate shall be required to pass the Indiana appraiser examination under sections 14(b) and 18 of this rule.

(b) After an applicant passes the examination and pays the fee required by 876 IAC 3-2-7(b)(2) or 876 IAC 3-2-7(b)(3), the board shall do the following:

(1) Issue a wall certificate in the name of the Indiana licensed trainee appraiser to a certified appraiser who certifies the Indiana licensed trainee appraiser's association with the certified appraiser.

(2) Issue to the Indiana licensed trainee appraiser an identification card that:

(A) certifies that the Indiana licensed trainee appraiser is licensed; and

(B) indicates the:

(i) expiration date of the license; and

(ii) name of the licensed or certified appraiser with whom the licensed trainee appraiser is associated.

(c) If the Indiana licensed trainee appraiser has not associated with a certified appraiser, the trainee may be issued an inactive license, either upon:

(1) initial issuance of the license; or

(2) the ending of a previous association with a certified appraiser.

However, the license shall become void if the Indiana trainee appraiser is not associated with a certified appraiser described in subsection (b)(1) within three (3) years after issuance of the inactive license.

(d) Upon termination of an Indiana licensed trainee appraiser's association with a certified appraiser described in subsection (b)(1), the trainee's license shall be returned to the Indiana professional licensing agency within five (5) working days. The Indiana professional licensing agency shall reissue the license to any certified appraiser upon application as described in subsection (b)(1).

(Indiana Real Estate Commission; 876 IAC 3-3-22; filed Dec 8, 1993, 4:00 p.m.: 17 IR 778; filed Jun 14, 1995, 11:00 a.m.: 18 IR 2792; errata filed Nov 13, 1995, 10:00 a.m.: 19 IR 675; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1764; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Dec 3, 2002, 3:00 p.m.: 26 IR 1107; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA; filed Aug 15, 2007, 10:01 a.m.: 20070912-IR-876060095FRA, eff Jan 1, 2008)

Rule 4. Real Estate Appraiser Course Provider Approval *(Repealed)*

(Repealed by Indiana Real Estate Commission; filed May 5, 2008, 11:21 a.m.: 20080604-IR-876070338FRA)

Rule 5. Continuing Education

876 IAC 3-5-1 Continuing education requirements

Authority: IC 25-34.1-3-8

Affected: IC 25-1-4; IC 25-34.1

Sec. 1. (a) As a prerequisite to renewal of a real estate appraiser license or certification, excluding a trainee license during the first five (5) years of licensure, the licensee or certificate holder shall satisfactorily complete twenty-eight (28) classroom hours of continuing education within that two (2) year renewal period from real estate appraiser continuing education courses approved by the Appraiser Qualifications Board as provided for in IC 25-1-4-0.5(1)(B) or by the board under this rule. However, a licensee or certificate holder initially licensed within the last one hundred eighty-five (185) days of a two (2) year renewal period shall not be required to obtain any hours of continuing education.

(b) After holding a trainee‘s license for a five (5) year period, a trainee is required to satisfactorily complete the continuing education requirement in each following renewal cycle:

(1) If the five (5) year period ends in the first year of a two (2) year renewal cycle, the trainee will be required to complete fourteen (14) hours of continuing education for the remainder of that renewal period.

(2) If the five (5) year period ends in the second year of two (2) year renewal cycle, the trainee shall not be required to obtain any hours of continuing education for that renewal cycle.

(c) The following criteria apply to determine the number of hours:

(1) A classroom hour of instruction is defined as fifty (50) minutes of each sixty (60) minute hour segment.

(2) Credit toward the classroom hour requirement may be granted only where the length of the educational offering is at least two (2) hours.

(d) Notwithstanding subsection (a), up to fifty percent (50%) of continuing education credit may be granted for participation, other than as a student in appraisal educational programs, as follows:

(1) Teaching.

(2) Program development.

(3) Authorship of textbooks.

