



Reprinted
March 6, 2018

ENGROSSED HOUSE BILL No. 1245

DIGEST OF HB 1245 (Updated March 5, 2018 4:08 pm - DI 92)

Citations Affected: IC 25-1; IC 33-42; IC 36-1.

Synopsis: Occupational licensing. Provides that the state and a local governmental unit (unit) shall explicitly list the crimes that will disqualify an individual from receiving an occupational license. Provides that the use of an individual's conviction of a crime as a disqualifying criminal conviction is limited to a crime that specifically and directly relates to the duties and responsibilities of the occupation for which the individual is applying for or holds a license. Provides that the period of disqualification may not exceed five years unless the individual: (1) was convicted of a crime of violence or an offense relating to a criminal sexual act; or (2) is convicted of a second or subsequent crime during the disqualification period. Provides that an individual having a criminal conviction may at any time petition the
(Continued next page)

Effective: Upon passage; July 1, 2018; July 1, 2019.

DeVon, VanNatter, Morris

(SENATE SPONSORS — BOOTS, BROWN L, NIEZGODSKI, SPARTZ)

January 16, 2018, read first time and referred to Committee on Employment, Labor and Pensions.

January 23, 2018, reported — Do Pass.

February 1, 2018, read second time, amended, ordered engrossed.

February 2, 2018, engrossed.

February 5, 2018, read third time, passed. Yeas 54, nays 39.

SENATE ACTION

February 7, 2018, read first time and referred to Committee on Pensions and Labor.

February 22, 2018, amended, reported favorably — Do Pass.

March 5, 2018, read second time, amended, ordered engrossed.

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board or unit requiring a license for a determination as to whether the individual's criminal conviction will disqualify the individual from receiving that license. Requires the professional licensing agency to consult with the small business ombudsman, OMB, and representatives of local units to develop and submit by November 1, 2018, a report to the legislative council concerning proposed policies and parameters for the licensing of occupations and professions by local units in order to reduce or eliminate redundant licensing by the state and multiple local units. Provides that a unit does not have the power to license, register, or certify a person to practice the person's profession or occupation within the unit if the occupation or profession is subject to licensure, registration, or certification under the Indiana Code. Provides that this prohibition does not apply to: (1) registration for particular projects for the alteration, construction, demolition, or repair of a building or other work on real property required under an ordinance or rule adopted under local government law; or (2) the ability to revoke, suspend, or impose additional conditions on a permit or registration previously given if the person holding the permit or registered has performed substandard work or has otherwise violated any condition of the permit or registration. Makes a technical correction.

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Reprinted
March 6, 2018

Second Regular Session of the 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1245

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-1-1.1-6 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2018]: **Sec. 6. (a) This section applies to a license or certificate**
4 **under this title that is in effect on July 1, 2018, or created on or**
5 **established after that date.**
6 **(b) As used in this section, "crime" has the meaning set forth in**
7 **IC 33-23-1-4.**
8 **(c) As used in this section, "criminal history information" has**
9 **the meaning set forth in IC 5-2-4-1.**
10 **(d) Not later than November 1, 2018, a board, commission, or**
11 **committee shall revise its licensing or certification requirements to**
12 **the extent necessary to explicitly list the crimes that will disqualify**
13 **an individual from receiving a license or certificate under this title.**
14 **The board, commission, or committee may not:**
15 **(1) use nonspecific terms, such as moral turpitude or good**
16 **character, as a licensing or certification requirement; or**

