



February 22, 2002

ENGROSSED HOUSE BILL No. 1062

DIGEST OF HB 1062 (Updated February 20, 2002 4:35 PM - DI 71)

Citations Affected: IC 22-12; IC 22-13; IC 22-15.

Synopsis: Fire prevention and building safety fees. Adds a member to the fire prevention and building safety commission from the masonry construction industry. Allows the fire prevention and building safety commission to adopt rules to establish fees for the issuance of various permits and licenses relating to regulated lifting devices and regulated boiler and pressure vessels. Repeals statutes that set the fees relating to: (1) permitting and inspection of regulated lifting devices; (2) permitting of an owner or user for inspections of regulated boilers and pressure vessels; (3) inspection of a regulated boiler or pressure vessel for the issuance of a permit; (4) manufacturers using the inspection services of the office of the state building commissioner; (5) a regulated boiler and pressure vessel inspector license; and (6) an owner or user boiler and pressure vessel inspection agency license.

Effective: July 1, 2002; April 1, 2003.

Tincher, Turner, Budak, Liggett

(SENATE SPONSORS — WYSS, BLADE)

January 8, 2002, read first time and referred to Committee on Ways and Means.
January 29, 2002, amended, reported — Do Pass.
February 4, 2002, read second time, ordered engrossed. Engrossed.
February 5, 2002, read third time, passed. Yeas 95, nays 2.

SENATE ACTION

February 11, 2002, read first time and referred to Committee on Public Policy.
February 21, 2002, amended, reported favorably — Do Pass.

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EH 1062—LS 6542/DI 14+



February 22, 2002

Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

ENGROSSED HOUSE BILL No. 1062

A BILL FOR AN ACT concerning labor and industrial safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-12-2-2, AS AMENDED BY P.L.1-1999,
2 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]: Sec. 2. (a) The commission consists of ~~eighteen (18)~~
4 **nineteen (19)** voting members and two (2) nonvoting members. The
5 governor shall appoint ~~sixteen (16)~~ **seventeen (17)** voting members to
6 the commission, each to serve a term of four (4) years. The state health
7 commissioner or the commissioner's designee shall serve as a voting
8 member of the commission, and the commissioner of labor or the
9 commissioner's designee shall serve as a voting member of the
10 commission. The state fire marshal and the state building commissioner
11 shall serve as nonvoting members of the commission.

12 (b) Each appointed member of the commission must have a
13 recognized interest, knowledge, and experience in the field of fire
14 prevention, fire protection, building safety, or other related matters.

15 (c) The appointed members of the commission must include the
16 following:

- 17 (1) One (1) member of a ~~professional~~, paid fire department.
18 (2) One (1) member of a volunteer fire department.

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- 1 (3) One (1) individual in the field of fire insurance.
- 2 (4) One (1) individual in the fire service industry.
- 3 (5) One (1) individual in the manufactured housing industry.
- 4 (6) One (1) individual in the field of fire protection engineering.
- 5 (7) One (1) professional engineer.
- 6 (8) One (1) building contractor.
- 7 (9) One (1) individual in the field of building one (1) and two (2)
- 8 family dwellings.
- 9 (10) One (1) registered architect.
- 10 (11) One (1) individual engaged in the design or construction of
- 11 heating, ventilating, air conditioning, or plumbing systems.
- 12 (12) One (1) individual engaged in the design or construction of
- 13 regulated lifting devices.
- 14 (13) One (1) building commissioner **or building inspector** of a
- 15 city, town, or county.
- 16 (14) One (1) individual in an industry that operates regulated
- 17 amusement devices.
- 18 (15) One (1) individual who is knowledgeable in accessibility
- 19 requirements and who has personal experience with a disability.
- 20 (16) One (1) individual who represents owners, operators, and
- 21 installers of underground and aboveground motor fuel storage
- 22 tanks and dispensing systems.
- 23 **(17) One (1) individual in the masonry trades.**
- 24 (d) Not more than ~~nine (9)~~ **ten (10)** of the appointed members of the
- 25 commission may be affiliated with the same political party.
- 26 (e) An appointed member of the commission may not serve more
- 27 than two (2) consecutive terms. However, any part of an unexpired
- 28 term served by a member filling a vacancy does not count toward this
- 29 limitation.
- 30 SECTION 2. IC 22-12-2-6 IS AMENDED TO READ AS
- 31 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) The commission
- 32 shall meet at least quarterly.
- 33 (b) A quorum of the commission consists of ten (10) voting
- 34 members. IC 4-21.5-3-3 applies to a commission action governed by
- 35 IC 4-21.5. The commission may take other actions by an affirmative
- 36 vote of:
- 37 (1) nine (9) members, if less than ~~eighteen (18)~~ **nineteen (19)**
- 38 voting members are present and voting on the action; or
- 39 (2) ten (10) members, if ~~eighteen (18)~~ **nineteen (19)** members are
- 40 present and voting on the action.
- 41 (c) In the case of a tie vote on an action of the commission, the
- 42 deciding vote shall be cast by the:

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1 (1) state fire marshal, in even-numbered years; or
 2 (2) state building commissioner, in odd-numbered years.
 3 SECTION 3. IC 22-12-6-6 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) The commission
 5 may adopt rules under IC 4-22-2 setting a fee schedule for the
 6 following:
 7 (1) Fireworks display permits issued under IC 22-11-14-2.
 8 (2) Explosives magazine permits issued under IC 22-14-4.
 9 (3) Design releases issued under IC 22-15-3.
 10 (4) Certification of industrialized building systems and mobile
 11 structures under IC 22-15-4.
 12 (5) Inspection of regulated amusement devices under IC 22-15-7.
 13 (6) Application fees for variance requests under IC 22-13-2-11
 14 and inspection fees for exemptions under IC 22-13-4-5.
 15 **(7) Permitting and inspection of regulated lifting devices**
 16 **under IC 22-15-5.**
 17 **(8) Permitting and inspection of regulated boiler and pressure**
 18 **vessels under IC 22-15-6.**
 19 **(9) Licensing of:**
 20 **(A) boiler and pressure vessel inspectors under**
 21 **IC 22-15-6-5; and**
 22 **(B) an owner or user boiler and pressure vessel inspection**
 23 **agency under IC 22-15-6-6.**
 24 (b) Fee schedules set under this section must be sufficient to pay all
 25 of the costs, direct and indirect, that are payable from the fund into
 26 which the fee must be deposited, after deducting other money deposited
 27 in the fund. In setting these fee schedules, the commission may
 28 consider differences in the degree or complexity of the activity being
 29 performed for each fee.
 30 (c) The fee schedule set for design releases issued under subsection
 31 (a)(3) may not be changed more than one (1) time each year. The
 32 commission may include in this fee schedule a fee for the review of
 33 plans and specifications and, if a political subdivision does not have a
 34 program to periodically inspect the construction covered by the design
 35 release, a fee for inspecting the construction.
 36 (d) The fee schedule set under subsection (a) for design releases
 37 may provide that a portion of the fees collected shall be deposited in
 38 the statewide fire and building safety education fund established under
 39 section 3 of this chapter.
 40 SECTION 4. IC 22-13-2-10 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE APRIL 1, 2003]: Sec. 10. (a) A county, city,
 42 or town may regulate regulated lifting devices if the unit's regulatory

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1 program is approved by the commission.

2 (b) A unit must submit its ordinances and other regulations that
3 regulate lifting devices to the commission for approval. The ordinance
4 or other regulation is not effective until it is approved by the
5 commission. If any of these ordinances or regulations conflict with the
6 commission's rules, the commission's rules supersede the local
7 ordinance or other regulation.

8 (c) A unit may issue permits only to applicants who qualify under
9 IC 22-15-5. However, the unit may specify a lesser fee than that set in
10 ~~IC 22-12-6-9~~ **under IC 22-12-6-6(a)(7)**.

11 (d) A unit must inspect regulated lifting devices with inspectors who
12 possess the qualifications necessary to be employed by the office of the
13 state building commissioner as a regulated lifting device inspector.

14 SECTION 5. IC 22-15-5-1 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE APRIL 1, 2003]: Sec. 1. (a) The office shall
16 issue a regulated lifting device installation or alteration permit to an
17 applicant who qualifies under this section.

18 (b) To qualify for a permit under this section, an applicant must:

19 (1) demonstrate through the submission of complete plans that the
20 installation or alteration covered by the application will comply
21 with all applicable equipment laws; and

22 (2) pay the fee set under ~~IC 22-12-6-9~~ **IC 22-12-6-6(a)(7)**.

23 (c) The responsibilities of the office under this section may be
24 carried out by a political subdivision that is approved by the
25 commission under IC 22-13-2-10.