(e) A licensee is not entitled to continuing education credit for any classroom hours that were used for required prelicensure education under 876 IAC 3-3.

(f) The continuing education requirement is to ensure that appraisers participate in educational programs that maintain and increase their skill, knowledge, and competency in real estate appraising.

(g) The board may verify any information concerning continuing education that is submitted by the licensee or certificate holder as evidence supporting the course information. The board may require licensees or certificate holders to provide information regarding the continuing education hours claimed on the individual's renewal. Failure to do so may lead to action under IC 25-1-4-5 or IC 25-1-4-6.

(h) It is the responsibility of each licensee or certificate holder to retain evidence to support the courses taken for a period of three (3) years after the end of the renewal period for which the renewal application is submitted to the board. 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 employer or third party.

(4) Other evidence of support and justification.

(Indiana Real Estate Commission; 876 IAC 3-5-1; filed Sep 24, 1992, 9:00 a.m.: 16 IR 747; filed Dec 8, 1993, 4:00 p.m.: 17 IR 779; filed Apr 10, 1995, 10:00 a.m.: 18 IR 2123; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1764, eff Jan 1, 1998 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #97-65 was filed Dec 24, 1997.]; filed Apr 12, 2001, 12:30 p.m.: 24 IR 2705, eff Jan 2, 2002; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Aug 6, 2003, 12:00 p.m.: 27 IR 184; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA; filed May 5, 2008, 11:08 a.m.: 20080604-IR-876070881FRA; filed May 5, 2008, 11:21 a.m.: 20080604-IR-876070338FRA)

876 IAC 3-5-1.5 Mandatory continuing education courses; approved providers

Authority: IC 25-34.1-3-8

Affected: IC 25-1-11; IC 25-34.1-3-9.5; IC 25-34.1-8

Sec. 1.5. Every renewal period, the continuing education required by section 1 of this rule must include seven (7) hours of Uniform Standards of Professional Appraisal Practice.

(Indiana Real Estate Commission; 876 IAC 3-5-1.5; filed Apr 12, 2001, 12:30p.m.: 24 IR 2707, eff Jan 2, 2002; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Aug 6, 2003, 12:00 p.m.: 27 IR 185, eff Jan 2, 2004; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA; filed May 5, 2008, 11:21 a.m.: 20080604-IR-876070338FRA; filed Feb 3, 2009, 10:12 a.m.: 20090304-IR-876080357FRA)

876 IAC 3-5-2 Application for board approval of real estate appraiser continuing education courses

Authority: IC 25-34.1-3-8

Affected: IC 25-1-4-0.5; IC 25-34.1

Sec. 2. (a) This section and sections 2.5 through 8 of this rule apply to continuing education courses subject to board approval and not to courses approved by the Appraiser Qualifications Board as provided for in IC 25-1-4-0.5(1)(B). All courses more than seven (7) hours in length shall not qualify for board approval and therefore must be approved by the Appraiser Qualifications Board to qualify for continuing education credit. Courses of seven (7) hours of length or shorter shall qualify if approved by the Appraiser Qualifications Board or by the board under this rule. The seven (7) hour Uniform Standards of Professional Appraisal Practice course required under section 1.5 of this rule only qualifies if approved by the Appraiser Qualifications Board.

(b) Any request for approval of a real estate appraiser continuing education course by the board shall be made by written application for approval filed with the board.

(Indiana Real Estate Commission; 876 IAC 3-5-2; filed Sep 24, 1992, 9:00 a.m.: 16IR 747; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA; filed May 5, 2008, 11:21 a.m.: 20080604-IR-876070338FRA; filed Feb 3, 2009, 10:12 a.m.: 20090304-IR-876080357FRA)

876 IAC 3-5-2.5 Criteria for approval of continuing education course

Authority: IC 25-34.1-3-8

Affected: IC 25-1-4-0.5; IC 25-1-11; IC 25-34.1

Sec. 2.5. (a) Courses not approved by the Appraiser Qualifications Board, as provided for in IC 25-1-4-0.5(1)(B) and section 2 of this rule, must be approved by the board under this section. The content of the course must comply with subsection (b)(3).

