

HOUSE BILL No. 1647

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-41-25; IC 25-23.8; IC 35-52-25-37.7.

Synopsis: Residential onsite sewage systems. Provides that, not more than 90 days before the sale of a fee simple interest in a residential property that is served by a residential onsite sewage system, the residential onsite sewage system must be inspected by a licensed septic system installer or inspector, a licensed onsite sewage system technician, or a registered professional engineer to determine whether the residential onsite sewage system is functioning properly. Requires that a written report of the inspection be provided to the local health department and retained for at least one year. Prohibits the installation of a residential onsite sewage system less than 25 feet from the edge of a sinkhole. Provides that a residential onsite sewage system installed after June 30, 2023, must include a riser attached to the distribution box. Provides that if a professional soil scientist has determined that a site is suitable for the installation of the residential onsite sewage system and a registered professional engineer, a registered soil scientist, a septic system installer or inspector licensed by the county, or the designer of the system has approved the design and specifications for the residential onsite sewage system, the local health department shall issue a permit for the residential onsite sewage system not more than 30 business days after receiving a complete application for the permit. Provides that: (1) if a lot has an area of at least one acre, a residential onsite sewage system may be installed on the lot if at least one site on the lot is determined to be suitable for the installation of the residential onsite sewage system; but (2) if a lot has an area of less than one acre, a residential onsite sewage system may not be installed on the lot unless at least two sites on the lot are determined to be

(Continued next page)

Effective: July 1, 2023.

Morris

January 19, 2023, read first time and referred to Committee on Environmental Affairs.



Digest Continued

suitable for the installation of the residential onsite sewage system. Provides that a local health department that determines that a residential onsite sewage system is in system failure may issue an order requiring that the failure be corrected, but provides that the order is stayed if the owner or occupant of the residence served by the residential onsite sewage system, within 14 days, enters into a contract with a licensed septic system installer or inspector, a licensed onsite sewage system technician, or a registered professional engineer for the inspection of the residential onsite sewage system. Provides that if the installer or inspector, technician, or engineer determines that the residential onsite sewage system is not in system failure, the local health department shall: (1) withdraw its order; or (2) conduct an investigation to make a new determination whether the residential onsite sewage system is in system failure. Establishes an onsite sewage system technician licensing board (board) and provides that after July 1, 2025, an individual may not install, inspect, or provide maintenance or repair services for onsite sewage systems unless the individual has obtained a license from the board. Establishes exceptions to the licensing requirement. Authorizes the board to adopt rules concerning fees, continuing education requirements, and other matters, and authorizes the board to take disciplinary action.



Introduced

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1647



A BILL FOR AN ACT to amend the Indiana Code concerning health.

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

1 SECTION 1. IC 16-41-25-7.1 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2023]: **Sec. 7.1. (a) Not more than ninety (90)**
4 **days before the sale of a fee simple interest in a residential**
5 **property that is served by a residential onsite sewage system, the**
6 **residential onsite sewage system must be inspected by:**
7 (1) **a septic system installer or inspector licensed by the county**
8 **in which the residential property is located;**
9 (2) **an onsite sewage system technician licensed under**
10 **IC 25-23.8; or**
11 (3) **an Indiana professional engineer registered under**
12 **IC 25-31-1;**
13 **to determine whether the residential onsite sewage system is**
14 **functioning properly.**
15 (b) **The licensed septic system installer or inspector, licensed**



1 onsite sewage system technician, or registered Indiana professional
 2 engineer who inspects a residential onsite sewage system under
 3 subsection (a) shall provide to:

- 4 (1) the owner or occupant of the residential property; and
 5 (2) the local health department;

6 a written report of the results of the inspection, including the
 7 determination of the installer or inspector, onsite sewage system
 8 technician, or professional engineer whether the residential onsite
 9 sewage system is functioning properly.

10 (c) The written report provided to the local health department
 11 under subsection (b)(2) is a public record subject to IC 5-14-3 and
 12 shall be retained by the local health department for at least one (1)
 13 year after it is provided to the local health department.

