



March 24, 2021

ENGROSSED HOUSE BILL No. 1270

DIGEST OF HB 1270 (Updated March 23, 2021 11:19 am - DI 143)

Citations Affected: IC 4-21.5; IC 4-31; IC 5-1.2; IC 5-2; IC 5-16; IC 7.1-5; IC 10-15; IC 10-19; IC 11-12; IC 12-17; IC 12-17.2; IC 13-18; IC 14-23; IC 16-19; IC 16-21; IC 16-22; IC 16-28; IC 16-31; IC 20-26; IC 22-11; IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 24-4; IC 25-4; IC 25-31; IC 35-47.5; IC 36-1; IC 36-7; IC 36-8.

Synopsis: Department of homeland security. Amends the administrative orders and procedures act to allow for an initial notice of determination to be served by electronic mail or any other method approved by the Indiana Rules of Trial Procedure. (Under current law, the initial notice of determination may be served only by United States mail or personal service.) Repeals provisions concerning the division of planning and assessment, division of preparedness and training, division of emergency response and recovery, and division of fire and building safety (divisions). Assigns all duties of the divisions to the executive director of the department of homeland security (department) or the department generally. Establishes a fire chief executive training program (executive training program). Provides that after January 1, 2022, a newly appointed fire chief of a political subdivision must successfully complete the executive training program within one year of appointment. Provides that a volunteer fire chief is not required to complete the executive training program. Provides that the department
(Continued next page)

Effective: July 1, 2021.

Frye R, Judy, May, Gore

(SENATE SPONSOR — CRIDER)

January 14, 2021, read first time and referred to Committee on Veterans Affairs and Public Safety.

February 16, 2021, amended, reported — Do Pass.
February 18, 2021, read second time, ordered engrossed. Engrossed.
February 22, 2021, read third time, passed. Yeas 90, nays 0.

SENATE ACTION

March 1, 2021, read first time and referred to Committee on Homeland Security and Transportation.
March 23, 2021, amended, reported favorably — Do Pass.

EH 1270—LS 7312/DI 141



Digest Continued

of homeland security may allow any of the following individuals to enroll in the executive training program if there is available space in the course: (1) A chief officer. (2) Management level personnel. (3) A volunteer fire chief. (4) A volunteer chief officer. (5) Volunteer management level personnel. Provides that schools with one or more employees shall create an emergency operations plan regarding unplanned fire alarm activations. Provides for the establishment of the Indiana public safety training matching fund for the purpose of encouraging private investment in first responder training and providing financial assistance to public safety training facilities in Indiana that provide first responder integrated, coordinated, and collaborative training to law enforcement, firefighters, and emergency medical services personnel. Makes corresponding changes and technical corrections.



March 24, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1270

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

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

1 SECTION 1. IC 4-21.5-3-1, AS AMENDED BY HEA 1060-2021,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 1. (a) This section applies to:
4 (1) the giving of any notice;
5 (2) the service of any motion, ruling, order, or other filed item; or
6 (3) the filing of any document with the ultimate authority or the
7 office of administrative law proceedings;
8 in an administrative proceeding under this article.
9 (b) Except as provided in subsection (c) or as otherwise provided by
10 law, a person shall serve papers by:
11 (1) United States mail;
12 (2) personal service;
13 (3) electronic mail; or
14 (4) any other method approved by the Indiana Rules of Trial
15 Procedure.
16 (c) ~~The following~~ **A complaint under section 8 of this chapter**
17 shall be served by United States mail or personal service.

