

IC 22-12-6

Chapter 6. Administration of Funds; Fire Insurance Policy Premium Tax; Fees

IC 22-12-6-1

Fire and building services fund

Sec. 1. (a) The fire and building services fund is established for the purpose of defraying the personal services, other operating expense, and capital outlay of the following:

- (1) The department.
- (2) The education board and the rules board.
- (3) The commission.

(b) The fund shall be administered by the department. Money collected for deposit in the fund shall be deposited at least monthly with the treasurer of state.

(c) The treasurer of state shall deposit the following collected amounts in the fund:

- (1) Fire insurance policy premium taxes assessed under section 5 of this chapter.
- (2) Except as provided in section 6(d) of this chapter, all fees collected under this chapter.
- (3) Any money not otherwise described in this subsection but collected by the division of fire and building safety.
- (4) Any money not otherwise described in this subsection but collected by the department, commission, education board, or rules board and designated for distribution to the fund by statute or the executive director of the department.
- (5) A fee collected by the education board for the issuance of a certification under IC 22-14-2-7.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

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

As added by P.L.245-1987, SEC.1. Amended by P.L.38-1990, SEC.2; P.L.1-2006, SEC.352; P.L.101-2006, SEC.33.

IC 22-12-6-2

Statewide arson investigation financial assistance fund

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.

As added by P.L.245-1987, SEC.1. Amended by P.L.167-1997, SEC.1; P.L.1-2006, SEC.353; P.L.107-2007, SEC.13.

IC 22-12-6-3

Statewide fire and building safety education fund

Sec. 3. (a) The statewide fire and building safety education fund is established to provide money to:

(1) local fire and building inspection departments for enrollment in education and training programs approved by the department; and

(2) the division of fire and building safety for:

(A) enrollment in education and training programs approved by the department; and

(B) the sponsoring of training conferences.

(b) The department shall administer the fund. The department shall distribute money from the fund in accordance with the rules adopted under IC 4-22-2 by the commission.

(c) The fund consists of:

(1) money allocated under section 6(d) of this chapter; and

(2) fees collected under subsection (e).

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

(e) The department may charge a fee for a person's participation in a training conference. The department shall deposit the fees collected under this subsection in the fund. The department shall pay all expenses associated with training conferences out of the fund.

As added by P.L.245-1987, SEC.1. Amended by P.L.222-1989, SEC.7; P.L.167-1997, SEC.2; P.L.3-2001, SEC.1; P.L.141-2003, SEC.6; P.L.1-2006, SEC.354.

IC 22-12-6-4

Repealed

(Repealed by P.L.38-1990, SEC.6.)

IC 22-12-6-5

Fire insurance companies; assessment of premium tax; failure to pay; license revocation

Sec. 5. (a) All fire insurance companies licensed to transact business in Indiana shall pay to the treasurer of state before March 2 of each year an amount equal to one-half of one percent (0.5%) of the gross premiums of each company, received on fire risks written in Indiana, after deducting return premiums and considerations received from reinsurance, as reported by them to the auditor of state

for the payment of premium taxes as provided by statute.

(b) Annual payment under subsection (a) by these companies is in addition to all taxes and license fees required by statute to be paid by fire insurance companies doing business in Indiana.

(c) If any fire insurance company licensed, authorized, or incorporated to transact business in Indiana fails to pay into the state treasury on June 30 and December 31 of each year the taxes required by this section, the department of insurance shall revoke its license and may not license it to do business in Indiana for two (2) years after the date its license is revoked under this subsection.

As added by P.L.245-1987, SEC.1.

IC 22-12-6-6

Fee schedules; fire prevention and building safety commission

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 35-47.5-4.
- (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.
- (10) Licensing of elevator contractors, elevator inspectors, and elevator mechanics under IC 22-15-5-6 through IC 22-15-5-16.

(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.

As added by P.L.245-1987, SEC.1. Amended by P.L.222-1989, SEC.9; P.L.119-2002, SEC.6; P.L.123-2002, SEC.26; P.L.1-2003, SEC.71.

