



February 18, 2011

HOUSE BILL No. 1384

DIGEST OF HB 1384 (Updated February 16, 2011 4:26 pm - DI 69)

Citations Affected: IC 13-11; IC 13-18; IC 25-28.5.

Synopsis: Plumbing matters. Requires the water pollution control board to adopt rules establishing testing requirements and procedures for backflow prevention devices contained in a customer service line. Requires continuing professional education for an Indiana registered cross-connection control inspector. Requires continuing professional education for journeyman plumbers. Establishes the cross-connection control inspector continuing education fund. Provides that the fund may be used to: (1) administer the cross-connection control inspector continuing education program; (2) provide registration cards to an Indiana registered cross-connection control inspector; and (3) maintain and update an Indiana registered cross-connection control inspector database. Provides that the water pollution control board may establish registration fees in an amount not to exceed: (1) \$50 for a new cross-connection control inspector; and (2) \$30 for a renewal cross-connection control inspector. Provides that the amount may not be more than is reasonably necessary to generate revenue sufficient to offset the costs incurred by the Indiana department of environmental management. Requires the water pollution control board to establish rules to require a cross-connection control inspector to indicate as to whether a commercial or residential, excluding agricultural, water distribution system contains moisture sensing technology by providing verification on the cross-connection control inspector's inspection report. Allows a plumber to renew a journeyman plumber's license by verifying compliance with professional education requirements on the license renewal application or by providing course documentation.

Effective: July 1, 2011.

Niezgodski, Stemler, Wolkins, Neese

January 18, 2011, read first time and referred to Committee on Environmental Affairs.
February 17, 2011, amended, reported — Do Pass. Recommitted to Committee on Ways and Means.

HB 1384—LS 6853/DI 116+



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February 18, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1384



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:

1 SECTION 1. IC 13-11-2-16.7 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2011]: **Sec. 16.7. "Backflow", for purposes**
4 **of IC 13-18-3, means the flow of any foreign liquid, gas, or**
5 **substance into the distributing pipelines of a potable supply of**
6 **water.**

7 SECTION 2. IC 13-11-2-48.5 IS ADDED TO THE INDIANA
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2011]: **Sec. 48.5. "Cross-connection", for**
10 **purposes of IC 13-18-3, means any physical arrangement,**
11 **including cross-connection control devices not in working order,**
12 **whereby a water supply distribution system is directly connected,**
13 **either continuously or intermittently, with any secondary source of**
14 **supply, sewer, drain, conduit, pool, piping, storage reservoir,**
15 **plumbing fixture, or other device that contains, or may contain,**
16 **and is capable of imparting to the water supply, contaminants,**
17 **contaminated water, sewage, or other waste or liquid of unknown**

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or unsafe quality.

SECTION 3. IC 13-11-2-48.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 48.7. "Cross-connection control inspector continuing education fund" refers to the fund established in IC 13-18-3-17.**

SECTION 4. IC 13-11-2-139.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 139.5. "New cross-connection control inspector", for purposes of IC 13-18-3, means a person who registers with the commissioner to be listed on the Indiana Registered Cross Connection Control Device Inspectors, All Inspectors list maintained by the commissioner under IAC 327 8-10-11 and has not been listed on the Indiana Registered Cross Connection Control Device Inspectors, All Inspectors list for a period of six (6) months prior to the person submitting an application to be placed on the list.**

SECTION 5. IC 13-11-2-188.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 188.5. "Renewal cross-connection control inspector", for purposes of IC 13-18-3, means a person who renews a registration with the commissioner to be listed on the Indiana Registered Cross Connection Control Device Inspectors, All Inspectors list maintained by the commissioner under IAC 327 8-10-11 and has been listed on the Indiana Registered Cross Connection Control Device Inspectors, All Inspectors list during the previous six (6) months prior to the person submitting an application to remain on the list.**

SECTION 6. IC 13-18-3-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 15. The water pollution control board shall adopt rules under IC 4-22-2 to establish testing requirements and procedures for backflow prevention devices contained in a pipeline from the public water supply to the:**

- (1) first tap, fixture, receptacle, or other point of customer water use; or**
- (2) secondary source of supply or pipeline branch in a building.**

SECTION 7. IC 13-18-3-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 16. (a) The commissioner shall recognize, approve, and administer continuing professional education programs for**

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1 persons who are registered as Indiana registered cross-connection
2 control inspectors under 327 IAC 8-10-11 (as in effect January 1,
3 2011).

4 (b) A person who is registered as an Indiana registered
5 cross-connection control inspector under 327 IAC 8-10-11 (as in
6 effect January 1, 2011) must complete at least two (2) hours of
7 continuing professional education every two (2) years. The two (2)
8 hours of education must be in the subjects of:

- 9 (1) health protection issues or code requirements relating to
- 10 the use of backflow devices; or
- 11 (2) installation, repair, maintenance, or inspection of backflow
- 12 prevention devices.

