

HOUSE BILL No. 1082

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2; IC 13-18-24; IC 25-28.5.

Synopsis: Backflow prevention and plumbing. Requires the environmental rules board (board) to adopt rules: (1) requiring the periodic testing of backflow prevention devices in premises that receive water from public water systems and contain at least four dwelling units; (2) establishing procedures for the testing; and (3) requiring the keeping of records. Requires the commissioner of the department of environmental management to establish a continuing professional education program for registered cross connection control device inspectors. Requires inspectors to take at least two hours of continuing professional education during each two year cycle. Provides that, to be included in the list of inspectors maintained by the commissioner, a person must pay a fee. Establishes the cross connection control device inspector continuing education fund, and provides for the fee proceeds to be deposited in the fund. Requires the plumbing commission to establish a continuing professional education program, and provides that persons holding valid plumbing licenses must complete at least two hours of continuing professional education in a two year period to renew their licenses. Establishes the plumbing compliance fund for purposes of enforcement. Provides for civil penalties imposed by the plumbing commission to be deposited in the plumbing compliance fund, and provides that, on June 29 of every odd-numbered year, 50% of the balance in the plumbers recovery fund shall be deposited in the plumbing compliance fund.

Effective: July 1, 2014.

Niezgodski

January 9, 2014, read first time and referred to Committee on Employment, Labor and Pensions.



Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1082

A BILL FOR AN ACT to amend the Indiana Code concerning plumbing.

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

- 1 SECTION 1. IC 13-11-2-17.1 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2014]: **Sec. 17.1. "Backflow", for purposes**
4 **of IC 13-18-24, has the meaning set forth in IC 13-18-24-2.**
5 SECTION 2. IC 13-11-2-17.2 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2014]: **Sec. 17.2. "Backflow prevention**
8 **device", for purposes of IC 13-18-24, has the meaning set forth in**
9 **IC 13-18-24-3.**
10 SECTION 3. IC 13-11-2-48.2 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2014]: **Sec. 48.2. "Cross connection", for**
13 **purposes of IC 13-18-24, has the meaning set forth in**
14 **IC 13-18-24-4.**
15 SECTION 4. IC 13-11-2-48.5 IS ADDED TO THE INDIANA
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2014]: **Sec. 48.5. "Customer water system",**
 2 **for purposes of IC 13-18-24, has the meaning set forth in**
 3 **IC 13-18-24-5.**

4 SECTION 5. IC 13-11-2-61.4 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2014]: **Sec. 61.4. "Dwelling unit", for**
 7 **purposes of IC 13-18-24, has the meaning set forth in**
 8 **IC 13-18-24-6.**

9 SECTION 6. IC 13-11-2-87, AS AMENDED BY P.L.57-2009,
 10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2014]: Sec. 87. (a) "Fund", for purposes of IC 13-14-12, refers
 12 to the environmental management special fund.

13 (b) "Fund", for purposes of IC 13-15-10, refers to the waste facility
 14 operator trust fund.

15 (c) "Fund", for purposes of IC 13-15-11, refers to the environmental
 16 management permit operation fund.

17 (d) "Fund", for purposes of IC 13-17-6, refers to the asbestos trust
 18 fund.

19 (e) "Fund", for purposes of IC 13-17-8, refers to the Title V
 20 operating permit program trust fund.

21 (f) "Fund", for purposes of IC 13-18-8-5, refers to a sanitary fund.

22 (g) "Fund", for purposes of IC 13-18-13, refers to the wastewater
 23 revolving loan fund established by IC 13-18-13-2.

24 (h) "Fund", for purposes of IC 13-18-21, refers to the drinking water
 25 revolving loan fund established by IC 13-18-21-2. The term does not
 26 include the supplemental fund established by IC 13-18-21-22.

27 (i) **"Fund", for purposes of IC 13-18-24, refers to the cross**
 28 **connection control device inspector continuing education fund**
 29 **established by IC 13-18-24-13.**

30 (†) (j) "Fund", for purposes of IC 13-19-5, refers to the
 31 environmental remediation revolving loan fund established by
 32 IC 13-19-5-2.