14 SECTION 2. IC 16-41-25-7.2 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2023]: Sec. 7.2. (a) As used in this section,
 17 "sinkhole" means a depression or hole in the ground caused by
 18 some form of collapse of the surface layer, as when subsurface
 19 limestone is dissolved or worn away by the movement of water
 20 underground.

21 (b) A residential onsite sewage system shall not be installed in a
 22 site less than twenty-five (25) feet from the edge of a sinkhole, as
 23 identified by a professional soil scientist registered under
 24 IC 25-31.5-4.

25 SECTION 3. IC 16-41-25-7.3 IS ADDED TO THE INDIANA
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2023]: Sec. 7.3. (a) As used in this section,
 28 "distribution box" means a structure that is designed to distribute
 29 effluent by gravity from a septic tank equally into the trenches of
 30 the soil absorption system connected to the structure.

31 (b) As used in this section, "riser" means a pipe that:

- 32 (1) is typically made of plastic, fiberglass, or concrete; and
 33 (2) creates a vertical portal at the ground surface for access to
 34 the residential onsite sewage system to which it is connected.

35 (c) As used in this section, "septic tank" means a watertight
 36 structure into which sewage is discharged for settling and the
 37 digestion of solids.

38 (d) A residential onsite sewage system installed after June 30,
 39 2023, must include a riser attached to the distribution box.

40 SECTION 4. IC 16-41-25-8, AS ADDED BY P.L.167-2022,
 41 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2023]: Sec. 8. (a) If:



1 (1) an application has been filed with a local health
2 department for a permit for the installation of a residential
3 onsite sewage system;

4 (2) a professional soil scientist registered under IC 25-31.5-4
5 has conducted an onsite evaluation, including a description of
6 the soil profile, and has determined that the proposed site of
7 the residential onsite sewage system is suitable for the
8 installation of the residential onsite sewage system; and

9 (3) the design and specifications for a the residential onsite
10 sewage system proposed for construction or installation at a
11 particular location the site described in subdivision (2) have
12 been approved by either:

13 (1) (A) the local health department; or

14 (2) (B) at the option and expense of the property owner:

15 (A) (i) a professional engineer registered under IC 25-31-1;

16 (B) (ii) a registered soil scientist (as defined in
17 IC 25-31.5-1-7);

18 (C) (iii) an individual or entity engaged in the business of
19 constructing and installing residential onsite sewage
20 systems; and a septic system installer or inspector
21 licensed by the county in which the residential property
22 would be installed; or

23 (D) (iv) the designer of the system, if the system was
24 designed by someone other than a person referred to in
25 clause (A) item (i) or (C); (iii);

26 the local health department shall issue a permit for the residential
27 onsite sewage system not later than thirty (30) business days after
28 receiving a complete application for the permit.

29 (b) Subject to IC 16-19-3-27.5, IC 16-19-3-27.6, and sections 5 and
30 6 of this chapter, this section does not affect the authority of a local
31 health department to inspect an onsite sewage system before or after
32 the system's installation.

33 SECTION 5. IC 16-41-25-9 IS ADDED TO THE INDIANA CODE
34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
35 1, 2023]: **Sec. 9. (a) As used in this section, "lot" means the parcel
36 of real property on which:**

37 (1) a one (1) family or two (2) family dwelling; or

38 (2) two (2) single family dwellings located on the same
39 property with a combined design daily flow of not more than
40 seven hundred fifty (750) gallons per day;

41 have been constructed or are proposed for construction.

42 (b) If the lot on which the dwelling or dwellings described in



1 subsection (a) have been constructed or are proposed for
 2 construction has an area of at least one (1) acre, a residential onsite
 3 sewage system may be installed on the lot to serve the dwelling or
 4 dwellings if at least one (1) site on the lot is determined to be
 5 suitable for the installation of the residential onsite sewage system.

6 (c) If the lot on which the dwelling or dwellings described in
 7 subsection (a) have been constructed or are proposed for
 8 construction has an area of less than one (1) acre, a residential
 9 onsite sewage system may not be installed on the lot to serve the
 10 dwelling or dwellings unless at least two (2) sites on the lot are
 11 determined to be suitable for the installation of the residential
 12 onsite sewage system.

