



February 13, 2018

ENGROSSED SENATE BILL No. 186

DIGEST OF SB 186 (Updated February 13, 2018 9:49 am - DI 113)

Citations Affected: IC 25-6.1.

Synopsis: Online continuing education for auctioneers. Provides that the auctioneer commission may approve online instruction courses and continuing education courses offered by course providers approved by the auctioneer commission. Provides a continuing education exemption for auctioneers who predominantly engage in or conduct auctions of animals.

Effective: July 1, 2018.

Kruse, Raatz

(HOUSE SPONSORS — MORRIS, BURTON, GIAQUINTA)

January 3, 2018, read first time and referred to Committee on Commerce and Technology.
January 16, 2018, reported favorably — Do Pass.
January 18, 2018, read second time, ordered engrossed. Engrossed.
January 22, 2018, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 6, 2018, read first time and referred to Committee on Employment, Labor and Pensions.
February 13, 2018, amended, reported — Do Pass.

ES 186—LS 6523/DI 132



February 13, 2018

Second Regular Session 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 SENATE BILL No. 186

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 25-6.1-3-2, AS AMENDED BY P.L.177-2015,
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 2. (a) Every individual, before acting as an
4 auctioneer, must obtain a license from the commission.
5 (b) An applicant for a license must:
6 (1) be at least eighteen (18) years of age;
7 (2) have completed at least eighty (80) actual hours of auction
8 instruction from a course provider approved by the commission;
9 (3) not have a conviction for:
10 (A) an act which would constitute a ground for disciplinary
11 sanction under IC 25-1-11; or
12 (B) a felony that has a direct bearing on the applicant's ability
13 to practice competently.
14 (c) Auction instruction required under subsection (b) must provide
15 the applicant with knowledge of all of the following:
16 (1) The value of real estate and of various goods commonly sold
17 at an auction.

ES 186—LS 6523/DI 132



- 1 (2) Bid calling.
 2 (3) Sale preparation, sale advertising, and sale summary.
 3 (4) Mathematics.
 4 (5) The provisions of this article and the commission's rules.
 5 (6) Any other subject matter approved by the commission.
- 6 **(d) For purposes of subsection (b)(2), the commission may**
 7 **approve online auction instruction that complies with subsection**
 8 **(c) and is offered by a course provider approved by the**
 9 **commission.**
- 10 ~~(d)~~ **(e)** An individual seeking an initial license as an auctioneer
 11 under this article shall file with the commission a completed
 12 application on the form prescribed by the commission. When filing a
 13 application for an auctioneer license, each individual shall pay a
 14 nonrefundable examination fee established by the commission under
 15 IC 25-1-8-2.
- 16 ~~(e)~~ **(f)** When applying for a renewal of an auctioneer license, each
 17 individual shall do the following:
- 18 (1) Apply in a manner required by the commission, including
 19 certification by the applicant that the applicant has complied with
 20 the requirements of IC 25-6.1-9-8, unless the commission has
 21 granted the applicant a waiver under IC 25-6.1-9-9.
 22 (2) Pay the renewal fee established by the commission under
 23 IC 25-1-8-2.
- 24 ~~(f)~~ **(g)** Upon the receipt of a completed application for an initial or
 25 a renewal license, the commission shall examine the application and
 26 may verify the information contained therein.
- 27 ~~(g)~~ **(h)** An applicant who is seeking an initial license must pass an
 28 examination approved by the commission that covers subjects and
 29 topics of knowledge required to practice as an auctioneer. The
 30 commission shall hold examinations as the commission may prescribe.
- 31 ~~(h)~~ **(i)** The commission shall issue an auctioneer's license, in such
 32 form as it may prescribe, to each individual who meets all of the
 33 requirements for licensing and pays the appropriate fees.
- 34 ~~(i)~~ **(j)** Auctioneer licenses shall be issued for a term of four (4)
 35 years. Subject to IC 25-1-2-6(e), a license expires at midnight on the
 36 date established by the licensing agency under IC 25-1-6-4 and every
 37 fourth year thereafter, unless renewed before that date. If the license
 38 has expired, it may be reinstated not later than four (4) years after the
 39 date it expired if the license holder meets the requirements of
 40 IC 25-1-8-6(c).
- 41 ~~(j)~~ **(k)** If a license has expired for a period of more than four (4)
 42 years, the holder of the license may have the license reinstated by



1 satisfying the requirements for reinstatement under IC 25-1-8-6(d).

