

# Indiana Plumbing Commission

A compilation of the Indiana Code and Indiana Administrative Code

2006 Edition



Indiana Professional Licensing Agency  
Indiana Plumbing Commission  
402 West Washington Street, Room W072  
Indianapolis, Indiana 46204  
Phone: (317) 234-3022  
Fax: (317) 232-2312  
Email: [pla10@pla.in.gov](mailto:pla10@pla.in.gov)  
Website: [www.in.gov/pla](http://www.in.gov/pla)

**NOTICE:** This compilation incorporates the most recent revisions of the statutory provisions and administrative rules governing the plumbing profession, as of July 1, 2006. Note that this compilation is not an official version of the Indiana Code. It is distributed as a general guide to plumbing professionals regulated by the Indiana Professional Licensing Agency. It is not intended to be offered as legal advice, and it may contain typographical errors. Neither the Indiana Professional Licensing Agency nor the Indiana Plumbing Commission is able to provide legal advice on issues contained herein. For legal advice, please consult an attorney. To obtain official copies of the Indiana Code or Indiana Administrative Code, contact your nearest public library.

# INDIANA PLUMBING COMMISSION

July 2006 Edition

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INDIANA CODE § 25-28.5

ARTICLE 28.5. PLUMBERS

INDIANA CODE § 25-28.5-1

Chapter 1. Regulation of Plumbers; Creation of Commission;  
Licensing

IC 25-28.5-1-1 Declaration of policy

Sec. 1. It is hereby declared to be the policy of the State of Indiana that, in order to safeguard the life, health, and public welfare of its citizens, the business of plumbing construction and improvements is a matter affecting the public interest, and any person engaging in the business as herein defined should be required to establish his competency and qualifications to be licensed as herein provided.

(Formerly: Acts 1972, P.L. 188, SEC.1.)

IC 25-28.5-1-2 Definitions

Sec. 2. As used in this chapter:

(1) "Plumbing" means the practice of and the materials and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following:

(A) Sanitary drainage or storm drainage facilities, the venting system, and the public or private water supply systems, within or adjacent to any building or structure.

(B) The practice and materials used in the installation, maintenance, extension, or alteration of the stormwater, liquid waste, or sewerage, and water supply systems of any premises to the private property line or to their connection with any point of public disposal or other acceptable terminal. The term does not include the planning, designing, and installation of sanitation and water systems in vehicles commonly known as mobile homes, the drilling of wells, the installation of pumps, pressure tanks, and piping incidental to the drilling or repair of a well system, the sale or installation of water softening equipment and apparatuses and services of the same, or the business of manufacturing or selling plumbing fixtures: appliances, equipment, or hardware; the installation of automatic sprinklers, the overhead or underground water supplies or standpipes when connected to an automatic sprinkler system or to their related devices or appurtenances connecting thereto; nor does the term include the work referred to in section 32(i) of this chapter; nor does the term include the planning or design of water supply or sewage systems which would ordinarily be performed as "the practice of engineering", as defined in IC 25-31-1, or the "practice of architecture", as defined in IC 25-4-1.

(2) "Plumbing contractor" means any person who, for compensation, undertakes to, or submits a bid to, or does himself or by others, construct, repair, alter, remodel, add to, subtract from, or improve plumbing and who is responsible for substantially all the plumbing within the entire project, or one who fabricates units or plumbing substantially completed and ready for installation.

(3) "Journeyman plumber" means a person who engages or offers to engage in, as an occupation or trade, the construction, installation, alteration, maintenance, repair, remodeling, or removal and replacement of plumbing under the supervision, direction, and responsibility of a licensed plumbing contractor.

(4) "Maintenance man" means a person who is employed on a permanent basis to keep the premises of a business establishment in good repair.

(5) "Contracting" means, except as exempted in this chapter, engaging in a business as a contractor.

(6) "Person" means a natural person, except in the case of a plumbing contractor, in which case it may mean the partners or members of a partnership, limited partnership, or any form of unincorporated enterprise, owned by two (2) or more persons, and as applied to "corporation" in addition to the corporate entity means the officers or directors and employees thereof.

(7) "Commission" means the Indiana plumbing commission created by this chapter.

(8) "License" means a certificate issued by the commission established by this chapter which confers upon the holder the privilege to act as a plumbing contractor or a journeyman plumber as defined in this chapter.

(9) "Farmstead" means a farm dwelling together with other buildings, structures, equipment, piping, and other plumbing materials and supplies, located upon a parcel of real estate used primarily for agricultural purposes located outside the corporate limits of a municipality and not connected to a public water supply.

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

(11) "Apprentice plumber" means an individual who:

(A) is learning the plumbing trade; and

(B) is under the direction and immediate supervision of a licensed plumbing contractor or a licensed journeyman plumber.

(12) "Registration" means the granting of a certificate by the commission that authorizes an individual to act as an apprentice plumber.

(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.202; P.L.132-1984, SEC.36; P.L.248-1985, SEC.1; P.L.1-2006, SEC.469.

IC 25-28.5-1-3 Indiana plumbing commission; creation;  
administration and enforcement of chapter

Sec. 3. The Indiana plumbing commission is hereby created. The commission shall have general charge of the administration and enforcement of this chapter.

(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by Acts 1980, P.L.166, SEC.1.

IC 25-28.5-1-4 Members of commission; appointment; terms;  
vacancies; dual office holding prohibited

Sec. 4. (a) The commission shall consist of six (6) members to be appointed by the governor. Each member appointed shall be a citizen and resident of this state. Two (2) of the members shall be actively engaged in the plumbing contracting business for not less than five (5) years immediately prior to his appointment or shall have had ten (10) years experience in the plumbing contracting business. Two (2) of the members shall be persons who for not less than five (5) years immediately prior to their appointment have been employed as journeymen plumbers. One (1) member shall be the commissioner of the state department of health or a member of the commissioner's professional staff. One (1) member, appointed to represent the general public, may never have been associated with plumbing in any way other than as a consumer. The term of all members of the commission shall be for three (3) years and until their successors are appointed and qualified.

(b) Members appointed by the governor to fill vacancies shall hold office for the unexpired term. At no time shall there be more than four (4) members of the same political faith on the commission. No person, other than the representative of the state department of health, shall act as a member of the commission while holding another elective or appointive office either state or federal.

(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.203; Acts 1982, P.L.113, SEC.68; P.L.8-1984, SEC.120; P.L.20-1991, SEC.6; P.L.2-1992, SEC.778.

**IC 25-28.5-1-5 Compensation of members of commission**

Sec. 5. The members of the commission shall receive no salary, but are entitled to reimbursement for traveling and other expenses as provided in the state travel policies and procedures, established by the department of administration and approved by the state budget agency.

*(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by Acts 1980, P.L.166, SEC.2.*

**IC 25-28.5-1-6 Organization and records of commission**

Sec. 6. The commission shall annually organize and select one (1) of the members as chairman and one (1) of the members to serve as secretary, both to serve for a term of one (1) year. The commission, through the licensing agency, shall keep a record of all its proceedings, transactions, communications, official acts, and records and shall perform said other duties as required by law.

*(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.204; P.L.132-1984, SEC.37.*

**IC 25-28.5-1-7 Duties of commission**

Sec. 7. The commission shall do the following:

- (1) Adopt a seal with the words "Indiana Plumbing Commission" and such other device as may be selected by which it shall authenticate the acts of the commission. Copies of all records and papers, when certified by the secretary and issued under the seal of the commission, shall be received in evidence in all cases equally and with like effect as the original commission records.
- (2) Prescribe the form of licenses and issue the same under its seal. All such licenses, while in force, shall be under the supervision and control of the commission.
- (3) Issue licenses as plumbing contractors and journeymen plumbers, to any person who qualifies and complies with the provisions of this chapter and pay required license fees.
- (4) Adopt rules in accordance with IC 4-22-2 which establish standards for the competent practice of plumbing.

*(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.205; P.L.132-1984, SEC.38; P.L.2-2005, SEC.66.*

**IC 25-28.5-1-8 Powers of commission**

Sec. 8. The commission may:

- (1) Adopt and promulgate rules and regulations for its guidance and for the regulation of its business and procedure consistent with the provisions of this chapter and in the manner provided in IC 4-22-2.
- (2) Enter into such other contracts and authorize expenditures as its duties require, subject to the provisions of this chapter and IC 25-1-6.
- (3) Do all things necessary for carrying into effect the provisions of this chapter.

*(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.206; P.L.2-2005, SEC.67.*

**IC 25-28.5-1-9 Meetings of commission; notice; quorum; record**

Sec. 9. The secretary shall call all meetings of the commission as directed by the chairman or upon request in writing by two (2) members, and at such time and places, within the state of Indiana as the commission business may require. Sufficient notice shall be given to permit members to attend all meetings. The presence of four (4) members of the commission in attendance at a commission meeting subject to notice as herein required, shall constitute a quorum for the transaction of commission business. Meetings of the commission may be held pursuant to written waiver of notice signed by all the members of the commission. A record shall be kept of all proceedings at meetings and of the vote taken on each act or transaction of the commission and a majority vote of all members shall be required to bind the commission.

*(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.207.*

**IC 25-28.5-1-10 Office and supplies of commission; employees**

Sec. 10. (a) The department of administration shall provide office space, furniture, and necessary supplies and the office files, records, and property of the commission.

(b) The licensing agency shall provide the board with employees necessary to administer the provisions of this chapter.

*(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.208; P.L.132-1984, SEC.39.*

**IC 25-28.5-1-11 Unlawful acts**

Sec. 11. It shall be unlawful for any person to act in the capacity of a plumbing contractor or journeyman plumber within this state without first obtaining a license as a plumbing contractor or journeyman plumber from the commission. This chapter however does not apply to helpers, laborers, registered apprentices, and other employees of a plumbing contractor or journeyman plumber, who do not in any manner hold themselves out to the public as being plumbers.

*(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.209; P.L.248-1985, SEC.2.*

**IC 25-28.5-1-12 Licensing requirements; apprenticeship; nonresidents**

Sec. 12. (a) Except as otherwise provided in this chapter, a natural person over the age of eighteen (18) years who resides in Indiana and any corporation which satisfies the further requirements of this chapter may be licensed by the commission as a plumbing contractor. Except as otherwise provided by this chapter, a natural person over the age of eighteen (18) years may be licensed by the commission as journeyman plumber.

(b) A person who desires to be licensed as a plumbing contractor or journeyman plumber is eligible for such a license upon the successful taking of the examination provided in section 15 of this chapter.

(c) To qualify for a journeyman plumber examination under subsection (b), an applicant who is an Indiana resident must provide evidence that the applicant has completed at least four (4) years in an apprenticeship program approved by the commission or present to the commission a notarized statement providing evidence that the applicant has at least four (4) years of experience in the plumbing trade in employment as set forth in section 32(2), 32(6), or 32(7) of this chapter. To qualify for a plumbing contractor license examination under subsection (b), an applicant who is an Indiana resident must provide evidence that the applicant has completed at least four (4) years in an apprenticeship program approved by the commission or present to the commission a notarized statement providing evidence that the applicant has at least four (4) years of experience in the plumbing trade in employment as set forth in section 32(2), 32(6), or 32(7) of this chapter, or has worked in a plumbing business under the direction of a licensed plumbing contractor for at least four (4) years.

(d) An applicant who is not an Indiana resident may qualify to take an examination under subsection (b) in the following manner:

(1) If the applicant holds a license in a state that does not have a reciprocity agreement with Indiana, the applicant must present the license to the commission to be eligible to take the examination.

(2) If the applicant resides in a state that does not have licensing requirements, the applicant before taking the examination must meet the appropriate requirements of subsection (b).

(e) If the applicant holds a license in a state that has a reciprocity agreement with Indiana, the appropriate license shall be issued automatically.

