Real Estate Appraiser Licensure and Certification Board

Laws and Regulations

A compilation of the Indiana Code and Indiana Administrative Code

2015 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 February 2015. 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, please 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

2015 Edition

TABLE OF CONTENTS

INDIANA CODE § 25-34.1-8 – Real Estate Appraiser Certification Board

Chapter 8.	Real Estate Appraiser Licensure and Certification Board	IC 25-34.1-8	Pages 5 - 6

INDIANA CODE § 25-34.1-3 – Licensing

Chapter 3.	Licensing	IC 25-34.1-3	Page 7

INDIANA CODE § 4-23 – Boards and Commissions

Chapter 20.	Mortgage Lending and Fraud Prevention Task Force	IC 4-23-20	Pages 7-8

INDIANA CODE § 24-5 – Consumer Sales

Chapter 23.5.	Real Estate Appraisals	IC 24-5-23.5	Pages 8-10

INDIANA CODE § 23-2-5 – Loan Brokers

Chapter 5.	Real estate appraisals; improper influence; ownership interest in appraisal company	IC 23-2-5	Page 10

INDIANA CODE § 25-1 – General Provisions

Chapter 1.	Evidence of License Applicant's Payment of Personal Property Taxes Required	IC 25-1-1	Pages 10-11
Chapter 1.1.	Effect of Criminal Convictions on Licensed or Registered Persons	IC 25-1-1.1	Pages 11-12
Chapter 1.2 .	Effect of Delinquency in Child Support Payments on Licensed or Registered Persons	IC 25-1-1.2	Pages 12-13
Chapter 2.	Renewal of Licenses Granted by State Agencies. Notice of Expiration	IC 25-1-2	Pages 13-14
Chapter 3.	Civil Immunity of Regulatory Agencies	IC 25-1-3	Page 14
Chapter 4.	Continuing Education	IC 25-1-4	Pages 14-16
Chapter 6.	Professional Licensing Agency	IC 25-1-6	Pages 16-18
Chapter 7.	Investigation and Prosecution of Complaints Concerning Regulated Occupations	IC 25-1-7	Pages 18-20
Chapter 8.	Occupational and Professional Licensure, Registration, and Certification Fees	IC 25-1-8	Pages 20-22
Chapter 10.	Reserved	IC 25-1-10	Page 22
Chapter 11.	Professional Licensing Standards of Practice	IC 25-1-11	Pages 22-25
Chapter 12.	Renewal of Licenses Held by Individuals in Military Service	IC 25-1-12	Page 25

INDIANA CODE § 4-6 – Attorney General

Chapter 14.	Health Records and Identifying Information Protection	IC 4-6-14	Pages 26-27

INDIANA CODE § 25-34.1-11 – Appraisal Management Companies

Chapter 11.	Appraisal Management Companies	IC 24-5-23.5	Pages 27-28

INDIANA ADMINISTRATIVE CODE

Title 876, Article 3 – Real Estate Appraiser Licensure and Certification

Rule 1.	Definitions	876 IAC 3-1	Page 29
Rule 2.	General Provisions	876 IAC 3-2	Pages 29-31
Rule 3.	Requirements for Real Estate Appraisers; Licensure and Certification	876 IAC 3-3	Pages 31-50
Rule 4.	Real Estate Appraiser Course Provider Approval (Repealed)	876 IAC 3-4	Page 50
Rule 5.	Continuing Education	876 IAC 3-5	Pages 51-53
Rule 6.	Standards of Practice for Appraisers	876 IAC 3-6	Pages 53-56

Title 877, Article 1 – Real Estate Appraiser Licensure and Certification Board

Rule 1.	General Provisions	877 IAC 1-1	Pages 56

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:

(1) money from a fee imposed upon licensed or certified appraisers and real estate brokers under IC 25-34.1-2-7 and IC 25-34.1-3-9.5; and
(2) civil penalties deposited in the fund under IC 24-5-23.5-9(d).
(3) registration fees imposed on appraisal management companies under IC 25-34.1-11-15; and
(4) civil penalties deposited under IC 25-34.1-11-17.

(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; P.L.52-2009, SEC.13; P.L.77-2010, SEC.1; P.L.127-2012, SEC.34.

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.

INDIANA CODE § 25-34.1-3

Chapter 3. Licensing

IC 25-34.1-3-8 Real estate appraiser licensure and certification program; necessity for licensure or certification

Sec. 8. (a) This section does not preclude a person who:

(1) is not licensed or certified as a real estate appraiser under this section; and

(2) is licensed as a broker under this article;

from appraising real estate in Indiana for compensation.

(b) As used in this section, "federal act" refers to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (12 U.S.C. 3331 through 3351).

(c) The commission shall adopt rules to establish a real estate appraiser licensure and certification program to be administered by the board.

(d) The commission may not adopt rules under this section except upon the action and written recommendations of the board under IC 25-34.1-8-6.5.

(e) The real estate appraiser licensure and certification program established by the commission under this section must meet the requirements of:

(1) the federal act;

(2) any federal regulations adopted under the federal act; and

(3) any other requirements established by the commission as recommended by the board, including requirements for education, experience, examination, reciprocity, and temporary practice.

(f) The real estate appraiser licensure and certification requirements established by the commission under this section must require a person to meet the standards for real estate appraiser certification and licensure established:

(1) under the federal act;

(2) by federal regulations; and

(3) under any other requirements established by the commission as recommended by the board, including requirements for education, experience, examination, reciprocity, and temporary practice.

(g) The commission may require continuing education as a condition of renewal for real estate appraiser licensure and certification.

(h) The following are not required to be a licensed or certified real estate appraiser to perform the requirements of IC 6-1.1-4:

(1) A county assessor.

(2) A township assessor.

(3) An employee of a county or township assessor.

(i) Notwithstanding IC 25-34.1-3-2(a):

(1) only a person who receives a license or certificate issued under the real estate appraiser licensure and certification program established under this section may appraise real estate involved in transactions governed by:

(A) the federal act; and

(B) any regulations adopted under the federal act;

as determined under rules adopted by the commission, as recommended by the board; and

(2) a person who receives a license or certificate issued under the real estate appraiser licensure and certification program established under this section may appraise real estate not involved in transactions governed by:

(A) the federal act; and

(B) any regulations adopted under the federal act;

as determined under rules adopted by the commission, as recommended by the board.

As added by P.L.186-1990, SEC.12. Amended by P.L.183-1991, SEC.7; P.L.57-2007, SEC.3; P.L.146-2008, SEC.530.

IC 25-34.1-3-9 Repealed

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

IC 25-34.1-3-9.5 Fees; real estate appraiser licensure and certification program

Sec. 9.5. (a) The commission shall establish fees under IC 25-1-8-2 to implement section 8 of this chapter.

(b) Notwithstanding IC 25-1-8-2, a fee established under IC 25-1-8-2 to implement section 8 of this chapter may not be less than fifty dollars ($50).

(c) The commission shall establish fees to provide funding for the investigative fund established by IC 25-34.1-8-7.5. The fees under this subsection may not be more than twenty dollars ($20).

(d) The board may collect a fee required by federal law and transmit the fees to the federal government as required by federal law.

(e) A fee described in subsection (a) is in addition to any fees required by federal law.

As added by P.L.57-2007, SEC.4.

INDIANA CODE § 4-23

ARTICLE 23. BOARDS AND COMMISSIONS

INDIANA CODE § 4-23-30

Chapter 30. Mortgage Lending and Fraud Prevention Task Force

IC 4-23-30-1 "Task force"

Sec. 1. As used in this chapter, "task force" refers to the mortgage lending and fraud prevention task force created under section 2 of this chapter.

As added by P.L.16-2009, SEC.10.

IC 4-23-30-2 Creation of task force

Sec. 2. 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.

As added by P.L.16-2009, SEC.10.

IC 4-23-30-3 Task force chair

Sec. 3. The members of the task force annually shall appoint a chair from among the members of the task force. Each year, the chair shall rotate among the agencies set forth in section 2 of this chapter.

As added by P.L.16-2009, SEC.10.

IC 4-23-30-4 Task force duties

Sec. 4. Subject to section 5 of this chapter, 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.

As added by P.L.16-2009, SEC.10.

IC 4-23-30-5 Task force meetings

Sec. 5. 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.

As added by P.L.16-2009, SEC.10.

IC 4-23-30-6 Task force reports

Sec. 6. (a) 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 section 2 of this chapter with respect to the most recent state fiscal year. The report required under this section must include:

(1) information on the regulatory activities of each agency described in section 2 of this chapter, 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 section 4 of this chapter;

(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 section 4 of this chapter.

(b) A report to the legislative council under this section must be in an electronic format under IC 5-14-6.

As added by P.L.16-2009, SEC.10.

INDIANA CODE § 24-5

ARTICLE 5. CONSUMER SALES

INDIANA CODE § 24-5-23.5

Chapter 23.5. Real Estate Appraisals

IC 24-5-23.5-1 "Appraisal"

Sec. 1. (a) As used in this chapter, "appraisal" means an estimation that:

(1) represents the final opinion of the value of real property that is the subject of a real estate transaction; and

(2) serves as the basis for the extension of credit, in the case of a real estate transaction involving the making, refinancing, or consolidation of a mortgage loan.

(b) The term may include any of the following:

(1) The results of an automated valuation model.

(2) A broker's price opinion.

(3) A desktop evaluation.

As added by P.L.52-2009, SEC.2.

IC 24-5-23.5-2 "Appraisal company"

Sec. 2. As used in this chapter, "appraisal company" means a sole proprietorship, firm, corporation, partnership, limited liability company, limited liability partnership, joint venture, trust, or other business unit or association that:

(1) performs appraisals on a regular basis for compensation through one (1) or more owners, officers, employees, or agents; or

(2) holds itself out to the public as performing appraisals.

As added by P.L.52-2009, SEC.2.

IC 24-5-23.5-3 "Creditor"

Sec. 3. (a) As used in this chapter, "creditor" means a person:

(1) that regularly engages in Indiana in the extension of mortgage loans that are subject to a credit service charge or loan finance charge, as applicable, or are payable by written agreement in more than four (4) installments (not including a down payment); and

(2) to whom the obligation arising from a mortgage loan is initially payable, either on the face of the note or contract, or by agreement if there is not a note or contract.

(b) The term does not include a person described in:

(1) IC 24-9-2-6(a)(2) if the person described in IC 24-9-2-6(a)(2) is not the person extending the credit in the transaction; or

(2) IC 24-9-2-6(b).

As added by P.L.52-2009, SEC.2.

IC 24-5-23.5-3.7 "Land contract"

Sec. 3.7. As used in this chapter, "land contract" means a contract for the sale of real estate in which the seller of the real estate retains legal title to the real estate until the total contract price is paid by the buyer.

As added by P.L.89-2011, SEC.20.

IC 24-5-23.5-4 "Mortgage loan"

Sec. 4. (a) As used in this chapter, "mortgage loan" means a loan in which a mortgage (or another equivalent consensual security interest) that constitutes a lien is created or retained against an interest in real property in Indiana.

(b) The term includes the following:

(1) A home loan subject to IC 24-9.

(2) A loan described in IC 24-9-1-1, to the extent allowed under federal law.

(3) A first lien mortgage transaction (as defined in IC 24-4.4-1-301) subject to IC 24-4.4.