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- 1 (2) consider an arrest that does not result in a conviction.
- 2 (e) A board's, commission's, or committee's use of an
- 3 individual's conviction of a crime as a disqualifying criminal
- 4 conviction is limited to a crime that is specifically and directly
- 5 related to the duties and responsibilities of the occupation or
- 6 profession for which the individual is applying for or holds a
- 7 license or certification.
- 8 (f) If an applicant has a disqualifying criminal history, the
- 9 board, commission, or committee shall consider the following in
- 10 determining whether to deny a license to the applicant, based on a
- 11 clear and convincing showing:
- 12 (1) The nature and seriousness of the crime for which the
- 13 individual was convicted.
- 14 (2) The passage of time since the commission of the crime.
- 15 (3) The relationship of the crime to the ability, capacity, and
- 16 fitness required to perform the duties and discharge the
- 17 responsibilities of the occupation.
- 18 (4) Evidence of rehabilitation or treatment undertaken by the
- 19 individual that might mitigate against a direct relation to the
- 20 ability, capacity, and fitness required to perform the duties
- 21 and discharge the responsibilities of the occupation.
- 22 (g) If an individual has a disqualifying criminal conviction, the
- 23 period of disqualification may not exceed five (5) years after the
- 24 date of the conviction, unless the individual:
- 25 (1) was convicted of a crime of violence (as defined by
- 26 IC 35-50-1-2(a));
- 27 (2) was convicted of an offense relating to a criminal sexual
- 28 act (as defined by IC 35-31.5-2-216); or
- 29 (3) is convicted of a second or subsequent crime during the
- 30 disqualification period.
- 31 (h) An individual having a misdemeanor or felony criminal
- 32 conviction may at any time petition a board, commission, or
- 33 committee requiring a license or certificate for a determination as
- 34 to whether the individual's misdemeanor or felony criminal
- 35 conviction will disqualify the individual from receiving the license
- 36 or certification. An individual filing a petition under this subsection
- 37 must submit:
- 38 (1) the individual's criminal history information or an
- 39 authorization for the board, commission, or committee to
- 40 obtain the individual's criminal history information; and
- 41 (2) any additional information requested by the board,
- 42 commission, or committee to assist the board, commission, or



committee in its review of the individual's petition.

(i) If a board, commission, or committee denies an individual a license solely or in part because of the applicant's criminal history, the board, commission, or committee shall notify the individual in writing of the following:

- (1) The grounds and reasons for the denial or disqualification.
- (2) The applicant has the right to a hearing to challenge the licensing authority's decision.
- (3) The earliest date the applicant may reapply for a license.
- (4) Evidence of rehabilitation may be considered upon reapplication.

Any written determination by the board, commission, or committee that an individual's criminal history is specifically listed as a disqualifying conviction and is directly related to the duties and responsibilities for the licensed occupation must be documented in written findings for each of the factors specified in subdivisions (1) through (4) by clear and convincing evidence sufficient for review by a court. In an administrative hearing or civil action reviewing the denial of a license, a board, commission, or committee has the burden of proof on the question of whether the individual's criminal history directly relates to the occupation for which the license is sought.

(j) The board, commission, or committee shall inform the individual of its determination concerning the individual's petition not later than thirty (30) days after the petition, criminal history information, and any other information requested under subsection (h) is received by the board, commission, or committee.

(k) The board, commission, or committee may charge a fee established under IC 25-1-8 that does not exceed twenty-five dollars (\$25) to pay its costs of reviewing a petition filed under subsection (h).

(l) A board, commission, or committee may adopt rules under IC 4-22-2 to implement this section, including emergency rules under IC 4-22-2-37.1.

SECTION 2. IC 25-1-16-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) As used in this section, "unit" has the meaning set forth in IC 36-1-2-23.

(b) The agency shall develop proposed policies and parameters for licensing, registration, and certification of occupations and professions by units to reduce or eliminate redundant and duplicative licensing, regulation, and certification of an occupation



1 or profession by both the state and multiple units. When
 2 developing the proposed policies and parameters, the agency shall
 3 consult with:

- 4 (1) the small business ombudsman (designated under
 5 IC 5-28-17-6);
 6 (2) the office; and
 7 (3) representatives of units.

8 (c) Not later than November 1, 2018, the agency shall submit to
 9 the legislative council in an electronic format under IC 5-14-6 a
 10 report that includes:

- 11 (1) the proposed policies and parameters developed under
 12 subsection (b); and
 13 (2) any recommended legislation.

14 (d) This section expires January 1, 2019.

15 SECTION 3. IC 33-42-13-1, AS AMENDED BY SEA 372-2018,
 16 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2019]: Sec. 1. (a) The secretary of state may do any of the
 18 following with respect to a commission under IC 33-42-12:

- 19 (1) Deny the commission.
 20 (2) Refuse a subsequent commission.
 21 (3) Revoke the commission.
 22 (4) Suspend the commission.
 23 (5) Impose a condition on the commission.

