



February 13, 2015

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## SENATE BILL No. 556

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DIGEST OF SB 556 (Updated February 10, 2015 12:39 pm - DI 103)

**Citations Affected:** IC 16-41; IC 16-42; IC 22-12; IC 22-13; IC 22-15; IC 35-43; IC 35-52.

**Synopsis:** Fire prevention and building safety. Changes the definition of "building law" to include a law governing sanitary conditions and sanitary facilities in elementary and secondary school buildings and on the school grounds. Allows the fire prevention and building safety commission to adopt temporary rules in a manner provided for the adoption of emergency rules to administer the regulation of sanitary conditions and sanitary facilities in elementary and secondary school buildings and on the school grounds. Allows the division of fire and building safety to designate a qualified third party inspector or inspection agency to act as the division's agent for inspections of regulated boilers and pressure vessels. Amends the arson statute to include property damage by means of fire, explosive, or destructive device that occurs while committing or attempting to commit certain crimes. Repeals statutes that do the following: (1) Allow the state department of health to regulate construction and remodeling of school buildings and establishes requirements for school buildings and grounds. (2) Make it a Class B misdemeanor to transfer materials that do not comply with the requirements established in subdivision (1). (3) Makes it a Class B misdemeanor to recklessly violate the requirements established in subdivision (1).

**Effective:** July 1, 2015.

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January 20, 2015, read first time and referred to Committee on Homeland Security & Transportation.  
February 12, 2015, reported favorably — Do Pass.

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SB 556—LS 7428/DI 87





February 13, 2015

First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 556

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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 16-41-21 IS REPEALED [EFFECTIVE JULY 1,  
2 2015]. (Health, Sanitation, and Safety: Requirements for School  
3 Buildings).
- 4 SECTION 2. IC 16-42-5-24 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 24. (a) For the purpose  
6 of enforcing IC 16-41-20, ~~IC 16-41-21~~, IC 16-41-23, IC 16-41-24,  
7 IC 16-41-34, or IC 16-42-5, the local health officers are food  
8 environmental health specialists subordinate to the state department.
- 9 (b) The state department shall provide to the local health officers  
10 who are food environmental health specialists guidelines concerning  
11 the interpretation of the state department's rules concerning food  
12 handling and food establishments so that enforcement of the state laws  
13 and rules is uniform throughout the state.
- 14 SECTION 3. IC 16-42-5-25, AS AMENDED BY P.L.1-2009,  
15 SECTION 118, IS AMENDED TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 2015]: Sec. 25. If, upon inspection of a food

SB 556—LS 7428/DI 87



1 establishment, a local health officer or food environmental health  
 2 specialist finds an employer, operator, or other employee to be  
 3 violating IC 16-41-20, ~~IC 16-41-21~~, IC 16-41-23, IC 16-41-24,  
 4 IC 16-41-34, or this chapter, the local health officer or food  
 5 environmental health specialist shall do at least one (1) of the  
 6 following:

7 (1) Furnish evidence of the violation to the prosecuting attorney  
 8 of the county or circuit in which the violation occurs. The  
 9 prosecuting attorney shall prosecute all persons violating  
 10 IC 16-41-20, ~~IC 16-41-21~~, IC 16-41-23, IC 16-41-24,  
 11 IC 16-41-34, or this chapter, or rules adopted under those  
 12 provisions.

13 (2) Report the condition and violation to the state health  
 14 commissioner or the commissioner's legally authorized agent. The  
 15 state health commissioner may issue an order to the person in  
 16 authority at the offending establishment to abate the condition or  
 17 violation within five (5) days or within another reasonable time  
 18 required to abate the condition or violation. The proceedings to  
 19 abate must be in accordance with IC 4-21.5.

20 SECTION 4. IC 22-12-1-3, AS AMENDED BY P.L.22-2005,  
 21 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2015]: Sec. 3. "Building law" means any equipment law or  
 23 other law governing any of the following:

24 (1) Fabrication of an industrialized building system or mobile  
 25 structure for installation, assembly, or use at another site.

26 (2) Construction, addition, or alteration of any part of a Class 1 or  
 27 Class 2 structure at the site where the structure will be used.

28 (3) Assembly of an industrialized building system or mobile  
 29 structure that is covered by neither subdivision (1) nor (2).