EH 1270—LS 7312/DI 141



- 1 (+) The initial notice of a determination under section 6 of this
2 chapter:
3 (2) A complaint under section 8 of this chapter:
- 4 (d) The agency shall keep a record of the time, date, and
5 circumstances of the service under subsection (b) or (c).
- 6 (e) Service shall be made on a person or on the person's counsel or
7 other authorized representative of record in the proceeding. Service on
8 an artificial person or a person incompetent to receive service shall be
9 made on a person allowed to receive service under the rules governing
10 civil actions in the courts. If an ultimate authority consists of more than
11 one (1) individual, service on that ultimate authority must be made on
12 the chairperson or secretary of the ultimate authority. A document to
13 be filed with that ultimate authority must be filed with the chairperson
14 or secretary of the ultimate authority.
- 15 (f) If the current address of a person is not ascertainable, service
16 shall be mailed to the last known address where the person resides or
17 has a principal place of business. If the identity, address, or existence
18 of a person is not ascertainable, or a law other than a rule allows,
19 service shall be made by a single publication in a newspaper of general
20 circulation in:
- 21 (1) the county in which the person resides, has a principal place
22 of business, or has property that is the subject of the proceeding;
23 or
24 (2) Marion County, if the place described in subdivision (1) is not
25 ascertainable or the place described in subdivision (1) is outside
26 Indiana and the person does not have a resident agent or other
27 representative of record in Indiana.
- 28 (g) A notice given by publication must include a statement advising
29 a person how the person may receive written notice of the proceedings.
- 30 (h) The filing of a document with an ultimate authority is considered
31 complete on the earliest of the following dates that apply to the filing:
- 32 (1) The date on which the document is delivered to the ultimate
33 authority or the office of administrative law proceedings:
- 34 (A) under subsection (b) or (c); and
35 (B) in compliance with subsection (e).
- 36 (2) The date of the postmark on the envelope containing the
37 document, if the document is mailed to the ultimate authority or
38 the office of administrative law proceedings by United States
39 mail.
- 40 (3) The date on which the document is deposited with a private
41 carrier, as shown by a receipt issued by the carrier, if the
42 document is sent to the ultimate authority or the office of



1 administrative law proceedings by private carrier.

2 (4) The date of the electronic submission containing the
3 document, if the document is sent by electronic mail.

4 SECTION 2. IC 4-31-8-5, AS AMENDED BY P.L.1-2006,
5 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2021]: Sec. 5. Each applicant for a permit shall, before the
7 opening of the applicant's racing season, request an inspection of the
8 racetrack premises and obtain a certificate from the ~~division of fire and~~
9 ~~building safety department of homeland security~~ stating that the
10 premises are in compliance with all safety requirements.

11 SECTION 3. IC 5-1.2-7-19, AS ADDED BY P.L.189-2018,
12 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2021]: Sec. 19. On behalf of the authority, the board of
14 directors or board of managers of the hospital shall, before the
15 execution of a lease, submit to and receive the approval of the board of
16 commissioners of the county of the plans, specifications, and estimates
17 of cost for the building or renovation. The plans and specifications
18 shall be submitted to and approved by the state board of health, the
19 ~~division of fire and building safety, department of homeland security,~~
20 and other state agencies that are required by law to pass on plans and
21 specifications for public buildings.

22 SECTION 4. IC 5-2-1-3, AS AMENDED BY P.L.197-2011,
23 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2021]: Sec. 3. There is created, as a criminal justice agency of
25 the state, a law enforcement training board to carry out the provisions
26 of this chapter. The board members are to be selected as provided by
27 this chapter. The board is composed of the following members:

28 (1) The superintendent of the Indiana state police department,
29 who shall serve as chairperson of the board.

30 (2) The ~~deputy executive~~ director of the ~~division of preparedness~~
31 ~~and training~~ of the department of homeland security **appointed**
32 **under IC 10-19-3-1**. The ~~deputy executive~~ director shall serve as
33 the vice chair of the board.

34 (3) The chief of police of a consolidated city.

35 (4) One (1) county sheriff from a county with a population of at
36 least one hundred thousand (100,000).

37 (5) One (1) county sheriff from a county of at least fifty thousand
38 (50,000) but less than one hundred thousand (100,000)
39 population.

40 (6) One (1) county sheriff from a county of under fifty thousand
41 (50,000) population.