13 SECTION 6. IC 16-41-25-10 IS ADDED TO THE INDIANA
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2023]: **Sec. 10. (a) Neither an officer or**
 16 **employee of a local health department nor another agency, officer,**
 17 **or employee of a county or city may enter property on which a**
 18 **residential onsite sewage system is located for the purpose of**
 19 **inspecting the residential onsite sewage system if, not more than**
 20 **one hundred eighty (180) days before the date of the inspection, the**
 21 **owner or occupant of the residence served by the residential onsite**
 22 **sewage system and:**

23 (1) a septic system installer or inspector licensed by the county
 24 in which the residential onsite sewage system is located;

25 (2) an onsite sewage system technician licensed under
 26 IC 25-23.8; or

27 (3) an Indiana professional engineer registered under
 28 IC 25-31-1;

29 state in a writing transmitted to the local health department,
 30 county, or city that the residential onsite sewage system is
 31 functioning properly.

32 (b) If subsection (a) does not apply, an officer or employee of a
 33 local health department or another officer or employee of a county
 34 or city may not enter property on which a residential onsite sewage
 35 system is located for the purpose of inspecting the residential onsite
 36 sewage system unless the owner or occupant of the residence
 37 served by the residential onsite sewage system is given notice of the
 38 inspection by first class mail addressed to the residence at least
 39 fourteen (14) days before the day of the inspection. However, an
 40 advance notice to the owner or occupant of the residence is not
 41 required under this subsection in an urgent situation creating a
 42 clear and immediate danger to the public's health, safety, or



1 **property.**

2 SECTION 7. IC 16-41-25-11 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2023]: Sec. 11. (a) As used in this section,
5 "residential onsite sewage system failure" has the meaning set
6 forth in 410 IAC 6-8.3-33 as in effect July 1, 2023.

7 (b) A local health department that determines that a residential
8 onsite sewage system is in residential onsite sewage system failure
9 may issue an order requiring that the failure be corrected.
10 However, an order issued under this subsection is stayed if the
11 owner or occupant of the residence served by the residential onsite
12 sewage system, within fourteen (14) days after the date of the
13 order, enters into a contract with:

- 14 (1) a septic system installer or inspector licensed by the county
15 in which the residential onsite sewage system is located;
16 (2) an onsite sewage system technician licensed under
17 IC 25-23.8; or
18 (3) an Indiana professional engineer registered under
19 IC 25-31-1;

20 under which the installer or inspector, onsite sewage system
21 technician, or professional engineer agrees to conduct an
22 inspection to determine whether the residential onsite sewage
23 system is in residential onsite sewage system failure.

24 (c) An order is stayed under subsection (b) until the earlier of
25 the following:

- 26 (1) The date on which the installer or inspector, technician, or
27 engineer performs the inspection and presents the results of
28 the inspection in writing to:
29 (A) the owner or occupant of the residence served by the
30 residential onsite sewage system; and
31 (B) the local health department.

- 32 (2) The expiration of one (1) year after the date of the order
33 issued under subsection (b).

34 (d) If the installer or inspector, onsite sewage system technician,
35 or professional engineer states in the report provided to the local
36 health department that the residential onsite sewage system is not
37 in residential onsite sewage system failure, the local health
38 department shall:

- 39 (1) withdraw the order issued under subsection (b); or
40 (2) conduct an investigation of the residential onsite sewage
41 system to make a new determination whether the residential
42 onsite sewage system is in residential onsite sewage system



1 failure.

2 (e) If the local health department conducts an investigation
3 under subsection (d)(2), the order issued under subsection (b) is
4 stayed pending the new determination of the local health
5 department based on the investigation.