30 **(4) Sanitary conditions and sanitary facilities:**

31 **(A) in Class I structures, or portions of Class I structures**  
 32 **that are used for educating at least six (6) persons at any**  
 33 **one (1) time, from any grade level or combination of grade**  
 34 **levels from grade 1 through grade 12; and**

35 **(B) on the grounds of a structure described in clause (A).**

36 SECTION 5. IC 22-13-2-2, AS AMENDED BY P.L.29-2014,  
 37 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2015]: Sec. 2. (a) The commission shall adopt rules under  
 39 IC 4-22-2 to adopt a statewide code of fire safety laws and building  
 40 laws.

41 **(b) The commission may adopt temporary rules in a manner**  
 42 **provided for the adoption of emergency rules under IC 4-22-2-37.1**



1 to administer regulation of sanitary conditions and sanitary  
 2 facilities of Class I structures under IC 22-12-1-3(4). A temporary  
 3 rule adopted under this subsection expires on the earliest of the  
 4 following dates:

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

6 (2) The date another temporary rule adopted under this  
 7 subsection or rule adopted under IC 4-22-2 supersedes or  
 8 repeals the previously adopted temporary rule.

9 (3) January 1, 2017.

10 ~~(b)~~ (c) Before December 1, 2003, the commission shall adopt the  
 11 most recent edition, including addenda, of the following national codes  
 12 by rules under IC 4-22-2 and IC 22-13-2.5 (before its repeal):

13 (1) ANSI A10.4 (Safety Requirements for Personnel Hoists).

14 (2) ASME A17.1 (Safety Code for Elevators and Escalators, an  
 15 American National Standard).

16 (3) ASME A18.1 (Safety Standard for Platform Lifts and Stairway  
 17 Chairlifts, American National Standard).

18 (4) ASME QEI-1 (Standard for the Qualification of Elevator  
 19 Inspectors, an American National Standard).

20 (5) The American Society of Civil Engineers (ASCE) Automated  
 21 People Mover Standard 21.

22 (6) ANSI A90.1 Safety Code for Manlifts.

23 ~~(c)~~ (d) Before July 1, 2006, the commission shall adopt the most  
 24 recent edition, including addenda, of ASME A17.3 (Safety Code for  
 25 Existing Elevators and Escalators, an American National Standard) by  
 26 rules under IC 4-22-2 and IC 22-13-2.5 (before its repeal).

27 ~~(d)~~ (e) The commission shall adopt the subsequent edition of each  
 28 national code, including addenda, to be adopted as provided under  
 29 subsections ~~(b)~~ (c) and ~~(c)~~ (d) within eighteen (18) months after the  
 30 effective date of the subsequent edition.

31 ~~(e)~~ (f) The commission may amend the national codes as a condition  
 32 of the adoption under subsections ~~(b)~~; ~~(c)~~; (c), (d), and ~~(d)~~; (e).

33 SECTION 6. IC 22-15-6-2, AS AMENDED BY P.L.68-2009,  
 34 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2015]: Sec. 2. (a) The division shall conduct a program of  
 36 periodic inspections of regulated boilers and pressure vessels.

37 (b) The division or a boiler and pressure vessel inspector acting  
 38 under section 4 of this chapter shall issue a regulated boiler and  
 39 pressure vessel operating permit to an applicant who qualifies under  
 40 this section.

41 (c) Except as provided in subsection (f), a permit issued under this  
 42 section expires one (1) year after it is issued. The permit terminates if



1 it was issued by an insurance company acting under section 4 of this  
 2 chapter and the applicant ceases to insure the boiler or pressure vessel  
 3 covered by the permit against loss by explosion with an insurance  
 4 company authorized to do business in Indiana.

5 (d) To qualify for a permit or to renew a permit under this section,  
 6 an applicant must do the following:

7 (1) Demonstrate through an inspection that the regulated boiler or  
 8 pressure vessel covered by the application complies with the rules  
 9 adopted by the rules board.

10 (2) Pay the fee set under IC 22-12-6-6(a)(8).

11 (e) An inspection under subsection (d)(2) shall be conducted as  
 12 follows:

13 (1) An inspection for an initial permit shall be conducted by:

14 (A) the division; or

15 (B) an owner or user inspection agency.