26 SECTION 6. IC 22-15-5-4 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE APRIL 1, 2003]: Sec. 4. (a) The office shall
28 carry out a program for the periodic inspection of regulated lifting
29 devices being operated in Indiana. The office shall issue a regulated
30 lifting device operating permit to an applicant who qualifies under this
31 section.

32 (b) A permit issued under this section expires on the date set in the
33 rules adopted by the commission.

34 (c) To qualify for a permit under this section an applicant must:

35 (1) demonstrate through an inspection that the regulated lifting
36 device covered by the application complies with the laws
37 governing its construction, repair, maintenance, and operation;
38 and

39 (2) pay the fee set under ~~IC 22-12-6-9~~ **IC 22-12-6-6(a)(7)**.

40 (d) The office may issue a temporary operating permit to an
41 applicant under this section who does not comply with subsection
42 (c)(1). The applicant must pay the fee set under ~~IC 22-12-6-9~~

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1 **IC 22-12-6-6(a)(7)** to qualify for the temporary operating permit.
 2 Except as provided in subsection (e), the permit, including all renewal
 3 periods, is limited to sixty (60) days.

4 (e) The state building commissioner may renew a temporary
 5 operating permit issued under subsection (d) for thirty (30) day periods
 6 during the construction of a building if the regulated lifting device is
 7 used for the transportation of construction personnel, tools, and
 8 materials.

9 (f) The responsibilities of the office under this section may be
 10 carried out by a political subdivision that is approved by the
 11 commission under IC 22-13-2-10.

12 SECTION 7. IC 22-15-6-2 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE APRIL 1, 2003]: Sec. 2. (a) The office shall
 14 conduct a program of periodic inspections of regulated boilers and
 15 pressure vessels. The office or a boiler and pressure vessel inspector
 16 acting under section 4 of this chapter shall issue a regulated boiler and
 17 pressure vessel operating permit to an applicant who qualifies under
 18 this section.

19 (b) Except as provided in subsection (d), a permit issued under this
 20 section expires one (1) year after it is issued. The permit terminates if
 21 it was issued by an insurance company acting under section 4 of this
 22 chapter and the applicant ceases to insure the boiler or pressure vessel
 23 covered by the permit against loss by explosion with an insurance
 24 company authorized to do business in Indiana.

25 (c) To qualify for a permit under this section, an applicant must:

26 (1) demonstrate through an inspection that the regulated boiler or
 27 pressure vessel covered by the application complies with the rules
 28 adopted by the rules board; and

29 (2) pay the fee set under ~~IC 22-12-6-10~~ and ~~IC 22-12-6-11~~.

30 **IC 22-12-6-6(a)(8).**

31 (d) The rules board may, by rule adopted under IC 4-22-2, specify
 32 a period between inspections of more than one (1) year. However, the
 33 rules board may not set an inspection period of greater than five (5)
 34 years for regulated pressure vessels or steam generating equipment that
 35 is an integral part of a continuous processing unit.

36 (e) The office may inspect a device listed under IC 22-12-1-20(b)
 37 if the owner or operator of the device requests that the office make an
 38 inspection.

39 SECTION 8. IC 22-15-6-5 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE APRIL 1, 2003]: Sec. 5. (a) The office shall
 41 issue a boiler and pressure vessel inspector license to an applicant who
 42 qualifies under this section.



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- 1 (b) To qualify for a license under this section an applicant must:
- 2 (1) meet the qualifications set by the rules board in its rules;
- 3 (2) pass an examination approved by the rules board and
- 4 conducted, supervised, and graded as prescribed by the rules
- 5 board; and
- 6 (3) pay the fee set under ~~IC 22-12-6-13~~ **IC 22-15-6-6(a)(9)**.

7 (c) The rules board may exempt an applicant from any part of the
 8 examination required by subsection (b) if the applicant has:

- 9 (1) a boiler and pressure vessel inspector's license issued by
- 10 another state with qualifications substantially equal to the
- 11 qualifications for a license under this section; or
- 12 (2) a commission as a boiler and pressure vessel inspector issued
- 13 by the National Board of Boiler and Pressure Vessel Inspectors.

14 SECTION 9. IC 22-15-6-6 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE APRIL 1, 2003]: Sec. 6. (a) The office shall
 16 issue a license to act as an owner or user boiler and pressure vessel
 17 inspection agency who qualifies under this section.

18 (b) A license issued under this section expires if the bond required
 19 by subsection (c)(3) becomes invalid.