(b) In order to be an approved continuing education course, a course must satisfy the following criteria:

(1) The course must:

(A) involve a minimum of two (2) classroom hours of instruction on real estate appraisal or related topics; and

(B) be an education offering that is consistent with the purpose of continuing education and cover real property related appraisal topics, including, but not limited to:

(i) ad valorem taxation;

(ii) arbitration, dispute resolution;

(iii) courses related to real estate appraisal or consulting;

(iv) development cost estimating;

(v) ethics and standards of professional practice, USPAP;

(vi) land use planning, zoning;

(vii) management, leasing, timesharing;

(viii) property development, partial interests;

(ix) real estate law, easements, and legal interests;

(x) real estate litigation, damages, condemnation;

(xi) real estate financing and investment;

(xii) real estate appraisal-related computer applications; and

(xiii) real estate securities and syndication.

(2) The course materials or syllabus must include the following:

(A) A course description that clearly describes the content of the course.

(B) Specific learning objectives that:

(i) are appropriate for a continuing education course;

(ii) clearly state the specific knowledge and skills students are expected to acquire by completing the course;

(iii) are consistent with the:

(AA) course description; and

(BB) instructional materials; and

(iv) are reasonably achievable within the number of classroom hours allotted for the course.

(3) Instructional materials for students must be provided unless the applicant demonstrates that the materials are not needed to accomplish the stated course objectives. Any such instructional materials must:

(A) be appropriate in view of the stated course learning objectives;
(B) reflect current knowledge and practice;
(C) contain no significant errors;
(D) reflect correct grammatical usage and spelling;
(E) effectively communicate and explain the information presented;
(F) be suitable in layout and format;
(G) be suitably bound or packaged; and
(H) be produced in a quality manner.

(4) For courses containing examinations, course examinations may consist of either a series of examinations or a comprehensive final examination, or both. The course examination must comply with the following criteria:

(A) The examination must contain a sufficient number of questions to adequately test the subject matter covered in the course.
(B) The amount of time devoted to examinations must be appropriate for the course.
(C) Examination questions must, individually and collectively, test at a difficulty level appropriate to measure attendee achievement of the stated course learning objectives.
(D) The subject matter tested by examination questions must be adequately addressed in the course instructional materials.
(E) Examination questions must be:
(i) written in a clear and unambiguous manner; and
(ii) accurate and the intended correct answer must clearly be the best answer choice.

(5) The provider of an approved continuing education course provider must have a written attendance policy that requires the student attendance to be verified.

(Indiana Real Estate Commission; 876 IAC 3-5-2.5; filed Apr 26, 2004, 2:15 p.m.: 27 IR 2740; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA; filed May 5, 2008, 11:21 a.m.: 20080604-IR-876070338FRA; filed Feb 3, 2009, 10:12 a.m.: 20090304-IR-876080357FRA)

876 IAC 3-5-3 Course records
Authority: IC 25-34.1-3-8
Affected: IC 25-34.1

Sec. 3. The provider of an approved real estate appraiser continuing education course must retain records of students who complete the course for a minimum of six (6) years. The records must include the following:

(1) Attendance records.
(2) Examination score records (if applicable).
(3) Duplicate copies of completion certificates.