*(Formerly: Acts 1972, P.L. 188, SEC.1; Acts 1973, P.L.252, SEC.13.) As amended by Acts 1981, P.L.222, SEC.210; P.L.20-1991, SEC.7; P.L.194-2005, SEC.69.*

**IC 25-28.5-1-13 Application for license; corporations, partnerships, or associations; requisites**

Sec. 13. (a) A person wishing to be licensed as a plumbing contractor or journeyman plumber must file with the commission a written application, on a form provided by the commission, that contains information the commission considers necessary to determine the qualifications of the applicant.

(b) All members of a firm, a copartnership, or an association who engage in the activities defined in this chapter as those of a plumbing contractor must be individually licensed as a plumbing contractor. In the case of a limited partnership, only the general partner must be licensed under this chapter.

(c) In the case of a corporation engaged in the business of a plumbing contractor, the corporation must be licensed as a plumbing contractor and must file with the commission an application as provided for in this chapter. A corporation may not be licensed as a plumbing contractor unless one (1) of the officers or employees of the corporation holds a valid license as a plumbing contractor issued by the commission. Where a license is issued to a corporation, at least one (1) officer or employee of the corporation must be:

- (1) licensed as a plumbing contractor;
- (2) designated in the application; and
- (3) named in the license.

(d) An officer or employee of a corporation desiring to act as a plumbing contractor in connection with the business of the corporation must take out a separate plumbing contractor's license in the officer's or employee's own name.

(e) An application must be signed by the applicant, or the applicant's duly authorized officer or officers. The applicant must make a statement that the applicant has not been convicted of:

- (1) an act that would constitute a ground for disciplinary sanction under IC 25-1-11; or
- (2) a felony that has a direct bearing on the applicant's ability to practice competently.

(f) A business that provides plumbing services and is required to file a certificate of assumed business name under IC 23-15-1 must register the name, address, and telephone number of the business with the commission.

*(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.211; Acts 1982, P.L. 113, SEC.69; P.L.241-1989, SEC.1; P.L.143-1990, SEC.4; P.L.214-1993, SEC.60.*

**IC 25-28.5-1-14 Refusal to examine or license**

Sec. 14. Upon the filing of an application, the commission may investigate the statements contained therein and, if it finds the statements to be untrue, may refuse to examine or license the applicant.

*(Formerly: Acts 1972, P.L. 188, SEC.1.)*

**IC 25-28.5-1-15 Examinations**

Sec. 15. (a) Except as otherwise provided, individual applicants for a license as a plumbing contractor or journeyman plumber must pass an examination. The contents of the examination must, for each license category, test the current level of skills required of persons to be licensed in that category.

(b) Examinations may be conducted at times and locations the commission may prescribe.

*(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by P.L.241-1989, SEC.2.*

**IC 25-28.5-1-16 Preparation and administration of examination**

Sec. 16. The commission or the commission's designee shall prepare and administer examinations for each license category. The subject matter to be covered and the passing grade for licensing shall be established and made known to the applicants prior to the date of the examination.

*(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by P.L.241-1989, SEC.3.*

**IC 25-28.5-1-17 Reexamination**

Sec. 17. (a) An applicant who fails the applicant's first examination for a license as a plumbing contractor or journeyman plumber may be reexamined.

(b) Reexamination of an applicant who fails the examination after two (2) attempts may be conditioned on the satisfactory completion of additional study or training as prescribed by the commission.

*(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by P.L.241-1989, SEC.4.*

**IC 25-28.5-1-18 Repealed**

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

**IC 25-28.5-1-18.1 Apprentice plumber; application for registration; certificate of registration**

Sec. 18.1. (a) An individual age seventeen (17) years or older wanting to be registered by the commission as an apprentice plumber shall, on a form provided by the commission, make application for registration. The applicant shall also provide to the commission a statement signed by a licensed plumbing contractor or journeyman plumber who is the employer of the applicant that the prospective apprentice is the employer's employee and will work under the direct and immediate personal supervision of a licensed contractor or journeyman plumber.

(b) If the commission approves the application for registration, it shall issue a certificate of registration as an apprentice plumber to the applicant.

*As added by P.L.248-1985, SEC.3.*

**IC 25-28.5-1-18.3 Expiration of license**

Sec. 18.3. A plumbing contractor's license expires upon the death of the individual to whom it was issued.

*As added by P.L.248-1985, SEC.4.*

**IC 25-28.5-1-18.5 Temporary plumbing contractor's license; issuance**

Sec. 18.5. Notwithstanding section 12 of this chapter, the commission may issue a temporary plumbing contractor's license to an applicant who has an ownership interest in or is an officer of a contracting business if the plumbing contractor licensee operating the business has died or is physically or mentally unable to operate the business. The commission may issue the license for the period needed to dispose of the contracting business or to otherwise meet the emergency giving rise to the need for the license. However, a temporary contractor's license may not be issued for a period, including all renewals, exceeding two (2) years.

*As added by P.L.248-1985, SEC.5.*

**IC 25-28.5-1-19 Reciprocity**

Sec. 19. Upon the payment of the required fee, an applicant who is a plumbing contractor or journeyman plumber licensed or registered in another state, territory, country, or province, shall without examination, be granted a license as a plumbing contractor or journeyman plumber by the Indiana Plumbing Commission: Provided, That

(a) No such applicant shall be granted a license in a category he is not licensed in another state.

(b) The individual applicant for a license as a plumbing contractor or a journeyman plumber shall be at least eighteen (18) years of age.

(c) The requirements for the licensing or registration of plumbing contractors or journeyman plumbers in such other state, territory, country, or province, were, at the date of the applicant's last registration or licensing, substantially equal to the requirements in force in this state; and: Provided, That the same privilege of registration or licensing is accorded by said state, territory, country or province to licensees of the State of Indiana.

*(Formerly: Acts 1972, P.L. 188, SEC.1; Acts 1973, P.L.252, SEC.14.) As amended by Acts 1981, P.L.222, SEC.212.*

**IC 25-28.5-1-20 Nonresident applicants; service of process**

Sec. 20. (a) Nonresident applicants for a license to act as a plumbing contractor or journeyman plumber in Indiana shall file a written application with the commission on a form to be provided by the commission. The nonresident applicant shall also file a certified copy of his license, or certificate of registration as a plumbing contractor or journeyman plumber in the state wherein he resides.

(b) In addition, every nonresident applicant to be licensed as a plumbing contractor or journeyman plumber shall file an irrevocable appointment of the secretary of the commission as his agent for service of process within this state.

(1) All process served upon the secretary of the commission as agent for a nonresident plumbing contractor or journeyman plumber shall be served in duplicate. One (1) copy shall be filed in the office of the commission and one (1) copy shall be forwarded to the nonresident licensee or registrant by the secretary by certified mail, return receipt requested.

(2) Service of process upon the secretary, as provided in this section shall be equivalent to personal service within the state upon the nonresident licensee or registrant.

(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.213.

**IC 25-28.5-1-21 Repealed**

(Repealed by P.L.260-1987, SEC.3.)

**IC 25-28.5-1-22 Expiration of license or certificate of registration; renewal; fees**

Sec. 22. (a) Every license or certificate of registration issued under this chapter expires on a date established by the licensing agency under IC 25-1-6-4 and shall be renewed biennially thereafter upon payment of the required renewal fees.

(b) Applications for renewal shall be filed with the commission in the form and manner provided by the commission. The application shall be accompanied by the required renewal fee. The commission, upon the receipt of the application for renewal and the required renewal fee, shall issue to the renewal applicant a license or certificate of registration in the category said applicant has previously held. Unless a license is renewed, a license issued by the commission expires on the date specified by the licensing agency under IC 25-1-6-4.

(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.214; Acts 1982, P.L.113, SEC.70; P.L.194-2005, SEC.70.

**IC 25-28.5-1-23 Fees**

Sec. 23. The fees to be charged by and paid to the commission by licensees for all licenses and license renewals shall be established by the commission under IC 25-1-8.

(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by Acts 1976, P.L.120, SEC.1; Acts 1981, P.L.222, SEC.215; Acts 1982, P.L.113, SEC.71; P.L.84-1998, SEC.26; P.L.194-2005, SEC.71.

**IC 25-28.5-1-24 Disposition of fees; expenses of commission**

Sec. 24. (a) All fees collected by the commission shall be deposited with the treasurer of state to be deposited by the treasurer in the state general fund.

(b) All expenses of the commission shall be paid from the state general fund upon appropriation being made therefor in the manner provided by law for the making of such appropriations.

(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by Acts 1976, P.L.119, SEC.22; P.L.194-2005, SEC.72.

**IC 25-28.5-1-25 Repealed**

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

**IC 25-28.5-1-26 Repealed**

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

**IC 25-28.5-1-27 Investigations; motion of commission or complaint; approval**

Sec. 27. Subject to IC 25-1-7, the commission may, upon its own motion and shall, upon the verified complaint in writing of any person setting forth specifically the wrongful act or acts complained of, investigate any action or business transaction of any licensee in accordance with IC 25-1-11. Approval by a majority of all members of the commission shall be required for any action to be taken.

(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by Acts 1977, P.L.172, SEC.44; Acts 1981, P.L.222, SEC.216; P.L.214-1993, SEC.61.

**IC 25-28.5-1-27.1 Repealed**

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

**IC 25-28.5-1-28 Proceedings for denial, suspension, or revocation of license; review**

Sec. 28. (a) Proceedings before the commission for the suspension or revocation of any license shall be conducted in the manner provided by IC 4-21.5-3.

(b) Any person aggrieved by any action of the commission in suspending or revoking his license or certificate of registration may seek judicial review by following IC 4-21.5-5.

(c) Any person aggrieved by the commission's action in failing to issue or renew a license or certificate of registration may seek judicial review by following IC 4-21.5-5.

(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by P.L.7-1987, SEC.126.

**IC 25-28.5-1-29 Record of commission as evidence; conclusiveness of verdicts**

Sec. 29. (a) The record of the commission (or a duly certified copy thereof), shall be admissible in any proceedings at law or in equity in any court of competent jurisdiction in this or any other state in which the applicant, licensee or certificate of registration holder charged or under investigation is a party, and where the issues of an act involved in the proceedings are pertinent to the inquiry before the commission and the verdict of the jury or judgment of the court in any action at law or the decree of the court in any proceeding in equity shall be prima facie as the facts at issue in the proceedings and necessarily adjudicated therein.

(b) The verdict of the court or jury in any criminal prosecution in a court of record of this or any other state in which the applicant, licensee, or certificate of registration holder charged shall have been the defendant shall be conclusive as to the facts charged and at issue in such prosecution.

(Formerly: Acts 1972, P.L. 188, SEC.1.)

**IC 25-28.5-1-30 Repealed**

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

**IC 25-28.5-1-31 Violations**

Sec. 31. (a) A person who acts or advertises as a plumbing contractor or journeyman plumber without first obtaining a license from the commission or who continues to act as a plumbing contractor or journeyman plumber after the person's license has been suspended, revoked, or otherwise restricted under IC 25-1-11 commits a Class A misdemeanor.

(b) A person who fails to renew the person's license and continues to act as a plumbing contractor or journeyman plumber after the license has expired commits a Class B misdemeanor.

(c) It is unlawful for a plumbing contractor to fail to include one (1) of the following names on written or printed advertising for plumbing services and on vehicles that are used to provide plumbing services:

(1) The plumbing contractor's name.

(2) The name of the business with which the plumbing contractor is associated.

