
HOUSE BILL No. 1096

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2; IC 13-18-3; IC 25-28.5-1-21.1.

Synopsis: Plumbing matters. Requires the water pollution control board to adopt rules establishing procedures for keeping testing and maintenance records of backflow prevention devices in a customer water system. Requires continuing professional education for an Indiana registered cross-connection control device inspector. Requires continuing professional education for journeyman plumbers. Establishes the cross-connection control device inspector continuing education fund. Provides that the water pollution control board may establish registration fees in an amount that is reasonably necessary to generate revenue sufficient to offset costs. Requires the water pollution control board to establish rules to require a cross-connection control device inspector to indicate in its report whether a commercial or residential water distribution system contains moisture sensing technology. Allows an individual to renew a cross-connection control device inspector's or journeyman plumber's license by verifying compliance with certain professional education requirements.

Effective: July 1, 2012.

Niezgodski, Stemler

January 9, 2012, read first time and referred to Committee on Employment, Labor and Pensions.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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HOUSE BILL No. 1096



A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

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

1 SECTION 1. IC 13-11-2-16.9 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2012]: **Sec. 16.9. "Backflow", for purposes**
4 **of IC 13-18-3, means the flow of contaminants into the public water**
5 **supply distribution system from a source other than the public**
6 **water supply.**

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, 2012]: **Sec. 48.5. "Cross-connection", for**
10 **purposes of IC 13-18-3, means any physical arrangement,**
11 **including devices not in working order, whereby a water supply**
12 **distribution system is directly connected, either continuously or**
13 **intermittently, with any:**

- 14 (1) secondary source of supply;
- 15 (2) sewer;
- 16 (3) drain;
- 17 (4) conduit;



1 (5) pool;
2 (6) piping;
3 (7) storage reservoir;
4 (8) plumbing fixture; or
5 (9) other device;
6 that contains, or may contain, and is capable of imparting to the
7 water supply contaminants, contaminated water, sewage, or other
8 waste or liquid of unknown or unsafe quality.
9 SECTION 3. IC 13-11-2-48.7 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2012]: **Sec. 48.7. "Cross-connection control
12 device inspector continuing education fund"**, for purposes of
13 **IC 13-18-3, refers to the fund established in IC 13-18-3-18.**
14 SECTION 4. IC 13-18-3-16 IS ADDED TO THE INDIANA CODE
15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
16 1, 2012]: **Sec. 16. (a) This section applies to premises, other than a
17 private residential dwelling with fewer than four (4) dwelling units,
18 owned by a person who receives water from a public supply.**
19 **(b) For the purposes of this chapter, "customer water system"**
20 **means all piping, fixtures, appurtenances, and secondary sources**
21 **of supply used to convey water on the premises of a person who**
22 **receives water from a public supply.**
23 **(c) The water pollution control board shall adopt rules under**
24 **IC 4-22-2 to establish procedures for keeping testing and**
25 **maintenance records of backflow prevention devices in a customer**
26 **water system.**
27 SECTION 5. IC 13-18-3-17 IS ADDED TO THE INDIANA CODE
28 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
29 1, 2012]: **Sec. 17. (a) The commissioner shall recognize, approve,
30 and administer a continuing professional education program for**
31 **persons who are registered cross-connection control device**
32 **inspectors under 327 IAC 8-10-11 (as in effect January 1, 2012).**
33 **(b) A person who is registered as a cross-connection control**
34 **device inspector under 327 IAC 8-10-11 (as in effect January 1,**
35 **2012) must complete at least two (2) hours of continuing**
36 **professional education every two (2) years. The two (2) hours of**
37 **education must be in the subjects of:**
38 **(1) health protection issues or code requirements relating to**
39 **the use of backflow prevention devices; or**
40 **(2) installation, repair, maintenance, or inspection of backflow**
41 **prevention devices.**
42 **(c) Subjects of instruction under subsection (b) may include:**

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1 (1) cross-connection identification, degree of hazard,
2 prevention, control devices, and practices;

3 (2) cross-connection assembly field test procedures and gauge
4 accuracy verification; and

5 (3) cross-connection inspection, repair, and maintenance.

6 (d) A person may receive credit for participating in a continuing
7 professional education program or course under this section only
8 if the program or course:

9 (1) meets the requirements of subsections (b) and (c); and

10 (2) is approved by the commissioner.

11 (e) The water pollution control board shall adopt rules under
12 IC 4-22-2 to establish the criteria for the continuing professional
13 education. The rules may allow courses to have commercial
14 sponsors but may not allow courses to include promotion of
15 products or services of any particular firm or manufacturer.

16 (f) The water pollution control board may exempt by rule
17 certain persons from the requirements of this section if the water
18 pollution control board determines that the exemption is in the
19 public interest.