42 (7) One (1) chief of police from a city of at least thirty-five



- 1 thousand (35,000) population, who is not the chief of police of a
 2 consolidated city.
- 3 (8) One (1) chief of police from a city of at least ten thousand
 4 (10,000) but under thirty-five thousand (35,000) population.
- 5 (9) One (1) chief of police, police officer, or town marshal from
 6 a city or town of under ten thousand (10,000) population.
- 7 (10) One (1) prosecuting attorney.
- 8 (11) One (1) judge of a circuit or superior court exercising
 9 criminal jurisdiction.
- 10 (12) One (1) member representing professional journalism.
- 11 (13) One (1) member representing the medical profession.
- 12 (14) One (1) member representing education.
- 13 (15) One (1) member representing business and industry.
- 14 (16) One (1) member representing labor.
- 15 (17) One (1) member representing Indiana elected officials of
 16 counties, cities, and towns.
- 17 SECTION 5. IC 5-2-1-9, AS AMENDED BY SEA 81-2021,
 18 SECTION 1, AND AS AMENDED BY HEA 1006-2021, SECTION
 19 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 20 2021]: Sec. 9. (a) The board shall adopt in accordance with IC 4-22-2
 21 all necessary rules to carry out the provisions of this chapter. The rules,
 22 which shall be adopted only after necessary and proper investigation
 23 and inquiry by the board, shall include the establishment of the
 24 following:
- 25 (1) Minimum standards of physical, educational, mental, and
 26 moral fitness which shall govern the acceptance of any person for
 27 training by any law enforcement training school or academy
 28 meeting or exceeding the minimum standards established
 29 pursuant to this chapter.
- 30 (2) Minimum standards for law enforcement training schools
 31 administered by towns, cities, counties, law enforcement training
 32 centers, agencies, or departments of the state.
- 33 (3) Minimum standards for courses of study, attendance
 34 requirements, equipment, and facilities for approved town, city,
 35 county, and state law enforcement officer, police reserve officer,
 36 and conservation reserve officer training schools.
- 37 (4) Minimum standards for a course of study on cultural diversity
 38 awareness, including training on the U nonimmigrant visa created
 39 through the federal Victims of Trafficking and Violence
 40 Protection Act of 2000 (P.L. 106-386) that must be required for
 41 each person accepted for training at a law enforcement training
 42 school or academy. Cultural diversity awareness study must



- 1 include an understanding of cultural issues related to race,
 2 religion, gender, age, domestic violence, national origin, and
 3 physical and mental disabilities.
- 4 (5) Minimum qualifications for instructors at approved law
 5 enforcement training schools.
- 6 (6) Minimum basic training requirements which law enforcement
 7 officers appointed to probationary terms shall complete before
 8 being eligible for continued or permanent employment.
- 9 (7) Minimum basic training requirements which law enforcement
 10 officers appointed on other than a permanent basis shall complete
 11 in order to be eligible for continued employment or permanent
 12 appointment.
- 13 (8) Minimum basic training requirements which law enforcement
 14 officers appointed on a permanent basis shall complete in order
 15 to be eligible for continued employment.
- 16 (9) Minimum basic training requirements for each person
 17 accepted for training at a law enforcement training school or
 18 academy that include six (6) hours of training in interacting with:
 19 (A) persons with autism, mental illness, addictive disorders,
 20 intellectual disabilities, and developmental disabilities;
 21 (B) missing endangered adults (as defined in IC 12-7-2-131.3);
 22 and
 23 (C) persons with Alzheimer's disease or related senile
 24 dementia;
- 25 to be provided by persons approved by the secretary of family and
 26 social services and the board. The training must include an
 27 overview of the crisis intervention teams.
- 28 (10) Minimum standards for a course of study on human and
 29 sexual trafficking that must be required for each person accepted
 30 for training at a law enforcement training school or academy and
 31 for inservice training programs for law enforcement officers. The
 32 course must cover the following topics:
 33 (A) Examination of the human and sexual trafficking laws
 34 (IC 35-42-3.5).
 35 (B) Identification of human and sexual trafficking.
 36 (C) Communicating with traumatized persons.
 37 (D) Therapeutically appropriate investigative techniques.
 38 (E) Collaboration with federal law enforcement officials.
 39 (F) Rights of and protections afforded to victims.
 40 (G) Providing documentation that satisfies the Declaration of
 41 Law Enforcement Officer for Victim of Trafficking in Persons
 42 (Form I-914, Supplement B) requirements established under