33 (†) ~~"Fund", for purposes of IC 13-20-4, refers to the municipal waste~~
 34 ~~transportation fund.~~

35 (k) "Fund", for purposes of IC 13-20-13, refers to the waste tire
 36 management fund.

37 (l) "Fund", for purposes of IC 13-20-22, refers to the state solid
 38 waste management fund.

39 (m) "Fund", for purposes of IC 13-21-7, refers to the waste
 40 management district bond fund.

41 (n) "Fund", for purposes of IC 13-21-13-2, refers to a district solid
 42 waste management fund.



1 (o) "Fund", for purposes of IC 13-23-6, refers to the underground
2 petroleum storage tank trust fund.

3 (p) "Fund", for purposes of IC 13-23-7, refers to the underground
4 petroleum storage tank excess liability trust fund.

5 (q) "Fund", for purposes of IC 13-25-4, refers to the hazardous
6 substances response trust fund.

7 (r) "Fund", for purposes of IC 13-25-5, refers to the voluntary
8 remediation fund.

9 (s) "Fund", for purposes of IC 13-28-2, refers to the voluntary
10 compliance fund.

11 SECTION 7. IC 13-11-2-119.4 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2014]: **Sec. 119.4. "List", for purposes of**
14 **IC 13-18-24, has the meaning set forth in IC 13-18-24-7.**

15 SECTION 8. IC 13-11-2-177.3 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 177.3. "Public water
17 system", for purposes of this chapter, IC 13-18-11, IC 13-18-20.5,
18 IC 13-18-21, **IC 13-18-24**, and other environmental management laws,
19 has the meaning set forth in 42 U.S.C. 300f.

20 SECTION 9. IC 13-18-24 IS ADDED TO THE INDIANA CODE
21 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2014]:

23 **Chapter 24. Cross Connection Control Devices**

24 **Sec. 1. (a) Except as provided in subsection (b), this chapter**
25 **applies to every premises that receives water from a public water**
26 **system.**

27 **(b) This chapter does not apply to a residential structure that**
28 **contains fewer than four (4) dwelling units.**

29 **Sec. 2. As used in this chapter, "backflow" means the flow into**
30 **water from a public water system of contaminants from a source**
31 **other than the public water system. The term includes backflow**
32 **resulting from a cross connection.**

33 **Sec. 3. As used in this chapter, "backflow prevention device"**
34 **means a device designed to prevent backflow.**

35 **Sec. 4. (a) As used in this chapter, "cross connection" means a**
36 **physical condition through which a water supply distribution**
37 **system is directly connected, either continuously or intermittently,**
38 **with any sewer, drain, conduit, pool, piping, storage reservoir,**
39 **plumbing fixture, secondary source of supply, or other device that:**

40 **(1) contains or may contain; and**

41 **(2) is capable of imparting to the water supply;**
42 **contaminants, contaminated water, sewage, or other waste or**



1 liquid of unknown or unsafe quality.

2 (b) The term includes a physical condition described in
3 subsection (a) resulting from a backflow prevention device not
4 being in proper working order.

5 Sec. 5. As used in this chapter, "customer water system" means
6 all piping, fixtures, appurtenances, and secondary sources of
7 supply that:

8 (1) convey water from a public water system; and

9 (2) are located within a premises that receives water from a
10 public water system.

11 Sec. 6. As used in this chapter, "dwelling unit" means a space
12 within a residential structure that is designed for occupancy by one
13 (1) family.

14 Sec. 7. As used in this chapter, "list" refers to the Indiana
15 Registered Cross Connection Control Device Inspectors, All
16 Inspectors list maintained by the commissioner under 327
17 IAC 8-10-11 (as in effect January 1, 2014).

18 Sec. 8. The board shall adopt rules under IC 4-22-2 to do the
19 following:

20 (1) Require the periodic testing of each backflow prevention
21 device in the customer water system of every premises to
22 which this chapter applies.

23 (2) Establish procedures for the testing required under
24 subdivision (1).