*(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1978, P.L.2, SEC.2547; Acts 1981, P.L.222, SEC.218; P.L.241-1989, SEC.5; P.L.214-1993, SEC.62.*

**IC 25-28.5-1-32 Exceptions to application of chapter**

Sec. 32. This chapter does not apply to the following:

- (1) Contractors in work on bridges, roads, streets, highways, railroads, or utilities and services incidental to the work.
- (2) An authorized employee of the United States, the state, or a political subdivision of the state if the employee does not profess to be for hire and is acting within the scope of the employee's employment.
- (3) An officer appointed by a court when the officer is acting within the scope of the officer's office as defined by law or court order. When construction projects are not underway at the time of the appointment of the officer by the court, and the nature of the officer's appointment requires that plumbing must be done, the officer must employ or contract with a registered plumbing contractor or journeyman plumber.
- (4) Public utilities with respect to construction, maintenance, and development work performed by their own forces and incidental to their business.
- (5) The owner occupant of a dwelling of eight (8) or less residential units when the owner occupant is installing, altering, or repairing the plumbing system of the residential units.
- (6) Construction, alteration, improvement, or repair of a plumbing system, located on a site, the title of which is in the name of the United States of America, or to construction, alteration, improvement, or repair on a project where federal law supersedes this article.
- (7) An individual who is employed or acts as a maintenance person at the individual's place of employment.
- (8) Farmsteads, except for buildings built on the farmstead for the purpose of public or commercial use.
- (9) A sewer contractor, sewage disposal contractor, or an excavation contractor or utility contractor who generally engages in the business of installing, altering, or repairing sewers, private or public sewage disposal systems, and water distribution or drainage lines outside the foundation walls of a building.

*(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by Acts 1980, P.L.166, SEC.4; Acts 1981, P.L.222, SEC.219; P.L.241-1989, SEC.6.*

**IC 25-28.5-1-33 Political subdivisions; power to regulate**

Sec. 33. Nothing in this chapter shall limit the power of political subdivision to regulate the quality and character of work performed by plumbing contractors through the enforcement of building codes and inspections, but no political subdivision shall require any licensee under this chapter to submit to any other form of licensing: Provided, however, That any political subdivision of this state may require any person licensed as a plumbing contractor under the provisions of this chapter to register with some public official of said political subdivision in order that the plumbing inspection officials of such political subdivision may have the records necessary to inspect the work of persons licensed hereunder. Nothing herein contained shall prohibit any political subdivision from charging a reasonable fee for such registration. Failure to register as required by a political subdivision, upon certification of said failure to the commission, at the discretion of the commission may constitute a basis for suspension of any plumbing contractor's license issued under the provisions of this chapter. Repeated and intentional violation of any such registration requirements may at the discretion of the commission constitute a basis for the revocation of a plumbing contractor's license, said proceeding for suspension or revocation to be had under the provisions of section 26 of this chapter.

*(Formerly: Acts 1972, P.L. 188, SEC.1.)*

**IC 25-28.5-1-34 Repealed**

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

**IC 25-28.5-1-35 Display of license; register available for public inspection**

Sec. 35. (a) A plumbing contractor licensee shall prominently display the licensee's license in the licensee's principal business office. In the case of a partnership or corporation, the license of at least one (1) partner, member, or officer of the corporation, or the corporate license, must be displayed.

(b) The license number of a licensed plumbing contractor must be recognizably displayed in all forms of written or printed advertising for plumbing services and on all vehicles that are used to provide plumbing services.

(c) A plumbing contractor, partnership, or corporation must maintain a register listing:

- (1) the name and license number of every plumbing contractor currently employed there;
- (2) the name and license number of every journeyman plumber currently employed there; and
- (3) the name and registration number of every apprentice plumber currently employed there.

The register must be available for public inspection upon request.

(d) A plumbing contractor, journeyman plumber, or apprentice plumber shall carry a facsimile of that person's license or certificate of registration on a job location where the person is engaged in plumbing contracting or the trade of plumbing. The plumbing contractor, journeyman plumber, or apprentice plumber shall display that person's license or certificate of registration upon the demand of a state inspector or local building or plumbing inspector in Indiana within that inspector's local jurisdiction or upon a customer's request.

*(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.220; P.L.248-1985, SEC.7; P.L.241-1989, SEC.7.*

**IC 25-28.5-1-36 Actions to recover for services by unlicensed or unregistered plumbers barred**

Sec. 36. No action or suit shall be instituted in any court of this state to recover compensation for plumbing contracting services, or for wages for work done which under the provisions of this chapter constitutes plumbing, by a person who is not licensed or registered under the provisions of this chapter.

*(Formerly: Acts 1972, P.L. 188, SEC.1.)*

**IC 25-28.5-1-37 Subpoena powers of commission; service and witness fees; enforcement**

Sec. 37. The commission conducting a hearing in any particular case shall have power to subpoena and order production of books and papers. In any hearing, the process issued by the commission shall extend to all parts of the state and the process shall be served either in like manner as are served writs of subpoena in the circuit court or by any person designated by the commission for that purpose. The person serving the process shall receive such compensation as may be allowed by the commission not to exceed the fee prescribed by law for similar services in the circuit courts and the fees shall be paid in the same manner as provided in this chapter for fees of witnesses subpoenaed at the instance of the commission. All witnesses who shall be subpoenaed and who appear in any proceeding before the commission shall receive the same fees and mileage as allowed by law to witnesses in the circuit courts, which amount shall be paid by the party at whose instance the subpoena was issued or upon whose behalf the witness has been called. When any witness who has not been subpoenaed at the instance of any party to the proceeding shall be subpoenaed at the instance of the commission the fees and mileage of the witness shall be paid from the funds appropriated to the use of the commission in the same manner as other expenses of the commission are paid. Where in any proceeding before the commission, any witness shall fail or refuse to attend upon



subpoena issued by the commission or any of their representatives, or appearing, shall refuse to testify or shall refuse to produce any books and papers the production of which is called for by the subpoena, the attendance of any witness and the giving of his testimony and the production of the books and papers required shall be enforced by any circuit court of this state.  
*(Formerly: Acts 1972, P.L. 188, SEC.1.)*

#### **IC 25-28.5-1-38 Rules and regulations**

Sec. 38. The Indiana Plumbing Commission is hereby authorized and empowered to adopt, fix and establish all rules and regulations necessary for the proper administration and enforcement of the provisions of this chapter.  
*(Formerly: Acts 1972, P.L. 188, SEC.1.) As amended by Acts 1980, P.L. 166, SEC.5.*

#### **IC 25-28.5-1-39 Loss of bid due to chapter violations; injunctive relief**

Sec. 39. (a) As used in this section, "person" means an individual, a corporation, a partnership, or other legal entity.

(b) If a person submits a written competitive bid for a project involving the:

- (1) alteration;
- (2) construction;
- (3) conversion;
- (4) improvement;
- (5) modernization;
- (6) rehabilitation;
- (7) remodeling;
- (8) renovation;
- (9) repair; or
- (10) replacement of plumbing;

and that bid is not accepted because another person knowingly violated this chapter, a person described in subsection (c) may bring a civil action to enjoin the person who violated this chapter from performing any activity under the competitive bid.

(c) The following persons may bring an action for injunctive relief under subsection (b):

- (1) The person who did not receive the bid.
- (2) An organization or association that represents plumbers.

*As added by P.L.20-1991, SEC.8.*

## **INDIANA CODE § 25-28.5-2**

### **Chapter 2. Plumbers Recovery Fund**

#### **IC 25-28.5-2-1 Establishment of fund; investments; interest**

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

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

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund, except as provided in section 2.2 of this chapter.

*As added by P.L.260-1987, SEC.1. Amended by P.L. 143-1990, SEC.5.*

#### **IC 25-28.5-2-2 Surcharge; formula; assessments**

Sec. 2. (a) If the total amount in the plumbers recovery fund (including principal and interest) plus estimated revenues from the fee assessed under section 2.1 of this chapter from July 1 of the current year through June 30 of the next year will be less than three hundred thirty thousand dollars (\$330,000) on June 30 in an odd-numbered year after the payment of all claims and expenses, the plumbing commission shall assess a surcharge according to the

following formula in order to maintain the fund at an approximate level of four hundred thousand dollars (\$400,000):

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

STEP TWO: Add to the amount determined under STEP ONE the amount of revenue estimated from the fee assessed under section 2.1 of this chapter from July 1 of the current year through June 30 of the next year.

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

STEP FOUR: Determine the number of plumbing contractors who had licenses in effect on June 30 of the current year.

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

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

- (1) receives an initial license; or
- (2) receives a renewal license.

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

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

*As added by P.L.260-1987, SEC.1. Amended by P.L. 143-1990, SEC.6.*

#### **IC 25-28.5-2-2.1 Licensing fee**

Sec. 2.1. (a) At the time of initial licensure under this article, each licensee shall pay the fees established by the commission under IC 25-1-8-2 for the following:

- (1) A plumbing contractor.
- (2) A journeyman plumber.

(b) Fees collected under subsection (a) shall be placed in the plumbers recovery fund.

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

*As added by P.L.143-1990, SEC.7. Amended by P.L. 194-2005, SEC.73.*

#### **IC 25-28.5-2-2.2 Reversion of excess funds**

Sec. 2.2. If the total amount in the plumbing recovery fund (including principal and interest) exceeds five hundred fifty thousand dollars (\$550,000) at the end of a state fiscal year after the payment of all claims and expenses, the amount in excess of five hundred fifty thousand dollars (\$550,000) reverts to the state general fund.  
*As added by P.L.143-1990, SEC.8.*

#### **IC 25-28.5-2-3 Interest on investments; payment of expenses**

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

*As added by P.L.260-1987, SEC.1.*

#### **IC 25-28.5-2-4 Applications for orders directing payment out of fund; amount of loss; limitation on recovery**

Sec. 4. (a) If any aggrieved person obtains a final judgment in any court against any plumbing contractor to recover damages for a violation under IC 25-1-11 or the plumbing codes of the state (with or without a finding by the Indiana plumbing commission) that results in an actual cash loss to the aggrieved person, the person may, upon termination of all proceedings, including appeals and proceedings supplemental to judgment for collection purposes, file a verified application in the court in which the judgment was entered for an order directing payment out of the plumbers recovery fund of the amount of actual and direct loss in the transaction that remains unpaid upon the judgment. The amount of actual and direct loss

may include court costs but may not include attorney's fees or punitive damages awarded. The amount that may be paid from the plumbers recovery fund may not exceed twenty thousand dollars (\$20,000) per judgment and an aggregate lifetime limit of fifty thousand dollars (\$50,000) with respect to any one (1) licensee.

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

- (1) that occurred when the plumbing contractor was licensed;
- (2) for which a license was required under IC 25-28.5; and
- (3) that occurred after December 31, 1987.

*As added by P.L.260-1987, SEC.1. Amended by P.L.214-1993, SEC.63.*

#### **IC 25-28.5-2-5 Claims exceeding dollar limitations; joinder of claims; payment of claims; insufficient funds**

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

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

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

*As added by P.L.260-1987, SEC.1.*

#### **IC 25-28.5-2-6 Agent for service of process**

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

*As added by P.L.260-1987, SEC.1.*

#### **IC 25-28.5-2-7 Limitation of actions**

Sec. 7. An order for payment from the plumbers recovery fund may not be issued unless the action to recover from the plumbers recovery fund was commenced within two (2) years after the termination of all proceedings against the plumbing contractor for a violation under IC 25-1-11 or the plumbing codes of the state, including appeals and proceedings supplemental to judgment. When any person commences an action for a judgment that may result in an order for payment from the fund, the plumbing contractor against whom the action has been taken shall notify the

commission in writing of the commencement of the action.

*As added by P.L.260-1987, SEC.1. Amended by P.L.214-1993, SEC.64.*

#### **IC 25-28.5-2-8 Commission as defendant; hearings; issuance of orders**

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

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

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

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

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

(5) that a violation under IC 25-1-11 or the plumbing codes of the state arose directly out of a transaction that occurred when the judgment debtor was licensed and acted in a capacity for which a license is required under this article and that the transaction occurred after December 31, 1987; and

(6) that, in the event of a default judgment or a judgment entered upon stipulation of the parties, the judgment debtor's acts constituted a violation under IC 25-1-11 or the plumbing codes of the state.