- 1 federal law.
- 2 (H) The availability of community resources to assist human
3 and sexual trafficking victims.
- 4 (11) Minimum standards for ongoing specialized, intensive, and
5 integrative training for persons responsible for investigating
6 sexual assault cases involving adult victims. This training must
7 include instruction on:
- 8 (A) the neurobiology of trauma;
9 (B) trauma informed interviewing; and
10 (C) investigative techniques.
- 11 ~~(H)~~ **(12)** Minimum standards for de-escalation training.
12 De-escalation training shall be taught as a part of existing
13 use-of-force training and not as a separate topic.
- 14 (b) A law enforcement officer appointed after July 5, 1972, and
15 before July 1, 1993, may not enforce the laws or ordinances of the state
16 or any political subdivision unless the officer has, within one (1) year
17 from the date of appointment, successfully completed the minimum
18 basic training requirements established under this chapter by the board.
19 If a person fails to successfully complete the basic training
20 requirements within one (1) year from the date of employment, the
21 officer may not perform any of the duties of a law enforcement officer
22 involving control or direction of members of the public or exercising
23 the power of arrest until the officer has successfully completed the
24 training requirements. This subsection does not apply to any law
25 enforcement officer appointed before July 6, 1972, or after June 30,
26 1993.
- 27 (c) Military leave or other authorized leave of absence from law
28 enforcement duty during the first year of employment after July 6,
29 1972, shall toll the running of the first year, which shall be calculated
30 by the aggregate of the time before and after the leave, for the purposes
31 of this chapter.
- 32 (d) Except as provided in subsections (e), (m), (t), and (u), a law
33 enforcement officer appointed to a law enforcement department or
34 agency after June 30, 1993, may not:
- 35 (1) make an arrest;
36 (2) conduct a search or a seizure of a person or property; or
37 (3) carry a firearm;
- 38 unless the law enforcement officer successfully completes, at a board
39 certified law enforcement academy or at a law enforcement training
40 center under section 10.5 or 15.2 of this chapter, the basic training
41 requirements established by the board under this chapter.
- 42 (e) This subsection does not apply to:



1 (1) a gaming agent employed as a law enforcement officer by the
2 Indiana gaming commission; or

3 (2) an:

4 (A) attorney; or

5 (B) investigator;

6 designated by the securities commissioner as a police officer of
7 the state under IC 23-19-6-1(k).

8 Before a law enforcement officer appointed after June 30, 1993,
9 completes the basic training requirements, the law enforcement officer
10 may exercise the police powers described in subsection (d) if the
11 officer successfully completes the pre-basic course established in
12 subsection (f). Successful completion of the pre-basic course authorizes
13 a law enforcement officer to exercise the police powers described in
14 subsection (d) for one (1) year after the date the law enforcement
15 officer is appointed.

16 (f) The board shall adopt rules under IC 4-22-2 to establish a
17 pre-basic course for the purpose of training:

18 (1) law enforcement officers;

19 (2) police reserve officers (as described in IC 36-8-3-20); and

20 (3) conservation reserve officers (as described in IC 14-9-8-27);

21 regarding the subjects of arrest, search and seizure, the lawful use of
22 force, de-escalation training, interacting with individuals with autism,
23 and the operation of an emergency vehicle. The pre-basic course must
24 be offered on a periodic basis throughout the year at regional sites
25 statewide. The pre-basic course must consist of at least forty (40) hours
26 of course work. The board may prepare the classroom part of the
27 pre-basic course using available technology in conjunction with live
28 instruction. The board shall provide the course material, the instructors,
29 and the facilities at the regional sites throughout the state that are used
30 for the pre-basic course. In addition, the board may certify pre-basic
31 courses that may be conducted by other public or private training
32 entities, including postsecondary educational institutions.