25 (3) Establish requirements for the keeping of records
26 concerning:

27 (A) the testing required under subdivision (1); and

28 (B) the maintenance performed on the backflow prevention
29 devices in customer water systems in the premises to which
30 this chapter applies.

31 Sec. 9. (a) The commissioner shall establish and administer a
32 program of mandatory continuing professional education for
33 persons registered as cross connection control device inspectors
34 under 327 IAC 8-10-11 (as in effect January 1, 2014).

35 (b) Under the program established under subsection (a), a
36 person registered as a cross connection control device inspector
37 under 327 IAC 8-10-11 (as in effect January 1, 2014) must, during
38 each two (2) year cycle, as determined according to the rules
39 adopted under section 10 of this chapter, complete programs or
40 courses providing at least two (2) hours of continuing professional
41 education. The education must be in either or both of the following
42 areas:



- 1 (1) Health protection issues or code requirements relating to
2 the use of backflow prevention devices.
- 3 (2) The installation, repair, maintenance, and inspection of
4 backflow prevention devices.
- 5 (c) The subjects covered in the programs or courses referred to
6 in subsection (b) may include:
- 7 (1) the identification of cross connections, the degree of
8 hazard presented by a particular cross connection, and the
9 prevention of cross connections;
- 10 (2) cross connection assembly field test procedures and gauge
11 accuracy verification; and
- 12 (3) the inspection, repair, and maintenance of backflow
13 prevention devices.
- 14 (d) A person registered as a cross connection control device
15 inspector may receive credit under this section for participating in
16 a continuing professional education program or course only if the
17 program or course:
- 18 (1) meets the requirements of subsection (b); and
- 19 (2) is approved by the commissioner.
- 20 Sec. 10. (a) The board shall adopt rules under IC 4-22-2
21 concerning the program of continuing professional education
22 administered under section 9 of this chapter.
- 23 (b) The rules adopted under this section:
- 24 (1) must provide for verification under section 11 of this
25 chapter of a registered cross connection control device
26 inspector's compliance with the continuing professional
27 education requirement of section 9 of this chapter;
- 28 (2) may allow a program or course described in section 9 of
29 this chapter to have commercial sponsors;
- 30 (3) must provide that a program or course described in
31 section 9 of this chapter may not promote the products or
32 services of any particular firm or manufacturer; and
- 33 (4) must establish the fee amount or amounts to be paid under
34 section 13 of this chapter.
- 35 Sec. 11. (a) A person who is registered as a cross connection
36 control device inspector must, for each two (2) year cycle:
- 37 (1) attest that the person has satisfied the continuing
38 professional education requirement of section 9 of this
39 chapter; and
- 40 (2) provide documentation concerning programs or courses
41 that the person has completed during the two (2) year cycle,
42 including the name, number, content, and teacher of each



- 1 program or course.
- 2 (b) The commissioner shall revoke the registration of a person
- 3 who is registered as a cross connection control device inspector if
- 4 the person fails to comply with subsection (a).
- 5 (c) A person who makes a false attestation or who provides false
- 6 documentation under subsection (a) is subject to the revocation of
- 7 the person's registration as a cross connection control device
- 8 inspector.
- 9 Sec. 12. The board may, by rule, provide that certain persons
- 10 registered as cross connection control device inspectors are exempt
- 11 from the continuing professional education requirement of section
- 12 9 of this chapter if the board determines that an exemption is in the
- 13 public interest.
- 14 Sec. 13. (a) The cross connection control device inspector
- 15 continuing education fund is established for purposes of the
- 16 administration of the program of continuing professional education
- 17 for registered cross connection control device inspectors under this
- 18 chapter.
- 19 (b) The fund shall be administered by the commissioner.
- 20 (c) Money in the fund may be used to:
- 21 (1) administer the program of continuing professional
- 22 education for registered cross connection control device
- 23 inspectors;
- 24 (2) provide registration cards to registered cross connection
- 25 control device inspectors; and
- 26 (3) maintain and update an Indiana registered cross
- 27 connection control device inspector data base populated by
- 28 the list under subsection (e).
- 29 (d) The fund consists of the following:
- 30 (1) Fees paid under this section.
- 31 (2) Appropriations made by the general assembly.
- 32 (3) Money transferred to the fund from other funds.
- 33 (4) Money from any other source authorized or appropriated
- 34 for the fund.
- 35 (e) To be included on the Indiana Registered Cross Connection
- 36 Control Device Inspectors, All Inspectors list maintained by the
- 37 commissioner under 327 IAC 8-10-11 (as in effect January 1, 2014),
- 38 a person who registers as a cross connection control device
- 39 inspector under 327 IAC 8-10-11 must pay a fee. The amount of the
- 40 fee must be established by the board under section 10 of this
- 41 chapter and may not exceed:
- 42 (1) fifty dollars (\$50), for a person who was not included on



