

IC 4-21.5-4

Chapter 4. Special Proceedings; Emergency and Other Temporary Orders

IC 4-21.5-4-1

Circumstances warranting special proceedings

Sec. 1. An agency may conduct proceedings under this chapter if:

- (1) an emergency exists; or
- (2) a statute authorizes the agency to issue a temporary order or otherwise take immediate agency action.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-4-2

Procedures; orders

Sec. 2. (a) The agency shall issue the order under this chapter by one (1) of the following procedures:

- (1) Except as provided in IC 25-1-9-10, without notice or an evidentiary proceeding, by any authorized individual or panel of individuals.
- (2) After a hearing conducted by an administrative law judge.

(b) The resulting order must include a brief statement of the facts and the law that justifies the agency's decision to take the specific action under this chapter.

As added by P.L.18-1986, SEC.1. Amended by P.L.43-1995, SEC.1.

IC 4-21.5-4-3

Notice; effectiveness of order

Sec. 3. The agency shall give such notice as is practicable to persons who are required to comply with the order under this chapter. The order is effective when issued.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-4-4

Hearings

Sec. 4. Upon a request by a party for a hearing on an order rendered under section 2(a)(1) of this chapter, the agency shall, as quickly as is practicable, set the matter for an evidentiary hearing. An administrative law judge shall determine whether the order under this chapter should be voided, terminated, modified, stayed, or continued.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-4-5

Expiration of order; exception

Sec. 5. (a) Except as provided in subsection (c), an order issued under this chapter expires on the earliest of the following:

- (1) The date set in the order.
- (2) The date set by a statute other than this article.
- (3) The elapse of ninety (90) days.

(b) During the pendency of any related proceedings under IC 4-21.5-3, the agency responsible for the proceeding may renew

the order for successive ninety (90) day periods unless a statute other than this article prohibits the renewal of the order.

(c) An order issued under this chapter and IC 15-17-6 does not expire.

As added by P.L.18-1986, SEC.1. Amended by P.L.26-1997, SEC.1; P.L.2-2008, SEC.16.

IC 4-21.5-4-6

Records

Sec. 6. The agency record in a proceeding under this chapter consists of any documents regarding the matter that were considered or prepared by the agency in a proceeding under section 2(a)(1) of this chapter and, if a hearing is conducted under section 2(a)(2) or 4 of this chapter, the items described in IC 4-21.5-3-33.

As added by P.L.18-1986, SEC.1.