

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE ENROLLED ACT No. 1258

AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 5-10-10-4, AS AMENDED BY P.L.180-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. As used in this chapter, "public safety officer" means any of the following:

- (1) A state police officer.
- (2) A county sheriff.
- (3) A county police officer.
- (4) A correctional officer.
- (5) An excise police officer.
- (6) A county police reserve officer.
- (7) A city or town police reserve officer.
- (8) A conservation enforcement officer.
- (9) A town marshal.
- (10) A deputy town marshal.
- (11) A probation officer.
- (12) A state educational institution police officer appointed under IC 21-39-4.
- (13) A police officer whose employer purchases coverage under section 4.5 of this chapter.
- (14) An emergency medical services provider (as defined in IC 16-41-10-1) who is:
 - (A) employed by a political subdivision (as defined in

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- IC 36-1-2-13); and
 (B) not eligible for a special death benefit under IC 36-8-6-20, IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.
- (15) A firefighter who is employed by the fire department of a state university.
- (16) A firefighter whose employer purchases coverage under section 4.5 of this chapter.
- (17) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.
- (18) A gaming agent of the Indiana gaming commission.
- (19) A person who is:
- (A) employed by a political subdivision (as defined in IC 36-1-2-13); and
 - (B) appointed as a special deputy under IC 36-8-10-10.6.
- (20) A school corporation police officer appointed under IC 20-26-16.
- (21) A gaming control officer of the Indiana gaming commission.
- (22) An eligible chaplain who meets the requirements of section 4.7 of this chapter.
- (23) A community corrections officer.
- (24) An eligible emergency medical services provider who meets the requirements of section 4.8 of this chapter.
- (25) An emergency medical services provider whose employer purchases coverage under section 4.9 of this chapter.
- (26) An emergency management worker (as defined in IC 10-14-3-3), including:**
- (A) an employee of the Indiana department of homeland security who is working in an official capacity as an employee during a disaster or an emergency response; or**
 - (B) an employee of a political subdivision who is employed as:**
 - (i) an emergency management director;**
 - (ii) an assistant emergency management director; or**
 - (iii) a deputy emergency management director;**
- for the political subdivision.**
- (27) A division fire investigator (as described in IC 22-14-2-8).**

SECTION 2. IC 10-19-3-7, AS AMENDED BY P.L.142-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) Except as provided in this section, for purposes of IC 4-22-2, the executive director is the authority that adopts rules for the department.

(b) The Indiana emergency medical services commission is the



authority that adopts rules under IC 16-31.

(c) Except as provided in subsection ~~(e) or (f)~~; **(d) or (e)**, the fire prevention and building safety commission is the authority that adopts rules under any of the following:

- (1) IC 22-11.
- (2) IC 22-12.
- (3) IC 22-13.
- (4) IC 22-14.
- (5) IC 22-15.

(d) The board of firefighting personnel standards and education is the authority that adopts rules under IC 22-14-2-7(c)(7) and IC 36-8-10.5.

~~(e) The boiler and pressure vessel rules board established by IC 22-12-4-1 is the authority that adopts:~~

- ~~(1) emergency rules under IC 22-13-2-8(c); and~~
- ~~(2) rules under IC 22-15-6.~~

~~(f) (e) The regulated amusement device safety board established by IC 22-12-4.5-2 is the authority that adopts rules under IC 22-15-7.~~

~~(g) (f) The executive director may adopt rules governing:~~

- ~~(1) emergency action plans; or~~
- ~~(2) emergency response plans;~~

~~for outdoor performances (as defined in IC 22-12-1-17.5) where outdoor event equipment (as defined in IC 22-12-1-17.7) is used.~~

SECTION 3. IC 22-12-6-6, AS AMENDED BY P.L.218-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: 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 and IC 22-15-3.2.
 - (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

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~~(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.

SECTION 4. IC 22-13-2-8, AS AMENDED BY P.L.123-2006, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) The commission shall adopt rules under IC 4-22-2 to create equipment laws applicable to regulated lifting devices.

(b) ~~Except as provided in subsection (c); subject to the approval of~~ The commission ~~the rules board~~ shall adopt rules under IC 4-22-2 to create equipment laws applicable to regulated boilers and pressure vessels.

(c) ~~Subject to the approval of~~ The commission ~~the rules board~~ may adopt emergency rules under IC 4-22-2-37.1 only to adopt by reference all or part of the following national boiler and pressure vessel codes:

- (1) The American Society of Mechanical Engineers Boiler and Pressure Vessel Code.
- (2) The National Board of Boiler and Pressure Vessel Inspectors Inspection Code.
- (3) The American Petroleum Institute 510 Pressure Vessel Inspection Code.
- (4) Any subsequent editions of the codes listed in subdivisions (1) through (3).

(d) An emergency rule adopted under subsection (c) expires on the earlier of the following dates:

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(1) Not more than two (2) years after the emergency rule is accepted for filing with the publisher of the Indiana Register.

(2) The date a permanent rule is adopted under IC 4-22-2.

(e) Subject to the approval of the commission, the regulated amusement device safety board established under IC 22-12-4.5 shall adopt rules under IC 4-22-2 to create equipment laws applicable to regulated amusement devices.