- 20 (c) To qualify for a license under this section an applicant must:
- 21 (1) submit the name and address of the applicant;
- 22 (2) submit proof that inspections will be supervised by one (1) or
- 23 more professional engineers licensed under IC 25-31 and
- 24 regularly employed by the applicant;
- 25 (3) provide a surety bond issued by a surety qualified to do
- 26 business in Indiana for five thousand dollars (\$5,000), made
- 27 payable to the office and conditioned upon compliance with the
- 28 equipment laws applicable to inspections and the true accounting
- 29 for all funds due to the office; and

30 (4) pay the fee set under ~~IC 22-12-6-14~~ **IC 22-12-6-6(a)(9)**.

31 (d) A licensee under this section shall maintain with the office the
 32 most current name and address of the licensee and the name of the
 33 professional engineer supervising the licensee's inspections and notify
 34 the office of any changes within thirty (30) days after the change
 35 occurs. An inspection agency that violates this subsection is subject to
 36 a disciplinary action under IC 22-12-7.

37 SECTION 10. THE FOLLOWING ARE REPEALED [EFFECTIVE
 38 APRIL 1, 2003]: IC 22-12-6-9; IC 22-12-6-10; IC 22-12-6-11;
 39 IC 22-12-6-12; IC 22-12-6-13; IC 22-12-6-14.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1062, 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:

Delete the title and insert the following:

A BILL FOR AN ACT concerning labor and industrial safety.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 22-12-2-2, AS AMENDED BY P.L.1-1999, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) The commission consists of ~~eighteen (18)~~ **nineteen (19)** voting members and two (2) nonvoting members. The governor shall appoint ~~sixteen (16)~~ **seventeen (17)** voting members to the commission, each to serve a term of four (4) years. The state health commissioner or the commissioner's designee shall serve as a voting member of the commission, and the commissioner of labor or the commissioner's designee shall serve as a voting member of the commission. The state fire marshal and the state building commissioner shall serve as nonvoting members of the commission.

(b) Each appointed member of the commission must have a recognized interest, knowledge, and experience in the field of fire prevention, fire protection, building safety, or other related matters.

(c) The appointed members of the commission must include the following:

- (1) One (1) member of a ~~professional~~, paid fire department.
- (2) One (1) member of a volunteer fire department.
- (3) One (1) individual in the field of fire insurance.
- (4) One (1) individual in the fire service industry.
- (5) One (1) individual in the manufactured housing industry.
- (6) One (1) individual in the field of fire protection engineering.
- (7) One (1) professional engineer.
- (8) One (1) building contractor.
- (9) One (1) individual in the field of building one (1) and two (2) family dwellings.
- (10) One (1) registered architect.
- (11) One (1) individual engaged in the design or construction of heating, ventilating, air conditioning, or plumbing systems.
- (12) One (1) individual engaged in the design or construction of regulated lifting devices.
- (13) One (1) building commissioner of a city, town, or county.
- (14) One (1) individual in an industry that operates regulated

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(15) One (1) individual who is knowledgeable in accessibility requirements and who has personal experience with a disability.

(16) One (1) individual who represents owners, operators, and installers of underground and aboveground motor fuel storage tanks and dispensing systems.

(17) One (1) individual in the masonry trades.

(d) Not more than ~~nine (9)~~ **ten (10)** of the appointed members of the commission may be affiliated with the same political party.

(e) An appointed member of the commission may not serve more than two (2) consecutive terms. However, any part of an unexpired term served by a member filling a vacancy does not count toward this limitation.

SECTION 2. IC 22-12-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) The commission shall meet at least quarterly.

(b) A quorum of the commission consists of ten (10) voting members. IC 4-21.5-3-3 applies to a commission action governed by IC 4-21.5. The commission may take other actions by an affirmative vote of:

(1) nine (9) members, if less than ~~eighteen (18)~~ **nineteen (19)** voting members are present and voting on the action; or

(2) ten (10) members, if ~~eighteen (18)~~ **nineteen (19)** members are present and voting on the action.

(c) In the case of a tie vote on an action of the commission, the deciding vote shall be cast by the:

(1) state fire marshal, in even-numbered years; or

(2) state building commissioner, in odd-numbered years."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1062 as introduced.)

BAUER, Chair

Committee Vote: yeas 21, nays 0.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Public Policy, to which was referred House Bill No. 1062, 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 2, line 14, after "commissioner" insert "**or building inspector**".

and when so amended that said bill do pass.

(Reference is to HB 1062 as printed January 30, 2002.)

WYSS, Chairperson

Committee Vote: Yeas 10, Nays 0.

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