24 (b) The secretary of state may investigate any violation of this
 25 chapter by a notary public.

26 (c) An action described in subsection (a) may be taken against any
 27 notary public for any act or omission that demonstrates a deficiency in
 28 competence, honesty, integrity, or reliability, including the following:

- 29 (1) Any failure to comply with this article or rules adopted under
 30 this article.
 31 (2) Any deceitful, dishonest, or fraudulent statement or omission
 32 made during the application for a commission as a notary public.
 33 (3) Any conviction for a felony offense or a crime involving
 34 deceit, dishonesty, or fraud.
 35 (4) An adverse ruling or admission of liability in any legal
 36 proceeding pertaining to deceit, dishonesty, or fraud.
 37 (5) Any failure to discharge any duty required of a notary public.
 38 (6) Any use of false or misleading advertisements.
 39 (7) Use of any false or misleading statement claiming a right or
 40 privilege that the notary public does not have.
 41 (8) Any of the following with respect to a commission as a notary
 42 public in another state:



- 1 (A) Denial of the commission.
 2 (B) Refusal of a subsequent commission.
 3 (C) Revocation of the commission.
 4 (D) Suspension of the commission.
 5 (E) Imposition of a condition on the commission.
 6 (9) Any violation of a rule or requirement that:
 7 (A) pertains to a notary public; and
 8 (B) is required by the secretary of state.
 9 (10) Any failure to maintain an assurance as described in
 10 IC 33-42-12.
 11 ~~(c)~~ (d) If the secretary of state acts under subsection (a) on an
 12 applicant or notary public's commission, the affected party is entitled
 13 to timely notice and a hearing as described in IC 4-21.5.
 14 ~~(d)~~ (e) The secretary of state's decision to discipline an applicant or
 15 notary public as described in this section does not prevent a person
 16 from pursuing any civil or criminal cause of action against the
 17 offending applicant or notary public.
 18 SECTION 4. IC 36-1-3-12 IS ADDED TO THE INDIANA CODE
 19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 20 1, 2018]: **Sec. 12. (a) This section does not prohibit any of the
 21 following:**
 22 **(1) A requirement for a license, registration, certification, or
 23 permit required under an ordinance or rule adopted under
 24 IC 36-7.**
 25 **(2) A requirement for a permit or registration for a particular
 26 project for:**
 27 **(A) the alteration, construction, demolition, or repair of a
 28 building; or**
 29 **(B) other work on real property;**
 30 **required under an ordinance or rule adopted under another
 31 provision of this title.**
 32 **(3) The ability to revoke, suspend, or impose additional
 33 conditions on a permit or registration previously given if the
 34 person:**
 35 **(A) holding the permit; or**
 36 **(B) registered;**
 37 **has performed substandard work or has otherwise violated
 38 any condition of the permit or registration.**
 39 **(b) A unit does not have the power to license, register, or certify
 40 a person to practice the person's profession or occupation within
 41 the unit if the occupation or profession is subject to licensure,
 42 registration, or certification under the Indiana Code.**



1 SECTION 5. IC 36-1-26 IS ADDED TO THE INDIANA CODE AS
 2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2018]:

4 **Chapter 26. Effect of Criminal Convictions on Licensed Persons**

5 **Sec. 1. As used in this chapter, "crime" has the meaning set**
 6 **forth in IC 33-23-1-4.**

7 **Sec. 2. As used in this chapter, "criminal history information"**
 8 **has the meaning set forth in IC 5-2-4-1.**

9 **Sec. 3. As used in this chapter, "license" means any license,**
 10 **registration, certification, permit, or endorsement required by a**
 11 **unit for an individual to practice an occupation or profession in an**
 12 **area over which the unit has jurisdiction.**

13 **Sec. 4. (a) Not later than November 1, 2018, a unit shall revise**
 14 **its licensing requirements to the extent necessary to explicitly list**
 15 **the crimes that will disqualify an individual from receiving a**
 16 **license required by the unit. The unit may not:**

17 (1) use nonspecific terms, such as moral turpitude or good
 18 character, as a licensing requirement; or

19 (2) consider an arrest that does not result in a conviction.