*As added by P.L.260-1987, SEC.1. Amended by P.L.214-1993, SEC.65.*

#### **IC 25-28.5-2-9 Payment of claims from fund**

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

*As added by P.L.260-1987, SEC.1.*

#### **IC 25-28.5-2-10 Suspension of license; repayment of fund**

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

*As added by P.L.260-1987, SEC.1.*

#### **IC 25-28.5-2-11 Subrogation**

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

*As added by P.L.260-1987, SEC.1.*

**IC 25-28.5-2-12 Expenditure of interest**

Sec. 12. Subject to the approval of the budget agency, the commission may expend the interest earned by the plumbers recovery fund for the following:

- (1) Publications that provide:
  - (A) information concerning the commission's activities and administrative rulings; and
  - (B) other educational information concerning the practice of plumbing.
- (2) Educational programs concerning the practice of plumbing in Indiana.

*As added by P.L.260-1987, SEC.1. Amended by P.L.20-1991, SEC.9.*

**IC 25-28.5-2-13 Attorney general; staff assistance; expenses**

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

- (1) enable the plumbing commission to perform its duties under this chapter; and
- (2) enforce this chapter.

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

*As added by P.L.260-1987, SEC.1.*

**INDIANA CODE § 25**

**TITLE 25. PROFESSIONS AND OCCUPATIONS**

**INDIANA CODE § 25-1**

**ARTICLE 1. GENERAL PROVISIONS**

**INDIANA CODE § 25-1-1**

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

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

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

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

**IC 25-1-1-2 License defined**

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

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

**IC 25-1-1-3 Repealed**

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

**IC 25-1-1-4 Repealed**

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

**INDIANA CODE § 25-1-1.1**

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

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

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

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

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

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

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

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

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

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

- (1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.
- (2) Dealing in methamphetamine under IC 35-48-4-1.1.

- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- (9) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).
- (10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).
- (11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).
- (12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (11).
- (13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

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

## INDIANA CODE § 25-1-1.2

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

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

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

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

issued by a board regulating a profession or an occupation.

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

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

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

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

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

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

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

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

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

- (1) two thousand dollars (\$2,000); or
- (2) three (3) months;

past due on payment of court ordered child support.

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

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

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

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

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

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

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

issued by a board regulating a profession or an occupation.

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

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

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

- (1) suspend the license of the practitioner; or
- (2) deny the application of the applicant;

who is the subject of the order.

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

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

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

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

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

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

- (1) Specifies that the practitioner is delinquent and is subject to an order placing the practitioner on probationary status.
- (2) Describes the amount of child support that the practitioner is in arrears.
- (3) Explains that unless the practitioner contacts the bureau and:

- (A) pays the practitioner's child support arrearage in full;
- (B) requests the activation of an income withholding order under IC 31-16-15-2 and establishes a payment plan with the bureau to pay the arrearage; 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;
  - (C) request the activation of an income withholding order under IC 31-16-15-2; and
  - (D) 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 and requested the activation of an income withholding order under IC 31-16-15-2.
- (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 and requested the activation of an income withholding order under IC 31-16-15-2.
  - (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 and request the activation of an income withholding order under IC 31-16-15-2; 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 and request the activation of an income withholding order under IC 31-16-15-2; 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 and requested the activation of an income withholding order under IC 31-16-15-2.
- 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.*

**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.)*

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**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 therefor, to require the payment of such fees for a period of two (2) years rather than for one (1) year. *(Formerly: Acts 1961, c.79, s.1.) As amended by P.L.1-1990, SEC.246.*

**IC 25-1-2-2 Repealed**  
*(Repealed by P.L.1-1990, SEC.247.)*

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

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

- (1) Certified public accountants, public accountants, and accounting practitioners.
- (2) Architects and landscape architects.
- (3) Dry cleaners.
- (4) Professional engineers.
- (5) Land surveyors.
- (6) Real estate brokers.
- (7) Real estate agents.
- (8) Security dealers' licenses issued by the securities commissioner.
- (9) Dental hygienists.
- (10) Dentists.
- (11) Veterinarians.
- (12) Physicians.
- (13) Chiropractors.
- (14) Physical therapists.
- (15) Optometrists.
- (16) Pharmacists and assistants, drugstores or pharmacies.
- (17) Motels and mobile home community licenses.
- (18) Nurses.
- (19) Podiatrists.
- (20) Occupational therapists and occupational therapy assistants.
- (21) Respiratory care practitioners.
- (22) Social workers, marriage and family therapists, and mental health counselors.
- (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
- (24) Wholesale legend drug distributors.
- (25) Physician assistants.
- (26) Dietitians.
- (27) Hypnotists.
- (28) Athlete agents.
- (29) Manufactured home installers.
- (30) Home inspectors.

*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.*

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

Sec. 3. Effective October 1, 1961, such licensing agencies as are authorized to issue any of the foregoing shall issue and reissue

such licenses and collect the fees for the same on the basis of two (2) years and the dates by month and day which govern the issuance or reissuance of licenses for one (1) year shall govern the issuance or reissuance of licenses for two (2) years; provided, that entire fees for a two (2) year period shall be payable before issuance thereof on the day and month designated for payment of fees for one (1) year licenses.

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

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

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

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

#### **IC 25-1-2-5 Rules and regulations**

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

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

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

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

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

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects and landscape architects.
- (5) State board of barber examiners.
- (6) State board of cosmetology examiners.
- (7) Medical licensing board of Indiana.
- (8) Secretary of state.
- (9) State board of dentistry.
- (10) State board of funeral and cemetery service.
- (11) Worker's compensation board of Indiana.
- (12) Indiana state board of health facility administrators.
- (13) Committee of hearing aid dealer examiners.
- (14) Indiana state board of nursing.
- (15) Indiana optometry board.
- (16) Indiana board of pharmacy.
- (17) Indiana plumbing commission.
- (18) Board of podiatric medicine.
- (19) Private detectives licensing board.
- (20) State board of registration for professional engineers.
- (21) Board of environmental health specialists.
- (22) State psychology board.
- (23) Indiana real estate commission.
- (24) Speech-language pathology and audiology board.
- (25) Department of natural resources.
- (26) State boxing commission.
- (27) Board of chiropractic examiners.
- (28) Mining board.
- (29) Indiana board of veterinary medical examiners.
- (30) State department of health.
- (31) Indiana physical therapy committee.
- (32) Respiratory care committee.

- (33) Occupational therapy committee.
- (34) Social worker, marriage and family therapist, and mental health counselor board.
- (35) Real estate appraiser licensure and certification board.
- (36) State board of registration for land surveyors.
- (37) Physician assistant committee.
- (38) Indiana dietitians certification board.
- (39) Indiana hypnotist committee.
- (40) Attorney general (only for the regulation of athlete agents).
- (41) Manufactured home installer licensing board.
- (42) Home inspectors licensing board.
- (43) Any other occupational or professional agency created after June 30, 1981.

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

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

#### **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.)*

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## **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 § 25-1-5**

**Chapter 5. Professional Licensing Agency**

**IC 25-1-5-1 Centralization of staff, functions, and services; purpose**

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

- (1) make maximum use of data processing as a means of more efficient operation; and
- (2) provide more services and carry out functions of superior quality.

*As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.23; P.L. 206-2005, SEC. 1.*

**IC 25-1-5-2 Definitions**

Sec. 2. As used in this chapter:

- (1) "Agency" means the Indiana professional licensing agency established by section 3 of this chapter.
- (2) "Board" means any agency, board, advisory committee, or group included in section 3 of this chapter.

*As added by Acts 1981, P.L. 222, SEC. 2. Amended by P.L. 206-2005, SEC. 2.*

**IC 25-1-5-3 Indiana professional licensing agency; functions, duties, and responsibilities**

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

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Board of environmental health specialists (IC 25-32).

- (10) Speech-language pathology and audiology board (IC 25-35.6-2).
- (11) State psychology board (IC 25-33).
- (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (13) Controlled substances advisory committee (IC 35-48-2-1).
- (14) Committee of hearing aid dealer examiners (IC 25-20).
- (15) Indiana physical therapy committee (IC 25-27).
- (16) Respiratory care committee (IC 25-34.5).
- (17) Occupational therapy committee (IC 25-23.5).
- (18) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (19) Physician assistant committee (IC 25-27.5).
- (20) Indiana athletic trainers board (IC 25-5.1-2-1).
- (21) Indiana dietitians certification board (IC 25-14.5-2-1).
- (22) Indiana hypnotist committee (IC 25-20.5-1-7).

(b) Nothing in this chapter may be construed to give the agency policy making authority, which authority remains with each board. *As added by Acts 1981, P.L.222, SEC.2. Amended by Acts 1982, P.L.113, SEC.8; P.L.137-1985, SEC.6; P.L.169-1985, SEC.24; P.L.149-1987, SEC.18; P.L.242-1989, SEC.5; P.L.238-1989, SEC.5; P.L.186-1990, SEC.3; P.L.48-1991, SEC.13; P.L.227-1993, SEC.4; P.L.213-1993, SEC.1; P.L.33-1993, SEC.10; P.L.124-1994, SEC.3; P.L.175-1997, SEC.4; P.L.147-1997, SEC.7; P.L.84-1998, SEC.2; P.L.24-1999, SEC.3; P.L. 206-2005, SEC. 3.*

**IC 25-1-5-4 Additional duties and functions; staff**

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

- (1) notice of board meetings and other communication services;
- (2) recordkeeping of board meetings, proceedings, and actions;
- (3) recordkeeping of all persons 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 agency:

- (1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;
- (2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; and
- (3) may consolidate, where feasible, office space, recordkeeping, and data processing services.

(c) In administering the renewal of licenses or certificates under this chapter, the agency shall send a notice of the upcoming expiration of a license or certificate to each holder of a license or certificate at least sixty (60) days before the expiration of the license or certificate. The notice must inform the holder of the license or certificate of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the agency, the holder of the license or certificate is not subject to a sanction for failure to renew if, once notice is received from the agency, the license or certificate is renewed within forty-five (45) days after receipt of the notice.

(d) In administering an examination for licensure or certification, the agency shall make the appropriate application forms available at least thirty (30) days before the deadline for submitting an application to all persons wishing to take the examination.

(e) The agency may require an applicant for license renewal to submit evidence proving that:

- (1) the applicant continues to meet the minimum requirements for licensure; and
- (2) the applicant is not in violation of:
  - (A) the statute regulating the applicant's profession; or

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

(f) The agency shall process an application for renewal of a license or certificate:

- (1) not later than ten (10) days after the agency receives all required forms and evidence; or
- (2) within twenty-four (24) hours after the time that an applicant for renewal appears in person at the agency with all required forms and evidence.

This subsection does not require the agency to issue a renewal license or certificate to an applicant if subsection (g) applies.

(g) The agency may delay issuing a license renewal for up to ninety (90) days after the renewal date for the purpose of permitting the board to investigate information received by the agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the agency delays issuing a license renewal, the agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (h), before the end of the ninety (90) day period, the board shall do one (1) of the following:

- (1) Deny the license renewal following a personal appearance by the applicant before the board.
- (2) Issue the license renewal upon satisfaction of all other conditions for renewal.
- (3) Issue the license renewal and file a complaint under IC 25-1-7.
- (4) Request the office of the attorney general to conduct an investigation under subsection (i) if, following a personal appearance by the applicant before the board, the board has good cause to believe that there has been a violation of IC 25-1-9-4 by the applicant.
- (5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license and place the applicant on probation status under IC 25-1-9-9.

