



January 25, 2013

SENATE BILL No. 258

DIGEST OF SB 258 (Updated January 22, 2013 12:03 pm - DI 103)

Citations Affected: IC 10-19; IC 22-12; IC 22-13.

Synopsis: Outdoor event equipment. Changes references to "outdoor stage equipment" to "outdoor event equipment". Makes permanent temporary statutes that authorize the fire prevention and building safety commission (commission) to adopt rules to regulate as a Class 1 structure outdoor event equipment used in connection with an outdoor performance. (Under current law, the statutes expire on January 1, 2014.) Provides that temporary rules adopted by the commission governing outdoor event equipment at outdoor performances expire on or before January 1, 2016. (Under current law, the rules expire on or before January 1, 2014.) Provides that the executive director of the Indiana department of homeland security may adopt rules governing emergency action plans or emergency response plans for outdoor performances where outdoor event equipment is used. (The introduced version of this bill was prepared by the outdoor stage equipment safety committee.)

Effective: Upon passage.

Merritt, Wyss, Lanane

January 8, 2013, read first time and referred to Committee on Homeland Security, Transportation and Veterans Affairs.
January 24, 2013, reported favorably — Do Pass.

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SB 258—LS 6156/DI 87+



January 25, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

SENATE BILL No. 258

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:

- 1 SECTION 1. IC 10-19-3-7, AS ADDED BY P.L.22-2005,
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 7. (a) Except as provided in this section, for
4 purposes of IC 4-22-2, the executive director is the authority that
5 adopts rules for the department.
6 (b) The Indiana emergency medical services commission is the
7 authority that adopts rules under IC 16-31.
8 (c) Except as provided in subsection (e) or (f), the fire prevention
9 and building safety commission is the authority that adopts rules under
10 any of the following:
11 (1) IC 22-11.
12 (2) IC 22-12.
13 (3) IC 22-13.
14 (4) IC 22-14.
15 (5) IC 22-15.
16 (d) The board of firefighting personnel standards and education is
17 the authority that adopts rules under IC 22-14-2-7(c)(7) and

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- 1 IC 36-8-10.5.
- 2 (e) The boiler and pressure vessel rules board established by
- 3 IC 22-12-4-1 is the authority that adopts:
- 4 (1) emergency rules under IC 22-13-2-8(c); and
- 5 (2) rules under IC 22-15-6.
- 6 (f) The regulated amusement device safety board established by
- 7 IC 22-12-4.5-2 is the authority that adopts rules under IC 22-15-7.
- 8 **(g) The executive director may adopt rules governing:**
- 9 **(1) emergency action plans; or**
- 10 **(2) emergency response plans;**
- 11 **for outdoor performances (as defined in IC 22-12-1-17.5) where**
- 12 **outdoor event equipment (as defined in IC 22-12-1-17.7) is used.**
- 13 SECTION 2. IC 22-12-1-4, AS AMENDED BY P.L.92-2012,
- 14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 15 UPON PASSAGE]: Sec. 4. (a) "Class 1 structure" means any part of
- 16 the following:
- 17 (1) A building or structure that is intended to be or is occupied or
- 18 otherwise used in any part by any of the following:
- 19 (A) The public.
- 20 (B) Three (3) or more tenants.
- 21 (C) One (1) or more persons who act as the employees of
- 22 another.
- 23 (2) A site improvement affecting access by persons with physical
- 24 disabilities to a building or structure described in subdivision (1).
- 25 (3) Outdoor ~~stage event~~ equipment. ~~This subdivision expires~~
- 26 ~~January 1, 2014.~~
- 27 (4) Any class of buildings or structures that the commission
- 28 determines by rules to affect a building or structure described in
- 29 subdivision (1), except buildings or structures described in
- 30 subsections (c) through (f).
- 31 (b) Subsection (a)(1) includes a structure that contains three (3) or
- 32 more condominium units (as defined in IC 32-25-2-9) or other units
- 33 that:
- 34 (1) are intended to be or are used or leased by the owner of the
- 35 unit; and
- 36 (2) are not completely separated from each other by an
- 37 unimproved space.
- 38 (c) Subsection (a)(1) does not include a building or structure that:
- 39 (1) is intended to be or is used only for an agricultural purpose on
- 40 the land where it is located; and
- 41 (2) is not used for retail trade or is a stand used for retail sales of
- 42 farm produce for eight (8) or less consecutive months in a

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1 calendar year.

2 (d) Subsection (a)(1) does not include a Class 2 structure.

3 (e) Subsection (a)(1) does not include a vehicular bridge.

4 (f) Subsection (a)(1) does not include a structure that is intended to

5 be or is occupied solely to provide periodic maintenance or repair of:

6 (1) the structure; or

7 (2) mechanical or electrical equipment located within and affixed

8 to the structure.