20 (b) A unit's use of an individual's conviction of a crime as a
 21 disqualifying criminal conviction is limited to a crime that is
 22 specifically and directly related to the duties and responsibilities of
 23 the occupation or profession for which the individual is applying
 24 for or holds a license.

25 (c) If an applicant has a disqualifying criminal history, the unit
 26 shall consider the following in determining whether to deny a
 27 license to the applicant, based on a clear and convincing showing:

28 (1) The nature and seriousness of the crime for which the
 29 individual was convicted.

30 (2) The passage of time since the commission of the crime.

31 (3) The relationship of the crime to the ability, capacity, and
 32 fitness required to perform the duties and discharge the
 33 responsibilities of the occupation.

34 (4) Evidence of rehabilitation or treatment undertaken by the
 35 individual that might mitigate against a direct relation to the
 36 ability, capacity, and fitness required to perform the duties
 37 and discharge the responsibilities of the occupation.

38 (d) If an individual has a disqualifying criminal conviction, the
 39 period of disqualification may not exceed five (5) years after the
 40 date of the conviction or release from incarceration, whichever is
 41 later, unless the individual:

42 (1) was convicted of a crime of violence (as defined by



1 **IC 35-50-1-2(a));**

2 **(2) was convicted of an offense relating to a criminal sexual**
 3 **act (as defined by IC 35-31.5-2-216); or**

4 **(3) is convicted of a second or subsequent crime during the**
 5 **disqualification period.**

6 **Sec. 5. (a) An individual having a misdemeanor or felony**
 7 **criminal conviction may at any time petition a unit requiring a**
 8 **license for a determination as to whether the individual's**
 9 **misdemeanor or felony criminal conviction will disqualify the**
 10 **individual from receiving a license. An individual filing a petition**
 11 **under this subsection must submit:**

12 **(1) the individual's criminal history information or an**
 13 **authorization for the unit to obtain the individual's criminal**
 14 **history information; and**

15 **(2) any additional information requested by the unit to assist**
 16 **the unit in its review of the individual's petition.**

17 **(b) If a unit denies an individual a license solely or in part**
 18 **because of the applicant's criminal history, the unit shall notify the**
 19 **individual in writing of the following:**

20 **(1) The grounds and reasons for the denial or disqualification.**

21 **(2) The applicant has the right to a hearing to challenge the**
 22 **licensing authority's decision.**

23 **(3) The earliest date the applicant may reapply for a license.**

24 **(4) Evidence of rehabilitation may be considered upon**
 25 **reapplication.**

26 **Any written determination by the unit that an individual's criminal**
 27 **history is specifically listed as a disqualifying conviction and is**
 28 **directly related to the duties and responsibilities for the licensed**
 29 **occupation must be documented in written findings for each of the**
 30 **factors specified in subdivisions (1) through (4) by clear and**
 31 **convincing evidence sufficient for review by a court. In an**
 32 **administrative hearing or civil action reviewing the denial of a**
 33 **license, a unit has the burden of proof on the question of whether**
 34 **the individual's criminal history directly relates to the occupation**
 35 **for which the license is sought.**

36 **(c) The unit shall inform the individual of its determination**
 37 **concerning the individual's petition not later than thirty (30) days**
 38 **after the petition, criminal history information, and any other**
 39 **information requested under subsection (a) are received by the**
 40 **unit.**

41 **(d) The unit may charge a fee established under IC 36-1-3-6 that**
 42 **does not exceed twenty-five dollars (\$25) to pay the unit's costs of**



1 **reviewing a petition filed under subsection (a).**
2 **SECTION 6. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1245, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1245 as introduced.)