(h) If an individual fails to appear before the board under subsection (g), the board may take action on the applicant's license allowed under subsection (g)(1), (g)(2) or (g)(3).

(i) If the board makes a request under subsection (g)(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. If the office of the attorney general files a petition, the board shall set the matter for a hearing. If, after the hearing, the board finds the practitioner violated IC 25-1-9-4, the board may impose sanctions under IC 25-1-9-9. The board may delay issuing the renewal beyond the ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license remains valid until the final determination of the board is rendered unless the renewal is denied or the license is summarily suspended under IC 25-1-9-10.

(j) The license of the applicant for a license renewal remains valid during the ninety (90) day period unless the license renewal 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 shall be automatically renewed at the end of the ninety (90) day period.

(k) Notwithstanding any other statute, the agency may stagger license or certificate renewal cycles. However, if a renewal cycle for a specific board or committee is changed, the agency must obtain the approval of the affected board or committee.

(l) An application for a license, certificate, registration, or permit is abandoned without an action of the board, if the applicant does not complete the requirements to complete the application within 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.2. Amended by P.L.169-1985, SEC.25; P.L.149-1987, SEC.19; P.L.22-1999, SEC.1; P.L.44-2000, SEC.1; P.L.75-2002, SEC.1; P.L. 206-2005, SEC. 4.*

#### **IC 25-1-5-5 Executive Director**

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

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

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

(d) The executive director is the chief fiscal officer of the agency and is responsible for hiring of all staff, and for procurement of all services and supplies in accordance with IC 5-22. The executive director and the employees of the agency are subject to IC 4-15-1.8 but are not under IC 4-15-2. The executive director may appoint not to exceed three (3) deputy directors, who must be qualified to work for the boards which are served by the 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 agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the agency. The costs of any such bonds shall be paid from funds available to the agency.

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

(g) The executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of a board or committee when requested to do so by the board or committee.

(h) The executive director or the executive director's designee may, upon request of a board or committee, provide advice and technical assistance on issues that may be presented to the boards or committees.

*As added by Acts 1981, P.L.222, SEC.2. Amended by Acts 1982, P.L.113, SEC.9; P.L.169-1985, SEC.26; P.L.149-1987, SEC.20; P.L.48-1991, SEC.14; P.L.49-1997, SEC.63; P.L. 206-2005, SEC. 5.*

#### **IC 25-1-5-6 Executive director; representatives; staff placement**

Sec. 6. (a) The executive director may designate certain employees of the agency to represent the executive director of the agency at the board meetings, proceedings, or other activities of the 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.2. Amended by P.L.169-1985, SEC.27; P.L. 206-2005, SEC. 6.*

#### **IC 25-1-5-7 Repealed**

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

#### **IC 25-1-5-8 Repealed**

*(Repealed by P.L. 206-2005, SEC. 15)*

#### **IC 25-1-5-9 Submission of certified document as proof of required diploma**

Sec. 9. If a board or committee requires an applicant for a certificate or license to submit a certified copy of a diploma showing



that the applicant graduated from a school or program as a condition for certification or licensure, the applicant may satisfy this requirement by submitting another certified document that shows that the applicant graduated from or received the required diploma from the applicable school or program.

*As added by P.L.177-1996, SEC.1.*

#### **IC 25-1-5-10 Provider profiles**

Sec. 10. (a) As used in this section, "provider" means an individual licensed, certified, registered, or permitted by any of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Board of environmental health specialists (IC 25-32-1).
- (10) Speech-language pathology and audiology board (IC 25-35.6-2).
- (11) State psychology board (IC 25-33).
- (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (13) Indiana physical therapy committee (IC 25-27).
- (14) Respiratory care committee (IC 25-34.5).
- (15) Occupational therapy committee (IC 25-23.5).
- (16) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (17) Physician assistant committee (IC 25-27.5).
- (18) Indiana athletic trainers board (IC 25-5.1-2-1).
- (19) Indiana dietitians certification board (IC 25-14.5-2-1).
- (20) Indiana hypnotist committee (IC 25-20.5-1-7).

(b) The agency shall create and maintain a provider profile for each provider described in subsection (a).

(c) A provider profile must contain the following information:

- (1) The provider's name.
- (2) The provider's license, certification, registration, or permit number.
- (3) The provider's license, certification, registration, or permit type.
- (4) The date the provider's license, certification, registration, or permit was issued.
- (5) The date the provider's license, certification, registration, or permit expires.
- (6) The current status of the provider's license, certification, registration, or permit.
- (7) The provider's city and state of record.
- (8) A statement of any disciplinary action taken against the provider within the previous ten (10) years by a board or committee described in subsection (a).

(d) The agency shall make provider profiles available to the public.

(e) The computer gateway administered by the office of technology established by IC 4-13.1-2-1 shall make the information described in subsection (c)(1), (c)(2), (c)(3), (c)(6), (c)(7), and (c)(8) generally available to the public on the Internet.

(f) The agency may adopt rules under IC 4-22-2 to implement this section.

*As added by P.L.211-2001, SEC.1. Amended by P.L. 177-2005, SEC. 45; P.L. 206-2005, SEC. 7.*

#### **IC 25-1-5-11**

Sec. 11. (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 agency.

(b) The agency and the boards shall collect and release the

applicant's or licensee's Social Security number as provided in state or federal law.

(c) Notwithstanding IC 4-1-10-3, the 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 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.18.*

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## **INDIANA CODE § 25-1-7**

### **Chapter 7. Investigation and Prosecution of Complaints Concerning Regulated Occupations**

#### **IC 25-1-7-1 Definitions**

Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

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

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

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

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15-9).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) Board of podiatric medicine (IC 25-29-2-1).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2).
- (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (24) Respiratory care committee (IC 25-34.5).
- (25) Private detectives licensing board (IC 25-30-1-5.1).
- (26) Occupational therapy committee (IC 25-23.5).

- (27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) State board of registration for land surveyors (IC 25-21.5-2-1).
- (30) Physician assistant committee (IC 25-27.5).
- (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- (34) Indiana physical therapy committee (IC 25-27).
- (35) Manufactured home installer licensing board (IC 25-23.7).
- (36) Home inspectors licensing board (IC 25-20.2-3-1).
- (37) Any other occupational or professional agency created after June 30, 1981.

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

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

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

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

#### **IC 25-1-7-3 Investigation of complaints**

Sec. 3. The division is responsible for the investigation of complaints concerning licensees.

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

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

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

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

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

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

- (1) a complaint filed by:
  - (A) a member of any of the boards listed in section 1 of this chapter; or
  - (B) the Indiana professional licensing agency; or
- (2) a complaint filed under IC 25-1-5-4.
- (b) The director has the following duties and powers:
  - (1) The director shall make an initial determination as to the merit of each complaint. A copy of a complaint having merit shall be submitted to the board having jurisdiction over the licensee's regulated occupation that board thereby acquiring jurisdiction over the matter except as otherwise provided in this chapter.
  - (2) The director shall through any reasonable means notify the licensee of the nature and ramifications of the complaint and of the duty of the board to attempt to resolve the complaint through negotiation.
  - (3) The director shall report any pertinent information regarding the status of the complaint to the complainant.
  - (4) The director may investigate any written complaint against a licensee. The investigation shall be limited to those areas in

which there appears to be a violation of statutes governing the regulated occupation.

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

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

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

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

- (1) a complaint filed by:
  - (A) a member of any of the boards listed in section 1 of this chapter; or
  - (B) the Indiana professional licensing agency; or
- (2) a complaint filed under IC 25-1-5-4.

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

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

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

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

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

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

#### **IC 25-1-7-8 Witnesses**

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

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

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

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

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

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

Sec. 10. (a) All complaints and information pertaining to the complaints shall be held in strict confidence until the attorney general files notice with the board of the attorney general's intent to prosecute the licensee.

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

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

(c) Notwithstanding subsections (a) and (b), under IC 25-23.2 the state board of nursing may disclose to the coordinated licensure information system (as defined by IC 25-23.2-1-4) complaints and information concerning complaints that the board determines to be current significant investigative information (as defined by IC 25-23.2-1-5).

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.181-2002, SEC.2.*

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

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

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

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

Sec. 12. (a) If:

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

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

(b) If:

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

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

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

#### IC 25-1-7-13 Reports; contents

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

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

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

### INDIANA CODE § 25-1-8

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

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

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

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).

- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Mining board (IC 22-10-1.5-2).
- (14) Indiana state board of nursing (IC 25-23-1).
- (15) Indiana optometry board (IC 25-24).
- (16) Indiana board of pharmacy (IC 25-26).
- (17) Indiana plumbing commission (IC 25-28.5-1-3).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2-1).
- (22) Indiana board of veterinary medical examiners (IC 15-5-1.1-3).
- (23) Department of insurance (IC 27-1).
- (24) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
- (25) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (26) Private detectives licensing board (IC 25-30-1-5.1).
- (27) Occupational therapy committee (IC 25-23.5-2-1).
- (28) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6-2-1).
- (29) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (30) State board of registration for land surveyors (IC 25-21.5-2-1).
- (31) Physician assistant committee (IC 25-27.5).
- (32) Indiana athletic trainers board (IC 25-5.1-2-1).
- (33) Board of podiatric medicine (IC 25-29-2-1).
- (34) Indiana dietitians certification board (IC 25-14.5-2-1).
- (35) Indiana physical therapy committee (IC 25-27).
- (36) Manufactured home installer licensing board (IC 25-23.7).
- (37) Home inspectors licensing board (IC 25-20.2-3-1).
- (38) Any other occupational or professional agency created after June 30, 1981.

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

##### 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 ten dollars (\$10) 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.*

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

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

(b) This section does not apply to the holder of a license, registration, or certificate revoked or suspended by the board. *As added by Acts 1982, P.L.113, SEC.14.*

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

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

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

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

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

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

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

- (1) setting fees for review;
- (2) requiring that an examination remain confidential; and
- (3) prohibiting the release of the examination or copies of the examination.

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

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

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

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).

- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) State board of barber examiners (IC 25-7-5-1).
- (6) State boxing commission (IC 25-9-1).
- (7) Board of chiropractic examiners (IC 25-10-1).
- (8) State board of cosmetology examiners (IC 25-8-3-1).
- (9) State board of dentistry (IC 25-14-1).
- (10) Indiana dietitians certification board (IC 25-14.5-2-1).
- (11) State board of registration for professional engineers (IC 25-31-1-3).
- (12) Board of environmental health specialists (IC 25-32-1).
- (13) State board of funeral and cemetery service (IC 25-15-9).
- (14) Indiana state board of health facility administrators (IC 25-19-1).
- (15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).
- (16) Home inspectors licensing board (IC 25-20.2-3-1).
- (17) Indiana hypnotist committee (IC 25-20.5-1-7).
- (18) State board of registration for land surveyors (IC 25-21.5-2-1).
- (19) Manufactured home installer licensing board (IC 25-23.7).
- (20) Medical licensing board of Indiana (IC 25-22.5-2).
- (21) Indiana state board of nursing (IC 25-23-1).
- (22) Occupational therapy committee (IC 25-23.5).
- (23) Indiana optometry board (IC 25-24).
- (24) Indiana board of pharmacy (IC 25-26).
- (25) Indiana physical therapy committee (IC 25-27).
- (26) Physician assistant committee (IC 25-27.5).
- (27) Indiana plumbing commission (IC 25-28.5-1-3).
- (28) Board of podiatric medicine (IC 25-29-2-1).
- (29) Private detectives licensing board (IC 25-30-1-5.1).
- (30) State psychology board (IC 25-33).
- (31) Indiana real estate commission (IC 25-34.1-2).
- (32) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (33) Respiratory care committee (IC 25-34.5).
- (34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (35) Speech-language pathology and audiology board (IC 25-35.6-2).
- (36) Indiana board of veterinary medical examiners (IC 15-5-1.1).