(4) A consumer credit sale subject to IC 24-4.5-2 in which a mortgage (or another equivalent consensual security interest) that constitutes a lien is created or retained against an interest in real property in Indiana.

(5) A consumer loan subject to IC 24-4.5-3 in which a mortgage (or another equivalent consensual security interest) that constitutes a

lien is created or retained against an interest in real property in Indiana.

(6) A loan in which a mortgage (or another equivalent consensual security interest) that constitutes a lien is created or retained against land:

(A) that is located in Indiana;

(B) upon which there is a dwelling that is not or will not be used by the borrower primarily for personal, family, or household purposes; and

(C) that is classified as residential for property tax purposes.

The term includes a loan that is secured by land in Indiana upon which there is a dwelling that is purchased by or through the borrower for investment or other business purposes.

(c) The term does not include a land contract.

As added by P.L.52-2009, SEC.2. Amended by P.L.35-2010, SEC.88; P.L.89-2011, SEC.21; P.L.13-2013, SEC.66.

IC 24-5-23.5-5 "Real estate appraiser"

Sec. 5. As used in this chapter, "real estate appraiser" means a person who prepares the appraisal for a real estate transaction in Indiana, regardless of whether the person is licensed or certified, or required to be licensed or certified, under the real estate appraiser licensure and certification program established under IC 25-34.1-3-8.

As added by P.L.52-2009, SEC.2.

IC 24-5-23.5-6 "Real estate transaction"

Sec. 6. As used in this chapter, "real estate transaction" means a transaction that involves one (1) or both of the following:

(1) The sale or lease of any legal or equitable interest in real estate located in Indiana.

(2) The making, refinancing, or consolidation of a mortgage loan.

As added by P.L.52-2009, SEC.2.

IC 24-5-23.5-7 Prohibition against corrupting or improperly influencing a real estate appraiser or an appraisal

Sec. 7. A person shall not corrupt or improperly influence, or attempt to corrupt or improperly influence:

(1) the independent judgment of a real estate appraiser with respect to the value of the real estate that is the subject of a real estate transaction; or

(2) the development, reporting, result, or review of an appraisal prepared in connection with a real estate transaction;

through bribery, coercion, extortion, intimidation, collusion, or any other manner.

As added by P.L.52-2009, SEC.2.

IC 24-5-23.5-8 Creditor's duty to provide notice concerning homeowner protection unit's contact information and borrower's right to inspect settlement statement before closing; unit to prescribe form of notice; promotion of unit's contact information; information sharing; exemption from liability for disclosing suspected violation; report to legislative council of complaints received

Sec. 8. (a) This subsection applies with respect to a completed application for a mortgage loan that is received by a creditor after December 31, 2009. A creditor shall, not later than three (3) business days after receiving a completed written application for mortgage loan from a borrower or prospective borrower, provide to the borrower or prospective borrower a notice, on a form prescribed by the homeowner protection unit under subsection (b), that includes the following:

(1) Contact information for the homeowner protection unit established by the attorney general under IC 4-6-12, including:

(A) an electronic mail address for the homeowner protection unit; and

(B) the toll free telephone number described in IC 4-6-12-3.5.

(2) A statement that the borrower or prospective borrower may contact the homeowner protection unit to report:

(A) a suspected violation of section 7 of this chapter; or

(B) other information about suspected fraudulent residential real estate transactions, as authorized by IC 4-6-12-3.5(b).

(3) A statement that the borrower in a real estate transaction that involves the making, refinancing, or consolidation of a mortgage loan has the right to inspect the HUD-1 or HUD-1A settlement statement during the business day immediately preceding settlement, as provided by the federal Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq.), as amended.

The creditor shall provide the notice required by this subsection by delivering it to the borrower or prospective borrower or placing it in the United States mail to the borrower or prospective borrower within the time prescribed by this subsection.

(b) Not later than September 1, 2009, the home owner protection unit established by the attorney general under IC 4-6-12 shall prescribe the form required under subsection (a) for use by creditors who receive completed written applications for mortgage loans after December 31, 2009.

(c) The homeowner protection unit established by the attorney general under IC 4-6-12, in cooperation with the real estate appraiser licensure and certification board created by IC 25-34.1-8-1, shall publicize and promote awareness of the availability of the:

(1) electronic mail address; and

(2) toll free telephone number;

described in subsection (a)(1) to accept complaints from real estate appraisers, creditors, borrowers, potential borrowers, and other persons concerning suspected violations of section 7 of this chapter.

(d) A creditor may share any information obtained concerning a suspected violation of section 7 of this chapter with the homeowner protection unit established by the attorney general under IC 4-6-12. The homeowner protection unit may, in turn, share any information received from a creditor under this subsection with the following:

(1) Federal, state, and local law enforcement agencies and federal regulatory agencies in accordance with IC 4-6-12-3(a)(4).

(2) Any entity listed in IC 4-6-12-4 that may have jurisdiction over any person who is suspected of violating section 7 of this chapter, including any entity that may have jurisdiction over the creditor or an agent of the creditor if the homeowner protection unit suspects that the creditor or an agent of the creditor has violated section 7 of this chapter. However, the homeowner protection unit and any entity listed in IC 4-6-12-4 that receives information under this subdivision shall treat the information, including information concerning the identity of the complainant, as confidential and shall exercise all necessary caution to avoid disclosure of the information, except as otherwise permitted or required by law.

(e) Any:

(1) real estate appraiser, creditor, borrower, potential borrower, or other person that makes, in good faith, a voluntarily disclosure of a suspected violation of section 7 of this chapter to the homeowner protection unit under this section or otherwise; and

(2) director, officer, manager, employee, or agent of a person described in subdivision (1) who makes, or requires another person to make, a disclosure described in subdivision (1);

is not liable to any person under any law or regulation of the United States, under any constitution, law, or regulation of any state or a political subdivision of any state, or under any contract or other legally enforceable agreement, including an arbitration agreement, for a disclosure described in subdivision (1) or for failing to provide notice of a disclosure described in subdivision (1) to any person who is the subject of the disclosure.

(f) Beginning in 2009, the report provided by the mortgage lending and fraud prevention task force to the legislative council under P.L.145-2008, SECTION 35, must include the following information:

(1) The total number of complaints or reports:

(A) received by the homeowner protection unit during the most recent state fiscal year; and

(B) concerning a suspected violation of section 7 of this chapter.

(2) From the total number of complaints or reports reported under subdivision (1), a breakdown of the sources of the complaints or reports, classified according to the complainants' interest in or relationship to the real estate transactions upon which the complaints or reports are based.

(3) A description of any:

(A) disciplinary or enforcement actions taken; or

(B) criminal prosecutions pursued;

by the homeowner protection unit or any entity listed in IC 4-6-12-4 and having jurisdiction in the matter, as applicable, in connection with the complaints or reports reported under subdivision (1).

The homeowner protection unit shall make available to the mortgage lending and fraud prevention task force any information necessary to provide the information required under this subsection in the task force's report to the legislative council.

As added by P.L.52-2009, SEC.2.

IC 24-5-23.5-9 Violation a Class A misdemeanor and a deceptive act; action for injunctive relief by attorney general; civil penalty; cumulative enforcement procedures

Sec. 9. (a) A person that knowingly or intentionally violates section 7 of this chapter commits:

(1) a Class A misdemeanor; and

(2) an act that is:

(A) actionable by the attorney general under IC 24-5-0.5; and

(B) subject to the penalties listed in IC 24-5-0.5.

(b) The attorney general may maintain an action in the name of the state of Indiana to enjoin a person from violating section 7 of this chapter. A court in which the action is brought may:

(1) issue an injunction;

(2) order the person to make restitution;

(3) order the person to reimburse the state for the attorney general's reasonable costs of investigating and prosecuting the violation; and

(4) impose a civil penalty of not more than ten thousand dollars ($10,000) per violation.

(c) A person that violates an injunction issued under this section is subject to a civil penalty of not more than ten thousand dollars ($10,000) per violation. The court that issues the injunction retains jurisdiction over a proceeding seeking the imposition of a civil penalty under this subsection.

(d) A civil penalty imposed and collected under this section shall be deposited in the investigative fund established by IC 25-34.1-8-7.5.

(e) The enforcement procedures established by this section are cumulative and an enforcement procedure available under this section is supplemental to any other enforcement procedure available under:

(1) this section; or

(2) any other state or federal law, rule, or regulation;

for a violation of section 7 of this chapter.

As added by P.L.52-2009, SEC.2.

INDIANA CODE § 23-2-5

Chapter 5. Loan Brokers

IC 23-2-5-9.1 Real estate appraisals; improper influence; ownership interest in appraisal company

Sec. 9.1. (a) As used in this section, "appraisal company" means a business entity that:

(1) performs real estate appraisals on a regular basis for compensation through one (1) or more owners, officers, employees, or agents; or

(2) holds itself out to the public as performing real estate appraisals.

(b) As used in this section, "immediate family", with respect to an individual, refers to:

(1) the individual's spouse who resides in the individual's household; and

(2) any dependent child of the individual.

(c) As used in this section, "real estate appraiser" means a person who:

(1) is licensed as a real estate broker under IC 25-34.1 and performs real estate appraisals within the scope of the person's license;

(2) holds a real estate appraiser license or certificate issued under IC 25-34.1-3-8; or

(3) otherwise performs real estate appraisals in Indiana.

(d) A person licensed under this chapter, or a person required to be licensed under this chapter, shall not knowingly bribe, coerce, or intimidate another person to corrupt or improperly influence the independent judgment of a real estate appraiser with respect to the value of any real estate offered as security for a residential mortgage loan.

(e) Except as provided in subsection (f):

(1) a person licensed under this chapter, or a person required to be licensed under this chapter;

(2) a member of the immediate family of:

(A) a person licensed under this chapter; or

(B) a person required to be licensed under this chapter; or

(3) a person described in subdivision (1) or (2) in combination with one (1) or more other persons described in subdivision (1) or (2);

may not own or control a majority interest in an appraisal company.

(f) This subsection applies to a person or combination of persons described in subsection (e) who own or control a majority interest in an appraisal company on June 30, 2007. The prohibition set forth in subsection (e) does not apply to a person or combination of persons described in this subsection, subject to the following:

(1) The interest in the appraisal company owned or controlled by the person or combination of persons described in subsection (e) shall not be increased after June 30, 2007.

(2) The interest of a person licensed under this chapter, or of a person required to be licensed under this chapter, shall not be transferred to a member of the person's immediate family.

(3) If the commissioner determines that any person or combination of persons described in subsection (e) has violated this chapter, the commissioner may order one (1) or more of the persons to divest their interest in the appraisal company. The commissioner may exercise the remedy provided by this subdivision in addition to, or as a substitute for, any other remedy available to the commissioner under this chapter.

As added by P.L.230-2007, SEC.10. Amended by P.L.156-2009, SEC.7.

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 5 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; P.L.155-2011, SEC.5.

