



January 30, 2002

HOUSE BILL No. 1062

DIGEST OF HB 1062 (Updated January 29, 2002 1:01 PM - DI 92)

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

January 8, 2002, read first time and referred to Committee on Ways and Means.
January 29, 2002, amended, reported — Do Pass.

C
O
P
Y

HB 1062—LS 6542/DI 14+



January 30, 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.

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.

HB 1062—LS 6542/DI 14+



C
o
p
y

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

C
O
P
Y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

(2) state building commissioner, in odd-numbered years.
SECTION 3. IC 22-12-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) The commission may adopt rules under IC 4-22-2 setting a fee schedule for the following:

- (1) Fireworks display permits issued under IC 22-11-14-2.
- (2) Explosives magazine permits issued under IC 22-14-4.
- (3) Design releases issued under IC 22-15-3.
- (4) Certification of industrialized building systems and mobile structures under IC 22-15-4.
- (5) Inspection of regulated amusement devices under IC 22-15-7.
- (6) Application fees for variance requests under IC 22-13-2-11 and inspection fees for exemptions under IC 22-13-4-5.
- (7) Permitting and inspection of regulated lifting devices under IC 22-15-5.**
- (8) Permitting and inspection of regulated boiler and pressure vessels under IC 22-15-6.**
- (9) Licensing of:**
 - (A) boiler and pressure vessel inspectors under IC 22-15-6-5; and**
 - (B) an owner or user boiler and pressure vessel inspection agency under IC 22-15-6-6.**

(b) Fee schedules set under this section must be sufficient to pay all of the costs, direct and indirect, that are payable from the fund into which the fee must be deposited, after deducting other money deposited in the fund. In setting these fee schedules, the commission may consider differences in the degree or complexity of the activity being performed for each fee.

(c) The fee schedule set for design releases issued under subsection (a)(3) may not be changed more than one (1) time each year. The commission may include in this fee schedule a fee for the review of plans and specifications and, if a political subdivision does not have a program to periodically inspect the construction covered by the design release, a fee for inspecting the construction.

(d) The fee schedule set under subsection (a) for design releases may provide that a portion of the fees collected shall be deposited in the statewide fire and building safety education fund established under section 3 of this chapter.

SECTION 4. IC 22-13-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2003]: Sec. 10. (a) A county, city, or town may regulate regulated lifting devices if the unit's regulatory program is approved by the commission.

C
O
P
Y



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

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

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

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

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

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

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

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

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

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

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

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

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

39 (d) The office may issue a temporary operating permit to an
 40 applicant under this section who does not comply with subsection
 41 (c)(1). The applicant must pay the fee set under ~~IC 22-12-6-9~~
 42 **IC 22-12-6-6(a)(7)** to qualify for the temporary operating permit.

C
o
p
y



1 Except as provided in subsection (e), the permit, including all renewal
2 periods, is limited to sixty (60) days.

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

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

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

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

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

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

28 (2) pay the fee set under ~~IC 22-12-6-10~~ and ~~IC 22-12-6-11~~.
29 **IC 22-12-6-6(a)(8).**

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

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

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

42 (b) To qualify for a license under this section an applicant must:

C
o
p
y



1 (1) meet the qualifications set by the rules board in its rules;
 2 (2) pass an examination approved by the rules board and
 3 conducted, supervised, and graded as prescribed by the rules
 4 board; and
 5 (3) pay the fee set under ~~IC 22-12-6-13~~. **IC 22-15-6-6(a)(9)**.
 6 (c) The rules board may exempt an applicant from any part of the
 7 examination required by subsection (b) if the applicant has:
 8 (1) a boiler and pressure vessel inspector's license issued by
 9 another state with qualifications substantially equal to the
 10 qualifications for a license under this section; or
 11 (2) a commission as a boiler and pressure vessel inspector issued
 12 by the National Board of Boiler and Pressure Vessel Inspectors.
 13 SECTION 9. IC 22-15-6-6 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE APRIL 1, 2003]: Sec. 6. (a) The office shall
 15 issue a license to act as an owner or user boiler and pressure vessel
 16 inspection agency who qualifies under this section.
 17 (b) A license issued under this section expires if the bond required
 18 by subsection (c)(3) becomes invalid.
 19 (c) To qualify for a license under this section an applicant must:
 20 (1) submit the name and address of the applicant;
 21 (2) submit proof that inspections will be supervised by one (1) or
 22 more professional engineers licensed under IC 25-31 and
 23 regularly employed by the applicant;
 24 (3) provide a surety bond issued by a surety qualified to do
 25 business in Indiana for five thousand dollars (\$5,000), made
 26 payable to the office and conditioned upon compliance with the
 27 equipment laws applicable to inspections and the true accounting
 28 for all funds due to the office; and
 29 (4) pay the fee set under ~~IC 22-12-6-14~~. **IC 22-12-6-6(a)(9)**.
 30 (d) A licensee under this section shall maintain with the office the
 31 most current name and address of the licensee and the name of the
 32 professional engineer supervising the licensee's inspections and notify
 33 the office of any changes within thirty (30) days after the change
 34 occurs. An inspection agency that violates this subsection is subject to
 35 a disciplinary action under IC 22-12-7.
 36 SECTION 10. THE FOLLOWING ARE REPEALED [EFFECTIVE
 37 APRIL 1, 2003]: IC 22-12-6-9; IC 22-12-6-10; IC 22-12-6-11;
 38 IC 22-12-6-12; IC 22-12-6-13; IC 22-12-6-14.

C
o
p
y



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

HB 1062—LS 6542/DI 14+



C
O
P
Y

amusement devices.

(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.

C
O
P
Y