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

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration, 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 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 for the current renewal period.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration, 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 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 for the current renewal period.

(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.*

#### **IC 25-1-8-7 Repealed**

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

### **INDIANA CODE § 25-1-11**

#### **Chapter 11. Professional Licensing Standards of Practice**

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

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

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of registration of land surveyors (IC 25-21.5-2-1).
- (8) State board of funeral and cemetery service (IC 25-15-9).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana plumbing commission (IC 25-28.5-1-3).
- (11) Indiana real estate commission (IC 25-34.1-2-1).
- (12) Real estate appraiser licensure certification board (IC 25-34.1-8).
- (13) Private detectives licensing board (IC 25-30-1-5.1).
- (14) Manufactured home installer licensing board (IC 25-23.7).

*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.*

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

(2) a practitioner has been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;

(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;
- (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 another 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; or

(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.

(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) The board may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law.

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

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

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

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

- (1) account and to make payment under IC 25-6.1-6-2; or
- (2) keep the funds of others separate from the practitioner's own private accounts.

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

**IC 25-1-11-9.5 Repealed**

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

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

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

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

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

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

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

**IC 25-1-11-12 Sanctions for violations**

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

- (1) Permanently revoke a practitioner's license.
- (2) Suspend a practitioner's license.
- (3) Censure a practitioner.
- (4) Issue a letter of reprimand.
- (5) Place a practitioner on probation status and require the practitioner to:
  - (A) report regularly to the board upon the matters that are the basis of probation;
  - (B) limit practice to those areas prescribed by the board;
  - (C) continue or renew professional education approved by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
  - (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.
- (6) Assess a civil penalty against the practitioner for not more than one thousand dollars (\$1,000) for each violation listed in sections 5 through 9 of this chapter except for a finding of incompetency due to a physical or mental disability.

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

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

*As added by P.L.214-1993, SEC.1. Amended by P.L.32-2000, SEC.12.*

**IC 25-1-11-13 Summary suspension of practitioners**

Sec. 13. 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.  
*As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.2.*

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

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

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

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

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

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

**IC 25-1-11-16 Consistency of sanctions**

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

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

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

Sec. 17. A practitioner may petition the board to accept the surrender of the practitioner's license instead of having a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

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

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

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

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.
- (10) Administrative law judges

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

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

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

- (1) the applicant has:
  - (A) been disciplined by a licensing entity of another state or jurisdiction; or
  - (B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had

- been licensed in Indiana when the act occurred; and
- (2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently perform or practice the profession in Indiana.
- (b) 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.
- (c) 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.*

**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.*

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**INDIANA CODE § 25-1-12**

**Chapter 12. Renewal of Licenses Held by Individuals in Military Service**

**IC 25-1-12-1 Applicability of chapter**

Sec. 1. This chapter applies to an individual who:

- (1) holds a license, certificate, registration, or permit under this title, IC 15, IC 16, or IC 22; and
- (2) is called to active duty.

*As added by P.L.88-2004, SEC.2.*

**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 or IC 15, IC 16, or IC 22.  
*As added by P.L.88-2004, SEC.2.*

**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.*

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**Non-Code Provisions under Public Law 206-2005**

**P.L. 206-2005, SECTION 16**

(a) The rules adopted by the health professions bureau before July 1, 2005, and in effect on June 30, 2005, shall be treated after June 30, 2005, as the rules of the Indiana professional licensing agency.

(b) On July 1, 2005, the Indiana professional licensing agency becomes the owner of all of the property of the health professions bureau. An appropriation made to the health professions bureau shall be treated after June 30, 2005, as an appropriation to the Indiana professional licensing agency.

(c) Any reference in a law, a rule, a license, a registration, a certification, or an agreement to the health professions bureau shall be treated after June 30, 2005, as a reference to the Indiana professional licensing agency.

**P.L. 206-2005, SECTION 17**

(a) The legislative services agency shall prepare legislation for introduction in the 2006 regular session of the general assembly to make conforming statutory changes, as needed, to reconcile the statutes with this act.

(b) This SECTION expires June 30, 2007.

**TITLE 860 INDIANA PLUMBING COMMISSION**

**ARTICLE 1. GENERAL PROVISIONS**

**Rule 1. Licenses; Applications for Renewal**

**860 IAC 1-1-1 Officer leaving corporation; notice and new license application (Repealed)**

Sec. 1. (Repealed by Indiana Plumbing Commission; filed Jan 16, 1992, 5:00 p.m.: 15 IR 1023)

**860 IAC 1-1-2 Late license renewal; reinstatement fee (Repealed)**

Sec. 2. (Repealed by Indiana Plumbing Commission; filed Oct 31, 1983; 1:21 pm: 7 IR 70)

**860 IAC 1-1-2.1 Fee schedule**

**Authority:** IC 25-28.5-1-8

**Affected:** IC 25-28.5-1-22

Sec. 2.1. The Indiana plumbing commission shall charge and collect the following fees:

(1) For an application for examination as an individual plumbing contractor, a nonrefundable fee of fifty dollars (\$50) and a fee of fifty dollars (\$50) for each reexamination on one (1) of the two (2) exam parts not previously passed upon notice by the commission.

(2) For the issuance of the initial plumbing contractor license, the following:

(A) When the license is issued in an odd-numbered year, fifty dollars (\$50).

(B) When the license is issued in an even-numbered year, one hundred dollars (\$100).

(3) For the issuance of an initial license for a corporation, the following:

(A) When the license is issued in an odd-numbered year, fifty dollars (\$50).

(B) When the license is issued in an even-numbered year, one hundred dollars (\$100).

(4) For an application for examination as an individual journeyman plumber a nonrefundable fee of thirty dollars (\$30) and a fee of thirty dollars (\$30) for each reexamination on one (1) of the two (2) exam parts not previously passed upon notice by the commission.

(5) For issuance of the initial license for a journeyman plumber, the following:

(A) When the license is issued in an odd-numbered year, fifteen dollars (\$15).

(B) When the license is issued in an even-numbered year, thirty dollars (\$30).

(6) For biennial renewal of a plumbing contractor's license, one hundred dollars (\$100) payable prior to December 1 of each odd-numbered year.

(7) For biennial renewal of a license for a corporation, one hundred dollars (\$100) payable prior to December 1 of each odd-numbered year.

(8) For biennial renewal of a journeyman plumber's license, thirty dollars (\$30) payable prior to December 1 of each odd-numbered year.

(9) Application for a renewal received after the expiration date of December 31 of each odd-numbered year and prior to March 1 of the next even-numbered year shall be charged a reinstatement fee of fifteen dollars (\$15) in addition to the license renewal fee.

(10) Applications for renewal received after March 1 of the next even-numbered year following expiration and no later than December 31 of the next odd-numbered year following expiration shall be charged the following reinstatement fees in addition to the applicable license renewal fees:

(A) Journeyman plumber, one hundred dollars (\$100).

(B) Plumbing contractor, two hundred dollars (\$200).

(C) Corporate plumbing contractor, two hundred dollars (\$200).

(11) Applications for renewal received after December 31 of the next odd-numbered year following expiration shall be deemed invalid for renewal.

(Indiana Plumbing Commission; 860 IAC 1-1-2.1; filed Oct 31, 1983, 1:21 p.m.: 7 IR 69; errata, 7 IR 71; filed Oct 29, 1984, 3:07 p.m.: 8 IR 214; filed Jul 30, 1985, 3:13 p.m.: 8 IR 2038; filed Feb 19, 1987, 8:30 a.m.: 10 IR 1390; filed Feb 19, 1990, 11:06 a.m.: 13 IR 1181; filed Jun 14, 1996, 3:00 p.m.: 19 IR 3108; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237; filed Jul 17, 2002, 3:34 p.m.: 25 IR 4109, eff Jan 1, 2003; errata filed Nov 15, 2002, 3:40 p.m.: 26 IR 1109)

**860 IAC 1-1-3 Filing of bonds (Repealed)**

Sec. 3. (Repealed by Indiana Plumbing Commission; filed Feb 15, 1989, 2:36 p.m.: 12 IR 1557)

**860 IAC 1-1-4 Plumbing contractor bond forms; bond cancellation (Repealed)**

Sec. 4. (Repealed by Indiana Plumbing Commission; filed Feb 15, 1989, 2:36 p.m.: 12 IR 1557)

**860 IAC 1-1-5 Current bonding required (Repealed)**

Sec. 5. (Repealed by Indiana Plumbing Commission; filed Feb 15, 1989, 2:36 p.m.: 12 IR 1557)

**860 IAC 1-1-6 Corporate plumbing contractor; license conditions (Repealed)**

Sec. 6. (Repealed by Indiana Plumbing Commission; filed Jan 16, 1992, 5:00 p.m.: 15 IR 1023)

**860 IAC 1-1-7 Designated corporate officer or employee; responsibilities and replacement**

**Authority:** IC 25-28.5-1-8; IC 25-28.5-1-38

**Affected:** IC 25-28.5-1-13

Sec. 7. (a) This section governs the responsibility of a corporate plumbing contractor under IC 25-28.5-1-13(c).

(b) The individual or individuals named in the corporate license pursuant to IC 25-28.5-1-13(c)(3) shall be responsible to the commission for the use of the corporate license.

(c) The responsibility of an individual described in subsection (b) shall terminate only upon the written notice to the commission under



subsection (d) of such individual's removal or resignation from said status, but such removal, resignation, or the failure to notify the commission thereof shall not terminate the obligation of the corporate plumbing contractor.

(d) When an individual described in subsection (b) is removed or resigns, the corporation must notify the commission within thirty (30) days and shall identify any replacement individual or individuals. *(Indiana Plumbing Commission; 860 IAC 1-1-7; filed Jul 30, 1985, 3:13 p.m.: 8 IR 2040; filed Feb 15, 1989, 2:36 p.m.: 12 IR 1556; errata filed May 8, 1989, 2:35 p.m.: 12 IR 2063; filed Jan 16, 1992, 5:00 p.m.: 15 IR 1022; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

#### **860 IAC 1-1-8 Temporary plumbing contractor license**

**Authority: IC 25-28.5-1-8; IC 25-28.5-1-38**

**Affected: IC 25-28.5-1-18.5**

Sec. 8. (a) A temporary plumbing contractor license authorized by IC 25-28.5-1-18.5 shall be for six (6) month increments.

(b) Such temporary license shall not enable the holder thereof to perform actual plumbing services unless he is a currently licensed journeyman or a currently licensed plumbing contractor. However, the holder of a temporary license may employ a journeyman to perform actual plumbing services pursuant to the temporary license. If the holder is a licensed journeyman, he may perform plumbing contracting under the authority of the temporary license.

(c) The temporary license will be granted upon submission of the license fee in the amount of twenty-five dollars (\$25) for each six (6) month increment, as well as a fully executed bond on a form supplied by the commission.

(d) No temporary license will be issued to any applicant who fails to first appear before the commission or the executive director of the Indiana professional licensing agency to request the same.

(e) A temporary license granted by the executive director of the Indiana professional licensing agency is subject to ratification or refusal at the next regularly scheduled meeting of the commission. *(Indiana Plumbing Commission; 860 IAC 1-1-8; filed Dec 20, 1985, 9:13 a.m.: 9 IR 1099; filed Jun 14, 1996, 3:00 p.m.: 19 IR 3108; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237; filed Jul 17, 2002, 3:34 p.m.: 25 IR 4110, eff Jan 1, 2003)*

#### **860 IAC 1-1-9 Admission to examination**

**Authority: IC 25-28.5-1-8; IC 25-28.5-1-38**

**Affected: IC 25-28.5-1**

Sec. 9. (a) This section and section 10 of this rule implement the requirements for admission to the journeyman plumber and plumbing contractor examination found in IC 25-28.5-1-12(c).