IC 25-1-1.1-2 Suspension, denial, or revocation of a license or certificate for specified convictions

Sec. 2. Notwithstanding IC 25-1-7, a board, a commission, or a committee may suspend, deny, or revoke a license or certificate issued under this title by the board, the commission, or the committee without an investigation by the office of the attorney general if the individual who holds the license or certificate is convicted of any of the following and the board, commission, or committee determines, after the individual has appeared in person, that the offense affects the individual's ability to perform the duties of the profession:

(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(c).
(5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).
(6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).
(7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b).
(8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.
(9) Possession of a synthetic drug or synthetic drug lookalike substance as a:
  (A) Class D felony for a crime committed before July 1, 2014, under:
    (i) IC 35-48-4-11, before its amendment in 2013; or
    (ii) IC 35-48-4-11.5; or
  (B) Level 6 felony for a crime committed after June 30, 2014, under IC 35-48-4-11.5.
(10) Maintaining a common nuisance under IC 35-48-4-13.
(11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
(12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.
(13) Attempt under IC 35-41-5-1 to commit an offense listed in this section.
(14) A sex crime under IC 35-42-4.
(15) A felony that reflects adversely on the individual's fitness to hold a professional license.
(16) 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 in this section.

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; P.L.138-2011, SEC.6; P.L.182-2011, SEC.6; P.L.155-2011, SEC.6; P.L.6-2012, SEC.168; P.L.78-2012, SEC.7; P.L.196-2013, SEC.9; P.L.158-2013, SEC.277; P.L.168-2014, SEC.36.

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, hashish, or salvia under IC 35-48-4-10(b).
(10) Dealing in a synthetic drug or synthetic drug lookalike substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b) before its amendment in 2013).
(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.
(12) Attempt under IC 35-41-5-1 to commit an offense listed in this section.
(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 in this section.
(14) 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; P.L.138-2011, SEC.7; P.L.182-2011, SEC.7; P.L.78-2012, SEC.8; P.L.196-2013, SEC.10.

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 31-16-12-8 (or IC 31-1-11.5-13(k), IC 31-6-6.1-16(k), or IC 31-14-12-5 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 31-16-12-8 (or IC 31-1-11.5-13(k), IC 31-6-6.1-16(k), or IC 31-14-12-5 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; P.L.207-2013, SEC.11.

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 permits, licenses, certificates of registration, or evidences of authority granted by a state agency and described in IC 25-0.5-2 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.
As added by P.L.1-1990, SEC.248. Amended by P.L.186-1990, SEC.1; P.L.183-1991, SEC.1; P.L.182-1991, SEC.2; P.L.25-1992, SEC.26; P.L.227-1993, SEC.2; P.L.124-1994, SEC.1; P.L.234-1995, SEC.1; P.L.175-1997, SEC.2; P.L.147-1997, SEC.5; P.L.84-1998, SEC.1; P.L.54-2001, SEC.3; P.L.162-2002, SEC.1; P.L.145-2003, SEC.1; P.L.87-2005, SEC.31; P.L.200-2007, SEC.2; P.L.3-2008, SEC.175; P.L.177-2009, SEC.10; P.L.84-2010, SEC.6; P.L.57-2013, SEC.24; P.L.232-2013, SEC.10; P.L.3-2014, SEC.7.

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 entities described in IC 25-0.5-3 that regulate occupations or professions under the Indiana Code.

(c) Notwithstanding any other law, the entities referenced 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.

(d) Notwithstanding any other law, the entities referenced in subsection (b) shall send notice of the expiration of a license to each individual whose license has expired within thirty (30) days following the expiration of the license. The notice must meet the following requirements:

(1) Inform the individual of the following:

(A) That the individual's license has expired.

(B) Any requirements that must be met before reinstatement of a license may occur.

(2) Be sent electronically. However, if the entity does not have an electronic mail address on record for the individual, the notice must be sent via United States mail.

As added by Acts 1981, P.L.221, SEC.1. Amended by P.L.137-1985, SEC.5; P.L.246-1985, SEC.13; P.L.169-1985, SEC.22; P.L.149-1987, SEC.17; P.L.5-1988, SEC.132; P.L.28-1988, SEC.73; P.L.242-1989, SEC.4; P.L.234-1989, SEC.1; P.L.238-1989, SEC.4; P.L.186-1990, SEC.2; P.L.183-1991, SEC.2; P.L.23-1991, SEC.7; P.L.48-1991, SEC.12; P.L.2-1992, SEC.765; P.L.227-1993, SEC.3; P.L.33-1993, SEC.9; P.L.124-1994, SEC.2; P.L.175-1997, SEC.3; P.L.125-1997, SEC.17; P.L.147-1997, SEC.6; P.L.253-1997(ss), SEC.22; P.L.24-1999, SEC.2; P.L.82-2000, SEC.2; P.L.54-2001, SEC.4; P.L.162-2002, SEC.2; P.L.145-2003, SEC.2; P.L.185-2007, SEC.1; P.L.200-2007, SEC.3; P.L.3-2008, SEC.176; P.L.122-2009, SEC.1; P.L.160-2009, SEC.4; P.L.1-2010, SEC.100; P.L.84-2010, SEC.7; P.L.113-2010, SEC.100; P.L.42-2011, SEC.49; P.L.197-2011, SEC.73; P.L.57-2013, SEC.25; P.L.232-2013, SEC.11; P.L.3-2014, SEC.8.

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"

Sec. 0.3. As used in this chapter, "board" means any of the entities described in IC 25-0.5-4.

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; P.L.122-2009, SEC.2; P.L.160-2009, SEC.5; P.L.1-2010, SEC.101; P.L.84-2010, SEC.8; P.L.57-2013, SEC.26; P.L.3-2014, SEC.9.

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

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

(1) that is approved by:

(A) an approved organization or the board for a profession or occupation other than a real estate appraiser; or

(B) for a real estate appraiser:

(i) the Appraiser Qualifications Board, under the regulatory oversight of the Appraisal Subcommittee established under Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989; or

(ii) the real estate appraiser licensure and certification board established under IC 25-34.1-8 for specific courses and course subjects, as determined by the real estate appraiser licensure and certification board; and

(2) that is designed to directly enhance the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.

The term includes an activity that is approved by the board for a profession or occupation, other than a real estate appraiser, and that augments the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.

As added by P.L.157-2006, SEC.12. Amended by P.L.57-2007, SEC.1; P.L.177-2009, SEC.11.

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

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

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

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

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

(4) an intern permit; or

(5) a provisional license;

issued by the board regulating the profession in question.

As added by P.L.269-2001, SEC.3.

IC 25-1-4-0.7 Computation of designated time periods

Sec. 0.7. (a) In computing any period under this chapter, the day of the act, event, or default from which the designated period of time begins to run is not included. The last day of the computed period is to be included unless it is:

(1) a Saturday;

(2) a Sunday;

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

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

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

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

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

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

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

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

IC 25-1-4-1 Requirement

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

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

IC 25-1-4-2 Promotion

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

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

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

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

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

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

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

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

IC 25-1-4-3.2 Distance learning methods

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

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

IC 25-1-4-4 Hardship waiver

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

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

(2) An incapacitating illness or injury.

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

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

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

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

(1) Send the practitioner notice of noncompliance by certified mail to the practitioner's last known address.
(2) As a condition of license renewal or reinstatement, require the practitioner to comply with subsection (b).
(3) For license renewal, issue a conditional license to the practitioner that is effective until the practitioner complies with subsection (b).

(b) Upon service of a notice of noncompliance under subsection (a), a practitioner shall do either of the following:
(1) If the practitioner believes that the practitioner has complied with this chapter or IC 25-1-8-6, if applicable, within twenty-one (21) days of service of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.
(2) If the practitioner does not disagree with the board's determination of noncompliance, do the following:
(A) Except as provided in subsection (d), pay to the board a civil penalty not to exceed one thousand dollars ($1,000) within twenty-one (21) days of service of the notice.
(B) Acquire, within six (6) months after service of the notice, the number of credit hours needed to achieve full compliance.
(C) Comply with all other provisions of this chapter.

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

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

(e) The board shall:
(1) reinstate a practitioner's license; or
(2) renew the practitioner's license in place of the conditional license issued under subsection (a)(3);
if the practitioner supplies proof of compliance with this chapter under subsection (b)(1) or IC 25-1-8-6, if applicable.
As added by P.L.157-2006, SEC.14. Amended by P.L.197-2007, SEC.17; P.L.177-2009, SEC.13.

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

Sec. 6. (a) Notwithstanding any other law, if at the time a practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board determines that the practitioner has failed to comply with this chapter or IC 25-1-8-6, if applicable, and the practitioner has previously received a notice of noncompliance under section 5(a) of this chapter during the preceding license period, the board shall do the following:
(1) Provide the practitioner notice of noncompliance by certified mail.
(2) Deny the practitioner's application for license renewal or reinstatement.

(b) The board shall reinstate a license not renewed under subsection (a) upon occurrence of the following:
(1) Payment by a practitioner to the board of a civil penalty determined by the board, but not to exceed one thousand dollars ($1,000).
(2) Acquisition by the practitioner of the number of credit hours required to be obtained by the practitioner during the relevant license period.
(3) The practitioner otherwise complies with this chapter.
As added by P.L.157-2006, SEC.15. Amended by P.L.197-2007, SEC.18.

IC 25-1-4-7 Credit Hours

Sec. 7. Credit hours acquired by a practitioner under section 5(b)(2) or 6(b)(2) of this chapter may not apply to the practitioner's credit hour requirement for the license period in which the credit hours are acquired.
As added by P.L.157-2006, SEC.16.

IC 25-1-4-8 Rules

Sec. 8. The board may adopt rules under IC 4-22-2 to implement this chapter.
As added by P.L.157-2006, SEC.17.

INDIANA CODE § 25-1-6

Chapter 6. Professional Licensing Agency

IC 25-1-6-1 Legislative intent

Sec. 1. The centralization of staff, functions, and services contemplated by this chapter shall be done in such a way as to enhance the licensing agency's ability to:
(1) make maximum use of data processing as a means of more efficient operation;
(2) provide more services and carry out functions of superior quality; and
(3) ultimately and significantly reduce the number of staff needed to provide these services and carry out these functions.
As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.2; P.L. 194-2005, SEC. 1.

IC 25-1-6-2 Definitions

Sec. 2. As used in this chapter:
"Board" means any agency, board, advisory committee, or group included in section 3 of this chapter.
"Licensing agency" means the Indiana professional licensing agency created by IC 25-1-5-3.
As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.3; P.L. 206-2005, SEC. 8.

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

Sec. 3. (a) The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the entities described in IC 25-0.5-7.
(b) Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.
As added by Acts 1981, P.L.222, SEC.3. Amended by Acts 1982, P.L.113, SEC.10; P.L.132-1984, SEC.4; P.L.246-1985, SEC.14; P.L.257-1987, SEC.14; P.L.234-1989, SEC.2; P.L.186-1990, SEC.4; P.L.23-1991, SEC.8; P.L.48-1991, SEC.15; P.L.1-1992, SEC.129; P.L.30-1993, SEC.4; P.L.234-1995, SEC.2; P.L.82-2000, SEC.3; P.L.227-2001, SEC.3; P.L.162-2002, SEC.3; P.L.145-2003, SEC.3; P.L.194-2005, SEC.2; P.L.206-2005, SEC.9; P.L.185-2007, SEC.3; P.L.200-2007, SEC.4; P.L.3-2008, SEC.177; P.L.160-2009, SEC.6; P.L.84-2010, SEC.11; P.L.42-2011, SEC.50; P.L.57-2013, SEC.27; P.L.3-2014, SEC.16.

