January 27, 2012

SENATE BILL No. 260

DIGEST OF SB 260 (Updated January 25, 2012 4:13 pm - DI 110)

Citations Affected: IC 22-12; IC 22-14; IC 22-15.

Synopsis: Firefighter training and elevator mechanics. Repeals the statewide arson investigation financial assistance fund and transfers the money to the regional public safety training fund. Specifies that the board of firefighting personnel standards and education may adopt by reference the National Fire Protection Association code. Establishes requirements for elevator mechanic licenses issued after June 30, 2012. Amends expiration dates for elevator mechanic licenses.

Effective: July 1, 2012.

Alting, Arnold

January 4, 2012, read first time and referred to Committee on Public Policy.
January 26, 2012, amended, reported favorably — Do Pass.

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January 27, 2012

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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SENATE BILL No. 260

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

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

SECTION 1. IC 22-12-6-2 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 2. (a) The statewide arson investigation financial assistance fund is established to provide resources to:~~

~~(1) prosecuting attorneys;~~

~~(2) local police departments;~~

~~(3) the state police department;~~

~~(4) arson task forces;~~

~~(5) fire departments that have arson investigating teams or arson task forces; and~~

~~(6) the division of fire and building safety established by IC 10-19-7-1 for purposes of fire investigation.~~

~~(b) The department shall administer the fund.~~

~~(c) The fund consists of money deposited in the fund by the executive director of the department. The department, the state fire marshal, and the division of fire and building safety may accept gifts and grants from any source to be deposited in the fund and to be used for the purposes of this section.~~

~~(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.~~

SECTION 2. IC 22-12-6-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2.1. (a) On July 1, 2012, all money in the statewide arson investigation financial assistance fund established by section 2 of this chapter (before its repeal, effective July 1, 2012) is transferred to the regional public safety training fund established by IC 10-15-3-12.**

(b) This section expires January 1, 2013.

SECTION 3. IC 22-14-2-7, AS AMENDED BY P.L.2-2007, SECTION 308, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) This section does not limit the powers, rights, duties, and other responsibilities of municipal or county governments or impose requirements affecting pension laws or any other laws.

(b) This section does not require a member of a fire department to be certified.

(c) The education board may:

(1) certify firefighting training and education programs that meet the standards set by the education board;

(2) certify fire department instructors who meet the qualifications set by the education board;

(3) direct research in the field of firefighting and fire prevention and accept gifts and grants to direct this research;

(4) recommend curricula for advanced training courses and seminars in fire science or fire engineering training to public and private postsecondary educational institutions;

(5) certify fire service personnel and nonfire service personnel who meet the qualifications set by the education board;

(6) require fire service personnel certified at any level to fulfill continuing education requirements in order to maintain certification;

(7) contract or cooperate with any person and adopt rules under IC 4-22-2 to carry out ~~its~~ **the education board's** responsibilities under this section; or

(8) grant a variance to a rule the education board has adopted.

Rules described in subdivision (7) include emergency rules adopted under IC 4-22-2-37.1 to adopt by reference all or part of the applicable codes or standards of the National Fire Protection Association.

(d) The education board may impose a reasonable fee for the

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issuance of a certification described in subsection (c). The board shall deposit the fee in the fire and building services fund established by IC 22-12-6-1.

SECTION 4. IC 22-15-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) ~~After May 1, 2003,~~ An individual may not act as an elevator mechanic unless the individual holds an elevator mechanic license issued under this chapter. A license is not required for an elevator apprentice.

(b) An individual who ~~is an applicant~~ **applies** for an elevator mechanic license **before July 1, 2012,** must meet one (1) of the following eligibility criteria:

(1) Hold an active elevator mechanic license issued by a state that has a licensing program that is at least equivalent to the elevator mechanic licensing program established under this chapter.

(2) Satisfy both of the following:

(A) Have at least one (1) of the following types of work experience or training:

(i) Have at least three (3) years of documented work experience in the elevator industry in construction, maintenance, and service or repair.

