

HOUSE BILL No. 1271

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-1-20; IC 25-25.

Synopsis: Practicing a licensed occupation. Provides that if an individual is required to have an occupational license to practice an occupation, the individual may practice the occupation without an occupational license if the individual provides a signed disclosure with the consumer before entering into a contract and complies with all health, safety, security, confidentiality, reporting, and consumer protection requirements that are imposed on an individual with an occupational license. Defines the applicable occupations. Repeals the law concerning a local license to vend, hawk, and peddle goods.

Effective: July 1, 2019.

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January 10, 2019, read first time and referred to Committee on Employment, Labor and Pensions.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1271

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

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

1 SECTION 1. IC 25-1-20 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2019]:
4 **Chapter 20. Unlicensed Occupations**
5 **Sec. 1. (a) Nothing in this chapter prohibits a state agency or a**
6 **local unit of government from requiring that an individual:**
7 **(1) have an occupational license in order to perform work for**
8 **or on behalf of the state agency or local unit of government;**
9 **or**
10 **(2) prepare or submit a document that a law requires the**
11 **holder of an occupational license to prepare or submit.**
12 **(b) Nothing in this chapter allows an individual to design or**
13 **perform work on a structural element, including footings and load**
14 **bearing components, of a multifamily dwelling or a public building**
15 **if an occupational license is required to design or perform the**
16 **work.**
17 **Sec. 2. As used in this chapter, "local unit of government"**



1 means a county, township, city, town, or school corporation.

2 Sec. 3. (a) As used in this chapter, "occupation" refers to the
3 following regulated professions:

4 (1) Automotive dealers (IC 9-32).

5 (2) Pest inspectors and registered technicians (IC 15-16).

6 (3) Securities dealers (IC 23-19).

7 (4) Certified public accountants, public accountants, and
8 accounting practitioners (IC 25-2.1).

9 (5) Architects and landscape architects (IC 25-4).

10 (6) Athlete agents (IC 25-5.2).

11 (7) Auctioneers (IC 25-6.1).

12 (8) Barbers, cosmetologists, electrologists, estheticians,
13 instructors, and beauty culturists (IC 25-8).

14 (9) Dietitians (IC 25-14.5).

15 (10) Employee assistance professionals (IC 25-16).

16 (11) Geologists (IC 25-17.6).

17 (12) Hearing aid dealers (IC 25-20).

18 (13) Home inspectors (IC 25-20.2).

19 (14) Interior designers (IC 25-20.7).

20 (15) Massage therapists (IC 25-23.7).

21 (16) Manufactured home installers (IC 25-23.7).

22 (17) Plumbers (IC 25-28.5).

23 (18) Professional engineers (IC 25-31).

24 (19) Private investigators and polygraph examiners
25 (IC 25-30).

26 (20) Soil scientists (IC 25-31.5).

27 (21) Timber buyers (IC 25-36.5).

28 (22) Transient merchants (IC 25-37).

29 (b) The term includes a profession that requires an occupational
30 license issued by a local unit of government.

31 Sec. 4. As used in this chapter, "occupational license" means
32 any requirement to obtain a license, permit, registration,
33 certificate, or other authority issued by a state agency or local unit
34 of government to work in an occupation.

35 Sec. 5. As used in this chapter, "regulated occupation" means a
36 service, profession, or other work in the sale of goods or services
37 that requires an occupational license in order to engage in the
38 occupation.

39 Sec. 6. As used in this chapter, "state agency" means an
40 authority, board, branch, commission, committee, department,
41 division, or other instrumentality of the executive, including the
42 administrative, department of state government. The term "state



1 agency" does not include the judicial or legislative departments of
2 state government.

3 **Sec. 7. (a) Notwithstanding any other law, except as provided in**
4 **this chapter, if an individual is required to have an occupational**
5 **license to practice an occupation, the individual may practice the**
6 **occupation without an occupational license if the individual**
7 **provides a disclosure to the consumer before entering into a**
8 **contract to provide the goods or services for compensation that**
9 **contains the following:**

10 (1) **A conspicuous statement in bold face type that the person**
11 **is not licensed by a state agency or a local unit of government**
12 **and does not have an occupational license.**

13 (2) **The physical address and telephone number where the**
14 **individual may be contacted.**

15 (3) **The dated signature of the individual engaged in the**
16 **occupation.**

17 (4) **The dated signature of the consumer entering into the**
18 **contract.**

19 **(b) An individual may disclose to a consumer other information**
20 **concerning the individual's qualifications, including:**

21 (1) **the name of any industry group, trade organization, or**
22 **association to which the individual belongs; and**

23 (2) **a statement that the individual is certified, recognized, or**
24 **issued a qualification by an industry group, trade**
25 **organization, or association.**

26 **Sec. 8. A state agency or local unit of government that issues an**
27 **occupational license must disclose on the state agency's or local**
28 **unit of government's:**

29 (1) **Internet web site; and**

30 (2) **written or digital application forms for each occupational**
31 **license;**

32 **that the individual may operate in Indiana without an occupational**
33 **license if the requirements of this chapter are met.**

34 **Sec. 9. (a) An individual who engages in an occupation under**
35 **this chapter is required to comply with all health, safety, security,**
36 **confidentiality, reporting, and consumer protection requirements**
37 **that are imposed on an individual with an occupational license,**
38 **including applicable inspections, permits, insurance, and bonding.**

39 **(b) Except as provided in this chapter, a state agency or local**
40 **unit of government may not impose any requirement on an**
41 **individual who:**

42 (1) **is engaged in an occupation; and**



1 **(2) complies with the requirements of this chapter.**
2 **(c) An individual who engages in an occupation under this**
3 **chapter is not required by a state agency or local unit of**
4 **government to comply with any experience, examination,**
5 **education, or continuing education requirements or pay any**
6 **registration fees.**
7 **Sec. 10. (a) It is a defense to a proceeding or prosecution of an**
8 **individual who is accused of engaging in an occupation without**
9 **complying with the requirements under section 7 of this chapter**
10 **that the individual produces the document that complies with the**
11 **requirements under section 7 of this chapter.**
12 **(b) An individual who is charged and prevails under this section**
13 **is entitled to reasonable attorney's fees and an amount to cover the**
14 **expenses and costs of defending the action.**
15 SECTION 2. IC 25-25 IS REPEALED [EFFECTIVE JULY 1,
16 2019]. (PEDDLERS, VENDORS, AND HAWKERS).