6 SECTION 8. IC 25-23.8 IS ADDED TO THE INDIANA CODE AS
7 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
8 2023]:

9 **ARTICLE 23.8. ONSITE SEWAGE SYSTEM TECHNICIANS**

10 **Chapter 1. Definitions**

11 **Sec. 1. The definitions in this chapter apply throughout this**
12 **article.**

13 **Sec. 2. "Board" refers to the onsite sewage system technician**
14 **licensing board established by IC 25-23.8-2-1.**

15 **Sec. 3. "Licensee" means an onsite sewage system technician**
16 **who is licensed under this article.**

17 **Sec. 4. "Licensing agency" refers to the Indiana professional**
18 **licensing agency established by IC 25-1-5-3.**

19 **Sec. 5. "Onsite sewage system" means a sewage disposal system**
20 **that:**

21 (1) is located on the site of; and

22 (2) serves;

23 **a one (1) family residence or two (2) family residence.**

24 **Sec. 6. "Onsite sewage system technician" means an individual**
25 **who is qualified to:**

26 (1) install;

27 (2) inspect; and

28 (3) provide maintenance and repair services for;

29 **onsite sewage systems.**

30 **Sec. 7. "Secretary" has the meaning set forth in IC 25-1-6-5(c).**

31 **Chapter 2. Onsite Sewage System Technician Licensing Board**

32 **Sec. 1. The onsite sewage system technician licensing board is**
33 **established.**

34 **Sec. 2. (a) The board consists of nine (9) members appointed by**
35 **the governor as follows:**

36 (1) Four (4) members who are onsite sewage system
37 technicians, each of whom:

38 (A) subject to subsection (c), is licensed in Indiana as an
39 onsite sewage system technician; and

40 (B) has been actively engaged in the installation,
41 inspection, maintenance, or repair of onsite sewage systems
42 for at least five (5) years immediately before the member's



- 1 **appointment to the board.**
- 2 **(2) One (1) member who is an Indiana professional engineer**
- 3 **registered under IC 25-31-1.**
- 4 **(3) One (1) member who is an Indiana registered professional**
- 5 **soil scientist (as defined in IC 25-31.5-1-6).**
- 6 **(4) One (1) member who is an environmental health specialist**
- 7 **and is employed by a local health department.**
- 8 **(5) One (1) member who is an officer or employee of the**
- 9 **Indiana department of health.**
- 10 **(6) One (1) member who represents the general public and**
- 11 **who is not associated with the onsite sewage system industry**
- 12 **other than as a consumer.**
- 13 **(b) The members of the board must be residents of Indiana.**
- 14 **(c) The condition set forth in subsection (a)(1)(A) applies to**
- 15 **appointments made at least two (2) years after the licensing of**
- 16 **onsite sewage system technicians begins under IC 25-23.8-4.**
- 17 **Sec. 3. (a) Each member of the board shall serve a term of four**
- 18 **(4) years and until the member's successor is appointed and**
- 19 **qualified.**
- 20 **(b) A board member may not serve more than two (2)**
- 21 **consecutive terms.**
- 22 **Sec. 4. (a) The governor may remove a board member at any**
- 23 **time for incompetency, neglect of duty, or unprofessional conduct.**
- 24 **(b) A vacancy in the membership of the board shall be filled by**
- 25 **appointment by the governor for the unexpired term.**
- 26 **Sec. 5. (a) The board shall meet at least two (2) times each**
- 27 **calendar year upon the call of the chairperson or the written**
- 28 **request of a majority of the members of the board.**
- 29 **(b) The chairperson shall establish the time and place for each**
- 30 **meeting.**
- 31 **(c) Five (5) members of the board constitute a quorum.**
- 32 **(d) At least five (5) votes are necessary for the board to take**
- 33 **official action.**
- 34 **Sec. 6. Each member of the board is entitled to the minimum**
- 35 **salary per diem provided by IC 4-10-11-2.1(b). Each member of**
- 36 **the board is entitled to reimbursement for travel expenses and**
- 37 **other expenses actually incurred in connection with the member's**
- 38 **duties, as provided in the state travel policies and procedures**
- 39 **established by the Indiana department of administration and**
- 40 **approved by the budget agency.**
- 41 **Sec. 7. (a) Each year the board shall elect a member as**
- 42 **chairperson and a member as vice chairperson.**



1 (b) The chairperson and vice chairperson shall serve until their
2 successor is elected.

3 (c) The chairperson shall preside at all meetings at which the
4 chairperson is present. The vice chairperson shall preside at
5 meetings in the absence of the chairperson and shall perform other
6 duties as the chairperson directs.

7 (d) If the chairperson and vice chairperson are absent from a
8 meeting of the board when a quorum exists, the members who are
9 present may elect a presiding officer who shall serve as acting
10 chairperson until the conclusion of the meeting or until the arrival
11 of the chairperson or vice chairperson.