(ii) Have at least eighteen (18) months experience in the elevator industry in construction, maintenance, and service or repair and have at least three (3) years experience in a related field that is certified by a licensed elevator contractor.

(iii) Complete an apprenticeship program that is registered with the Bureau of Apprenticeship and Training of the United States Department of Labor or a state apprenticeship program and that the commission determines is at least equivalent to three (3) years of work experience in the elevator industry in construction, maintenance, and service or repair.

(B) Successfully complete a written competency examination approved by the commission.

(3) Successfully complete an elevator mechanic's program that consists of a combination of extensive training and a comprehensive examination that the commission has determined is at least equivalent to both the work experience required under subdivision (2)(A)(i) and the competency examination established under subdivision (2)(B).

(4) Furnish acceptable proof to the department of:

(A) at least three (3) years work experience in the elevator

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industry in construction, maintenance, service or repair; and

(B) current performance of the duties of an elevator mechanic in Indiana without direct supervision.

~~and apply for the license on or before May 1, 2003.~~

(c) An individual who applies for an initial elevator mechanic license after June 30, 2012, must meet one (1) of the following eligibility criteria:

(1) Hold an active elevator mechanic license issued by a state that has a licensing program that is at least equivalent to the elevator mechanic licensing program established under this chapter.

(2) Successfully complete one (1) of the following formal four (4) year educational programs registered with the United States Department of Labor, Bureau of Apprenticeship and Training, including all required work experience and examinations, designed specifically for the elevator industry:

(A) The National Elevator Industry Educational Program.

(B) The Certified Elevator Technician (CET) Educational Certification Program developed by the National Association of Elevator Contractors.

~~(c)~~ **(d)** An applicant for an initial elevator mechanic license must do the following:

(1) Submit to the department an application provided by the department that contains the following information:

(A) The name, business address, telephone number, and electronic mail address of the applicant.

(B) Any other information the department requires.

(2) Submit to the department any proof of eligibility the department requires.

(3) Pay the nonrefundable and nontransferable license fee established under IC 22-12-6-6.

(4) Affirm under penalty of perjury that all information provided to the department is true to the best of the applicant's knowledge and belief.

~~(d)~~ **(e)** An applicant for a renewal elevator mechanic license must do the following:

(1) Submit to the department an application provided by the department that contains the following information:

(A) The name, business address, telephone number, and electronic mail address of the applicant.

(B) Any other information the department requires.

(2) Submit proof of completion of the continuing education

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required by section 15 of this chapter.

(3) Pay the nonrefundable and nontransferable license fee established under IC 22-12-6-6.

(4) Affirm under penalty of perjury that all information provided to the department is true to the best of the applicant's knowledge and belief.

~~(e)~~ **(f)** An ~~initial~~ elevator mechanic license ~~issued under this chapter~~ expires ~~on December 31 of the second year after the license was issued.~~ **as follows:**

(1) For a license that was issued or renewed before July 1, 2012, on the second birthday of the licensee following the date on which the license was issued or renewed.

(2) For a license that was issued or renewed after June 30, 2012, on the birthday of the licensee in the year following the date on which the license was issued or renewed.

~~(f) A renewal of an elevator mechanic license is valid for two (2) years.~~

(g) An individual engaged in the business of an elevator mechanic shall carry the individual's license and present the license for inspection by a representative of the department upon request.

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COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 260, 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 7, delete "are" and insert "**is**".

Page 4, line 13, delete "programs," and insert "**programs registered with the United States Department of Labor, Bureau of Apprenticeship and Training,**".

Page 4, line 13, delete "any" and insert "**all**".

Page 4, line 13, after "required" insert "**work experience and**".

and when so amended that said bill do pass.

(Reference is to SB 260 as introduced.)

ALTING, Chairperson

Committee Vote: Yeas 10, Nays 0.

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