33 (g) Subject to subsection (h), the board shall adopt rules under
34 IC 4-22-2 to establish a mandatory inservice training program for
35 police officers and police reserve officers (as described in
36 IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has
37 satisfactorily completed basic training and has been appointed to a law
38 enforcement department or agency on either a full-time or part-time
39 basis is not eligible for continued employment unless the officer
40 satisfactorily completes the mandatory inservice training requirements
41 established by rules adopted by the board. Inservice training must
42 include de-escalation training. Inservice training must also include



1 training in interacting with persons with mental illness, addictive
 2 disorders, intellectual disabilities, autism, developmental disabilities,
 3 and Alzheimer's disease or related senile dementia, to be provided by
 4 persons approved by the secretary of family and social services and the
 5 board, and training concerning human and sexual trafficking and high
 6 risk missing persons (as defined in IC 5-2-17-1). The board may
 7 approve courses offered by other public or private training entities,
 8 including postsecondary educational institutions, as necessary in order
 9 to ensure the availability of an adequate number of inservice training
 10 programs. The board may waive an officer's inservice training
 11 requirements if the board determines that the officer's reason for
 12 lacking the required amount of inservice training hours is due to either
 13 an emergency situation or the unavailability of courses.

14 (h) This subsection applies only to a mandatory inservice training
 15 program under subsection (g). Notwithstanding subsection (g), the
 16 board may, without adopting rules under IC 4-22-2, modify the course
 17 work of a training subject matter, modify the number of hours of
 18 training required within a particular subject matter, or add a new
 19 subject matter, if the board satisfies the following requirements:

- 20 (1) The board must conduct at least two (2) public meetings on
 21 the proposed modification or addition.
 22 (2) After approving the modification or addition at a public
 23 meeting, the board must post notice of the modification or
 24 addition on the Indiana law enforcement academy's Internet web
 25 site at least thirty (30) days before the modification or addition
 26 takes effect.

27 If the board does not satisfy the requirements of this subsection, the
 28 modification or addition is void. This subsection does not authorize the
 29 board to eliminate any inservice training subject matter required under
 30 subsection (g).

31 (i) The board shall also adopt rules establishing a town marshal
 32 basic training program, subject to the following:

- 33 (1) The program must require fewer hours of instruction and class
 34 attendance and fewer courses of study than are required for the
 35 mandated basic training program.
 36 (2) Certain parts of the course materials may be studied by a
 37 candidate at the candidate's home in order to fulfill requirements
 38 of the program.
 39 (3) Law enforcement officers successfully completing the
 40 requirements of the program are eligible for appointment only in
 41 towns employing the town marshal system (IC 36-5-7) and having
 42 not more than one (1) marshal and two (2) deputies.



- 1 (4) The limitation imposed by subdivision (3) does not apply to an
 2 officer who has successfully completed the mandated basic
 3 training program.
- 4 (5) The time limitations imposed by subsections (b) and (c) for
 5 completing the training are also applicable to the town marshal
 6 basic training program.
- 7 (6) The program must require training in interacting with
 8 individuals with autism.
- 9 (j) The board shall adopt rules under IC 4-22-2 to establish an
 10 executive training program. The executive training program must
 11 include training in the following areas:
- 12 (1) Liability.
 13 (2) Media relations.
 14 (3) Accounting and administration.
 15 (4) Discipline.
 16 (5) Department policy making.
 17 (6) Lawful use of force and de-escalation training.
 18 (7) Department programs.
 19 (8) Emergency vehicle operation.
 20 (9) Cultural diversity.
- 21 (k) A police chief shall apply for admission to the executive training
 22 program within two (2) months of the date the police chief initially
 23 takes office. A police chief must successfully complete the executive
 24 training program within six (6) months of the date the police chief
 25 initially takes office. However, if space in the executive training
 26 program is not available at a time that will allow completion of the
 27 executive training program within six (6) months of the date the police
 28 chief initially takes office, the police chief must successfully complete
 29 the next available executive training program that is offered after the
 30 police chief initially takes office.
- 31 (l) A police chief who fails to comply with subsection (k) may not
 32 continue to serve as the police chief until completion of the executive
 33 training program. For the purposes of this subsection and subsection
 34 (k), "police chief" refers to:
- 35 (1) the police chief of any city;
 36 (2) the police chief of any town having a metropolitan police
 37 department; and
 38 (3) the chief of a consolidated law enforcement department
 39 established under IC 36-3-1-5.1.
- 40 A town marshal is not considered to be a police chief for these
 41 purposes, but a town marshal may enroll in the executive training
 42 program.