16 (2) An inspection for a renewal permit shall be conducted by one

17 (1) of the following:

18 (A) An insurance company inspection agency, if the vessel is  
 19 insured under a boiler and pressure vessel insurance policy  
 20 and the renewal inspection is not conducted by an owner or  
 21 user inspection agency.

22 (B) An owner or user inspection agency.

23 (C) The division, if:

24 (i) the owner or user of a vessel is not licensed as an owner  
 25 or user inspection agency and the vessel is not insured under  
 26 a boiler and pressure vessel insurance policy; or

27 (ii) the regulated boiler or pressure vessel operating permit  
 28 has lapsed.

29 (f) The rules board may, by rule adopted under IC 4-22-2, specify  
 30 a period between inspections of more than one (1) year. However, the  
 31 rules board may not set an inspection period of greater than five (5)  
 32 years for regulated pressure vessels or steam generating equipment that  
 33 is an integral part of a continuous processing unit.

34 **(g) For any inspection conducted by the division under this  
 35 section, the division may designate:**

36 **(1) a third party inspector that satisfies the requirements of  
 37 section 5 of this chapter; or**

38 **(2) an inspection agency that satisfies the requirements of  
 39 section 6 of this chapter;**

40 **to act as the division's agent for purposes of the inspection.**

41 SECTION 7. IC 35-43-1-1, AS AMENDED BY P.L.168-2014,  
 42 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]: Sec. 1. (a) A person who, by means of fire, explosive,  
 2 or destructive device knowingly or intentionally, **or while committing**  
 3 **or attempting to commit burglary (IC 35-43-2-1), theft**  
 4 **(IC 35-43-4), dealing in or manufacturing cocaine or a narcotic**  
 5 **drug (IC 35-48-4-1), or dealing in or manufacturing**  
 6 **methamphetamine (IC 35-48-4-1.1), damages:**

7 (1) a dwelling of another person without the other person's  
 8 consent;

9 (2) property of any person under circumstances that endanger  
 10 human life;

11 (3) property of another person without the ~~other person's~~ consent  
 12 ~~if the pecuniary loss is at least five thousand dollars (\$5,000); of~~  
 13 **the owner of the property; or**

14 (4) a structure used for religious worship without the consent of  
 15 the owner of the structure.

16 commits arson, a Level 4 felony. However, the offense is a Level 3  
 17 felony if it results in bodily injury to any person other than a defendant  
 18 and a Level 2 felony if it results in serious bodily injury to any person  
 19 other than a defendant.

20 (b) A person who commits arson for hire commits a Level 4 felony.  
 21 However, the offense is:

22 (1) a Level 3 felony if it results in bodily injury to any other  
 23 person; and

24 (2) a Level 2 felony if it results in serious bodily injury to any  
 25 other person.

26 (c) A person who, by means of fire, explosive, or destructive device,  
 27 knowingly or intentionally damages property of any person with intent  
 28 to defraud commits arson, a Level 6 felony.

29 (d) A person who, by means of fire, explosive, or destructive device,  
 30 knowingly or intentionally damages property of another person without  
 31 the other person's consent so that the resulting pecuniary loss is at least  
 32 two hundred fifty dollars (\$250) but less than five thousand dollars  
 33 (\$5,000) commits arson, a Level 6 felony.

34 (e) A person who commits an offense under subsection (a), (b), (c),  
 35 or (d) commits a separate offense for each person who suffers a bodily  
 36 injury or serious bodily injury that is caused by the violation of  
 37 subsection (a), (b), (c), or (d).

38 SECTION 8. IC 35-52-16-65 IS REPEALED [EFFECTIVE JULY  
 39 1, 2015]. Sec. 65: IC 16-41-21-18 defines a crime concerning health,  
 40 sanitation, and safety:

41 SECTION 9. IC 35-52-16-66 IS REPEALED [EFFECTIVE JULY  
 42 1, 2015]. Sec. 66: IC 16-41-21-19 defines a crime concerning health;



1 sanitation; and safety.





COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security & Transportation, to which was referred Senate Bill No. 556, 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 to SB 556 as introduced.)

YODER, Chairperson

Committee Vote: Yeas 10, Nays 0

SB 556—LS 7428/DI 87