IC 22-12-6-7

Permit application fee and inspection fee

Sec. 7. (a) This section does not apply to a nonpublic school (as defined in IC 20-18-2-12) or a school operated by a school corporation (as defined in IC 20-18-2-16).

(b) The division of fire and building safety shall charge an application fee set by rules adopted by the commission under IC 4-22-2 for amusement and entertainment permits issued under IC 22-14-3.

(c) The division of fire and building safety shall collect an inspection fee set by rules adopted by the commission under IC 4-22-2 whenever the division conducts an inspection for a special event endorsement under IC 22-14-3.

(d) Halls, gymnasiums, or places of assembly in which contests, drills, exhibitions, plays, displays, dances, concerts, or other types of amusement are held by colleges, universities, social or fraternal organizations, lodges, farmers organizations, societies, labor unions, trade associations, or churches are exempt from the fees charged or collected under subsections (b) and (c), unless rental fees are charged or collected.

(e) The fees set for applications or inspections under this section must be sufficient to pay all the direct and indirect costs of processing an application or performing an inspection for which the fee is set. In setting the fees, the commission may consider differences in the degree or complexity of the activity being performed for each fee.

As added by P.L.245-1987, SEC.1. Amended by P.L.38-1990, SEC.3; P.L.159-1995, SEC.4; P.L.1-2005, SEC.189; P.L.1-2006, SEC.355.

IC 22-12-6-8

Application fees; fireworks manufacturer, distributor, wholesaler, or importer permit; fireworks retail stand permit

Sec. 8. (a) The application fee for a fireworks manufacturer, distributor, wholesaler, or importer permit issued under IC 22-11-14-5 shall be set by rules adopted by the commission under IC 4-22-2.

(b) The application fee for a fireworks retail stand permit issued under IC 22-11-14-7 shall be set by rules adopted by the commission under IC 4-22-2. The rules must exempt a nonprofit corporation incorporated under IC 23-7-1.1 (before its repeal on August 1, 1991) or IC 23-17 from the fee.

(c) The fees set for applications under this section must be sufficient to pay all the direct and indirect costs of processing an application for which the fee is set. In setting the fees, the

commission may consider differences in the degree or complexity of the activity being performed for each fee.

As added by P.L.245-1987, SEC.1. Amended by P.L.38-1990, SEC.4; P.L.179-1991, SEC.25; P.L.1-1992, SEC.113.

IC 22-12-6-9

Repealed

(Repealed by P.L.119-2002, SEC.32.)

IC 22-12-6-10

Repealed

(Repealed by P.L.119-2002, SEC.32.)

IC 22-12-6-11

Repealed

(Repealed by P.L.119-2002, SEC.32.)

IC 22-12-6-12

Repealed

(Repealed by P.L.119-2002, SEC.32.)

IC 22-12-6-13

Repealed

(Repealed by P.L.119-2002, SEC.32.)

IC 22-12-6-14

Repealed

(Repealed by P.L.119-2002, SEC.32.)

IC 22-12-6-15

Payment by credit card

Sec. 15. (a) As used in this section, "credit card" means a bank card, debit card, charge card, prepaid card, or other similar device used for payment.

(b) In addition to other methods of payment allowed by law, the department may accept payment by credit card for certifications, licenses, and fees, and other amounts payable to the following:

- (1) The department.
- (2) The division of preparedness and training.
- (3) The fire prevention and building safety commission.
- (4) The regulated amusement device safety board.
- (5) The boiler and pressure vessel rules board.
- (6) The Indiana homeland security foundation.
- (7) The division of fire and building safety.

(c) The department may enter into appropriate agreements with banks or other organizations authorized to do business in Indiana to enable the department to accept payment by credit card.

(d) The department may recognize net amounts remitted by the bank or other organization as payment in full of amounts due the department.

(e) The department may pay any applicable credit card service charge or fee.

As added by P.L. 85-2001, SEC.1. Amended by P.L. 1-2006, SEC.356; P.L. 1-2010, SEC.90.