13 For credit to be given, a course must be approved by the
14 commissioner.

15 (c) Instruction under subsection (b) may include:

- 16 (1) cross-connection identification, degree of hazard,
- 17 prevention, control devices, and practices;
- 18 (2) cross-connection assembly field test procedures and gauge
- 19 accuracy verification; and
- 20 (3) cross-connection inspection, repair, and maintenance.

21 (d) The water pollution control board shall adopt rules under
22 IC 4-22-2 to establish the criteria for the continuing professional
23 education. Courses may have commercial sponsors; however, a
24 course may not include promotion of products or services of any
25 particular firm or manufacturer.

26 (e) A person may receive credit for participating in a continuing
27 professional education program or course only if the program or
28 course meets the requirements of subsections (b) and (c).

29 (f) The water pollution control board may, by rule, exempt
30 certain persons from the requirements of this section if the water
31 pollution control board determines that the exemption is in the
32 public interest.

33 (g) The commissioner shall revoke the registration number of an
34 Indiana registered cross-connection control inspector issued under
35 327 IAC 8-10-11 (as in effect January 1, 2011) unless the person
36 shows compliance with this section by providing the department
37 documentation of course attendance, course name, course number,
38 content, and teacher. Falsification or misstatement of continuing
39 professional education information is grounds to revoke a
40 registration number of an Indiana registered cross-connection
41 control inspector.

42 SECTION 8. IC 13-18-3-17 IS ADDED TO THE INDIANA CODE

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1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2011]: **Sec. 17. (a) The cross-connection control inspector
3 continuing education fund is established to fund the administration
4 of cross-connection continuing professional education described in
5 section 16 of this chapter.**

6 **(b) The cross-connection control inspector continuing education
7 fund is administered by the commissioner.**

8 **(c) Money in the cross-connection control inspector continuing
9 education fund may be used to:**

10 **(1) administer the cross-connection control inspector
11 continuing education program established by section 16 of
12 this chapter;**

13 **(2) provide registration cards to an Indiana registered
14 cross-connection control inspector; and**

15 **(3) maintain and update an Indiana registered
16 cross-connection control inspector database.**

17 **(d) The cross-connection control inspector continuing education
18 fund consists of the following:**

19 **(1) Fees paid under this section.**

20 **(2) Appropriations made by the general assembly.**

21 **(3) Money transferred to the fund from other funds.**

22 **(4) Money from any other source authorized or appropriated
23 for the fund.**

24 **(e) Subject to subsection (f), a person may not be listed on the
25 Indiana Registered Cross Connection Control Device Inspectors,
26 All Inspectors list maintained by the commissioner under IAC 327
27 8-10-1 (as in effect January 1, 2011), without paying a fee
28 established by the water pollution control board in an amount not
29 to exceed:**

30 **(1) fifty dollars (\$50) for a new cross-connection control
31 inspector; and**

32 **(2) thirty dollars (\$30) for a renewal cross-connection control
33 inspector.**

34 **(f) The amount of the fee may not be more than is reasonably
35 necessary to generate revenue sufficient to offset the costs incurred
36 by the department under subsection (c).**

37 SECTION 9. IC 13-18-3-18 IS ADDED TO THE INDIANA CODE
38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
39 1, 2011]: **Sec. 18. The water pollution control board shall adopt
40 rules under IC 4-22-2 to require:**

41 **(1) an Indiana registered cross-connection control inspector
42 to indicate as to whether a commercial or residential,**

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- 1 excluding agricultural, water distribution system contains
- 2 moisture sensing technology by providing verification on the
- 3 cross-control inspection report; and
- 4 **(2) the commissioner to compile the information described in**
- 5 **subdivision (1).**

6 SECTION 10. IC 25-28.5-1-21.1 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2011]: **Sec. 21.1. (a) The commission shall**
 9 **recognize, approve, and administer continuing professional**
 10 **education programs for persons who hold licenses as journeyman**
 11 **plumbers under this article.**

12 **(b) A person who holds a journeyman plumber license under**
 13 **this article must complete at least two (2) hours of continuing**
 14 **professional education every two (2) years. The two (2) hours must**
 15 **be in the subjects of health protection, energy conservation, job**
 16 **safety, code requirements, and water conservation. For credit to be**
 17 **given, a course must be approved by the commission and be**
 18 **consistent with instruction areas related to plumbing, heating, air**
 19 **conditioning, fire sprinkler contracting, or inspecting. Instruction**
 20 **may include:**