IC 25-1-6-4 Additional duties and functions; staff; requirements for renewal; delay of renewal; attorney general; investigation; sanctions; staggering renewal cycles; abandoned application

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) record keeping of board meetings, proceedings, and actions;
(3) record keeping 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 described in IC 25-0.5-7;
(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, record keeping, 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; P.L.3-2014, SEC.17.

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 described in IC 25-0.5-7, 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 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; P.L.6-2012, SEC.170; P.L.3-2014, SEC.18.

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 described in IC 25-0.5-7 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; P.L.3-2014, SEC.19.

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 licensing agency and the boards shall allow the department of state revenue, the alcohol and tobacco commission, and the bureau of motor vehicles 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 shall not issue or renew the person's license until:

(1) the person provides to the licensing agency a statement from the department of state revenue indicating that the person's tax warrant 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).

(c) If the alcohol and tobacco commission notifies the licensing agency that a person has an outstanding balance due to the alcohol and tobacco commission, the licensing agency shall not issue or renew the person's license until the person provides to the licensing agency a statement from the alcohol and tobacco commission indicating that the person's outstanding balance has been satisfied.

(d) If the bureau of motor vehicles notifies the licensing agency that a person has an outstanding balance due to the bureau of motor vehicles because a check, draft, or order issued or delivered by the person to the bureau of motor vehicles was returned or dishonored because of insufficient funds, the licensing agency shall not issue or renew the person's license until the person provides to the licensing agency a statement from the bureau of motor vehicles indicating that the person's outstanding balance has been satisfied.

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; P.L.172-2011, SEC.131; P.L.261-2013, SEC.41.

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. The following terms are defined for this chapter:

(1) "Board" means the appropriate entity described in IC 25-0.5-8.

(2) "Director" refers to the director of the division of consumer protection.

(3) "Division" refers to the division of consumer protection, office of the attorney general.

(4) "Licensee" means a person who is:

(A) licensed, certified, or registered by an entity described in IC 25-0.5-8; and

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

(5) "Person" means an individual, a partnership, a limited liability company, or a corporation.

(6) "Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the entities described in IC 25-0.5-8.

As added by Acts 1981, P.L.222, SEC.4. Amended by Acts 1982, P.L.113, SEC.12; P.L.137-1985, SEC.7; P.L.246-1985, SEC.15; P.L.169-1985, SEC.29; P.L.149-1987, SEC.21; P.L.257-1987, SEC.15; P.L.242-1989, SEC.6; P.L.234-1989, SEC.3; P.L.238-1989, SEC.6; P.L.1-1990, SEC.249; P.L.186-1990, SEC.5; P.L.183-1991, SEC.3; P.L.23-1991, SEC.9; P.L.48-1991, SEC.16; P.L.1-1992, SEC.130; P.L.30-1993, SEC.5; P.L.227-1993, SEC.5; P.L.213-1993, SEC.2; P.L.8-1993, SEC.371; P.L.33-1993, SEC.11; P.L.1-1994, SEC.120; P.L.124-1994, SEC.4; P.L.234-1995, SEC.3; P.L.175-1997, SEC.5; P.L.147-1997, SEC.8; P.L.84-1998, SEC.3; P.L.24-1999, SEC.4; P.L.82-2000, SEC.4; P.L.162-2002, SEC.4; P.L.145-2003, SEC.4; P.L.185-2007, SEC.4; P.L.193-2007, SEC.4; P.L.200-2007, SEC.5; P.L.3-2008, SEC.178; P.L.134-2008, SEC.16; P.L.1-2009, SEC.138; P.L.122-2009, SEC.5; P.L.160-2009, SEC.7; P.L.1-2010, SEC.102; P.L.84-2010, SEC.12; P.L.113-2010, SEC.101; P.L.42-2011, SEC.51; P.L.57-2013, SEC.28; P.L.232-2013, SEC.14; P.L.3-2014, SEC.20.

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

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

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

IC 25-1-7-3 Investigation of complaints

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

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

(c) The state board of cosmetology and barber examiners shall investigate complaints under IC 25-8-14-5, IC 25-8-4-13, IC 25-8-4-29, IC 25-8-9-10, IC 25-8-9-14, and IC 25-8-15.4-5. The division shall forward a complaint concerning the practice of beauty culture under IC 25-8 to the state board of cosmetology and barber examiners for investigation by the state board of cosmetology and barber examiners. However, if the complaint includes a violation in addition to a violation specified in IC 25-8-14-5, IC 25-8-4-13, IC 25-8-4-29, IC 25-8-9-10, IC 25-8-9-14, and IC 25-8-15.4-5, the division shall investigate the complaint in its entirety and notify the state board of cosmetology and barber examiners of the investigation.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.149-2011, SEC.1; P.L.226-2011, SEC.17; P.L.170-2013, SEC.1.

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 entities described in IC 25-0.5-8.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.3-2014, SEC.21.

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 entities described in IC 25-0.5-8; or

(B) the Indiana professional licensing agency; or

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

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

(1) The director shall make an initial determination as to the merit of each complaint. A copy of a complaint having merit shall be submitted to the board having jurisdiction over the licensee's regulated occupation, that board thereby acquiring jurisdiction over the matter except as otherwise provided in this chapter.

(2) The director shall through any reasonable means notify the licensee of the nature and ramifications of the complaint and of the duty of the board to attempt to resolve the complaint through negotiation.

(3) The director shall report any pertinent information regarding the status of the complaint to the complainant.

(4) The director may investigate any written complaint against a licensee. The investigation shall be limited to those areas in which there appears to be a violation of statutes governing the regulated occupation.

(5) The director has the power to subpoena witnesses and to send for and compel the production of books, records, papers, and documents for the furtherance of any investigation under this chapter. The circuit or superior court located in the county where the subpoena is to be issued shall enforce any such subpoena by the director.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.22-1999, SEC.2; P.L.14-2000, SEC.55; P.L.206-2005, SEC.11; P.L.149-2011, SEC.2; P.L.226-2011, SEC.18; P.L.3-2014, SEC.22.

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 entities described in IC 25-0.5-8; 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 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; P.L.3-2014, SEC.23.

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

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

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

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

IC 25-1-7-8 Witnesses

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

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

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

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

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

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

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

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

(1) under law; or

2) for the advancement of an investigation.

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

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

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

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

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

Sec. 12. (a) If:

(1) a fund is created by statute for the payment of an unpaid judgment against a licensee; and

(2) the office of the attorney general is required by statute to provide services to the boards that administer the funds described in subdivision (1);

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

(b) If:

(1) more than one (1) fund is established by statute for the payment of an unpaid judgment against a licensee; and

(2) the office of the attorney general is entitled to reimbursement under subsection (a);

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

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

IC 25-1-7-13 Reports; contents

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

(1) The number of complaints filed.

(2) The number of cases currently under investigation.

(3) The number of cases closed.

(4) The number of cases resolved.

(5) The age of the complaints.

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

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

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

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

(A) with notice; or

(B) without notice, if the attorney general determines that the person is engaged in activities that may affect an individual's health or safety;

a motion for a cease and desist order with the appropriate board. For purposes of this subdivision, the board may designate a board member or an employee of the Indiana professional licensing agency to act on behalf or in the name of the board.

(2) Upon review of the attorney general's motion for a cease and desist order, the board may issue an order requiring the affected person to show cause why the person should not be ordered to cease and desist from such activities. The show cause order must set forth a time and place for a hearing at which the affected person may appear and show cause as to why the person should not be subject to licensing, certification, or registration under this title. For purposes of this subdivision, the board may designate a board member to act on behalf or in the name of the board.

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

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

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

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

(f) In addition to the powers specified in subsections (a) through (e), the state board of funeral and cemetery service may:

(1) file complaints under subsection (a)(1);

(2) issue show cause orders under subsection (a)(2); and

(3) hold hearings and issue cease and desist orders under subsection (b);

in relation to persons who are engaged in or believed to be engaged in activities for which a certificate of authority is required under IC 30-2-13.

(g) Cease and desist orders may be issued by the state board of funeral and cemetery service under subsection (f) for failure to possess a certificate of authority even if the person has a valid:

(1) funeral home license;

(2) funeral director license;

(3) embalmer license; or

(4) cemetery registration.

(h) A cease and desist order issued under this section by a board defined in IC 25-1-11-1 may also include an order for the person to pay consumer restitution to a person who suffered damages as a result of the activities that were the basis for the cease and desist order.

(i) A cease and desist order issued under this section may also include an order for repayment of the costs of the proceedings. The person's ability to pay must be considered when costs are assessed. These costs are limited to costs for the following:

(1) Court reporters.

(2) Transcripts.

(3) Certification of documents.

(4) Photo duplication.

(5) Witness attendance and mileage fees.

(6) Postage.

(7) Expert witnesses.

(8) Depositions.

(9) Notarizations.

(10) Administrative law judges.

(11) Real estate review appraisals.

As added by P.L.84-2010, SEC.13. Amended by P.L.155-2011, SEC.9; P.L.134-2013, SEC.2.

INDIANA CODE § 25-1-8

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

IC 25-1-8-1 "Board"

Sec. 1. As used in this chapter, "board" means any of the entities described in IC 25-0.5-9.

As added by Acts 1981, P.L.223, SEC.1. Amended by P.L.250-1983, SEC.1; P.L.246-1985, SEC.16; P.L.169-1985, SEC.30; P.L.19-1986, SEC.42; P.L.149-1987, SEC.22; P.L.257-1987, SEC.16; P.L.3-1989, SEC.144; P.L.234-1989, SEC.4; P.L.186-1990, SEC.6; P.L.183-1991, SEC.4; P.L.23-1991, SEC.10; P.L.48-1991, SEC.17; P.L.1-1992, SEC.131; P.L.30-1993, SEC.6; P.L.33-1993, SEC.12; P.L.213-1993, SEC.3; P.L.227-1993, SEC.6; P.L.1-1994, SEC.121; P.L.124-1995, SEC.5; P.L.234-1995, SEC.4; P.L.147-1997, SEC.9; P.L.84-1998, SEC.4; P.L.24-1999, SEC.5; P.L.82-2000, SEC.5; P.L.162-2002, SEC.5; P.L.2-2003, SEC.64; P.L.145-2003, SEC.5; P.L.185-2007, SEC.5; P.L.200-2007, SEC.6; P.L.3-2008, SEC.179; P.L.122-2009, SEC.6; P.L.160-2009, SEC.8; P.L.1-2010, SEC.103; P.L.84-2010, SEC.14; P.L.113-2010, SEC.102; P.L.42-2011, SEC.52; P.L.57-2013, SEC.29; P.L.3-2014, SEC.24.

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 entities described in IC 25-0.5-10.

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

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

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

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

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

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

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

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

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

(1) Submission of the holder's completed renewal application.
(2) Payment of the current renewal fee established by the board under section 2 of this chapter.
(3) Payment of a reinstatement fee equal to the current initial application fee.
4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or
(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.
(5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.
(6) Any other requirement that is provided for in statute or rule that is not related to fees.

As added by P.L.269-2001, SEC.5. Amended by P.L.206-2005, SEC.13; P.L.157-2006, SEC.20; P.L.185-2007, SEC.6; P.L.197-2007, SEC.20; P.L.3-2008, SEC.180; P.L.105-2008, SEC.2; P.L.122-2009, SEC.7; P.L.160-2009, SEC.9; P.L.1-2010, SEC.104; P.L.84-2010, SEC.15; P.L.3-2014, SEC.25.