2 ~~(k)~~ **(l)** The commission may waive the requirement that a
 3 nonresident applicant pass an examination and that the nonresident
 4 submit written statements by two (2) individuals, if the nonresident
 5 applicant:

6 (1) is licensed to act as an auctioneer in the state of the applicant's
 7 domicile;

8 (2) submits with the application a duly certified letter of
 9 certification issued by the licensing board of the applicant's
 10 domiciliary state;

11 (3) is a resident of a state whose licensing requirements are
 12 substantially equal to the requirements of Indiana;

13 (4) is a resident of a state that grants the same privileges to the
 14 licensees of Indiana; and

15 (5) includes with the application an irrevocable consent that
 16 actions may be commenced against the applicant. The consent
 17 shall stipulate that service of process or pleadings on the
 18 commission shall be taken and held in all courts as valid and
 19 binding as if service of process had been made upon the applicant
 20 personally within this state. If any process or pleading mentioned
 21 in this subsection is served upon the commission, it shall be by
 22 duplicate copies. One (1) of the duplicate copies shall be filed in
 23 the office of the commission and one (1) shall be immediately
 24 forwarded by the commission by registered or certified mail to the
 25 applicant against whom the process or pleadings are directed.

26 ~~(l)~~ **(m)** The commission may enter into a reciprocal agreement with
 27 another state concerning nonresident applicants.

28 SECTION 2. IC 25-6.1-9-1 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) Except as
 30 provided in sections 7 and 9 of this chapter, an individual who applies
 31 for license renewal under IC 25-6.1-3-2 must complete sixteen (16)
 32 actual hours of continuing education every four (4) years from course
 33 providers that are approved by the commission.

34 (b) The continuing education requirement is as follows:

35 (1) At least six (6) actual hours of courses in any of the following
 36 core subjects:

37 (A) Indiana rules and statutes governing auctioneering.

38 (B) Federal statutes governing auctioneering.

39 (C) Auctioneering ethics.

40 (D) Escrow and trust funds.

41 (E) Contracts.

42 (F) Any other subject matter approved by the commission.



- 1 (2) At least ten (10) actual hours of courses in any of the
2 following elective subjects:
3 (A) Agency.
4 (B) Business courses related to auctioneering.
5 (C) Auction management.
6 (D) Bid calling.
7 (E) Public speaking.
8 (F) Advertising.
9 (G) Specialty auction topics.
10 (H) Any other subject matter approved by the commission.

11 **(c) The commission may approve online continuing education**
12 **offered by a course provider as required under subsection (b).**

13 SECTION 3. IC 25-6.1-9-7, AS AMENDED BY P.L.194-2005,
14 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2018]: Sec. 7. (a) A licensee who is initially licensed in the
16 fourth year of a renewal period is exempt from the continuing
17 education requirement under this chapter for that renewal period.

18 **(b) A licensee who derives at least ninety percent (90%) of the**
19 **licensee's Indiana auctioneering income during a renewal period**
20 **from the engagement in or the conduct of auctions of livestock and**
21 **other animals is exempt from the continuing education**
22 **requirement under this chapter for that renewal period.**



COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Technology, to which was referred Senate Bill No. 186, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 186 as introduced.)

MESSMER, Chairperson

Committee Vote: Yeas 7, Nays 0

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred Senate Bill 186, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, after line 12, begin a new paragraph and insert:

"SECTION 3. IC 25-6.1-9-7, AS AMENDED BY P.L.194-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) A licensee who is initially licensed in the fourth year of a renewal period is exempt from the continuing education requirement under this chapter for that renewal period.

(b) A licensee who derives at least ninety percent (90%) of the licensee's Indiana auctioneering income during a renewal period from the engagement in or the conduct of auctions of livestock and other animals is exempt from the continuing education requirement under this chapter for that renewal period."

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 186 as printed January 17, 2018.)

VANNATTER

Committee Vote: yeas 8, nays 3.

ES 186—LS 6523/DI 132