SECTION 5. IC 22-13-2-14.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2019]: **Sec. 14.1. (a) The commission or department shall consult with an industry expert to discuss a variance application or an update to a rule or safety standard concerning:**

(1) a boiler or pressure vessel; or

(2) a regulated amusement device.

(b) An industry expert for the purposes of consulting under subsection (a)(1) must be:

(1) a professional engineer registered under IC 25-31; and

(2) knowledgeable in and have experience with boiler and pressure vessels.

SECTION 6. IC 22-15-6-0.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 0.5. This chapter applies to a regulated boiler and pressure vessel as set forth in rules adopted by the ~~rules board~~ **commission** under IC 4-22-2.

SECTION 7. IC 22-15-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. Sections 2 through 3 of this chapter do not apply to any regulated boiler or pressure vessel exempted by a rule adopted by the ~~rules board~~ **commission** under IC 4-22-2.

SECTION 8. IC 22-15-6-2, AS AMENDED BY P.L.86-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The division ~~shall~~ **may** conduct a program of ~~periodic~~ inspections of regulated boilers and pressure vessels.

(b) The division ~~or a boiler and pressure vessel inspector acting under section 4 of this chapter~~ shall **do the following:**

(1) Issue a regulated boiler and pressure vessel operating permit to an applicant who qualifies under this section.

(2) Perform an operating permit inspection of a boiler or pressure vessel owned by the state.

(3) Conduct a program to audit boiler and pressure vessel inspectors licensed under section 5 of this chapter.

(4) Conduct a program to audit inspections completed by a



boiler and pressure vessel inspector licensed under section 5 of this chapter.

(c) Except as provided in subsection (f); **(e)**, a **an operating** permit issued under this section expires one (1) year after it is issued. The permit terminates if it was issued by an insurance company acting under section 4 of this chapter and the applicant ceases to insure the boiler or pressure vessel covered by the permit against loss by explosion with an insurance company authorized to do business in Indiana.

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

(1) Apply for an operating permit on a form approved by the division.

(+) **(2) Demonstrate through an inspection, performed by an inspector licensed under section 5 of this chapter, that the regulated boiler or pressure vessel covered by the application complies with the rules adopted by the rules board: commission.**

(3) Submit a report of the inspection conducted under subdivision (2) to the division.

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

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

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

(A) the division; or

(B) an owner or user inspection agency.

(2) An inspection for a renewal permit shall be conducted by one (+) of the following:

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

(B) An owner or user inspection agency.

(C) The division, if:

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

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

(f) (e) The rules board **commission** may, by rule adopted under IC 4-22-2, specify:

(1) a period between inspections of more than one (1) year; and

(2) an expiration date for an operating permit longer than one



(1) year from the date of issuance.

However, the ~~rules board~~ **commission** may not set an inspection period of greater than five (5) years **or issue an operating permit valid for a period of more than five (5) years** for regulated pressure vessels or steam generating equipment that is an integral part of a continuous processing unit.

~~(g)~~ **(f)** For any inspection conducted by the division under this section, the division may designate

- (1) a third party an inspector that satisfies the requirements of licensed under section 5 of this chapter or**
- (2) an inspection agency that satisfies the requirements of section 6 of this chapter;**

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

(g) The commission may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to implement this chapter. An emergency rule adopted under this subsection expires on the earliest of the following dates:

- (1) The expiration date stated in the emergency rule.**
- (2) The date the emergency rule is amended or repealed by a later rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36 or under IC 4-22-2-37.1.**
- (3) July 1, 2021.**

SECTION 9. IC 22-15-6-4 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 4: (a) As used in this chapter, "inspection agency" means:

- (1) an insurance company inspection agency; or**
- (2) an owner or user inspection agency;**

licensed under section 6 of this chapter.

(b) A boiler and pressure vessel inspector licensed under section 5 of this chapter and employed by an inspection agency may perform any of the following:

- (1) An inspection required by section 2 of this chapter.**
- (2) The issuance of a permit under section 2 of this chapter.**
- (3) The issuance of an appropriate order under IC 22-12-7 when an equipment law has been violated.**

(c) The authority of an inspector acting under this chapter is limited to enforcement related to regulated boilers or pressure vessels insured, owned, or operated by the inspection agency employing the inspector.

(d) Unless an annual report is substituted under subsection (c), an inspection agency shall, within thirty (30) days after the completion of an inspection, submit to the office the report required by the rules board. In addition to any other information required by the rules board, the inspector conducting the inspection shall cite on the report any



violation of the equipment law applicable to the regulated boiler or pressure vessel:

(e) In the case of boilers or pressure vessels inspected by an owner or user inspection agency, an annual report filed on or before the annual date as the rules board may prescribe for each report may be substituted. An annual report of an owner or user inspection agency must list, by number and abbreviated description necessary for identification, each boiler and pressure vessel inspected during the covered period; the date of the last inspection of each unit, and for each pressure vessel the approximate date for its next inspection under the rules of the rules board. Each annual report of an owner or user inspection must also contain the certificate of a professional engineer registered under IC 25-31 and having supervision over the inspections reported; swearing or affirming under penalty of perjury that each inspection was conducted in conformity with the equipment laws:

(f) An owner or user inspection agency shall pay the fee set under IC 22-12-6 with a report under subsection (e).