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"

Sec. 1. As used in this chapter, "board" means any of the entities described in IC 25-0.5-12.

As added by P.L.214-1993, SEC.1. Amended by P.L.2-1995, SEC.93; P.L.234-1995, SEC.5; P.L.82-2000, SEC.6; P.L.162-2002, SEC.6; P.L.145-2003, SEC.6; P.L.185-2007, SEC.7; P.L.200-2007, SEC.7; P.L.3-2008, SEC.181; P.L.160-2009, SEC.10; P.L.84-2010, SEC.18; P.L.113-2010, SEC.103; P.L.42-2011, SEC.53; P.L.3-2014, SEC.27.

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 25-1-11-10 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;

(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; or

(E) satisfactorily complete a quality review (before July 1, 2012) or peer review (after June 30, 2012) specified by the board as a condition for termination of probationary status if the practitioner is a licensee (as defined in IC 25-2.1-1-8).

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

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

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

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

As added by P.L.214-1993, SEC.1. Amended by P.L.32-2000, SEC.12; P.L.177-2009, SEC.17; P.L.197-2011, SEC.74.

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) The board may summarily suspend the license of an individual licensed under IC 25-34.1 for ninety (90) days before a final adjudication or during the appeals process if the board finds that the individual has engaged in material and intentional misrepresentations or omissions in at least three (3) transactions. 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.

(d) Before the board may summarily suspend a license under this section, the consumer protection division of the office of the attorney general 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; P.L.231-2013, SEC.9.

IC 25-1-11-14 Reinstatement of suspended license

Sec. 14. The board may reinstate a license that has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.3.

IC 25-1-11-15 Reinstatement of revoked license

Sec. 15. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

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

IC 25-1-11-16 Consistency of sanctions

Sec. 16. The board shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.

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

IC 25-1-11-17 Surrender of practitioner license

Sec. 17. (a) Except as provided in subsection (b), a practitioner may petition the board to accept the surrender of the practitioner's license instead of having a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

(b) The board may not approve the surrender of a practitioner's license under subsection (a) if the office of the attorney general:

(1) has filed an administrative complaint concerning the practitioner's license; and

(2) opposes the surrender of the practitioner's license.

As added by P.L.214-1993, SEC.1. Amended by P.L.105-2009, SEC.13; P.L.52-2009, SEC.10.

IC 25-1-11-18 Costs; practitioners subjected to sanctions

Sec. 18. A practitioner who has been subjected to disciplinary sanctions may be required by a board to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. These costs are limited to costs for the following:

(1) Court reporters.
(2) Transcripts.
(3) Certification of documents.
(4) Photo duplication.
(5) Witness attendance and mileage fees.
(6) Postage.
(7) Expert witnesses.
(8) Depositions.
(9) Notarizations.
(10) Administrative law judges.
(11) Real estate review appraisals, if applicable.

As added by P.L.214-1993, SEC.1. Amended by P.L. 194-2005, SEC. 8; P.L.105-2009, SEC.14; P.L.52-2009, SEC.11.

IC 25-1-11-19 Refusal of licensure or granting of probationary license

Sec. 19. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

(1) the applicant has:

(A) been disciplined by a licensing entity of another state or jurisdiction; or

(B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and

(2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently perform or practice the profession in Indiana.

(b) The board may:

(1) refuse to issue a license; or

(2) issue a probationary license;

to an applicant for licensure if the applicant practiced without a license in violation of the law.

(c) Whenever the board issues a probationary license, the board may require a licensee to do any of the following:

(1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.
(2) Limit practice to the areas prescribed by the board.
(3) Continue or renew professional education requirements.
(4) Engage in community restitution or service without compensation for the number of hours specified by the board.
(5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

(d) The board shall remove any limitations placed on a probationary license under this section if the board finds after a public hearing that the deficiency that required disciplinary action has been remedied.

As added by P.L.194-2005, SEC.9. Amended by P.L.197-2007, SEC.26.

IC 25-1-11-20 Applicant appearance before board

Sec. 20. The board may require an applicant for licensure to appear before the board before issuing a license.
As added by P.L. 194-2005, SEC. 10.

IC 25-1-11-21 Adoption of rules; spouses of active duty military personnel

Sec. 21. The board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance or renewal of a:

(1) license;
(2) certificate;
(3) registration; or
(4) permit;

of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.
As added by P.L.144-2007, SEC.26.

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. (a) 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.

(b) This chapter applies to all individuals who:

(1) hold a license, certificate, registration, or permit under this title, IC 15, IC 16, or IC 22; and
(2) have been called to full-time service in the:
(A) armed forces of the United States; or
(B) National Guard;

after September 11, 2001.
As added by P.L.88-2004, SEC.2. Amended by P.L.2-2008, SEC.61; P.L.220-2011, SEC.405.

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 § 4-6

ARTICLE 6. ATTORNEY GENERAL

INDIANA CODE § 4-6-14

Chapter 14. Health Records and Identifying Information Protection

IC 4-6-14-1 "Abandoned"

Sec. 1. As used in this chapter, "abandoned" means voluntarily surrendered, relinquished, or disclaimed by the health care provider or regulated professional, with no intention of reclaiming or regaining possession.

As added by P.L.84-2010, SEC.1.

IC 4-6-14-2 "Health care provider"

Sec. 2. As used in this chapter, "health care provider" means:

(1) a person listed in IC 16-39-7-1(a)(1) through IC 16-39-7-1(a)(11); or

(2) a person licensed, certified, registered, or regulated by an entity described in IC 25-0.5-11.

As added by P.L.84-2010, SEC.1. Amended by P.L.226-2011, SEC.1; P.L.3-2014, SEC.1.

IC 4-6-14-3 "Personal Information"

Sec. 3. As used in this chapter, "abandoned" means voluntarily surrendered, relinquished, or disclaimed by the health care provider or regulated professional, with no intention of reclaiming or regaining possession.

As added by P.L.84-2010, SEC.1.

IC 4-6-14-4 "Regulated professional"

Sec. 4. As used in this chapter, "regulated professional" means an individual who is regulated by an entity described in IC 25-0.5-12.

As added by P.L.84-2010, SEC.1. Amended by P.L.3-2014, SEC.2.

IC 4-6-14-5 Attorney general's powers

Sec. 5. The attorney general may do the following with abandoned health records and other records that contain personal information:

(1) Take possession of.

(2) Store.

(3) Maintain.

(4) Transfer.

(5) Protect.

(6) Destroy, subject to the limitations in sections 8(b) and 9(b) of this chapter.

As added by P.L.84-2010, SEC.1.

IC 4-6-14-6 Determination of abandonment

Sec. 6. (a) Before taking any action described in section 5 of this chapter, the attorney general shall determine whether a health care provider or regulated professional has abandoned health records or records containing personal information.

(b) A determination of abandonment under this section may only be used for the purpose of taking an action described in this chapter. However, a subsequent enforcement action may take place under a state or federal law based on proof of facts that may have contributed to the determination of abandonment if the facts are proved in a subsequent enforcement action.

(c) An investigation to make a determination of abandonment under this section must be conducted under the attorney general's authority under existing state and federal law. Nothing in this chapter shall be construed to create new authority for a subpoena or search warrant.

As added by P.L.84-2010, SEC.1.

IC 4-6-14-7 Notification

Sec. 7. (a) The attorney general shall make reasonable efforts to notify the patients and those individuals identified in:

(1) health records; or

(2) records or documents that contain personal information;

that the attorney general has taken possession of the records or documents. The notice in this subsection must include information about the procedure for either obtaining originals or copies of the records or having the original records sent to a duly authorized subsequent treating health care provider.

(b) Unless prohibited by law, the attorney general may also notify other persons, including professional organizations, hospitals, law enforcement agencies, and government units, who:

(1) may be able to assist in notifying persons whose records were abandoned and secured by the attorney general under this chapter; and

(2) when appropriate, may be able to assist in returning the records to those persons.

As added by P.L.84-2010, SEC.1.

IC 4-6-14-8 Length of time health records must be maintained; destruction of records

Sec. 8. (a) The attorney general shall maintain health records obtained under section 5 of this chapter for the lesser of the following:

(1) The time required under IC 16-39-7-1 and IC 16-39-7-2.

(2) Three (3) years after the date the records are secured.

(b) When the time expires under subsection (a), the attorney general may destroy the health records obtained under section 5 of this chapter.

As added by P.L.84-2010, SEC.1.

IC 4-6-14-9 Length of time personal information records must be maintained; destruction of records

Sec. 9. (a) The attorney general shall maintain records that are not health records but contain personal information for at least three (3) years after the date the records are seized or secured.

(b) When the time expires under subsection (a) and after notification under section 7 of this chapter, the attorney general may destroy the records that contain personal information.

As added by P.L.84-2010, SEC.1.

IC 4-6-14-10 Health records and personal identifying information protection trust fund

Sec. 10. (a) The health records and personal identifying information protection trust fund is established for the purpose of paying storage, maintenance, copying, mailing, and transfer of:

(1) health records; and

(2) records containing personal information;

as required under this chapter. Expenditures from the trust fund may be made only to carry out the purposes of this subsection.

(b) Subject to subsection (c), if a health care provider or a regulated professional is disciplined under IC 25-1-9 or IC 25-1-11, the board that issues the disciplinary order shall impose a fee against the individual of five dollars ($5). The fee must be deposited into the health records and personal identifying information protection trust fund.

(c) If the amount in the health records and personal identifying information protection trust fund exceeds seventy-five thousand dollars

($75,000), the fee imposed under subsection (b) may not be imposed on an individual who is subject to a disciplinary order.

(d) The attorney general shall administer the trust fund.

(e) The expenses of administering the trust fund shall be paid from the money in the fund.

(f) The treasurer of state shall invest the money in the trust fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(g) Money in the trust fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.84-2010, SEC.1.

IC 4-6-14-11 Immunity

Sec. 11. The attorney general is immune from civil liability for destroying or failing to maintain custody and control of any record obtained under this chapter.

As added by P.L.84-2010, SEC.1.

IC 4-6-14-12 Cooperation with other agencies

Sec. 12. The following may cooperate with the attorney general's office to implement this chapter:

(1) The Indiana professional licensing agency and the appropriate board that regulates a health care provider or a regulated professional under IC 25.

(2) The state police department.

(3) A prosecuting attorney.

(4) Local law enforcement agencies.

(5) Federal law enforcement agencies.

As added by P.L.84-2010, SEC.1.

IC 4-6-14-13 Rules

Sec. 13. The attorney general may adopt rules under IC 4-22-2 that are necessary to administer and implement this chapter.

As added by P.L.84-2010, SEC.1.

IC 4-6-14-14 Judicial review

Sec. 14. A determination by the attorney general that health records or other records that contain personal information have been abandoned is subject to review in a circuit or superior court. A person who seeks to enforce this section must first notify the attorney general of the intention to seek judicial review.

As added by P.L.84-2010, SEC.1.

IC 4-6-14-15 Funding

Sec. 15. The attorney general may pay for the administration of this chapter only from funds currently appropriated to the office of the attorney general.

As added by P.L.84-2010, SEC.1.