12 **Sec. 8. The board shall:**

13 (1) enforce and administer this article;

14 (2) adopt rules under IC 4-22-2 for the administration and
15 enforcement of this article, including competency standards
16 and a code of ethics for licensed onsite sewage system
17 technicians;

18 (3) prescribe the requirements for and the form of licenses
19 issued or renewed under this article;

20 (4) issue, deny, suspend, and revoke licenses in accordance
21 with this article;

22 (5) in accordance with IC 25-1-7, investigate and prosecute
23 complaints involving licensees or individuals the board has
24 reason to believe should be licensees, including complaints
25 concerning the failure to comply with this article or rules
26 adopted under this article;

27 (6) bring actions in the name of the state of Indiana in an
28 appropriate circuit court to enforce compliance with this
29 article or rules adopted under this article;

30 (7) establish fees in accordance with IC 25-1-8;

31 (8) inspect the records of a licensee in accordance with rules
32 adopted by the board;

33 (9) conduct or designate a board member or other
34 representative to conduct public hearings on any matter for
35 which a hearing is required under this article and to exercise
36 all powers granted under IC 4-21.5; and

37 (10) maintain the board's office, files, records, and property
38 in the city of Indianapolis.

39 **Chapter 3. Licensing Agency; Board Secretary**

40 **Sec. 1.** The licensing agency shall provide the board with a
41 competent person to serve as secretary of the board. The secretary
42 is not a member of the board. The secretary, through the licensing



- 1 agency, shall:
 2 (1) keep a complete and accurate record of all proceedings of
 3 the board;
 4 (2) keep a current file of all licenses and licensees; and
 5 (3) perform any other duties assigned by the board.

6 **Sec. 2.** The licensing agency shall provide the board with clerical
 7 or other assistance necessary for the proper performance of the
 8 board's duties.

9 **Sec. 3.** The secretary shall receive and account for all money
 10 collected under this article and deposit the money in the state
 11 general fund with the treasurer of state. All expenses incurred in
 12 the administration of this article shall be paid from the state
 13 general fund.

14 **Chapter 4. Licensing of Onsite Sewage System Technicians**

15 **Sec. 1. (a)** Except as provided in subsections (c) and (d), after
 16 July 1, 2025, an individual may not:

- 17 (1) install;
 18 (2) inspect; or
 19 (3) provide maintenance or repair services for;
 20 onsite sewage systems unless the individual has obtained a license
 21 from the board under this chapter.

22 (b) A political subdivision may not require a licensee to submit
 23 to any form of licensing other than licensing under this chapter,
 24 except for licensing that is required by a political subdivision for
 25 onsite electrical, plumbing, or mechanical systems installation.
 26 However, this article does not limit the power of a political
 27 subdivision to regulate the quality and character of work
 28 performed by a licensee through:

- 29 (1) the enforcement of building codes; or
 30 (2) conducting inspections.

31 (c) An individual acting at all times at the direction and under
 32 the supervision of a licensed onsite sewage system technician need
 33 not be licensed under this chapter in order to perform work
 34 described in subsection (a). A licensee is fully responsible for all
 35 work performed under the licensee's direction or supervision.

36 (d) This section does not prohibit the owner or occupant of a
 37 residence served by an onsite sewage system from doing work
 38 described in subsection (a) on the onsite sewage system that serves
 39 the residence.

40 **Sec. 2. (a)** Except as provided in section 5 of this chapter, an
 41 individual who applies for a license as an onsite sewage system
 42 technician must meet the following requirements:



- 1 **(1) Must be at least eighteen (18) years of age.**
 2 **(2) Must successfully complete an onsite sewage system**
 3 **technician training course approved by the board.**
 4 **(3) Must successfully complete a licensing examination, if a**
 5 **licensing examination is required by the rules adopted by the**
 6 **board under this chapter.**
 7 **(4) Must have at least one (1) year of experience installing,**
 8 **inspecting, or providing maintenance or repair service on**
 9 **onsite sewage systems under the direction and supervision of**
 10 **a licensed onsite sewage system technician.**
 11 **(5) Must not:**
 12 **(A) have been convicted of an act that would constitute a**
 13 **ground for disciplinary action under this article; or**
 14 **(B) have been the subject of a disciplinary action by the**
 15 **licensing or certification agency of another state or**
 16 **jurisdiction in connection with the installation, inspection,**
 17 **maintenance, or repair of onsite sewage systems.**
 18 **(6) Must verify the information submitted on the application**
 19 **form.**
 20 **(7) Must submit proof of insurance or a surety bond that:**
 21 **(A) was issued by an insurance or a surety company**
 22 **authorized to transact business in Indiana;**
 23 **(B) is in an amount determined by the board; and**
 24 **(C) contains terms and conditions satisfying the**
 25 **requirements established by the board under this article.**
 26 **(8) Must pay the licensing fee established by the board.**
 27 **(b) Instead of furnishing the evidence of experience otherwise**
 28 **required by subsection (a)(4), an applicant may provide three (3)**
 29 **references, two (2) of whom must be licensed onsite sewage system**
 30 **technicians familiar with the individual's work experience and**
 31 **competency, who are willing to state their belief that the applicant**
 32 **is ready for licensing under this chapter notwithstanding the lack**
 33 **of experience described in subsection (a)(4).**
 34 **Sec. 3. An individual applying for a license as an onsite sewage**
 35 **system technician must apply on a form prescribed and provided**
 36 **by the board.**
 37 **Sec. 4. An individual who is denied a license under this article**
 38 **has the remedies prescribed under IC 4-21.5.**
 39 **Sec. 5. The board may adopt rules under IC 4-22-2 providing**
 40 **that an individual who has successfully completed the installer and**
 41 **inspector certificate programs of the Indiana Onsite Wastewater**
 42 **Professional Association is entitled to licensing under this chapter**



- 1 without satisfying the requirements set forth in section 2 of this
- 2 chapter. However, the rules adopted under this section may
- 3 require an individual to meet these requirements:
- 4 (1) Must submit a licensing application on a form approved by
- 5 the board.
- 6 (2) Must submit evidence of the individual's successful
- 7 completion of the installer and inspector certificate programs
- 8 of the Indiana Onsite Wastewater Professional Association.
- 9 (3) Must not:
- 10 (A) have been convicted of an act that would constitute a
- 11 ground for disciplinary action under this article; or
- 12 (B) have been the subject of a disciplinary action by the
- 13 licensing or certification agency of another state or
- 14 jurisdiction in connection with the installation, inspection,
- 15 maintenance, or repair of onsite sewage systems.
- 16 (4) Must submit proof of insurance or a surety bond that:
- 17 (A) was issued by an insurance or a surety company
- 18 authorized to transact business in Indiana;
- 19 (B) is in an amount determined by the board; and
- 20 (C) contains terms and conditions satisfying the
- 21 requirements established by the board under this article.
- 22 (5) Must pay the licensing fee established by the board.

23 **Chapter 5. Renewal of License**

24 **Sec. 1. Notwithstanding IC 25-1-2, the holder of a license issued**
25 **under IC 25-23.8-4 must renew the license and pay the required**
26 **renewal fee every four (4) years after the license is issued, on or**
27 **before the date established by the Indiana professional licensing**
28 **agency under IC 25-1-6-4.**

29 **Sec. 2. (a) An individual who applies to renew a license as an**
30 **onsite sewage system technician must:**

- 31 (1) furnish evidence showing successful completion of the
- 32 continuing education requirements established by the board
- 33 under section 5 of this chapter; and
- 34 (2) pay the renewal fee established by the board.

35 **(b) If the holder of a license does not renew the license before**
36 **the date established by the licensing agency, the certificate expires**
37 **without any action taken by the board.**

38 **(c) If a license has been expired for not more than three (3)**
39 **years, the license may be reinstated by the board if the holder of**
40 **the license meets the requirements for reinstatement under**
41 **IC 25-1-8-6(c).**

42 **(d) If a license has been expired for more than three (3) years,**



1 the license may be reinstated by the board if the holder of the
 2 license meets the requirements for reinstatement under
 3 IC 25-1-8-6(d).