- 21 **(1) the technical and practical aspects of the analysis of plans**
- 22 **and specifications;**
- 23 **(2) estimating costs;**
- 24 **(3) fundamentals of installation and design, equipment, duct**
- 25 **and pipe sealing, and National Fire Prevention Association**
- 26 **(NFPA) code requirements;**
- 27 **(4) fire hazards; and**
- 28 **(5) other subjects relating to:**
 - 29 **(A) engaging in business as a plumbing, heating, fuel**
 - 30 **pipng, or fire sprinkler contractor; or**
 - 31 **(B) fire sprinkler systems, plumbing, or heating.**

32 **Courses may also include business ethics, taxation, payroll, cash**
 33 **management, bid and contract preparation, customer relations, or**
 34 **similar subjects related to plumbing or heating contracting.**

35 **(c) The commission shall adopt rules under IC 4-22-2 to**
 36 **establish the criteria for the continuing professional education.**
 37 **Courses may have commercial sponsors. However, a course may**
 38 **not include promotion of products or services of any particular**
 39 **firm or manufacturer. Correspondence courses, home study, and**
 40 **license examination preparation are encouraged.**

41 **(d) A person may receive credit for participating in a continuing**
 42 **professional education program or course only if the program or**

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1 course is provided:
2 (1) by an individual, business, or association approved by the
3 commission; and
4 (2) according to criteria adopted by the commission.
5 (e) The commission may, by rule, exempt certain persons from
6 the requirements of this section if the commission determines that
7 the exemption is in the public interest.
8 (f) A license under this article may not be renewed unless the
9 applicant for renewal shows compliance with this section by
10 verifying compliance on the license renewal application or by
11 providing the commission documentation of course attendance,
12 course name, course number, content, and teacher. Falsification or
13 misstatement of continuing professional education information is
14 grounds for failure to renew a license and disciplinary action,
15 including revocation or suspension of a license.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1384, 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:

Page 1, line 4, delete "IC 13-18-3-15" and insert "**IC 13-18-3**".

Page 1, line 10, delete "IC 13-18-3-16" and insert "**IC 13-18-3**".

Page, 2, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 3. IC 13-11-2-48.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 48.7. "Cross-connection control inspector continuing education fund" refers to the fund established in IC 13-18-3-17.**

SECTION 4. IC 13-11-2-139.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 139.5. "New cross-connection control inspector", for purposes of IC 13-18-3, means a person who registers with the commissioner to be listed on the Indiana Registered Cross Connection Control Device Inspectors, All Inspectors list maintained by the commissioner under IAC 327 8-10-11 and has not been listed on the Indiana Registered Cross Connection Control Device Inspectors, All Inspectors list for a period of six (6) months prior to the person submitting an application to be placed on the list.**

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Page 3, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 8. IC 13-18-3-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 17. (a) The cross-connection control inspector continuing education fund is established to fund the administration of cross-connection continuing professional education described in section 16 of this chapter.**

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(b) The cross-connection control inspector continuing education fund is administered by the commissioner.

(c) Money in the cross-connection control inspector continuing education fund may be used to:

- (1) administer the cross-connection control inspector continuing education program established by section 16 of this chapter;**
- (2) provide registration cards to an Indiana registered cross-connection control inspector; and**
- (3) maintain and update an Indiana registered cross-connection control inspector database.**

(d) The cross-connection control inspector continuing education fund consists of the following:

- (1) Fees paid under this section.**
- (2) Appropriations made by the general assembly.**
- (3) Money transferred to the fund from other funds.**
- (4) Money from any other source authorized or appropriated for the fund.**

(e) Subject to subsection (f), a person may not be listed on the Indiana Registered Cross Connection Control Device Inspectors, All Inspectors list maintained by the commissioner under IAC 327 8-10-1 (as in effect January 1, 2011), without paying a fee established by the water pollution control board in an amount not to exceed:

- (1) fifty dollars (\$50) for a new cross-connection control inspector; and**
- (2) thirty dollars (\$30) for a renewal cross-connection control inspector.**

(f) The amount of the fee may not be more than is reasonably necessary to generate revenue sufficient to offset the costs incurred by the department under subsection (c).

SECTION 8. IC 13-18-3-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 18. The water pollution control board shall adopt rules under IC 4-22-2 to require:

- (1) an Indiana registered cross-connection control inspector to indicate as to whether a commercial or residential, excluding agricultural, water distribution system contains moisture sensing technology by providing verification on the cross-control inspection report; and**
- (2) the commissioner to compile the information described in subdivision (1)."**

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Page 4, line 18, after "by" insert "**verifying compliance on the license renewal application or by**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1384 as introduced.)

WOLKINS, Chair

Committee Vote: yeas 11, nays 1.

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