INDIANA CODE § 25-34.1-11

Chapter 11. Appraisal Management Companies

IC 25-34.1-11-1 "Appraisal"

Sec. 1. As used in this chapter, "appraisal" has the meaning set forth in IC 24-5-23.5-1.

As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-2 "Appraisal management company"

Sec. 2. As used in this chapter, "appraisal management company" means a person that, for compensation, acts as a third party intermediary by contracting with independent real estate appraisers to perform appraisals for other persons.

As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-3 "Appraisal management services"

Sec. 3. (a) As used in this chapter, "appraisal management services" means any of the following functions:

(1) To recruit, qualify, verify licensing or certification, or negotiate fees and service level expectations with independent real estate appraisers on behalf of a person seeking an appraisal.

(2) To receive an order for an appraisal from a person and deliver the order for completion to a independent real estate appraiser.

(3) To track and determine the status of orders for appraisals.

(4) To conduct quality control of a completed appraisal before delivery of the appraisal to the client who ordered the appraisal.

(5) To provide a completed appraisal performed by a real estate appraiser to one (1) or more clients.

(b) The term does not include transportation or communication of an appraisal or order for an appraisal without concern for the appraisal information in the appraisal or the order for an appraisal, including transportation or communication by the United States Postal Service, a delivery company, a courier, or an Internet service provider.

As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-4 "Board"

Sec. 4. As used in this chapter, "board" refers to the real estate appraiser licensure and certification board established by IC 25-34.1-8-1.

As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-5 "Person"

Sec. 5. (a) As used in this chapter, "person" means an individual engaged in a trade or business, an association, a partnership, a limited partnership, a limited liability company, a corporation, or a similar entity.

(b) The term does not include an employee.

As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-6 "Board"

Sec. 6. As used in this chapter, "real estate appraiser" means a person who:

(1) prepares an appraisal for a real estate transaction in Indiana; and

(2) meets one (1) or more of the following:

(A) Is licensed as a real estate broker under IC 25-34.1 and performs real estate appraisals within the scope of the person's license.

(B) Holds a real estate appraiser license or certificate issued under IC 25-34.1-8.

As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-7 "USPAP"

Sec. 7. "USPAP" refers to the Uniform Standards of Professional Appraisal Practice, as published by the Appraisal Standards Board of the Appraisal Foundation, under the authority of Title XI of the federal Financial Institutions Reform, Recover, and Enforcement Act (12 U.S.C. 3331-3351).

As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-8 Certificate of registration required

Sec. 8. An appraisal management company may not perform appraisal management services unless the appraisal management company has obtained a certificate of registration from the board under this chapter.

As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-9 Information and fee required for registration

Sec. 9. (a) An appraisal management company that wishes to obtain or renew a certificate of registration under this chapter must submit the following information to the board on forms prescribed by the board:

(1) The name of the person seeking registration.
(2) The business address of the person seeking registration.
(3) The telephone contact information of the person seeking registration.
(4) The name, address, and contact information of each person that has an ownership share in an appraisal management company that equals or exceeds five percent (5%) of the total ownership share of the appraisal management company.
(5) Any other information that the board reasonably requires.

(b) An appraisal management company that wishes to obtain or renew a certificate of registration must pay the fee established under section 15 of this chapter.
As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-10 Issuance of a certificate of registration

Sec. 10. (a) The board shall issue a certificate of registration to an appraisal management company that:

(1) has furnished the information required by section 9(a) of this chapter in the manner prescribed by the board; and
(2) paid the fee required under section 9(b) of this chapter.

(b) A certificate of registration issued to an appraisal management company under this chapter expires two (2) years after the date on which the certificate of registration is issued.
As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-11 Restrictions on appraisal management companies

Sec. 11. (a) A person may not own an interest in an appraisal management company if the person has had the person's license or certificate to act as a real estate appraiser in Indiana or any other state revoked and the license or certificate has not been reinstated.

(b) An appraisal management company may only hire an independent contractor to perform an appraisal who:

(1) holds a license or certificate under IC 25-34.1-3-8 or a license as a real estate broker under IC 25-34.1; and
(2) is in good standing.

(c) An appraisal management company may not corrupt or improperly influence a real estate appraiser in violation of IC 24-5-23.5-7.
As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-12 Appraisal reviews

Sec. 12. (a) As used in this section, "appraisal review" means the USPAP Standard 3 process of developing and communicating an opinion about the quality of an independent real estate appraiser's work that is performed as part of an appraisal assignment made by an appraisal management company. However, the term does not include:

(1) an examination of an appraisal solely for grammatical errors, typographical errors, or similar errors; or
(2) a quality control examination for completeness.

(b) An individual who performs an appraisal review must hold a license or certificate under IC 25-34.1-3-8 or a license as a real estate broker under IC 25-34.1.
As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-13 Service requests; record requirements

Sec. 13. (a) An appraisal management company performing appraisal management services shall maintain a record of each service request for an appraisal that the appraisal management company receives. The following must be included in a record maintained under this subsection:

(1) The person making the service request.
(2) The date on which the service request is made.
(3) The property to be appraised.
(4) The real estate appraiser who performed the appraisal.
(5) A copy of the appraisal produced for the service request.
(6) The individuals who reviewed the appraisal.
(7) The date on which the appraisal was delivered to the person who made the service request.
(8) The costs and fees for the appraisal management services performed by the appraisal management company.
(9) The costs and fees for the appraisal performed by the real estate appraiser.

(b) An appraisal management company shall keep the records described in subsection (a) for not less than six (6) years after the date specified in subsection (a)(2).
As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-14 Registration forms

Sec. 14. The board shall prescribe forms for the registration of appraisal management companies under this chapter.
As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-15 Registration fee

Sec. 15. (a) The board shall establish the registration fee to be paid by an appraisal management company seeking registration under this chapter. The amount of the registration fee must be the lesser of:

(1) the amount determined by the board to be sufficient for the administration of appraisal management registrations under this chapter when aggregated with all the registration fees paid by appraisal management companies seeking registration under this chapter; or
(2) five hundred dollars ($500).

(b) Registration fees collected under this section must be deposited in the investigative fund established by IC 25-34.1-8-7.5.
As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-16 Appraisals; standards compliance

Sec. 16. An appraisal management company is responsible for ensuring an appraisal complies with standards established:

(1) in the USPAP; and
(2) by the board.

As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-17 Disciplinary sanctions

Sec. 17. (a) An appraisal management company that violates this chapter is subject to disciplinary sanctions under IC 25-1-11-12.

(b) The board may impose a civil penalty of not more than ten thousand dollars ($10,000) for each violation of this chapter.

(c) A civil penalty collected under this section must be deposited in the investigative fund established by IC 25-34.1-8-7.5.
As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-18 Penalty for failure to register

Sec. 18. (a) A person who performs appraisal management services without a certificate of registration under this chapter commits a Class A infraction.

(b) 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 to enjoin a person from violating this section.
As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-19 Authority to adopt rules

Sec. 19. The board may adopt rules under IC 4-22-2 that the board considers necessary or advisable for the administration of this chapter.
As added by P.L.77-2010, SEC.2.

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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. To reinstate an expired license, a licensee must:

(1) meet the requirements of IC 25-1-8-6;

(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 expired; 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 reinstatement is filed.

(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; filed Aug 28, 2013, 10:24 a.m.: 20130925-IR-876120610FRA)

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 the following:

(1) Indiana licensed trainee appraisers.

(2) Indiana licensed residential appraisers.

(3) Indiana certified residential appraisers.

(4) Indiana certified general appraisers.

However, the fee for licensed trainee appraisers under subsection (b)(2), (b)(3), and (b)(5) through (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 issuance of a license or certificate (after passing the examination) during the first twelve (12) months of the renewal cycle (including eighty dollars ($80) 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)	$190
(3) Fee for issuance of a license or certificate (after passing the examination) during the last twelve (12) months of the renewal cycle (including forty dollars ($40) 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)	$150
(4) Application for licensure by reciprocity	$100
(5) Fee for a license or certificate by reciprocity (after approval by the board) during the first twelve (12) months of the renewal cycle (including eighty dollars ($80) 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)	$190
(6) Fee for a certificate by reciprocity (after approval by the board) during the last twelve (12) months of the renewal cycle (including forty dollars ($40) 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)	$150
(7) Application for the renewal of a license or certification (including eighty dollars ($80) 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)	$190
(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

(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; filed Nov 4, 2011, 4:00 p.m.: 20111130-IR-876110176FRA, eff Jan 1, 2012; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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

Sec. 2. (a) 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.

(b) Notwithstanding subsection (a), individuals who are admitted to the examination under the education and experience requirements in effect before January 1, 2015, must also pass the examination before January

1, 2015, to qualify for the license or certification for which the individual has applied.

(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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA; filed Dec 29, 2014, 1:39 p.m.: 20150128-IR-876140304FRA, eff Jan 1, 2015 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the Publisher. LSA Document #14-304 was filed Dec 29, 2014.])

876 IAC 3-3-2.5 Criminal history background check requirement

Authority: IC 25-34.1-3-8; IC 25-34.1-8-10

Affected: IC 25-1-11-19; IC 25-34.1

Sec. 2.5. (a) This section establishes requirements for fingerprints and a national criminal history background check for each applicant for initial licensure or certification as a real estate appraiser in Indiana under IC 25-34.1-8 and this article. It does not apply to applicants for licensure or certification who already hold some level of real estate appraiser licensure or certification in Indiana.

(b) In addition to what is otherwise required by this article or other applicable law, with the application for licensure or certification, each applicant for initial licensure or certification as an appraiser in Indiana shall submit:

(1) the applicant's fingerprints in the manner required for a national criminal history background check; and

(2) payment of any fees or costs associated with the fingerprints and background check, specifically fees or costs assessed by the Indiana state police in processing the fingerprints and the Federal Bureau of Investigation in undertaking a national criminal history background check.

(c) The board shall use the results of the national criminal history background check to determine whether licensure or certification should be denied for any reason set forth in IC 25-34.1-8-10(a)(1) or issued on probation as provided for in IC 25-1-11-19.

(Indiana Real Estate Commission; 876 IAC 3-3-2.5; filed Aug 16, 2010, 3:36 p.m.: 20100915-IR-876090677FRA; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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 (g) and completion of the supervisor/trainee appraiser course as outlined in 876 IAC 3-6-9.

(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 a written, proctored 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. Credit towards qualifying education requirements may be obtained through the completion of a degree program in real estate from an accredited degree-granting college or university provided that the curriculum has been approved by the Appraisal Qualifications Board.

(f) Qualifying education must be completed within the five (5) year period prior to the date the application was filed.

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

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

(h) For a course to meet the fifteen (15) hours of Uniform Standards of Professional Appraisal Practice requirement under subsection (g) 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.

(i) Notwithstanding subsection (h), the fifteen (15) hours of Uniform Standards of Professional Appraisal Practice course will meet the requirements under subsection (g) 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; filed Aug 28, 2013, 10:24 a.m.: 20130925-IR-876120610FRA; filed Dec 29, 2014, 1:39 p.m.: 20150128-IR-876140304FRA, eff Jan 1, 2015 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the Publisher. LSA Document #14-304 was filed Dec 29, 2014.])

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 (h) and meeting the requirements in subsection (g).

(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 a written, proctored 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. Credit towards qualifying education requirements

may be obtained through the completion of a degree program in real estate from an accredited degree-granting college or university provided that the curriculum has been approved by the Appraisal Qualifications Board.

