

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 253

AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

SECTION 1. IC 14-8-2-204.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 204.8. "Pier", for purposes of IC 14-15-14, has the meaning set forth in IC 14-15-14-1(1).**

SECTION 2. IC 14-8-2-221.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 221.9. "Public access site", for purposes of IC 14-15-14, has the meaning set forth in IC 14-15-14-1(2).**

SECTION 3. IC 14-8-2-225.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 225.4. "Public rescue equipment", for purposes of IC 14-15-14, has the meaning set forth in IC 14-15-14-1(3).**

SECTION 4. IC 14-8-2-289, AS AMENDED BY P.L.82-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 289. "Unit of local government", for purposes of IC 14-12-1, **IC 14-15-14**, and IC 14-22-10, means a:

- (1) county;
- (2) city;
- (3) town; or

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(4) township;
located in Indiana.

SECTION 5. IC 14-15-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

Chapter 14. Lake Michigan Public Rescue Equipment

Sec. 1. The following definitions apply throughout this chapter:

(1) "Pier" means a manmade, raised structure (such as a breakwater) that:

(A) extends into navigable water; and

(B) is intended:

(i) for use as a landing place or promenade; or

(ii) to protect or form a harbor.

(2) "Public access site" means a site that is:

(A) adjacent to the public trust (as described in IC 14-26-2.1-3); and

(B) intended to facilitate direct public access to the public trust.

The term does not include a private residence. The term also does not include an area of state owned property where swimming is prohibited or where a life guard is on duty.

(3) "Public rescue equipment" means water rescue devices available for public use in case of an emergency, including ring life buoys, throw bags, rescue tubes, and rescue poles.

Sec. 2. (a) The owner of a pier or public access site on Lake Michigan shall install public rescue equipment on the pier or public access site. The public rescue equipment installed on a pier or public access site under this subsection:

(1) must include at least one (1) ring life buoy; and

(2) may include other types of public rescue equipment.

(b) The owner of a pier or public access site on Lake Michigan:

(1) shall oversee the installation and maintenance of the public rescue equipment required by this section; and

(2) if the owner is the state of Indiana or a unit of local government, shall also provide public education concerning the public rescue equipment installed on the pier or public access site.

Sec. 3. (a) The following apply to a ring life buoy installed on a pier or public access site under section 2(a) of this chapter:

(1) The ring life buoy must not be permanently secured in any way to a station, rack, or pier.

(2) The ring life buoy must be stowed inside a station to



protect it from constant weather exposure.

(3) The ring life buoy must meet the requirements of:

(A) 46 CFR 160.050; or

(B) 46 CFR 160.150;

for Safety Of Life At Sea (SOLAS) approved equipment, or must meet other standards for public rescue equipment issued by the United States Coast Guard.

(4) There must be attached to each ring life buoy a buoyant line:

(A) that:

(i) is at least one hundred (100) feet long; or

(ii) if the ring life buoy is secured to a station, rack, or pier more than fifty (50) feet away from the Lake Michigan shoreline, is at least twenty-five (25) feet longer than the distance between the station, rack, or pier to which the ring life buoy is secured and the Lake Michigan shoreline;

(B) that has a breaking strength of at least five (5) kilonewtons; and

(C) the end of which must not be secured to the shore.

(5) The ring life buoy must be marked with type II retroreflective material meeting the requirements of 46 CFR 164.018.

(6) The ring life buoy:

(A) must be placed not more than two hundred (200) feet from the shoreline of Lake Michigan; and

(B) must be available for emergency rescue operations.

(b) A station in which a ring life buoy is stowed under subsection (a)(2) must:

(1) be a bright orange, red, or yellow color for high visibility to aid with quick access to the ring life buoy; and

(2) bear signage that warns lakefront patrons that tampering with or misusing public rescue equipment is strictly prohibited.

Sec. 4. (a) A unit of local government that owns one (1) or more piers or public access sites on Lake Michigan shall:

(1) compile information; and

(2) at least twice per year, publish on the unit's website a report;

on lakefront drownings of which the unit is aware that have occurred within fifty (50) feet of a pier or public access site owned by the unit of local government.



(b) A report published under subsection (a)(2) must include at least the following information:

- (1) The location of each drowning.**
- (2) The time of day at which the drowning occurred and the temperature and weather conditions at the time and place of the drowning.**
- (3) A description of:**
 - (A) the public rescue equipment that was accessible at the pier or public access site within fifty (50) feet of the place of the drowning;**
 - (B) how the public rescue equipment described under clause (A) may be used; and**
 - (C) the type of entry into the water of Lake Michigan that is available at the pier or public access site within fifty (50) feet of the place of the drowning.**

(c) If a drowning has occurred within fifty (50) feet of a pier or public access site owned by a unit of local government since the previous report of the unit of local government was published under subsection (a)(2), the unit of local government shall publish on its website, in addition to the report required by subsection (a)(2), a water safety plan pertaining to the pier or public access site.

Sec. 5. If more than one (1) drowning occurs not more than fifty (50) feet from a particular pier or public access site in a span of five (5) years, the owner of the pier or public access site shall:

- (1) disseminate in the area of the pier or public access site a water safety plan pertaining to the pier or public access site; and**
- (2) upgrade the public rescue equipment installed on the pier or public access site under section 2(a) of this chapter, such as by installing equipment that automatically contacts the local 911 service in an emergency.**

Sec. 6. The department shall adopt rules under IC 4-22-2 to implement this chapter.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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