(Indiana Real Estate Commission; 876 IAC 3-5-3; filed Sep 24, 1992, 9:00 a.m.: 16 IR 747; filed Dec 8, 1993, 4:00 p.m.: 17 IR 780; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA; filed May 5, 2008, 11:21 a.m.: 20080604-IR-876070338FRA)

876 IAC 3-5-4 Real estate appraiser continuing education course provider renewal *(Repealed)*

Sec. 4. *(Repealed by Indiana Real Estate Commission; filed May 5, 2008, 11:21 a.m.: 20080604-IR-876070338FRA)*

876 IAC 3-5-5 Advertising *(Repealed)*

Sec. 5. *(Repealed by Indiana Real Estate Commission; filed May 5, 2008, 11:21 a.m.: 20080604-IR-876070338FRA)*

876 IAC 3-5-6 Approved real estate appraiser continuing education courses; certification requirements
Authority: IC 25-34.1-3-8
Affected: IC 25-34.1

Sec. 6. Upon completion of a continuing education course, the course provider of the approved continuing education course shall provide all attendees a completion certificate that must include the following information:

(1) The attendee's name.
(2) The name of the course sponsor.
(3) The course title.
(4) The course content.
(5) The date and location of the course.
(6) The hours completed.
(7) Confirmation of a passing grade (if an examination is required).
(8) Instructor's name, type of license or faculty position, license number, and issuing state.

(Indiana Real Estate Commission; 876 IAC 3-5-6; filed Dec 8, 1993, 4:00 p.m.: 17 IR 780; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA; filed May 5, 2008, 11:21 a.m.: 20080604-IR-876070338FRA)

876 IAC 3-5-6.1 Required instructional materials (Repealed)

Sec. 6.1. *(Repealed by Indiana Real Estate Commission; filed Feb 3, 2009, 10:12 a.m.: 20090304-IR-876080357FRA)*

876 IAC 3-5-7 Instructors
Authority: IC 25-34.1-3-8
Affected: IC 25-34.1

Sec. 7. Each instructor for an approved real estate appraiser continuing education course must possess at least one (1) of the following minimum requirements:

(1) Is a licensed or certified real estate appraiser or licensed real estate broker and has a bachelor's degree:
(A) with a major or minor in real estate from an accredited college or university; or
(B) from an accredited college or university and a minimum of two (2) years of experience in real estate appraising.
Each instructor qualified under this subdivision must also meet the competency requirements of the Uniform Standards of Professional Appraisal Practice (as adopted in 876 IAC 3-6-2 and 876 IAC 3-6-3) for each course that they teach.
(2) Is a licensed or certified real estate appraiser and a minimum of five (5) years of experience as a real estate appraiser. An instructor qualified under this subsection may not teach any course that contains subject matter that is beyond his or her licensed ability to appraise. Each instructor qualified under this subdivision must also meet the competency requirements of the Uniform Standards of Professional Appraisal Practice (as adopted in 876 IAC 3-6-2 and 876 IAC 3-6-3) for each course that they teach.
(3) Has two (2) years of experience as a qualified instructor or professor in the business, finance, or economics department of an accredited college or university.
(4) Has an Indiana real estate broker's license and a minimum of five (5) years of experience as a real estate broker. Each instructor qualified under this subdivision must also meet the competency requirements of the Uniform Standards of Professional Appraisal Practice (as adopted in 876 IAC 3-6-2 and 876 IAC 3-6-3) for each course that they teach.

(Indiana Real Estate Commission; 876 IAC 3-5-7; filed Dec 8, 1993, 4:00 p.m.: 17 IR 780; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1765; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Aug 6, 2003, 12:00 p.m.: 27 IR 185, eff Jan 2, 2004; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA; filed May 5, 2008, 11:21 a.m.: 20080604-IR-876070338FRA)

876 IAC 3-5-8 Instructors; prohibitions
Authority: IC 25-34.1-3-8
Affected: IC 25-34.1

Sec. 8. A course provider of an approved real estate appraiser continuing education course is prohibited from hiring, or retaining in its employ, an instructor who has:

(1) had a real estate appraiser license revoked or suspended by any jurisdiction;
(2) obtained or used, or attempted to obtain or use, in any manner, Indiana real estate appraiser 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:
(A) violations of real estate appraiser laws; and
(B) abuse of fiduciary responsibilities;
(4) falsely certified hours of attendance or grades for any student; or
(5) unless allowed by law, refused to appear or testify under oath, or both, at any hearing held by the board.

