



February 13, 2004

ENGROSSED
SENATE BILL No. 493

DIGEST OF SB 493 (Updated February 11, 2004 10:11 am - DI 103)

Citations Affected: IC 25-1; noncode.

Synopsis: Professional licensing. Allows a licensing or regulating body to waive continuing education requirements if an applicant is unable to complete the continuing education because of military service, incapacitating illness or injury, or other circumstances determined by the licensing or regulating body. Establishes an extension of time to: (1) renew a professional or an occupational license, certificate, registration, or permit; and (2) complete continuing education requirements; for an individual called to active duty in the armed forces of the United States or the Indiana army or air national guard.

Effective: Upon passage.

Kenley, Skinner, Clark, Antich

(HOUSE SPONSORS — GRUBB, FOLEY, KOCH, BURTON)

January 13, 2004, read first time and referred to Committee on Transportation and Homeland Security.

January 27, 2004, amended, reported favorably — Do Pass.

February 3, 2004, read second time, ordered engrossed. Engrossed.

February 4, 2004, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 6, 2004, read first time and referred to Committee on Commerce and Economic Development.

February 12, 2004, reported — Do Pass.

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ES 493—LS 7354/DI 102+



February 13, 2004

Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 493



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 25-1-4-4 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **A board, a commission, a committee, or an**
4 **agency regulating a profession or occupation under this title or**
5 **under IC 15, IC 16, or IC 22 may grant an applicant a waiver from**
6 **all or part of the continuing education requirement for a renewal**
7 **period if the applicant was not able to fulfill the requirement due**
8 **to a hardship that resulted from any of the following:**
9 **(1) Service in the armed forces of the United States during a**
10 **substantial part of the renewal period.**
11 **(2) An incapacitating illness or injury.**
12 **(3) Other circumstances determined by the board or agency.**
13 SECTION 2. IC 25-1-12 IS ADDED TO THE INDIANA CODE AS
14 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
15 PASSAGE]:
16 **Chapter 12. Renewal of Licenses Held by Individuals in Military**
17 **Service**

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ES 493—LS 7354/DI 102+



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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.

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.

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 corp; or
- (6) the merchant marine.

Sec. 4. As used in this chapter, "national guard" means:

- (1) the Indiana army national guard; or
- (2) the Indiana air national guard.

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.

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

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complaint under IC 25-1-7.

(2) While the practitioner is out-of-state on active duty:

(A) the practitioner's license, certificate, registration, or permit must expire; and

(B) 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 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 or board 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 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.

Sec. 7. Any late fees that may be assessed against a practitioner in connection with a renewal under this chapter are waived.

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.

SECTION 3. [EFFECTIVE UPON PASSAGE] IC 25-1-12, as added by this act, applies to all individuals who:

(1) hold a license, certificate, registration, or permit under IC 15, IC 16, IC 22, or IC 25; and

(2) have been called to full-time service in the:

(A) armed forces of the United States (as defined in

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1 **IC 25-1-12-3, as added by this act); or**
2 **(B) Indiana army or air national guard;**
3 **after September 11, 2001.**
4 **SECTION 4. An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Transportation and Homeland Security, to which was referred Senate Bill No. 493, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 25-1-4-4 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: A board, a commission, a committee, or an agency regulating a profession or occupation under this title or under IC 15, IC 16, or IC 22 may grant an applicant a waiver from all or part of the continuing education requirement for a renewal period if the applicant was not able to fulfill the requirement due to a hardship that resulted from any of the following:**

- (1) Service in the armed forces of the United States during a substantial part of the renewal period.**
- (2) An incapacitating illness or injury.**
- (3) Other circumstances determined by the board or agency."**

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 493 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 7, Nays 0.

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SENATE MOTION

Madam President: I move that Senator Skinner be added as second author of Senate Bill 493.

KENLEY

SENATE MOTION

Madam President: I move that Senator Clark be added as coauthor of Engrossed Senate Bill 493.

KENLEY

SENATE MOTION

Madam President: I move that Senator Antich be added as coauthor of Engrossed Senate Bill 493.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred Senate Bill 493, 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.

STEVENSON, Chair

Committee Vote: yeas 11, nays 0.

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