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

(g) Applicants for licensure as a certified residential appraiser must hold a bachelor's degree or higher from an accredited college or university.

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

Basic appraisal principles	30
Basic appraisal procedures	30
The fifteen (15) hour National 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

(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 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; filed Aug 28, 2013, 10:24 a.m.: 20130925-IR-876120610FRA; filed Dec 29, 2014, 1:39 p.m.: 20150128-IR-876140304FRA, eff Jan 1, 2015 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the Publisher. LSA Document #14-304 was filed Dec 29, 2014.])

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 (h) and meeting the requirements in subsection (g).

(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 a written, proctored 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. Credit towards qualifying education requirements may be obtained through the completion of a degree program in real estate from an accredited degree-granting college or university provided that the curriculum has been approved by the Appraisal Qualifications Board.

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

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

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

Basic appraisal principles	30
Basic appraisal procedures	30
The fifteen (15) hour National 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

(i) For a course to meet the fifteen (15) hours 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 3-3-5.1; filed Aug 15, 2007, 10:01 a.m.: 20070912-IR-876060095FRA, eff Jan 1, 2008; filed Aug 28, 2013, 10:24 a.m.: 20130925-IR-876120610FRA; filed Dec 29, 2014, 1:39 p.m.: 20150128-IR-876140304FRA, eff Jan 1, 2015 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the Publisher. LSA Document #14-304 was filed Dec 29, 2014.])

876 IAC 3-3-5.2 Conversion of quarter hours to semester hours (Repealed)

Sec. 5.2. *(Repealed by Indiana Real Estate Commission; filed Dec 29, 2014, 1:39 p.m.: 20150128-IR- 876140304FRA, eff Jan 1, 2015 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the Publisher. LSA Document #14-304 was filed Dec 29, 2014.])*

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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) At least fifty percent (50%) of the appraisals claimed for experience credit must have been performed during the sixty (60) months preceding the filing of the application.

(c) Notwithstanding the five (5) year retention requirement of the Uniform Standards of Professional Appraisal Practice, in order for an appraisal to qualify for experience credit regardless of when the appraisal was done, the applicant must have the appraisal report and file available for board review under subsection (d) or (e). 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.

(d) 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 file memoranda for any appraisal in support of the claim for experience.

(e) 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 or file memoranda for 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; filed Aug 28, 2013, 10:24 a.m.: 20130925-IR-876120610FRA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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) This section establishes the maximum value of residential appraisal work that may qualify for experience credit. An applicant may receive credit for actual time spent on an appraisal up to the maximum hour value allowed for the type of appraisal performed. The following table states the maximum values:

(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		9	5	4
Individual Condominium Unit Appraisal Report						
– Interior & Exterior Inspection		465/1073		9	5	4
– Exterior only Inspection		1075		6	5	4
Individual Cooperative Interest Appraisal Report						
– Interior & Exterior Inspection		2090		9	5	4
– Exterior only Inspection		2095		6	5	4
Quantitative Analysis Appraisal Report		2055				
– Interior & Exterior Inspection				9	5	4
– Exterior only Inspection				6	5	4
Qualitative Analysis Appraisal Report		2065				
– Interior & Exterior Inspection				6	5	4
– Exterior only Inspection				5	5	4
Land Appraisal (Narrative)		N/A		8	5	4

Employee Relocation Council Summary		ERC		14	5	4
Small Residential Income Property Report		1025		11	5	4
Manufactured Home Appraisal Report		72/1004C		9	5	4
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				30	15	7.5
b. 2 approaches				24	12	6
c. 1 approach				18	18	4.5
(2) SUMMARY						
a. 3 approaches				24	12	6
b. 2 approaches				18	18	4.5
c. 1 approach				12	6	3
(3) RESTRICTED						
a. 3 approaches				18	9	4.5
b. 2 approaches				12	6	3
c. 1 approach				6	3	1.5

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	40	20	10
(2) Short Form			
a. 3 approaches	NA	NA	NA
b. 2 approaches	NA	NA	NA
c. 1 approach	20	10	5
(3) Value Finding			
a. 3 approaches	NA	NA	NA
b. 2 approaches	NA	NA	NA
c. 1 approach	16	8	4
(3) Waiver Valuation			
a. 3 approaches	N/A	N/A	N/A
b. 2 approaches	N/A	N/A	N/A
c. 1 approach	8	N/A	N/A
(B) PROPERTY TYPE-Residential			
Improved Single Family			
(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	NA	NA	NA
b. 2 approaches	NA	NA	NA
c. 1 approach	16	8	4
(3) Waiver Valuation			
a. 3 approaches	N/A	N/A	N/A
b. 2 approaches	N/A	N/A	N/A
c. 1 approach	8	N/A	N/A
(C) PROPERTY TYPE-Residential			
2- 4 Family			
(1) Long Form			
a. 3 approaches	70	35	17.5
b. 2 approaches	60	30	15
c. 1 approach	50	25	12.5
(2) Short Form			
a. 3 approaches	60	30	15
b. 2 approaches	50	25	12.5
c. 1 approach	40	20	10
(3) Value Finding			
a. 3 approaches	NA	NA	NA
b. 2 approaches	NA	NA	NA
c. 1 approach	16	8	4
(3) Waiver Valuation			
a. 3 approaches	N/A	N/A	N/A
b. 2 approaches	N/A	N/A	N/A

c. 1 approach	8	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; filed Aug 28, 2013, 10:24 a.m.: 20130925-IR-876120610FRA)

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) This section establishes the maximum value of general category appraisal work that may qualify for experience credit. An applicant may receive credit for actual time spent on an appraisal up to the maximum hour value allowed for the type of appraisal performed. The following table states the maximum values:

(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	80	40	20
b. = OR > 10 Acres	36	18	9
c. < 10 Acres	20	10	5
(2) SUMMARY			
a. Subdivision	70	35	17.5
b. = OR > 10 Acres	28	14	7
c. < 10 Acres	16	8	4
(3) RESTRICTED			
a. Subdivision	60	30	15
b. = OR > 10 Acres	20	10	5
c. < 10 Acres	10	5	2.5
(B) PROPERTY TYPE-Multi-Family			
Existing 5-12 Units			
(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	10	5	2.5
(3) RESTRICTED			
a. 3 approaches	30	15	7.5
b. 2 approaches	20	10	5
c. 1 approach	10	5	2.5
(C) PROPERTY TYPE-Multi-Family			
Existing 13+ Units			
(1) SELF-CONTAINED			
a. 3 approaches	80	40	20
b. 2 approaches	70	35	17.5
c. 1 approach	60	30	15
(2) SUMMARY			
a. 3 approaches	70	35	17.5
b. 2 approaches	60	30	15
c. 1 approach	50	25	12.5
(3) RESTRICTED			
a. 3 approaches	60	30	15
b. 2 approaches	50	25	12.5
c. 1 approach	40	20	10
(D) PROPERTY TYPE-Multi-Family			
Proposed 5-12 Units			
(1) SELF-CONTAINED			
a. 3 approaches	70	35	17.5
b. 2 approaches	60	30	15
c. 1 approach	50	25	12.5
(2) SUMMARY			
a. 3 approaches	60	30	15
b. 2 approaches	50	25	12.5
c. 1 approach	40	20	10

(3) RESTRICTED			
a. 3 approaches	50	25	12.5
b. 2 approaches	40	20	10
c. 1 approach	30	15	7.5
	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	100	50	25
b. 2 approaches	90	45	22.5
c. 1 approach	80	40	20
(2) SUMMARY			
a. 3 approaches	90	45	22.5
b. 2 approaches	80	40	20
c. 1 approach	70	35	17.5
(3) RESTRICTED			
a. 3 approaches	80	40	20
b. 2 approaches	70	35	17.5
c. 1 approach	60	30	15
(F) PROPERTY TYPE-Commercial/Industrial			
Existing or Proposed Single User			
(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
(G) PROPERTY TYPE-Commercial/Industrial			
Existing Multi-Tenant			
(1) SELF-CONTAINED			
a. 3 approaches	100	50	25
b. 2 approaches	80	40	20
c. 1 approach	60	30	15
(2) SUMMARY			
a. 3 approaches	80	40	20
b. 2 approaches	60	30	15
c. 1 approach	40	20	10
(3) RESTRICTED			
a. 3 approaches	60	30	15
b. 2 approaches	40	20	10
c. 1 approach	20	10	5
(H) PROPERTY TYPE-Commercial/Industrial			
Proposed Multi-Tenant			
(1) SELF-CONTAINED			
a. 3 approaches	120	60	30
b. 2 approaches	100	50	25
c. 1 approach	80	50	20
(2) SUMMARY			
a. 3 approaches	100	50	25
b. 2 approaches	80	40	20
c. 1 approach	60	30	15

(3) RESTRICTED			
a. 3 approaches	80	40	20
b. 2 approaches	60	30	15
c. 1 approach	40	20	10

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		90	45	22.5
b. 2 approaches		80	40	20
c. 1 approach		70	35	17.5
(2) Short Form				
a. 3 approaches		80	40	20
b. 2 approaches		70	35	17.5
c. 1 approach		40	20	10
(3) Value Finding				
a. 3 approaches		NA	NA	NA
b. 2 approaches		NA	NA	NA
c. 1 approach		16	8	4
(3) Waiver Valuation				
a. 3 approaches		N/A	N/A	N/A
b. 2 approaches		N/A	N/A	N/A
c. 1 approach		8	N/A	N/A
(M) PROPERTY TYPE-Multi-Family R/W				
13+ Units				

(J) Long Form				
a. 3 approaches		100	50	25
b. 2 approaches		90	45	22.5
c. 1 approach		80	40	20
(2) Short Form				
a. 3 approaches		90	45	22.5
b. 2 approaches		80	40	20
c. 1 approach		70	35	17.5
(3) Value Finding				
a. 3 approaches		NA	NA	NA
b. 2 approaches		NA	NA	NA
c. 1 approach		16	8	4
(3) Waiver Valuation				
a. 3 approaches		N/A	N/A	N/A
b. 2 approaches		N/A	N/A	N/A
c. 1 approach		8	N/A	N/A
(N) PROPERTY TYPE-Commercial/Industrial R/W				
Single Tenant				
(1) Long Form				
a. 3 approaches		120	60	30
b. 2 approaches		100	50	25
c. 1 approach		80	40	20
(2) Short Form				
a. 3 approaches		100	50	12.5
b. 2 approaches		80	40	10
c. 1 approach		60	30	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		16	8	4
(3) Waiver Valuation				

a. 3 approaches		N/A	N/A	N/A
b. 2 approaches		N/A	N/A	N/A
c. 1 approach		8	N/A	N/A
(O) PROPERTY TYPE-Commercial/Industrial R/W				
Multi-Tenant Tenant				
(1) Long Form				
a. 3 approaches		160	80	40
b. 2 approaches		140	70	35
c. 1 approach		120	60	30
(2) Short Form				
a. 3 approaches		140	70	35
b. 2 approaches		120	60	30
c. 1 approach		100	50	25
(3) Value Finding				
a. 3 approaches		N/A	N/A	N/A
b. 2 approaches		N/A	N/A	N/A
c. 1 approach		16	8	4
(3) Waiver Valuation				
a. 3 approaches		N/A	N/A	N/A
b. 2 approaches		N/A	N/A	N/A
c. 1 approach		8	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 sixty (160) 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; filed Aug 28, 2013, 10:24 a.m.: 20130925-IR-876120610FRA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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. An individual who holds a valid license or certification 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 current requirements for examination, education, and experience in the state the individual is licensed or certified meet or exceed 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).