(Indiana Real Estate Commission; 876 IAC 3-5-8; filed Dec 8, 1993, 4:00 p.m.: 17 IR 780; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA; filed May 5, 2008, 11:21 a.m.: 20080604-IR-876070338FRA)

876 IAC 3-5-9 Continuing education from another state *(Repealed)*

Sec. 9. *(Repealed by Indiana Real Estate Commission; filed May 5, 2008, 11:21 a.m.: 20080604-IR-876070338FRA)*

876 IAC 3-5-10 Continuing education from another profession *(Repealed)*

Sec. 10. *(Repealed by Indiana Real Estate Commission; filed May 5, 2008, 11:21 a.m.: 20080604-IR-876070338FRA)*

876 IAC 3-5-11 Other approved continuing education *(Repealed)*

Sec. 11. *(Repealed by Indiana Real Estate Commission; filed May 5, 2008, 11:21 a.m.: 20080604-IR-876070338FRA)*

Rule 6. Standards of Practice for Appraisers

876 IAC 3-6-1 Disciplinary sanctions
Authority: IC 25-34.1-3-8
Affected: IC 25-34.1-8-11

Sec. 1. Under IC 25-34.1-8-11, the board has the authority to impose appropriate disciplinary sanctions concerning an individual's license or certification for violation of that section even if the behavior in question was done when the individual was engaged in an appraisal of real estate not involved in transactions governed by the federal act or the practitioner was purportedly functioning as a real estate broker. However, this section shall not be interpreted to mean that the board may take action against a practitioner's real estate broker license.

(Indiana Real Estate Commission; 876 IAC 3-6-1; filed Sep 24, 1992, 9:00 a.m.: 16 IR 748; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA)

876 IAC 3-6-2 Uniform Standards of Professional Appraisal Practice
Authority: IC 25-34.1-3-8
Affected: IC 4-22-2; IC 25-34.1

Sec. 2. (a) That certain document being titled Uniform Standards of Professional Appraisal Practice, 2008-2009 edition, as published by the Appraisal Standards Board of the Appraisal Foundation, 1155 15th Street, NW, Suite 1111, Washington, D.C. 20005, copyright The Appraisal Foundation, is hereby incorporated by reference as if fully set out in this rule except for the revisions stated in section 3 of this rule. The Statements on Appraisal Standards are adopted as part of this rule. The Advisory Opinions are not adopted as part of this rule. The Comments are adopted as part of this rule.

(b) No subsequent editions, amendments, supplements, or releases of the Uniform Standards of Professional Appraisal Practice will be in effect in Indiana or adopted by the commission except by following the rulemaking provisions of IC 4-22-2.

(c) As used in this article, "appraiser" refers to the following:

(1) An Indiana licensed trainee appraiser.
(2) An Indiana licensed residential appraiser.
(3) An Indiana certified residential appraiser.
(4) An Indiana certified general appraiser.

(Indiana Real Estate Commission; 876 IAC 3-6-2; filed Sep 24, 1992, 9:00 a.m.: 16 IR 748; filed Dec 8, 1993, 4:00 p.m.: 17 IR 781; filed Apr 10, 1995, 10:00 a.m.: 18 IR 2124; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1766; filed May 10, 1999, 12:42 p.m.: 22 IR 2879; filed Apr 24, 2000, 12:48 p.m.: 23 IR 2243; filed May 25, 2001, 2:42 p.m.: 24 IR 3068; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed May 13, 2002, 2:05 p.m.: 25 IR 3181; filed May 1, 2003, 12:15 p.m.: 26 IR 3043; filed Apr 8, 2004, 3:25 p.m.: 27 IR 2738; filed Apr 18, 2005, 2:30 p.m.: 28 IR 2717; filed Aug 8, 2006, 11:03 a.m.: 20060906-IR-876060040FRA; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA; filed May 5, 2008, 11:30 a.m.: 20080604-IR-876070744FRA)

876 IAC 3-6-3 Deletions from the Uniform Standards of Professional Appraisal Practice
Authority: IC 25-34.1-3-8
Affected: IC 25-1-11-5; IC 25-34.1

Sec. 3. (a) Standards 6 through 10 are deleted.