VANNATTER

Committee Vote: Yeas 8, Nays 3

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1245 be amended to read as follows:

Page 2, between lines 8 and 9, begin a new paragraph and insert:

"(f) If an applicant has a disqualifying criminal history, the board, commission, or committee shall consider the following in determining whether to deny a license to the applicant, based on a clear and convincing showing:

- (1) The nature and seriousness of the crime for which the individual was convicted.**
- (2) The passage of time since the commission of the crime.**
- (3) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation.**
- (4) Evidence of rehabilitation or treatment undertaken by the individual that might mitigate against a direct relation to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation."**

Page 2, line 9, delete "(f)" and insert "(g)".

Page 2, line 18, delete "(g)" and insert "(h)".

Page 2, between lines 30 and 31, begin a new paragraph and insert:

"(i) If a board, commission, or committee denies an individual a license solely or in part because of the applicant's criminal history, the board, commission, or committee shall notify the individual in writing of the following:

- (1) The grounds and reasons for the denial or disqualification.**
- (2) The applicant has the right to a hearing to challenge the licensing authority's decision.**
- (3) The earliest date the applicant may reapply for a license.**
- (4) Evidence of rehabilitation may be considered upon**

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reapplication.

Any written determination by the board, commission, or committee that an individual's criminal history is specifically listed as a disqualifying conviction and is directly related to the duties and responsibilities for the licensed occupation must be documented in written findings for each of the factors specified in subdivisions (1) through (4) by clear and convincing evidence sufficient for review by a court. In an administrative hearing or civil action reviewing the denial of a license, a board, commission, or committee has the burden of proof on the question of whether the individual's criminal history directly relates to the occupation for which the license is sought."

Page 2, line 31, delete "(h)" and insert "(j)".

Page 2, line 35, delete "(g)" and insert "(h)".

Page 2, line 36, delete "(i)" and insert "(k)".

Page 2, line 39, delete "(g)." and insert "(h)."

Page 2, line 40, delete "(j)" and insert "(l)".

Delete page 3.

Page 4, delete line 1.

Page 4, delete lines 32 through 40, begin a new paragraph and insert:

"(e) IC 36-1-3-8(a)(5) applies to a fee imposed by a unit for an occupational or professional license."

Page 4, delete lines 41 through 42.

Page 5, delete lines 1 through 39.

Page 6, between lines 21 and 22, begin a new paragraph and insert:

"(c) If an applicant has a disqualifying criminal history, the unit shall consider the following in determining whether to deny a license to the applicant, based on a clear and convincing showing:

(1) The nature and seriousness of the crime for which the individual was convicted.

(2) The passage of time since the commission of the crime.

(3) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation.

(4) Evidence of rehabilitation or treatment undertaken by the individual that might mitigate against a direct relation to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation."

Page 6, line 22, delete "(c)" and insert "(d)".

Page 6, line 24, delete "conviction," and insert "**conviction or release from incarceration, whichever is later,**".



Page 6, between lines 41 and 42, begin a new paragraph and insert:
"(b) If a unit denies an individual a license solely or in part because of the applicant's criminal history, the unit shall notify the individual in writing of the following:

- (1) The grounds and reasons for the denial or disqualification.**
- (2) The applicant has the right to a hearing to challenge the licensing authority's decision.**
- (3) The earliest date the applicant may reapply for a license.**
- (4) Evidence of rehabilitation may be considered upon reapplication.**

Any written determination by the unit that an individual's criminal history is specifically listed as a disqualifying conviction and is directly related to the duties and responsibilities for the licensed occupation must be documented in written findings for each of the factors specified in subdivisions (1) through (4) by clear and convincing evidence sufficient for review by a court. In an administrative hearing or civil action reviewing the denial of a license, a unit has the burden of proof on the question of whether the individual's criminal history directly relates to the occupation for which the license is sought."

Page 6, line 42, delete "(b)" and insert "(c)".

Page 7, line 5, delete "(c)" and insert "(d)".

Renumber all SECTIONS consecutively.

(Reference is to HB 1245 as printed January 23, 2018.)

DEVON

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred House Bill No. 1245, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, delete lines 35 through 42.



Page 4, delete lines 1 through 24.
Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to HB 1245 as reprinted February 2, 2018.)