(b) "Plumbing trade" means being engaged in the work of plumbing (as that term is defined in IC 25-28.5-1-2(1)). The term includes doing plumbing work under the circumstances described in IC 25-28.5-1-32(2), IC 25-28.5-1-32(4), IC 25-28.5-1-32(6), IC 25-28.5-1-32(7), and IC 25-28.5-1-32(8) [*sic.*, IC 25-28.5-1-32(8)].

(c) "Apprenticeship program approved by the commission" means a program that meets the requirements of 860 IAC 2-1-1.

(d) "Four (4) year apprenticeship program" means satisfactory completion of a minimum of five hundred seventy-six (576) hours of classroom instruction and satisfactory completion of six thousand four hundred (6,400) hours of related on-job-training, over at least four (4) years.

(e) "Four (4) years of experience" means a minimum of six thousand four hundred (6,400) hours in the plumbing trade over at least four (4) years.

(f) No more than forty (40) hours shall be counted in any given calendar week toward meeting the requirements of either subsection (d) or (e). *(Indiana Plumbing Commission; 860 IAC 1-1-9; filed Jan 16, 1992, 5:00 p.m.: 15 IR 1022; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

#### **860 IAC 1-1-10 Verification of employment**

**Authority: IC 25-28.5-1-8; IC 25-28.5-1-38**

**Affected: IC 25-28.5-1-12**

Sec. 10. (a) An applicant for admission to the plumbing contractor or journeyman plumber examination must submit with the applicant's application affidavits from the applicant's employers verifying all experience in the plumbing trade, or work in a plumbing business under the direction of a licensed plumbing contractor, claimed in the applicant's application.

(b) If the applicant is unable to obtain any employer affidavit required by subsection (a), the applicant must submit an affidavit stating the inability and the reason why.

(c) Whether or not the employer affidavits provided for in subsection (a) have been submitted, the commission may seek such additional information from the applicant, any employer, or any third party as is necessary to determine whether the applicant meets the requirements for admission to the examination.

*(Indiana Plumbing Commission; 860 IAC 1-1-10; filed Jan 16, 1992, 5:00 p.m.: 15 IR 1022; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

#### **860 IAC 1-1-11 Licensed out-of-state applicants; certification of licensure required**

**Authority: IC 25-28.5-1-8; IC 25-28.5-1-38**

**Affected: IC 25-28.5-1-12; IC 25-28.5-1-19**

Sec. 11. An individual who is licensed in another state and who applies for admission to the examination under IC 25-28.5-1-12(d)(1), or licensure by reciprocity under IC 25-28.5-1-12(e) and IC 25-28.5-1-19, shall submit certification of licensure from the licensing authority in the other state.

*(Indiana Plumbing Commission; 860 IAC 1-1-11; filed Jan 16, 1992, 5:00 p.m.: 15 IR 1023; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

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## **Rule 2. Definitions**

#### **860 IAC 1-2-1 "Maintenance" defined**

**Authority: IC 25-28.5-1-38**

**Affected: IC 25-28.5-1-32**

Sec. 1. The work of a "maintenance man" as described in IC 25-28.5-1-32(7) shall include anyone whose full-time work shall include repair of present operational plumbing systems. However, "maintenance" shall not include the installation of any nonexistent plumbing system nor shall it include remodeling of an existing plumbing system where the number of faucets, toilets, bathtubs, fountains, or other devices affecting the flow of water are increased beyond the original system.

*(Indiana Plumbing Commission; 860 IAC 1-2-1; filed Oct 29, 1984, 3:09 p.m.: 8 IR 214; filed Jan 16, 1992, 5:00 p.m.: 15 IR 1023; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

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## **Rule 3. Examinations; Journeyman Plumber; Plumbing Contractor**

#### **860 IAC 1-3-1 Examination; journeyman plumber**

**Authority: IC 25-28.5-1-8; IC 25-28.5-1-38**

**Affected: IC 25-28.5-1**

Sec. 1. (a) The journeyman plumber examination shall consist of a practical section and of a written section.

(b) The practical section of the examination shall include two (2) parts known as the following:

- (1) The copper pipe project.
- (2) The soil pipe project.

(c) The written section of the examination shall be a multiple-choice test.

(d) In order to pass the practical section of the examination, an individual must obtain scores of at least seventy percent (70%) on both of the following:

- (1) The copper pipe project.
- (2) The soil pipe project.

(e) An individual must obtain a score of at least seventy percent (70%) on the multiple-choice test in order to pass the written section of the examination.

*(Indiana Plumbing Commission; 860 IAC 1-3-1; filed Oct 29, 1984, 3:11 p.m.: 8 IR 215; filed Feb 15, 1989, 2:36 p.m.: 12 IR 1556; filed Feb 19, 1990, 11:06 a.m.: 13 IR 1182; filed Sep 8, 1992, 5:00 p.m.: 16 IR 62, eff Oct 1, 1992 [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 #92-91 was filed Sep 8, 1992.]; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

#### **860 IAC 1-3-1.1 Examination; plumbing contractor**

**Authority: IC 25-28.5-1-8; IC 25-28.5-1-38**

**Affected: IC 25-28.5-1**

Sec. 1.1. (a) The plumbing contractor examination shall consist of a practical section, a written section, and a drawing section.

(b) The practical section of the examination shall include two (2) parts known as the following:

- (1) The copper pipe project.
- (2) The soil pipe project.

(c) The written section of the examination shall be a multiple-choice test.

(d) The drawing section of the examination shall test the applicant's ability and knowledge concerning sanitary drainage systems and water distribution systems.

(e) In order to pass the practical section of the examination, an individual must obtain scores of at least seventy percent (70%) on both of the following:

- (1) The copper pipe project.
- (2) The soil pipe project.

(f) An individual must obtain a score of at least seventy percent (70%) on the multiple-choice written section in order to pass the written section of the examination.

(g) An individual must obtain a score of at least seventy percent (70%) on the drawing section in order to pass the drawing section of the examination.

*(Indiana Plumbing Commission; 860 IAC 1-3-1.1; filed Sep 8, 1992, 5:00 p.m.: 16 IR 62, eff Oct 1, 1992 [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 #92-91 was filed Sep 8, 1992.]; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

#### **860 IAC 1-3-2 Retaking of journeyman plumber and plumbing contractor examination upon failure**

**Authority: IC 25-28.5-1-8; IC 25-28.5-1-38**

**Affected: IC 25-28.5-1**

Sec. 2. (a) References in this section to the examination apply to both the journeyman plumber examination and the contractor examination unless a particular examination is specifically specified.

(b) An individual who does not pass the entire examination in the first attempt shall be entitled to take it as many as six (6) additional times under the exemptions from portions of the examination allowed in subsection (c). However, the last examination attempt may be no later than two (2) years after the date the individual was first scheduled to take the examination.

(c) An individual who passes:

- (1) the practical section;
- (2) the written section;
- (3) one (1) part of the practical section; or
- (4) for the plumbing contractor examination, the drawing section;

in any prior taking of the examination allowed under subsection (b), shall not be required to retake that portion in the remaining examination attempts allowed by subsection (b).

(d) An individual who does not qualify for any of the exemptions provided for in subsection (c) must retake the entire examination.

(e) Upon the exhaustion of all of the examination attempts allowed by subsection (b), an individual must file a new application and retake the entire examination.

(f) None of the exemptions contained in this section from retaking a section or part of a section of the journeyman plumber examination or the plumbing contractor examination shall apply to an individual taking the other examination. For example, an applicant for a journeyman plumber license who passes the practical section of the journeyman plumber examination who subsequently applies for a plumbing contractor license shall be required to pass the practical section of the plumbing contractor examination.

(g) Notwithstanding subsection (b), any individual who took the examination one (1) or more times prior to October 1, 1992, and did not pass it in its entirety:

(1) shall be entitled to six (6) additional examination attempts with the last being no later than September 30, 1994;

(2) for the first examination attempt after September 30, 1992, shall be entitled to the examination exemptions the individual would have had under this section as it read on September 30, 1992; and

(3) for the second and subsequent examination attempts after September 30, 1992, shall be entitled to the examination exemptions allowed by subdivision (2) plus those obtained after September 30, 1992, under subsection (c).

*(Indiana Plumbing Commission; 860 IAC 1-3-2; filed Feb 15, 1989, 2:36 p.m.: 12 IR 1556; filed Feb 19, 1990, 11:06 a.m.: 13 IR 1182; filed Sep 8, 1992, 5:00 p.m.: 16 IR 63, eff Oct 1, 1992 [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 #92-91 was filed Sep 8, 1992.]; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

#### **860 IAC 1-3-3 Examination requirements for journeyman plumber applying for a plumbing contractor license**

**Authority: IC 25-28.5-1-8; IC 25-28.5-1-38**

**Affected: IC 25-28.5-1**

Sec. 3. A licensed journeyman plumber who subsequently applies for a plumbing contractor license shall be required to pass only the written and the drawing sections plumbing contractor examination. The provisions concerning examination attempts and exemptions found in section 2 of this rule shall apply to such individuals.

*(Indiana Plumbing Commission; 860 IAC 1-3-3; filed Feb 15, 1989, 2:36 p.m.: 12 IR 1557; filed Feb 19, 1990, 11:06 a.m.: 13 IR 1183; filed Sep 8, 1992, 5:00 p.m.: 16 IR 64, eff Oct 1, 1992 [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 #92-91 was filed Sep 8, 1992.]; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

#### **860 IAC 1-3-4 Required study or training prior to retaking of journeyman plumber and plumbing contractor examinations (Repealed)**

Sec. 4. *(Repealed by Indiana Plumbing Commission; filed Sep 8, 1992, 5:00 p.m.: 16 IR 64, eff Oct 1, 1992 [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 #92-91 was filed Sep 8, 1992.]*

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#### **Rule 4. Advertising**

##### **860 IAC 1-4-1 Advertising for plumbing services**

**Authority: IC 25-28.5-1-8; IC 25-28.5-1-38**

**Affected: IC 25-28.5-1-35**

Sec. 1. (a) As used in IC 25-28.5-1-35(b), "written or printed advertising for plumbing services" includes, but is not limited to, the following:

- (1) Directories.

- (2) Periodicals.
- (3) Newspaper entries.
- (4) Signs.
- (5) Circulars.

*(Indiana Plumbing Commission; 860 IAC 1-4-1; filed Dec 20, 1985, 9:13 a.m.: 9 IR 1100; filed Oct 23, 1989, 4:50 p.m.: 13 IR 401; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

**860 IAC 1-4-2 "Recognizably displayed" defined**

**Authority: IC 25-28.5-1-8; IC 25-28.5-1-38**  
**Affected: IC 25-28.5-1-31; IC 25-28.5-1-35**

Sec. 2. (a) The requirement in IC 25-28.5-1-35(b) that a plumbing contractor's license number must be "recognizably displayed" in all forms of written or printed advertising for plumbing services means that the plumbing contractor's license number must be:

- (1) of adequate size; and
- (2) located within reasonable proximity of the advertising;

so that the number can be readily seen by an individual with normal vision when viewing the advertisement.

(b) The requirement in IC 25-28.5-1-35(b) that a plumbing contractor's number must be "recognizably displayed" on all vehicles that are used to provide plumbing services means that the plumbing contractor's license number must be:

- (1) of adequate size; and
- (2) located within reasonable proximity of the plumbing contractor's name or name of the business with which the plumbing contractor is associated;

so that the number can be readily seen by an individual with normal vision when viewing the name.