(g) In addition to the reports required by subsections (d) and (e), an owner, a user, or an inspection agency shall immediately notify the division when an incident occurs to render a boiler or pressure vessel inoperative:

(h) An inspection agency, an owner, or a user that violates this section is subject to a disciplinary action under IC 22-12-7.

SECTION 10. IC 22-15-6-5, AS AMENDED BY P.L.1-2006, SECTION 399, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The division shall issue a boiler and pressure vessel inspector license to an applicant who qualifies under this section.

(b) To qualify for a license under this section an applicant must:

- (1) meet the qualifications set by the ~~rules board~~ **commission** in its rules;
- (2) pass an examination approved by the ~~rules board~~ **commission** and conducted, supervised, and graded as prescribed by the ~~rules board;~~ **commission;** and
- (3) pay the fee set under IC 22-12-6-6(a)(9).

(c) The ~~rules board~~ **commission** may exempt an applicant from any part of the examination required by subsection (b) if the applicant has:

- (1) a boiler and pressure vessel inspector's license issued by another state with qualifications substantially equal to the qualifications for a license under this section; or
- (2) a commission as a boiler and pressure vessel inspector issued by the National Board of Boiler and Pressure Vessel Inspectors.



(d) The commission may sanction a boiler and pressure vessel inspector under IC 22-12-7 if the boiler and pressure vessel inspector violates this chapter or rules adopted by the commission.

SECTION 11. IC 22-15-6-6 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 6: (a) The division shall issue a license to act as an owner or user boiler and pressure vessel inspection agency to an applicant who qualifies under this section:

(b) A license issued under this section expires if the bond required by subsection (c)(3) becomes invalid.

(c) To qualify for a license under this section an applicant must:

- (1) submit the name and address of the applicant;
- (2) submit proof that inspections will be supervised by one (1) or more professional engineers licensed under IC 25-31 and regularly employed by the applicant;
- (3) provide a surety bond issued by a surety qualified to do business in Indiana for one hundred thousand dollars (\$100,000); made payable to the division and conditioned upon compliance with the equipment laws applicable to inspections and the true accounting for all funds due to the division; and
- (4) pay the fee set under IC 22-12-6-6(a)(9).

(d) An owner or user boiler and pressure vessel inspection agency licensee under this section shall maintain with the division the most current name and address of the licensee and the name of the professional engineer supervising the licensee's inspections and notify the division of any changes within thirty (30) days after the change occurs. An inspection agency that violates this subsection is subject to a disciplinary action under IC 22-12-7.

(e) The rules board may establish standards for the operation of inspection agencies:

(f) An inspection agency that violates this section is subject to a disciplinary action under IC 22-12-7.

SECTION 12. IC 36-8-4-2, AS AMENDED BY P.L.65-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) Members of the police and fire departments must reside in Indiana within:

- (1) the county in which the city is located; or
- (2) a county that is contiguous to the county in which the city is located; or
- (3) a county that is noncontiguous to the county in which the city is located but is not more than fifty (50) miles from the closest boundary of the city where the police or fire department is located.**



(b) In a consolidated city, a member who was residing outside the county on January 1, 1975, is exempt from subsection (a).

(c) A city with a population of less than seven thousand five hundred (7,500) may adopt an ordinance that requires a member of the city's police or fire department to comply with the following:

- (1) Reside within the county in which the city is located.
- (2) Have adequate means of transportation into the city.
- (3) Maintain in the member's residence telephone service with the city.

(d) This subsection applies to a city that:

- (1) has a population of less than seven thousand five hundred (7,500); and
- (2) adopted an ordinance to establish the requirements described in this subsection before September 1, 1984.

A city may require, in addition to the requirements of subsection (c), that a member of the police or fire department reside within the city until the member has served in the department for five (5) years.

(e) An ordinance adopted under subsection (c) or described in subsection (d)(2) may not require a member of a city's police or fire department to reside within the county in which the city is located if the member resides outside the county on the date the ordinance is adopted.

SECTION 13. IC 36-8-4.5-4, AS ADDED BY P.L.65-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. A member of a town police or fire department must reside ~~in Indiana~~ within:

- (1) the county in which the town is located; ~~or~~
- (2) a county that is contiguous to the county in which the town is located; ~~or~~
- (3) a county that is noncontiguous to the county in which the town is located but is not more than fifty (50) miles from the closest boundary of the town where the police or fire department is located.**

SECTION 14. IC 36-8-13.5-4, AS ADDED BY P.L.65-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. A member of a township fire department **(as defined in IC 36-8-2.2-3)** must reside ~~in Indiana~~ within:

- (1) the county in which the township is located; ~~or~~
- (2) a county that is contiguous to the county in which the township is located; ~~or~~
- (3) a county that is noncontiguous to the county in which the township is located but is not more than fifty (50) miles from**



the closest boundary of the township where the fire department is located.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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