1 the list during the six (6) months preceding the person's
 2 registration; and
 3 (2) thirty dollars (\$30), for a person who was included on the
 4 list during the six (6) months preceding the person's
 5 registration.

6 (f) The amount of the fee collected under subsection (e) may not
 7 be more than is reasonably necessary to offset the costs incurred by
 8 the department under subsection (c).

9 SECTION 10. IC 25-28.5-1-21.1 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2014]: Sec. 21.1. (a) The commission shall
 12 adopt rules under IC 4-22-2 to establish a continuing professional
 13 education program for persons who hold valid plumbing licenses
 14 under this article.

15 (b) The rules adopted under subsection (a) must establish
 16 requirements and conditions that apply to the continuing
 17 professional education program and the courses and programs
 18 through which credit may be earned under the continuing
 19 professional education program. The rules may:

- 20 (1) allow courses to have commercial sponsors;
 21 (2) provide that courses may not promote the products or
 22 services of any particular firm or manufacturer;
 23 (3) allow courses to be conducted by correspondence or home
 24 study; and
 25 (4) concern any other factors the commission considers
 26 pertinent.

27 (c) A person who holds a valid plumbing license under this
 28 article must, during each two (2) year cycle, as determined by the
 29 commission, complete at least two (2) hours of continuing
 30 professional education by attending programs or courses that
 31 satisfy the requirements of subsection (d).

32 (d) A person described in subsection (c) may receive credit for
 33 attending a continuing professional education program or course
 34 for purposes of this section only if the following conditions are met:

- 35 (1) The continuing professional education provider that
 36 provides the program or course:
 37 (A) is approved by the commission; and
 38 (B) provides the program or course in accordance with
 39 rules adopted by the commission.
 40 (2) The program or course provides instruction in:
 41 (A) health protection;
 42 (B) energy conservation;



- 1 (C) job safety;
 2 (D) code requirements; or
 3 (E) water conservation;
 4 as it relates to plumbing or heating contracts, inspections,
 5 heating, air conditioning, or fire sprinkler systems.
 6 (e) A continuing professional education program or course for
 7 which a person receives credit under subsection (d) may include
 8 instruction in any of the following subjects:
 9 (1) Technical and practical aspects of the analysis of plans and
 10 specifications.
 11 (2) Estimating costs.
 12 (3) Fundamentals of installation and design, equipment, duct
 13 and pipe sealing, and National Fire Prevention Association
 14 (NFPA) code requirements.
 15 (4) Fire hazards.
 16 (5) Plumbing or heating contract matters, such as:
 17 (A) engaging in business as a plumbing, heating, fuel
 18 piping, or fire sprinkler contractor, including customer
 19 relations;
 20 (B) bid and contract preparation;
 21 (C) business ethics;
 22 (D) taxation;
 23 (E) payroll; and
 24 (F) cash management.
 25 (f) A person who holds a valid plumbing license under this
 26 article may not renew the person's license unless the person:
 27 (1) attests on the person's license renewal application that the
 28 person has complied with subsection (c) during the most
 29 recent two (2) year cycle; and
 30 (2) provides documentation concerning programs or courses
 31 that the person has completed under this section during the
 32 two (2) year cycle, including the name, number, content, and
 33 teacher of each program or course.
 34 A person who makes a false attestation or who provides false
 35 documentation under this subsection is subject to disciplinary
 36 action, including the revocation, suspension, or denial of renewal
 37 of the person's license.
 38 (g) The commission may by rule exempt certain persons from
 39 the requirements of this section if the commission determines that
 40 the exemption is in the public interest.
 41 SECTION 11. IC 25-28.5-2-2 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) If the total