(b) The references to Standards 6 through 10 of the Uniform Standards of Professional Appraisal Practice are deleted or revised as follows:

(1) Under the fourth paragraph of the Preamble, in the sixth bullet point, delete "ten" from the first sentence and the last three (3) sentences.
(2) In the third sentence in the Ethics Rules, delete "Standards 1 through 10" and insert "Standards 1 through 5".
(3) In the second Comment under the Ethics Rule, delete the comma after "5-3" and "6-9, 8-3, and 10-3" and before "5-3", insert "and".
(4) In the second Comment under the Management category of the Ethics Rule, delete the comma after "5-3" and "6-9, 8-3, or 10-3" and before "5-3", insert "or".
(5) In the last paragraph of the Comment under the Record Keeping category under the Ethics Rule, delete "STANDARDS 2 and 8" and insert "STANDARD 2", delete "or an Appraisal Report (for assignments under STANDARD 10),", and delete the comma after "2-2(c)(viii)" and "8-2(c)(viii), and 10-2(b)(ix)".
(6) In the comment under the Problem Identification category under the Scope of Work Rule, delete "SR 6-2, SR 7-2, and SR 9-2" and before "SR 4-2", insert "and".
(7) In the Comment under Standards Rule 1-4(g), delete "(See Standard 7)" and "(See Standard 9)".
(8) In the last paragraph of the Comment under Standard 3, delete the comma after "5-3" and "6-9, 8-3, and 10-3" and before "5-3", insert "and".
(9) In two (2) locations that appear in the Comment under Standard 3-1(c), delete "(STANDARD 1, 3, 4, 6, 7, or 9)" and insert "(STANDARD 1, 3, or 4)".

(10) Delete the last sentence in the Comment under Standard 3-2(d) and insert the following: "However, data and analyses provided by the reviewer to support a different value conclusion must match, at a minimum, the reporting requirements for a Summary Appraisal Report for real property appraisal (SR 2-2(b)) and an appraisal consulting report for real property appraisal consulting (SR 5-2).".

(11) Any references to Standards 6 through 10 in the Statements on Appraisal Standards are deleted and shall not apply.

(c) In the Definitions, delete the title and text of the Comment under Real Property.

(d) Delete the third paragraph of the Preamble.

(Indiana Real Estate Commission; 876 IAC 3-6-3; filed Sep 24, 1992, 9:00 a.m.: 16 IR 748; filed Dec 8, 1993, 4:00 p.m.: 17 IR 781; filed Apr 10, 1995, 10:00 a.m.: 18 IR 2124; errata filed May 8, 1995, 4:30 p.m.: 18 IR 2262; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1767; filed May 10, 1999, 12:42 p.m.: 22 IR 2880; errata, 22 IR 3420; filed Apr 24, 2000, 12:48 p.m.: 23 IR 2244; filed May 25, 2001, 2:42 p.m.: 24 IR 3068; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed May 13, 2002, 2:05 p.m.: 25 IR 3181; filed May 1, 2003, 12:15 p.m.: 26 IR 3044; filed Apr 8, 2004, 3:25 p.m.: 27 IR 2739; filed Apr 18, 2005, 2:30 p.m.: 28 IR 2717; filed Aug 8, 2006, 11:03 a.m.: 20060906-IR-876060040FRA; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA; filed May 5, 2008, 11:30 a.m.: 20080604-IR-876070744FRA)

876 IAC 3-6-4 Supervision of licensed residential, certified residential, and certified general appraisers

Authority: IC 25-34.1-3-8

Affected: IC 25-34.1

Sec. 4. (a) When an Indiana licensed residential, certified residential, or certified general appraiser assists another licensed appraiser in the performance of a real estate appraisal, each is subject to the Uniform Standards of Professional Appraisal Practice, as adopted in this rule, and the appraiser assisting as well as the appraiser being assisted must clearly indicate on the appraisal report the extent of significant professional assistance provided by each signatory to the report. Absent a statement to the contrary, each signatory will be mutually responsible for the content of the report.