4 Sec. 3. (a) Renewal notices must be sent in accordance with
 5 IC 25-1-2-6(c).

6 (b) The renewal fee must be paid in accordance with
 7 IC 25-1-8-2(d).

8 Sec. 4. Each licensed onsite sewage system technician must, in
 9 each license renewal period, complete the continuing education
 10 required by the board in the rules adopted under section 5 of this
 11 chapter.

12 Sec. 5. (a) The board shall adopt rules under IC 4-22-2
 13 concerning the continuing education required for the renewal of a
 14 license under this chapter.

15 (b) The rules must do the following:

16 (1) Establish procedures for approving organizations that
 17 provide continuing education.

18 (2) Prescribe the content, duration, and organization of
 19 continuing education courses that contribute to the general
 20 competence of installers.

21 Chapter 6. Disciplinary Proceedings; Enforcement

22 Sec. 1. The board may take disciplinary action against a licensee
 23 for any of the following violations:

24 (1) Violating this article or rules adopted by the board under
 25 this article.

26 (2) Making a false or material misleading representation:

27 (A) in a license application form or license renewal form;
 28 or

29 (B) in information provided to the board.

30 (3) Failing to pay fees or fines required under this article.

31 (4) Communicating to the public false or misleading
 32 information concerning the license held.

33 (5) Failing to complete the continuing education requirements
 34 established by the board.

35 Sec. 2. The procedures set forth in IC 4-21.5 govern the board's
 36 conduct of disciplinary hearings.

37 Sec. 3. The board may summarily suspend a license for up to
 38 ninety (90) days before a final adjudication or during an appeal of
 39 the board's determination if the board finds that the licensee
 40 represents a clear and immediate danger to the public's health,
 41 safety, or property if the licensee is allowed to install, inspect, or
 42 provide maintenance or repair services for onsite sewage systems.



1 **The summary suspension may be renewed, upon a hearing before**
 2 **the board, for up to ninety (90) days.**

3 **Sec. 4. (a) When the board determines that an individual not**
 4 **licensed under this article is engaged in or believed to be engaged**
 5 **in activities for which a license is required under this article, the**
 6 **board may issue an order to that individual requiring the**
 7 **individual to show cause why the individual should not be ordered**
 8 **to cease and desist from such activities. The show cause order must**
 9 **set forth a time and place for a hearing at which the affected**
 10 **individual may appear and show cause as to why the individual**
 11 **should not be subject to licensing under this article.**

12 **(b) If the board, after a hearing, determines that the activities**
 13 **in which the individual is engaged are subject to licensing under**
 14 **this article, the board may issue a cease and desist order that**
 15 **describes the individual and the activities that are the subjects of**
 16 **the order.**

17 **(c) A cease and desist order issued under this section is**
 18 **enforceable in a circuit court or superior court.**

19 **Sec. 5. An individual who:**

20 **(1) engages in or offers to engage in the installation,**
 21 **inspection, or providing of maintenance or repair services for**
 22 **an onsite sewage system without being licensed or without**
 23 **being exempt from licensing under IC 25-23.8-4;**

24 **(2) presents the license of another individual as the**
 25 **individual's own license;**

26 **(3) intentionally gives false or materially misleading**
 27 **information of any kind to the board or to a board member in**
 28 **connection with licensing matters;**

29 **(4) impersonates another licensee;**

30 **(5) uses an expired, suspended, or revoked license; or**

31 **(6) otherwise violates this article;**

32 **commits a Class B misdemeanor.**

33 **Sec. 6. An individual who applies for and is denied a license or**
 34 **a licensee who is aggrieved by an order or a determination of the**
 35 **board is entitled to a judicial review under IC 4-21.5.**

36 **Sec. 7. The attorney general shall:**

37 **(1) act as the legal adviser for the board; and**

38 **(2) provide any legal assistance necessary to carry out this**
 39 **article.**

40 **SECTION 9. IC 35-52-25-37.7 IS ADDED TO THE INDIANA**
 41 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 42 **[EFFECTIVE JULY 1, 2023]: Sec. 37.7. IC 25-23.8-6-5 defines a**



- 1 **crime concerning onsite sewage system technicians.**