BOOTS, Chairperson

Committee Vote: Yeas 9, Nays 0.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1245 be amended to read as follows:

Page 3, between lines 34 and 35, begin a new paragraph and insert:
"SECTION 57. IC 33-42-13-1, AS AMENDED BY SEA 372-2018, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) The secretary of state may do any of the following with respect to a commission under IC 33-42-12:

- (1) Deny the commission.
- (2) Refuse a subsequent commission.
- (3) Revoke the commission.
- (4) Suspend the commission.
- (5) Impose a condition on the commission.

(b) The secretary of state may investigate any violation of this chapter by a notary public.

(c) An action described in subsection (a) may be taken against any notary public for any act or omission that demonstrates a deficiency in competence, honesty, integrity, or reliability, including the following:

- (1) Any failure to comply with this article or rules adopted under this article.
- (2) Any deceitful, dishonest, or fraudulent statement or omission made during the application for a commission as a notary public.
- (3) Any conviction for a felony offense or a crime involving deceit, dishonesty, or fraud.
- (4) An adverse ruling or admission of liability in any legal proceeding pertaining to deceit, dishonesty, or fraud.
- (5) Any failure to discharge any duty required of a notary public.
- (6) Any use of false or misleading advertisements.
- (7) Use of any false or misleading statement claiming a right or privilege that the notary public does not have.

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(8) Any of the following with respect to a commission as a notary public in another state:

- (A) Denial of the commission.
- (B) Refusal of a subsequent commission.
- (C) Revocation of the commission.
- (D) Suspension of the commission.
- (E) Imposition of a condition on the commission.

(9) Any violation of a rule or requirement that:

- (A) pertains to a notary public; and
- (B) is required by the secretary of state.

(10) Any failure to maintain an assurance as described in IC 33-42-12.

~~(c)~~ (d) If the secretary of state acts under subsection (a) on an applicant or notary public's commission, the affected party is entitled to timely notice and a hearing as described in IC 4-21.5.

~~(d)~~ (e) The secretary of state's decision to discipline an applicant or notary public as described in this section does not prevent a person from pursuing any civil or criminal cause of action against the offending applicant or notary public."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1245 as printed February 23, 2018.)

HOLDMAN

SENATE MOTION

Madam President: I move that Engrossed House Bill 1245 be amended to read as follows:

Page 3, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 2. IC 36-1-3-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 12. (a) This section does not prohibit any of the following:**

(1) A requirement for a license, registration, certification, or permit required under an ordinance or rule adopted under IC 36-7.

(2) A requirement for a permit or registration for a particular project for:

(A) the alteration, construction, demolition, or repair of a building; or

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(B) other work on real property;
required under an ordinance or rule adopted under another provision of this title.

(3) The ability to revoke, suspend, or impose additional conditions on a permit or registration previously given if the person:

(A) holding the permit; or

(B) registered;

has performed substandard work or has otherwise violated any condition of the permit or registration.

(b) A unit does not have the power to license, register, or certify a person to practice the person's profession or occupation within the unit if the occupation or profession is subject to licensure, registration, or certification under the Indiana Code."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1245 as printed February 23, 2018.)

KOCH

SENATE MOTION

Madam President: I move that Engrossed House Bill 1245 be amended to read as follows:

Page 3, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 2. IC 25-1-16-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 16. (a) As used in this section, "unit" has the meaning set forth in IC 36-1-2-23.**

(b) The agency shall develop proposed policies and parameters for licensing, registration, and certification of occupations and professions by units to reduce or eliminate redundant and duplicative licensing, regulation, and certification of an occupation or profession by both the state and multiple units. When developing the proposed policies and parameters, the agency shall consult with:

(1) the small business ombudsman (designated under IC 5-28-17-6);

(2) the office; and

(3) representatives of units.

(c) Not later than November 1, 2018, the agency shall submit to

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the legislative council in an electronic format under IC 5-14-6 a report that includes:

(1) the proposed policies and parameters developed under subsection (b); and

(2) any recommended legislation.

(d) This section expires January 1, 2019."

Page 5, after line 35, begin a new paragraph and insert:

"SECTION 4. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1245 as printed February 23, 2018.)

SPARTZ