(b) When an Indiana licensed residential, certified residential, or certified general appraiser in the performance of an appraisal review of an Indiana licensed residential, certified residential, or certified general appraiser or any other licensed appraiser, the reviewer must comply with the Uniform Standards of Professional Appraisal Practice as adopted in this rule.

(Indiana Real Estate Commission; 876 IAC 3-6-4; filed Sep 24, 1992, 9:00 a.m.: 16 IR 749; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Aug 6, 2003, 12:00 p.m.: 27 IR 186; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA)

876 IAC 3-6-5 Supervision of unlicensed and uncertified assistants *(Repealed)*

Sec. 5. *(Repealed by Indiana Real Estate Commission; filed Dec 8, 1993, 4:00 p.m.: 17 IR 782)*

876 IAC 3-6-6 Retention of licenses and certificates

Authority: IC 25-34.1-3-8

Affected: IC 25-34.1

Sec. 6. The license or certificate renewal pocket card issued by the board to each Indiana licensed or Indiana certified real estate appraiser shall be retained by the licensee or certificate holder as evidence of licensure or certification.

(Indiana Real Estate Commission; 876 IAC 3-6-6; filed Sep 24, 1992, 9:00 a.m.: 16 IR 749; filed Apr 12, 2001, 12:30 p.m.: 24 IR 2707; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA)

876 IAC 3-6-7 Advertising

Authority: IC 25-34.1-3-8

Affected: IC 23-15-1; IC 25-34.1

Sec. 7. (a) When advertising or otherwise holding out as an Indiana real estate appraiser, a licensed residential appraiser shall identify himself or herself as an Indiana licensed appraiser; a certified residential appraiser shall identify himself or herself as an Indiana certified residential appraiser; and a certified general appraiser shall identify himself or herself as an Indiana certified general appraiser.

(b) An Indiana licensed or certified real estate appraiser doing business as a partnership, association, corporation, or other business entity shall not represent in any manner to the public that the partnership, association, corporation, or other business entity is either licensed or certified by the state of Indiana to engage in the business of real estate appraising.

(c) In the event that any licensee or certificate holder shall advertise in any manner using a firm name, corporate name, or an assumed name which does not set forth the surname of the licensee or certificate holder, he or she shall first notify the board in writing of such name and furnish the board with a copy of each registration of an assumed name filed under IC 23-15-1.

(Indiana Real Estate Commission; 876 IAC 3-6-7; filed Sep 24, 1992, 9:00 a.m.: 16 IR 749; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA)

876 IAC 3-6-8 Indiana licensed trainee appraisers; required use and prohibitions

Authority: IC 25-34.1-3-8

Affected: IC 25-34.1

Sec. 8. (a) Indiana licensed residential appraisers, Indiana certified residential appraisers, and Indiana certified general appraisers may only employ Indiana licensed residential appraisers, Indiana certified residential appraisers, Indiana certified general appraisers, and Indiana licensed trainee appraisers to assist in the performance of real estate appraisals.

(b) Subsection (a) does not prohibit the use of unlicensed individuals to perform clerical functions.

(c) Indiana licensed trainee appraisers may not work independently or hold themselves out to the general public as licensed or certified appraisers.

(d) Indiana licensed trainee appraisers may not review appraisals submitted by other appraisers and may not hold themselves out as a review appraiser.