9 SECTION 3. IC 22-12-1-17.5, AS ADDED BY P.L.92-2012,

10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

11 UPON PASSAGE]: Sec. 17.5. ~~(a)~~ "Outdoor performance", as the term

12 applies to outdoor ~~stage event~~ equipment, means:

13 (1) a movie or show;

14 (2) an exhibit;

15 (3) a concert;

16 (4) a performance of dance;

17 (5) a musical, dramatic, or comedy performance;

18 (6) a sporting or athletic match, exhibition, or contest; or

19 (7) another amusement or entertainment;

20 conducted outside another temporary or permanent Class 1 structure

21 that provides reasonable protection from severe weather, as determined

22 under the rules adopted by the commission, regardless of whether the

23 location qualifies as a regulated place of amusement or entertainment.

24 ~~(b) This section expires January 1, 2014.~~

25 SECTION 4. IC 22-12-1-17.7, AS ADDED BY P.L.92-2012,

26 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

27 UPON PASSAGE]: Sec. 17.7. ~~(a)~~ "Outdoor ~~stage event~~ equipment"

28 means any temporary or permanent towers, booms, ramps, platforms,

29 overhead assemblies, or other structures, including ancillary rigging,

30 that are used or are intended to be used in connection with an outdoor

31 performance and that are not otherwise attached or anchored to, or

32 otherwise a part of, another Class 1 structure.

33 ~~(b) This section expires January 1, 2014.~~

34 SECTION 5. IC 22-13-2-8.5, AS ADDED BY P.L.92-2012,

35 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

36 UPON PASSAGE]: Sec. 8.5. (a) The commission shall adopt rules

37 under IC 4-22-2 for outdoor ~~stage event~~ equipment at outdoor

38 performances to protect the safety of persons at the outdoor

39 performances. The commission may:

40 (1) exempt small assemblies of outdoor ~~stage event~~ equipment,

41 as defined by the commission, from some or all fees or other

42 requirements that otherwise would apply to outdoor ~~stage event~~

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1 equipment under a rule adopted under this section or another
2 building law; or

3 (2) establish alternative procedures, fees, or other requirements,
4 or any combination, for small assemblies of outdoor **stage event**
5 equipment, as defined by the commission.

6 (b) The commission may adopt temporary rules in the manner
7 provided for the adoption of emergency rules under IC 4-22-2-37.1 to
8 carry out subsection (a), including temporary rules concerning a
9 schedule of fees for design releases or inspections, or both. A
10 temporary rule adopted under this subsection expires on the earliest of
11 the following:

12 (1) The date specified in the temporary rule.

13 (2) The date another temporary rule adopted under this subsection
14 or a rule adopted under IC 4-22-2 supersedes or repeals the
15 previously adopted temporary rule.

16 (3) January 1, ~~2014~~. **2016**.

17 (c) Subject to this section, a city, town, or county that regulated
18 outdoor **stage event** equipment before March 15, 2012, under an
19 ordinance adopted before March 15, 2012, may, if the ordinance is in
20 effect on March 15, 2012, continue to regulate outdoor **stage event**
21 equipment under the ordinance after March 14, 2012, in the same
22 manner that the city, town, or county applied the ordinance before
23 March 15, 2012. However, a statewide code of fire safety laws or
24 building laws governing outdoor **stage event** equipment that is adopted
25 by the commission under this section after March 14, 2012, takes
26 precedence over any part of a city, town, or county ordinance that is in
27 conflict with the commission's adopted code. The ordinances to which
28 this section applies include Chapter 536 of the Revised Code of the
29 Consolidated City and County Indianapolis/Marion, Indiana Codified
30 through Ordinance No. 36, 2011, passed August 15, 2011. (Supp. No.
31 27). A city, town, or county to which this subsection applies need not
32 be certified or approved under IC 22-15-3-1 or another law to continue
33 to regulate outdoor **stage event** equipment after March 14, 2012.

34 (d) This subsection applies to cities, towns, and counties described
35 in subsection (c) and any other city, town, or county that, after March
36 14, 2012, adopts an ordinance governing outdoor **stage event**
37 equipment that is approved by the commission or a building law
38 compliance officer. The city, town, or county shall require compliance
39 with:

40 (1) the rules adopted under this section;

41 (2) orders issued under IC 22-13-2-11 that grant a variance to the
42 rules adopted under this section;

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1 (3) orders issued under IC 22-12-7 that apply the rules adopted
2 under this section; and
3 (4) a written interpretation of the rules adopted under this section
4 binding on the unit under IC 22-13-5-3 or IC 22-13-5-4;
5 on both private and public property located within the boundaries of
6 the city, town, or county, including, in the case of a consolidated city,
7 the state fairgrounds. This subsection does not limit the authority of a
8 unit (as defined in IC 36-1-2-23) under IC 36-7-2-9 to enforce building
9 laws and orders and written interpretations related to building laws.
10 (e) This section expires January 1, 2014.
11 SECTION 6. An emergency is declared for this act.

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 258, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 258 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 8, Nays 1.

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