

IC 4-22-9

Chapter 9. Evidence; Judicial Notice of Rules

IC 4-22-9-1

Application of chapter

Sec. 1. This chapter applies to all rules that have been accepted for filing:

(1) by the secretary of state before July 1, 2006; or

(2) by the publisher after June 30, 2006;

under IC 4-22-2.

As added by P.L.31-1985, SEC.36. Amended by P.L.123-2006, SEC.23.

IC 4-22-9-2

Definitions applicable

Sec. 2. The definitions in IC 4-22-2-3 apply throughout this chapter.

As added by P.L.31-1985, SEC.36.

IC 4-22-9-3

Judicial notice of rules

Sec. 3. (a) Any rule that has been adopted in conformity with IC 4-22-2 (including a matter incorporated by reference into a rule) shall be judicially noticed by all courts and agencies of this state.

(b) Subject to subsection (c), the official publication of a rule in the Indiana Register or the Indiana Administrative Code, including the official publication of rules published only in electronic format after July 1, 2006, shall be considered prima facie evidence that the rule was adopted in conformity with IC 4-22-2 and that the text published is the text adopted.

(c) The 1979 edition of the Indiana Administrative Code shall be conclusively presumed to contain the accurate, correct, and complete text of all rules in effect on December 31, 1978. All rules filed with the secretary of state before December 31, 1978, and not compiled in the 1979 edition of the Indiana Administrative Code are void.

As added by P.L.31-1985, SEC.36. Amended by P.L.123-2006, SEC.24.

IC 4-22-9-4

Matters not part of official text

Sec. 4. The following, as they appear in an adopted version of a rule filed with the secretary of state before July 1, 2006, or filed with the publisher after June 30, 2006, in the Indiana Register, or in the Indiana Administrative Code, are not part of the official text of any rule, are not intended to affect the meaning, application, or construction of any rule, and may be altered at any time by the publisher of the Indiana Register or Indiana Administrative Code:

(1) Digests.

(2) Title, article, rule, and section headings.

(3) Title, article, and rule analyses (listings of article, rule, and

- section headings).
- (4) Statutory authority citation lines.
- (5) Statutes affected citation lines.
- (6) Bracketed internal references.
- (7) History lines or history blocks.
- (8) Revisor's notes.

As added by P.L.31-1985, SEC.36. Amended by P.L.123-2006, SEC.25.

IC 4-22-9-5

References to Indiana Administrative Code; incorporation by reference

Sec. 5. (a) A reference in a rule to the Indiana Administrative Code (IAC) in the form of an IAC citation, if unaccompanied by a reference to a specific edition or supplement to the Indiana Administrative Code, shall be construed to include any amendment to the cited provision occurring after the date that the reference is written.

(b) If a matter that is incorporated by reference into a rule is amended after the effective date of the rule, the rule includes the amendment to the incorporated matter only if the incorporated matter is:

- (1) an Indiana statute codified with an Indiana Code (IC) citation number; or
- (2) an Indiana rule codified with an Indiana Administrative Code (IAC) number.

As added by P.L.31-1985, SEC.36.

IC 4-22-9-6

Citation of rules

Sec. 6. Any rule may be cited or pleaded by citation reference to the Indiana Administrative Code or the Indiana Register, without copying the cited provision in full. A reference to the Indiana Administrative Code (IAC) in the form of an IAC citation shall be construed to include all amendments as of the date the reference is written, unless accompanied by a reference to a specific edition or supplement of the Indiana Administrative Code.

As added by P.L.31-1985, SEC.36.

IC 4-22-9-7

Determination and construction of rules

Sec. 7. The determination and construction of rules in all civil actions shall be made by the court as a matter of law and not by the jury.

As added by P.L.31-1985, SEC.36.