20 (g) The commissioner shall revoke the registration of a
21 registered cross-connection control device inspector issued under
22 327 IAC 8-10-11 (as in effect January 1, 2012) if the person does
23 not demonstrate compliance with this section by providing the
24 department documentation of the person's attendance at courses
25 required under this section, including the name, number, content,
26 and teacher of each course. Falsification or misstatement of
27 information required to be documented under this subsection is
28 grounds for revocation of the registration as a cross-connection
29 control device inspector.

30 SECTION 6. IC 13-18-3-18 IS ADDED TO THE INDIANA CODE
31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
32 1, 2012]: Sec. 18. (a) The cross-connection control device inspector
33 continuing education fund is established to fund the administration
34 of cross-connection continuing professional education described in
35 section 17 of this chapter.

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

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

40 (1) administer the cross-connection control device inspector
41 continuing education program established by section 17 of
42 this chapter;

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1 (2) provide registration cards to Indiana registered
2 cross-connection control device inspectors; and

3 (3) maintain and update an Indiana registered
4 cross-connection control device inspector data base.

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

7 (1) Fees paid under this section.

8 (2) Appropriations made by the general assembly.

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

10 (4) Money from any other source authorized or appropriated
11 for the fund.

12 (e) Subject to subsection (f), a person registered as a
13 cross-connection control device inspector under 327 IAC 8-10-11
14 may not be included on the Indiana Registered Cross-Connection
15 Control Device Inspectors, All Inspectors list maintained by the
16 commissioner under 327 IAC 8-10-11 (as in effect January 1, 2012)
17 without paying a fee established by the water pollution control
18 board in an amount not to exceed:

19 (1) fifty dollars (\$50) for a person who was not included on the
20 list during the six (6) months preceding the person's
21 registration; and

22 (2) thirty dollars (\$30) for a person who was included on the
23 list during the six (6) months preceding the person's
24 registration.

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

28 SECTION 7. IC 13-18-3-19 IS ADDED TO THE INDIANA CODE
29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
30 1, 2012]: **Sec. 19.** The water pollution control board shall adopt
31 rules under IC 4-22-2 to require:

32 (1) an Indiana registered cross-connection control device
33 inspector to indicate in its inspection report whether a
34 commercial or residential water distribution system, other
35 than an agricultural water distribution system, contains
36 moisture sensing technology; and

37 (2) the commissioner to compile the information described in
38 subdivision (1).

39 SECTION 8. IC 25-28.5-1-21.1 IS ADDED TO THE INDIANA
40 CODE AS A NEW SECTION TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2012]: **Sec. 21.1. (a)** The commission shall
42 recognize, approve, and administer a continuing professional

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1 education program for persons who hold licenses as journeyman
2 plumbers under this article.

3 (b) A person who holds a journeyman plumber license under
4 this article must complete at least two (2) hours of continuing
5 professional education every two (2) years. The two (2) hours must
6 be in the subjects of health protection, energy conservation, job
7 safety, code requirements, and water conservation. For credit to be
8 given, a course must be approved by the commission and be
9 consistent with instruction areas related to plumbing, heating, air
10 conditioning, fire sprinkler contracting, or inspecting. Subjects of
11 the instruction may include:

12 (1) the technical and practical aspects of the analysis of plans
13 and specifications;

14 (2) estimating costs;

15 (3) fundamentals of installation and design, equipment, duct
16 and pipe sealing, and National Fire Prevention Association
17 (NFPA) code requirements;

18 (4) fire hazards; and

19 (5) other subjects related to plumbing or heating contracting,
20 including:

21 (A) engaging in business as a plumbing, heating, fuel
22 piping, or fire sprinkler contractor;

23 (B) fire sprinkler systems, plumbing, or heating;

24 (C) business ethics;

25 (D) taxation;

26 (E) payroll;

27 (F) cash management;

28 (G) bid and contract preparation; or

29 (H) customer relations.

30 (c) The commission shall adopt rules under IC 4-22-2 to
31 establish criteria for continuing professional education under this
32 section. The rules:

33 (1) may allow courses to have commercial sponsors;

34 (2) may not allow courses to include promotion of products or
35 services of any particular firm or manufacturer; and

36 (3) may allow courses to be conducted by correspondence or
37 home study.

38 (d) A person may receive credit for participating in a continuing
39 professional education program or course only if the program or
40 course is provided:

41 (1) by an individual, business, or association approved by the
42 commission; and

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1 **(2) according to criteria adopted by the commission.**
2 **(e) The commission may exempt by rule certain persons from**
3 **the requirements of this section if the commission determines that**
4 **the exemption is in the public interest.**
5 **(f) A license under this article may not be renewed unless the**
6 **applicant for renewal shows compliance with this section by**
7 **verifying compliance on the license renewal application or by**
8 **providing the commission documentation of the applicant's**
9 **attendance at courses required under this section, including the**
10 **name, number, content, and teacher of each course. Falsification**
11 **or misstatement of information required to be documented under**
12 **this subsection is grounds to deny renewal of a license and for**
13 **disciplinary action, including revocation or suspension of a license.**

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