1 amount in the plumbers recovery fund (including principal and interest)
 2 plus estimated revenues from the fee assessed under section 2.1 of this
 3 chapter from July 1 of the current year through June 30 of the next year
 4 will be less than three hundred thirty thousand dollars (\$330,000) on
 5 June 30 in an odd-numbered year after the payment of all claims and
 6 expenses, the plumbing commission shall assess a surcharge according
 7 to the following formula in order to maintain the fund at an
 8 approximate level of four hundred thousand dollars (\$400,000):

9 STEP ONE: Determine the amount remaining in the fund on June
 10 30 of the current year after all expenses and claims have been
 11 paid.

12 STEP TWO: Add to the amount determined under STEP ONE the
 13 amount of revenue estimated from the fee assessed under section
 14 2.1 of this chapter from July 1 of the current year through June 30
 15 of the next year.

16 STEP THREE: Subtract the amount determined under STEP
 17 TWO from four hundred thousand dollars (\$400,000).

18 STEP FOUR: Determine the number of plumbing contractors who
 19 had licenses in effect on June 30 of the current year.

20 STEP FIVE: Divide the number determined under STEP THREE
 21 by the number determined under STEP FOUR.

22 (b) The plumbing commission shall assess the surcharge described
 23 in subsection (a) against each plumbing contractor who:

- 24 (1) receives an initial license; or
- 25 (2) receives a renewal license.

26 (c) The plumbing commission shall assess the surcharge described
 27 in subsection (a) for the two (2) year period beginning on July 1 of the
 28 current year through June 30 of the next odd-numbered year.

29 (d) The surcharge assessed under this section is in addition to any
 30 other fee under this article.

31 **(e) On June 29 of every odd-numbered year, fifty percent (50%)**
 32 **of the balance in the plumbers recovery fund shall be deposited in**
 33 **the plumbing compliance fund established by IC 25-28.5-3-1.**

34 SECTION 12. IC 25-28.5-3 IS ADDED TO THE INDIANA CODE
 35 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2014]:

37 **Chapter 3. Plumbing Compliance Fund**

38 **Sec. 1. (a) The plumbing compliance fund is established for**
 39 **purposes of the administration and enforcement by the plumbing**
 40 **commission and the attorney general of:**

- 41 **(1) IC 25-1-11;**
- 42 **(2) IC 25-1-7-14; and**



1 **(3) IC 25-28.5-1.**
2 **The fund shall be administered by the Indiana professional**
3 **licensing agency.**
4 **(b) The expenses of administering the fund shall be paid from**
5 **the money in the fund.**
6 **(c) The fund consists of the following:**
7 **(1) Civil penalties imposed by the plumbing commission under**
8 **IC 25-1-11-12.**
9 **(2) Money from the plumbers recovery fund that is deposited**
10 **in the fund under IC 25-28.5-2-2(e).**
11 **(3) Civil penalties imposed by the plumbing commission under**
12 **IC 25-1-4-5.**
13 **(d) Money in the fund at the end of a state fiscal year does not**
14 **revert to the state general fund.**
15 **Sec. 2. (a) The Indiana professional licensing agency and the**
16 **attorney general may enter into a memorandum of understanding**
17 **providing for the use of money from the plumbing compliance fund**
18 **for investigations and enforcement actions conducted by the**
19 **attorney general.**
20 **(b) Upon entering into a memorandum of understanding under**
21 **subsection (a), the attorney general and the Indiana professional**
22 **licensing agency shall submit the memorandum of understanding**
23 **to the plumbing commission for review.**