(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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA; filed Aug 22, 2014, 4:02 p.m.: 20140917-IR-876140060FRA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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 licensed trainee appraiser license shall be required to pass the examination as provided for in sections 14 through 18 of this rule.

(b) On a form provided by the board, the applicant shall provide the name and license number of the appraiser with whom the applicant is associating and the prospective supervising appraiser must sign that form. The appraiser must meet the requirements to be a supervising appraiser stated in 876 IAC 3-6-9(b).

(c) If the applicant is otherwise qualified, 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~~ issue the following:

(1) An Indiana licensed trainee appraiser license to the applicant to be held by the supervising appraiser.

(2) 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 supervising appraiser with whom the Indiana licensed trainee appraiser is associated.

(d) If the Indiana licensed trainee appraiser has not associated with a supervising appraiser, the trainee shall be issued an inactive license, either upon:

(1) initial issuance of the license; or

(2) the termination of an association with a supervising appraiser.

(e) If a trainee appraiser license remains inactive under subsection (d) for more than three (3) years, prior to reactivation of the Indiana licensed trainee license, the trainee appraiser may be required to complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.

(f) An Indiana licensed trainee and a supervising appraiser shall notify the board in writing upon termination of the Indiana licensed trainee appraiser's association with the supervising appraiser described in subsection (b) within five (5) working days of the termination. The board shall reissue an identification card upon the association with another appraiser, who qualifies to be a supervising appraiser, upon application as described in subsection (b) with the license to be held by the new supervising appraiser.

(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, 20120416-IR-876110428FRA, eff. May 16, 2012; filed Apr 16, 2012, 3:43 p.m.; 20120416-IR-876110428AFA; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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, 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) 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.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

(g) 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; errata filed May 20, 2008, 1:21 p.m.: 20080604-IR-876070338ACA; filed Aug 22, 2014, 4:02 p.m.: 20140917-IR-876140060FRA)

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. (a) The continuing education required by section 1 of this rule must include seven (7) hours of Uniform Standards of Professional Appraisal Practice.

(b) The continuing education required by subsection (a) must be:
(1) obtained no later than six (6) months after the effective date of a new edition of the Uniform Standards of Professional Appraisal Practice; and
(2) an updated version to cover the new edition.

(c) If the updated course required by subsection (b) is available before the effective date of a new edition of the Uniform Standards of Professional Appraisal Practice, a real estate appraiser who takes that course before the effective date complies with subsection (b).

(Indiana Real Estate Commission; 876 IAC 3-5-1.5; filed Apr 12, 2001, 12:30 p.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; filed Aug 28, 2013, 10:24 a.m.: 20130925-IR-876120610FRA)

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. 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). Courses 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.

(Indiana Real Estate Commission; 876 IAC 3-5-2; filed Sep 24, 1992, 9:00 a.m.: 16 IR 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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA; filed Aug 22, 2014, 4:02 p.m.: 20140917-IR-876140060FRA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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, 2014-2015 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; filed Apr 29, 2010, 12:10 p.m.: 20100526-IR-876090769FRA; filed Jun 11, 2012, 2:38 p.m.: 20120711-IR- 876110718FRA; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA; filed Jul 7, 2014, 11:02 a.m.: 20140806- IR-876140030FRA)

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) In the seventh bullet point in the third paragraph of the Preamble, delete the last three (3) sentences.

(2) In the Comment under the Conduct category of the Ethics rule, delete the comma after "3-1" and delete "6-1, 7-1 and 9-1", and before "3.1", insert "and".

(3) In the fourth paragraph under the Management category of the Ethics rule, delete the comma after "3-6" and delete "6-9, 8-3, and 10-3", and before "3-6", insert "and".

(4) In the comment under the Problem Identification category under the Scope of Work Rule, delete the commas after "1-2" and "3-2" and delete "SR 6-2, SR 7-2, and SR 9-2", and before "SR 3-2", insert "and".

(5) In the Comment under Standards Rule 1-4(g), delete "(See Standard 7)" and "(See Standard 9)".

(6) In Standards Rule 3-3(c)(i), delete "STANDARDS 1, 6, 7, and 9" and insert "STANDARD 1".

(7) In the third bullet point in the third paragraph of the Comment under Standards Rule 3-3(c), delete the commas after "1" and "3" and delete "6, 7, or 9", and before "3", insert "or".

(8) In the Comment under Standards Rule 3-5(i), delete the second, fourth, and fifth bullet points.

(9) In the third paragraph of the Comment under Standards Rule 3-6, delete the comma after "2-3" and delete "6-9, 8-3 and 10-3".

(10) 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) In the When Do USPAP Rules and Standards Apply portion of the Preamble, delete the first four (4) sentences.

(e) In the Ethics Rule, delete the second paragraph except for "An appraiser must comply with USPAP.".

(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; filed Apr 29, 2010, 12:10 p.m.: 20100526-IR-876090769FRA; filed Jun 11, 2012, 2:38 p.m.: 20120711-IR-876110718FRA; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA; filed Jul 7, 2014, 11:02 a.m.: 20140806-IR-876140030FRA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

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:

(1) Indiana licensed residential appraisers;
(2) Indiana certified residential appraisers;
(3) Indiana certified general appraisers; and
(4) Indiana licensed trainee appraisers;
to assist in the performance of real estate appraisals. However, as provided for in section 9 of this rule, Indiana licensed residential appraisers may not supervise Indiana licensed trainee appraisers.

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

(c) Indiana licensed trainee appraisers shall be subject to the supervision of a supervising appraiser as provided for in section 9 of this rule and may not:
(1) work independently;
(2) hold themselves out to the general public as licensed or certified appraisers;
(3) have their own clients; or
(4) accept payment directly from clients for appraisal work.

(d) Indiana licensed trainee appraisers may not do the following:
(1) Review appraisals submitted by other appraisers.
(2) 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; filed Apr 16, 2012, 3:43 p.m.; 20120416-IR-876110428AFA; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

876 IAC 3-6-9 Indiana licensed trainee appraisers; supervision
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 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 who:
(1) shall be a certified residential appraiser or certified general appraiser in Indiana for at least three (3) years prior to the date of application under 876 IAC 3-3-22(b);
(2) has had no disciplinary action taken within the last three (3) years against an appraiser license or certification in Indiana or any other jurisdiction that affects the supervisory appraiser's legal ability to engage in appraisal practice;
(3) does not have an appraiser license or certificate, in Indiana or any other jurisdiction, currently on probation or suspended or has been revoked; and
(4) completes a board approved supervisor/trainee appraiser's course as required by section 10 of this rule.

(c) The supervising appraiser 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.

(d) The Indiana licensed trainee appraiser is permitted to have more than one (1) supervising appraiser in the office of the supervising appraiser with whom the Indiana licensed trainee appraiser has associated under 876 IAC 3-3-22. Such an additional supervisor shall be acting in substitution for the supervising appraiser identified under 876 IAC 3-3-22 and is only responsible for the Indiana licensed trainee appraiser on appraisals where such responsibility is assumed by the additional supervisor, at the consent of the supervisor of record identified under 876 IAC 3-3-22. Overall responsibility for the trainee appraiser remains with the supervisor of record as long as the association with the trainee appraiser is in effect under 876 IAC 3-3-22.

(e) An appraiser may not be the supervising appraiser for more than three (3) 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 appraiser shall be entitled to copies of appraisals, including appraisal reports and any work files, that the trainee appraiser completes. However, the original records shall be maintained at the office of the supervising appraiser.

(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 where the scope of the work includes a physical inspection of the property.
(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) The supervising appraiser and the licensed trainee appraiser shall meet with each other on a reasonable schedule to interact about the appraisal work of the trainee.

(l) 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; filed Apr 16, 2012, 3:43 p.m.: 20120516-IR-876110428FRA; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA; filed Dec 29, 2014, 1:39 p.m.: 20150128-IR-876140304FRA, eff Jan 1, 2015 [IC 4-22-2- 36 suspends the effectiveness of a rule document for 30 days after filing with the Publisher. LSA Document #14-304 was filed Dec 29, 2014.])

876 IAC 3-6-10 Indiana licensed trainee appraisers; supervisor/trainee course
Authority: IC 25-34.1-3-8

Affected: IC 25-34.1-8

Sec. 10. (a) A supervising appraiser under section 9 of this rule shall successfully complete a supervisor/trainee appraiser course in order to be a supervising appraiser. The course must be completed prior to commencement of association with a trainee appraiser.

(b) The supervisor/trainee appraiser course shall qualify for continuing education credit for the supervising appraiser under 876 IAC 3-5.

(c) A supervisor/trainee appraiser course shall be approved by the board or the Appraisal Qualifications Board and shall provide adequate information to ensure the supervisory appraiser and trainee appraiser understand the qualifications and responsibilities of that role. Specifically, the objective of the course shall be that the student understands the following:

(1) Appraisal Qualifications Board minimum qualifications for becoming and remaining a supervisory appraiser, as well as jurisdictional licensure or certification requirements that may exceed those of the Appraisal Qualifications Board.

(2) Appraisal Qualifications Board minimum qualifications for becoming a trainee appraiser.

(3) Expectations and responsibilities of the supervisory appraiser.

(4) Expectations and responsibilities of the trainee appraiser.

(5) Processes and roles of the entities involved in establishing qualifications for certified and licensed appraisers.

(6) Qualifications to become a certified or licensed appraiser.

(7) Basics of the Uniform Standards of Professional Appraisal Practice.

(8) Responsibilities and requirements of a supervisory appraiser in maintaining and signing all appropriate trainee appraiser experience logs.

(9) Responsibilities and requirements of a trainee appraiser's role in maintaining and signing all appropriate trainee appraiser experience logs.

(Indiana Real Estate Commission; 876 IAC 3-6-10; filed Apr 16, 2012, 3:43 p.m.: 20120516-IR-876110428FRA; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA; filed Dec 29, 2014, 1:39 p.m.: 20150128-IR-876140304FRA, eff Jan 1, 2015 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the Publisher. LSA Document #14- 304 was filed Dec 29, 2014.])

TITLE 877 REAL ESTATE APPRAISER LICENSURE AND CERTIFICATION BOARD

ARTICLE 1. REAL ESTATE APPRAISAL MANAGEMENT COMPANIES

Rule 1. General Provisions

877 IAC 1-1-1 Fee schedule

Authority: IC 25-1-8-2; IC 25-34.1-11-19

Affected: IC 25-34.1-8-7.5

Sec. 1. (a) This section establishes the fee schedule for the registration of appraisal management companies.

(b) The fee schedule is as follows:

(1) Registration for appraisal management companies: $500

(2) Renewal of registration for appraisal management companies: $500

(c) Registration fees and renewal of registration fees shall be deposited in the investigative fund established under IC 25-34.1-8-7.5.

(d) All fees are nonrefundable and nontransferable.

(Indiana Real Estate Commission; 877 IAC 1-1-1; filed Feb 24, 2011, 2:06 p.m.: 20110323-IR-877100346FRA)