

Introduced Version

HOUSE BILL No. 1106

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-28.5.

Synopsis: Plumbing commission matters. Requires the plumbing commission (commission) to approve a continuing professional education (CPE) program for persons who hold licenses as a plumbing contractor or a journeyman plumber, or both. Requires the commission to adopt rules to establish criteria for CPE. Requires a person subject to the CPE requirement to complete at least two hours of CPE every two years. Provides that: (1) compliance with the CPE requirement may be documented only on the plumbing contractor license if a person holds both a plumbing contractor and a journeyman plumber license; and (2) a person may receive CPE credit or renew a license only if certain criteria are met. Allows the commission, by rule, to exempt certain persons if the commission determines that the exemption is in the public interest. Establishes the plumbing compliance fund (fund). Provides that: (1) the fund shall be administered by the professional licensing agency (agency); (2) administration expenses of the fund shall be paid from the money in the fund; and (3) the fund consists of penalties for certain violations and money deposited from the plumbers recovery fund. Provides that the agency may enter into a memorandum of understanding with the attorney general providing for use of money from the fund for enforcement actions conducted by the attorney general. Requires that: (1) the agency and the attorney general annually submit to the commission any memorandum of understanding entered into for review; and (2) 50% of the balance in the plumbers recovery fund be deposited in the plumbing compliance fund on June 29 of every odd-numbered year.

Effective: July 1, 2013.

Niezgodski, Stemler

January 8, 2013, read first time and referred to Committee on Employment, Labor and Pensions.

Introduced

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

HOUSE BILL No. 1106

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:*

SOURCE: IC 25-28.5-1-21.1; (13)IN1106.1.1. --> SECTION 1. IC 25-28.5-1-21.1 IS ADDED

TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 21.1. (a) The commission shall approve a continuing professional education program for persons who hold licenses as a plumbing contractor or a journeyman plumber, or both, under this article.**

(b) The commission shall adopt rules under IC 4-22-2 to establish criteria for continuing professional education under this section. The rules may include provisions that:

- (1) allow courses to have commercial sponsors;**
- (2) disallow the promotion in curricula of products or services of any particular firm or manufacturer;**
- (3) allow courses to be conducted by correspondence or home study; and**
- (4) concern any other factors the commission considers pertinent.**

(c) A person who holds a license as a plumbing contractor or a journeyman plumber, or both, under this article must complete at least two (2) hours of continuing professional education during a two (2) year cycle as determined by the commission.

(d) A person who holds both a plumbing contractor license and a journeyman plumber license must show compliance with subsection (c) on the plumbing contractor license only.

(e) A person may receive credit for a continuing professional education program or course only if the following criteria are met:

- (1) The continuing professional education provider is approved by the commission.**
- (2) The provider provides continuing professional education in accordance with rules adopted by the commission.**
- (3) The program or course attended is consistent with instruction in the areas of health protection, energy conservation, job safety, code requirements, and water conservation relevant to contracts, inspections, heating, air conditioning, or fire sprinkler systems. Instruction subjects may include:**
 - (A) technical and practical aspects of the analysis of plans and specifications;**
 - (B) estimating costs;**
 - (C) fundamentals of installation and design, equipment, duct and pipe sealing, and National Fire Prevention Association (NFPA) code requirements;**
 - (D) fire hazards; and**
 - (E) plumbing or heating contract matters, such as:**
 - (i) engaging in business as a plumbing, heating, fuel piping, or fire sprinkler contractor, including customer relations;**
 - (ii) bid and contract preparation;**
 - (iii) business ethics;**
 - (iv) taxation;**
 - (v) payroll; and**

(vi) cash management.

(f) A license issued under this article may not be renewed unless the applicant:

(1) verifies compliance with subsection (c) on the license renewal application;

or

(2) provides documentation of courses completed under this section, including the name, number, content, and teacher of each course.

Falsification or misstatement of information required to be

documented under this subsection is grounds for disciplinary action, including denial to renew, revocation, or suspension of a license.

(g) If the commission determines that the exemption is in the public interest, the commission may by rule exempt certain persons from the requirements of this section.

SOURCE: IC 25-28.5-2-1.1; (13)IN1106.1.2. --> SECTION 2. IC 25-28.5-2-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 1.1. (a) The plumbing compliance fund is established for the purpose of administering and enforcing:**

(1) IC 25-1-11;

(2) IC 25-1-7-14; and

(3) this article.

The fund shall be administered by the Indiana professional licensing agency. (b)

The expenses of administering the fund shall be paid from the money in the fund.

(c) The fund consists of the following:

(1) Penalties imposed by the commission or the attorney general for a violation of IC 25-1-11 or this article.

(2) Money deposited in the fund from the plumbers recovery fund under section 2(e) of this chapter.

(3) Penalties imposed under IC 25-1-4-5.

(d) Money in the fund does not revert at the end of the year to the state general fund.

(e) The Indiana professional licensing agency and the attorney general may enter into a memorandum of understanding providing for the use of money from the fund for investigations and enforcement actions conducted by the attorney general.

(f) The attorney general and the Indiana professional licensing agency shall annually submit any memorandum of understanding entered into under subsection (e) to the commission for review.

SOURCE: IC 25-28.5-2-2; (13)IN1106.1.3. --> SECTION 3. IC 25-28.5-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 2. (a)** If the total amount in the plumbers recovery fund (including principal and interest) plus estimated revenues from the fee assessed under section 2.1 of this chapter from July 1 of the current year through June 30 of the next year will be less than three hundred thirty thousand dollars (\$330,000) on June 30 in an odd-

numbered year after the payment of all claims and expenses, the plumbing commission shall assess a surcharge according to the following formula in order to maintain the fund at an approximate level of four hundred thousand dollars (\$400,000):

STEP ONE: Determine the amount remaining in the fund on June 30 of the current year after all expenses and claims have been paid.

STEP TWO: Add to the amount determined under STEP ONE the amount of revenue estimated from the fee assessed under section 2.1 of this chapter from July 1 of the current year through June 30 of the next year.

STEP THREE: Subtract the amount determined under STEP TWO from four hundred thousand dollars (\$400,000).

STEP FOUR: Determine the number of plumbing contractors who had licenses in effect on June 30 of the current year.

STEP FIVE: Divide the number determined under STEP THREE by the number determined under STEP FOUR.

(b) The plumbing commission shall assess the surcharge described in subsection (a) against each plumbing contractor who:

- (1) receives an initial license; or
- (2) receives a renewal license.

(c) The plumbing commission shall assess the surcharge described in subsection (a) for the two (2) year period beginning on July 1 of the current year through June 30 of the next odd-numbered year.

(d) The surcharge assessed under this section is in addition to any other fee under this article.

(e) On June 29 of every odd-numbered year, fifty percent (50%) of the balance in the plumbers recovery fund shall be deposited in the plumbing compliance fund established by section 1.1 of this chapter.