(Indiana Real Estate Commission; 876 IAC 3-6-8; filed Dec 8, 1993, 4:00 p.m.: 17 IR 781; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA)

876 IAC 3-6-9 Indiana licensed trainee appraisers; supervision Version b

Authority: IC 25-34.1-3-8

Affected: IC 25-34.1

Sec. 9. (a) This section establishes requirements for the use and supervision of Indiana licensed trainee appraisers.

(b) Indiana licensed trainee appraisers shall be subject to direct supervision, including inspection of all properties except as allowed by subsection (i), by a supervising appraiser:

(1) who:

(A) shall be a certified residential appraiser or certified general appraiser in Indiana; and

(B) had no disciplinary action within the last two (2) years; and

(2) whose license or certificate is not currently on probation or suspended or has been revoked.

(c) The supervisor shall be responsible for the direct supervision of the Indiana licensed trainee appraiser by signing and certifying the report as in compliance with the Uniform Standards of Professional Appraisal Practice. Notwithstanding subsection (b)(1)(A), a licensed trainee appraiser who was supervised by a licensed residential appraiser before January 1, 2008, may continue to be supervised by that licensed residential appraiser until December 31, 2009.

(d) The Indiana licensed trainee appraiser is permitted to have more than one (1) supervising appraiser in the office of the licensed or certified appraiser holder of record with whom the Indiana licensed appraiser has associated under 876 IAC 3-3-22.

(e) An appraiser may not be the supervising appraiser for more than two (2) trainees.

(f) An appraisal log shall be maintained by the Indiana licensed trainee appraiser and supervising appraiser and shall, at a minimum, include the following for each appraisal:

(1) Client name.
(2) Address of appraised property.
(3) Description of work performed and scope of the review and supervision of the supervising appraiser.
(4) Number of work hours.
(5) Type of property.
(6) Date of report.

(g) The supervising appraiser shall:

(1) review and sign the appraisal log annually;
(2) provide the log to the trainee; and
(3) include his or her state certification number.

It is the responsibility of the trainee to retain the log for submission to the board with any future application for license certification. The trainee shall be entitled to copies of appraisals, including appraisal reports and any work files, that the trainee completes.

(h) Separate appraisal logs shall be maintained by each supervising appraiser.

(i) The Indiana licensed trainee appraiser shall be subject to direct supervision until the Indiana licensed trainee appraiser is competent in accordance with the Competency Provision of the Uniform Standards of Professional Appraisal Practice, as adopted in section 2 of this rule, to perform appraisals for the specific property type. After the Indiana licensed trainee appraiser demonstrates competency, the supervising appraiser is not required to inspect the properties. However, the supervising appraiser must continue to sign and accept full responsibility for all appraisals performed by the Indiana licensed trainee appraiser.

(j) In addition to the requirements in subsection (i), the supervising appraiser shall accompany the Indiana licensed trainee appraiser and inspect the subject and comparable properties on the following appraisal assignments:

(1) The first fifty (50) assignments performed by the trainee.
(2) During the first year the trainee holds an active license, all assignments located more than fifty (50) miles from the supervising appraiser's office.

(k) Subsections (e) and (j) do not apply when an Indiana licensed trainee appraiser is an employee of a governmental entity acting in the course of the governmental entity's activities.

(Indiana Real Estate Commission; 876 IAC 3-6-9; filed Dec 8, 1993, 4:00 p.m.: 17 IR 782; filed Apr 10, 1995, 10:00 a.m.: 18 IR 2124; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Dec 3, 2002, 3:00 p.m.: 26 IR 1108; filed Dec 1, 2003, 9:45 a.m.: 27 IR 1182; readopted filed Jul 19, 2007, 1:16 p.m.: 20070808-IR-876070068RFA; filed Aug 15, 2007, 10:01 a.m.: 20070912-IR-876060095FRA, eff Jan 1, 2008; errata filed Jan 23, 2008, 10:22 a.m.: 20080206-IR-876060095ACA)