*(Indiana Plumbing Commission; 860 IAC 1-4-2; filed Oct 23, 1989, 4:50 p.m.: 13 IR 401; errata, 13 IR 1862; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

**860 IAC 1-4-3 Vehicles**

**Authority: IC 25-28.5-1-8; IC 25-28.5-1-38**  
**Affected: IC 25-28.5-1-31; IC 25-28.5-1-35**

Sec. 3. The plumbing contractor's license number must appear on each side of a vehicle on which:

- (1) the plumbing contractor's name; or
- (2) name of the business with which the plumbing contractor is associated;

appears, but shall not be required to appear elsewhere on the vehicle.

*(Indiana Plumbing Commission; 860 IAC 1-4-3; filed Oct 23, 1989, 4:50 p.m.: 13 IR 401; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

**Rule 5. Competent Practice of Plumbing**

**860 IAC 1-5-1 Scope of rule**

**Authority: IC 25-28.5-1-7**  
**Affected: IC 25-28.5-1-27.1**

Sec. 1. (a) This rule establishes standards for the competent practice of plumbing.

(b) Violation of any provision of this rule by a licensee shall be deemed a violation of IC 25-28.5-1-27.1.

*(Indiana Plumbing Commission; 860 IAC 1-5-1; filed Nov 21, 1989, 1:15 p.m.: 13 IR 630; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

**860 IAC 1-5-2 "Licensee" defined**

**Authority: IC 25-28.5-1-7**  
**Affected: IC 25-28.5-1-27.1**

Sec. 2. As used in this rule, "licensee" has the meaning set forth in IC 25-28.5-1-27.1(a).

*(Indiana Plumbing Commission; 860 IAC 1-5-2; filed Nov 21, 1989, 1:15 p.m.: 13 IR 630; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

**860 IAC 1-5-3 "Political subdivision" defined**

**Authority: IC 25-28.5-1-7**  
**Affected: IC 36-1-2-13**

Sec. 3. As used in this rule, "political subdivision" has the meaning set forth in IC 36-1-2-13.

*(Indiana Plumbing Commission; 860 IAC 1-5-3; filed Nov 21, 1989, 1:15 p.m.: 13 IR 630; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

**860 IAC 1-5-4 Compliance with Indiana plumbing commission's statute and rules**

**Authority: IC 25-28.5-1-7**  
**Affected: IC 25-28.5-1-27.1**

Sec. 4. Licensees shall comply with the provisions of the following:

- (1) IC 25-28.5.
- (2) This title.

*(Indiana Plumbing Commission; 860 IAC 1-5-4; filed Nov 21, 1989, 1:15 p.m.: 13 IR 630; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

**860 IAC 1-5-5 Use of unlicensed personnel prohibited**

**Authority: IC 25-28.5-1-7**  
**Affected: IC 25-28.5-1-27.1**

Sec. 5. (a) Plumbing contractors shall not allow any employee or subcontractor to act in the capacity of a plumbing contractor or journeyman plumber unless that employee or subcontractor has a plumbing contractor's license or a journeyman plumber's license.

(b) Subsection (a) shall not be construed to require the following individuals to be licensed:

- (1) helpers;
- (2) laborers;
- (3) registered apprentices; and
- (4) other employees of a plumbing contractor or journeyman plumber; who do not in any manner hold themselves out to the public as being plumbers.

*(Indiana Plumbing Commission; 860 IAC 1-5-5; filed Nov 21, 1989, 1:15 p.m.: 13 IR 631; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

**860 IAC 1-5-6 Obtaining plumbing permits from political subdivisions**

**Authority: IC 25-28.5-1-7**  
**Affected: IC 25-28.5-1-27.1**

Sec. 6. Whenever required to do so by an ordinance of a political subdivision, plumbing contractors shall obtain permits to do plumbing work. *(Indiana Plumbing Commission; 860 IAC 1-5-6; filed Nov 21, 1989, 1:15 p.m.: 13 IR 631; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

**860 IAC 1-5-7 Registration with political subdivisions**

**Authority: IC 25-28.5-1-7**  
**Affected: IC 25-28.5-1-33**

Sec. 7. Whenever required to do so by an ordinance of a political subdivision, plumbing contractors shall register with the appropriate public official of the political subdivision.

*(Indiana Plumbing Commission; 860 IAC 1-5-7; filed Nov 21, 1989, 1:15 p.m.: 13 IR 631; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

**860 IAC 1-5-8 Completion of plumbing work**

**Authority: IC 25-28.5-1-7**  
**Affected: IC 25-28.5-1-27.1**

Sec. 8. Plumbing contractors shall complete all plumbing work which they have contracted to perform unless they have legal cause to not perform the work.

*(Indiana Plumbing Commission; 860 IAC 1-5-8; filed Nov 21, 1989, 1:15 p.m.: 13 IR 631; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

**860 IAC 1-5-9 Compliance with other rules and standards**

**Authority:** IC 25-28.5-1-7

**Affected:** IC 25-28.5-1-27.1

Sec. 9. Licensees shall do all plumbing work in compliance with the following:

- (1) 675 IAC 16, the Indiana plumbing code, as adopted by the fire prevention and building safety commission.
- (2) To the extent that they may be capable of being violated while doing plumbing work, the rules of 675 IAC, the fire prevention and building safety commission.
- (3) 327 IAC 8-7 [327 IAC 8-7 was repealed filed Jun 17, 1999, 1:50 p.m.: 22 IR 3379], rule of the water pollution control board, concerning school water supply and distribution systems.
- (4) 327 IAC 8-8 [327 IAC 8-8 was repealed filed Jun 17, 1999, 1:50 p.m.: 22 IR 3379], rule of the water pollution control board, concerning mobile home park water supply and distribution systems.
- (5) 327 IAC 8-9 [327 IAC 8-9 was repealed filed Jun 17, 1999, 1:50 p.m.: 22 IR 3379], rule of the water pollution control board, concerning agricultural camp water supply and distribution systems.
- (6) 327 IAC 8-10, rule of the water pollution control board, concerning cross connections.
- (7) 410 IAC 15-1-22(14) [410 IAC 15-1 was repealed filed Dec 21, 1994, 9:40 a.m.: 18 IR 1280; errata filed Jan 5, 1995, 4:20 p.m.: 18 IR 1290.], state board of health requirements for plumbing sewage disposal and water supply in hospitals.

*(Indiana Plumbing Commission; 860 IAC 1-5-9; filed Nov 21, 1989, 1:15 p.m.: 13 IR 631; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

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**ARTICLE 2. APPRENTICE PLUMBER**

**Rule 1. Registration and Training**

**860 IAC 2-1-1 Registration in accredited apprenticeship program**

**Authority:** IC 25-28.5-1-8; IC 25-28.5-1-38

**Affected:** IC 25-28.5-1-12

Sec. 1. For an apprenticeship program to be approved under IC 25-28.5-1-12(c) and 860 IAC 1-1-9, it must be:

- (1) approved by the commission under this rule; and
- (2) a program accredited either by the Bureau of Apprenticeship and Training, a division of the United States Department of Labor, or by some other certifying organization with similar criteria for instruction in plumbing.

*(Indiana Plumbing Commission; 860 IAC 2-1-1; filed Dec 20, 1985, 9:13 a.m.: 9 IR 1100; filed Dec 18, 2000, 9:31 a.m.: 24 IR 1351; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

**860 IAC 2-1-2 Supervision**

**Authority:** IC 25-28.5-1-8; IC 25-28.5-1-38

**Affected:** IC 25-28.5-1-2

Sec. 2. An apprentice plumber is not under the direction and immediate supervision of a licensed plumbing contractor or licensed journeyman plumber unless such supervisor is physically present on the project while the apprentice is performing plumbing work.

*(Indiana Plumbing Commission; 860 IAC 2-1-2; filed Dec 20, 1985, 9:13 am: 9 IR 1100; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

**860 IAC 2-1-3 Valid use of registration**

**Authority:** IC 25-28.5-1-8; IC 25-28.5-1-38

**Affected:** IC 25-28.5-1-2; IC 25-28.5-1-18.1

Sec. 3. A registered apprentice plumber may not use the registration to perform as an apprentice plumber at any time while he is not learning the plumbing trade as defined by the commission

and while he is not under the direction and immediate supervision of a licensed plumbing contractor or a licensed journeyman plumber.  
*(Indiana Plumbing Commission; 860 IAC 2-1-3; filed Dec 20, 1985, 9:13 am: 9 IR 1100; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

**860 IAC 2-1-4 Application for registration; written agreement**

**Authority:** IC 25-28.5-1-8; IC 25-28.5-1-38

**Affected:** IC 25-28.5-1-18.1

Sec. 4. (a) An applicant for registration as an apprentice plumber must supply, along with the application, a copy of a written agreement wherein the applicant is bound jointly with the accepted apprenticeship program in such a way as to obligate the apprenticeship program to timely inform the commission of the applicant's termination from learning the plumbing trade under the auspices of said apprenticeship program.

(b) As an alternative to the requirement in subsection (a), an application may be signed by a representative of an apprenticeship program that meets the requirements of section 1 of this rule, representing that the applicant is enrolled in the apprenticeship program and that the apprenticeship program will timely inform the commission of the applicant's termination from learning the plumbing trade under the auspices of said school.  
*(Indiana Plumbing Commission; 860 IAC 2-1-4; filed Dec 20, 1985, 9:13 a.m.: 9 IR 1100; filed Jan 16, 1992, 5:00 p.m.: 15 IR 1023; filed Dec 18, 2000, 9:31 a.m.: 24 IR 1352; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

**860 IAC 2-1-5 Renewal of registration**

**Authority:** IC 25-28.5-1-8; IC 25-28.5-1-38

**Affected:** IC 25-28.5-1-18.1

Sec. 5. An apprentice plumber registration is renewable biennially on August 1. Persons who are initially registered after June 1 need not renew until August 1 of the second calendar year following registration.

*(Indiana Plumbing Commission; 860 IAC 2-1-5; filed Dec 20, 1985, 9:13 a.m.: 9 IR 1100; filed Dec 18, 2000, 9:31 a.m.: 24 IR 1352; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

**860 IAC 2-1-6 Application fee**

**Authority:** IC 25-1-8-2; IC 25-28.5-1-8; IC 25-28.5-1-38

**Affected:** IC 25-28.5-1-18.1

Sec. 6. An apprentice plumber registration shall be issued or renewed only upon the filing of an application accompanied by the registration fee of ten dollars (\$10), and no registration fee shall be refundable or transferable.

*(Indiana Plumbing Commission; 860 IAC 2-1-6; filed Dec 20, 1985, 9:13 am: 9 IR 1100; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

**860 IAC 2-1-7 Apprenticeship program; approval**

**Authority:** IC 25-28.5-1-8; IC 25-28.5-1-38

**Affected:** IC 25-28.5-1-18.1

Sec. 7. (a) To be approved, an apprenticeship program must do the following:

- (1) Submit a written request for approval to the commission.
- (2) Submit in writing the apprenticeship program's curriculum, which must include the subjects taught and the hours spent teaching each subject.
- (3) Provide the address of the apprenticeship program facility, its phone number, and the name of a contact person.
- (4) Submit proof of the accreditation required by section 1(2) of this rule.

(b) Approved apprenticeship programs must notify the commission of any change in the items listed in subsection (a)(2) through (a)(4) within thirty (30) days.

*(Indiana Plumbing Commission; 860 IAC 2-1-7; filed Dec 18, 2000, 9:31 a.m.: 24 IR 1352; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*

**860 IAC 2-1-8 Renewal of plumbing apprenticeship program approval**

**Authority:** IC 25-28.5-1-8; IC 25-28.5-1-38

**Affected:** IC 25-28.5-1-18.1

Sec. 8. Commission approval of a plumbing apprenticeship program expires on July 31 of each year. In order to renew commission approval, the apprenticeship program must file an application for approval of plumbing apprenticeship program annually by June 30 of each year.

*(Indiana Plumbing Commission: 860 IAC 2-1-8: filed Dec 18, 2000, 9:31 a.m.: 24 IR 1352; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237)*