1 (m) A fire investigator in the ~~division of fire and building safety~~
 2 **department of homeland security** appointed after December 31,
 3 1993, is required to comply with the basic training standards
 4 established under this chapter.

5 (n) The board shall adopt rules under IC 4-22-2 to establish a
 6 program to certify handgun safety courses, including courses offered
 7 in the private sector, that meet standards approved by the board for
 8 training probation officers in handgun safety as required by
 9 IC 11-13-1-3.5(3).

10 (o) The board shall adopt rules under IC 4-22-2 to establish a
 11 refresher course for an officer who:

12 (1) is hired by an Indiana law enforcement department or agency
 13 as a law enforcement officer;

14 (2) has not been employed as a law enforcement officer for:

15 (A) at least two (2) years; and

16 (B) less than six (6) years before the officer is hired under
 17 subdivision (1); and

18 (3) completed at any time a basic training course certified or
 19 recognized by the board before the officer is hired under
 20 subdivision (1).

21 (p) An officer to whom subsection (o) applies must successfully
 22 complete the refresher course described in subsection (o) not later than
 23 six (6) months after the officer's date of hire, or the officer loses the
 24 officer's powers of:

25 (1) arrest;

26 (2) search; and

27 (3) seizure.

28 (q) The board shall adopt rules under IC 4-22-2 to establish a
 29 refresher course for an officer who:

30 (1) is appointed by an Indiana law enforcement department or
 31 agency as a reserve police officer; and

32 (2) has not worked as a reserve police officer for at least two (2)
 33 years after:

34 (A) completing the pre-basic course; or

35 (B) leaving the individual's last appointment as a reserve
 36 police officer.

37 An officer to whom this subsection applies must successfully complete
 38 the refresher course established by the board in order to work as a
 39 reserve police officer.

40 (r) This subsection applies to an individual who, at the time the
 41 individual completes a board certified or recognized basic training
 42 course, has not been appointed as a law enforcement officer by an



1 Indiana law enforcement department or agency. If the individual is not
 2 employed as a law enforcement officer for at least two (2) years after
 3 completing the basic training course, the individual must successfully
 4 retake and complete the basic training course as set forth in subsection
 5 (d).

6 (s) The board shall adopt rules under IC 4-22-2 to establish a
 7 refresher course for an individual who:

8 (1) is appointed as a board certified instructor of law enforcement
 9 training; and

10 (2) has not provided law enforcement training instruction for
 11 more than one (1) year after the date the individual's instructor
 12 certification expired.

13 An individual to whom this subsection applies must successfully
 14 complete the refresher course established by the board in order to
 15 renew the individual's instructor certification.

16 (t) This subsection applies only to a gaming agent employed as a
 17 law enforcement officer by the Indiana gaming commission. A gaming
 18 agent appointed after June 30, 2005, may exercise the police powers
 19 described in subsection (d) if:

20 (1) the agent successfully completes the pre-basic course
 21 established in subsection (f); and

22 (2) the agent successfully completes any other training courses
 23 established by the Indiana gaming commission in conjunction
 24 with the board.

25 (u) This subsection applies only to a securities enforcement officer
 26 designated as a law enforcement officer by the securities
 27 commissioner. A securities enforcement officer may exercise the police
 28 powers described in subsection (d) if:

29 (1) the securities enforcement officer successfully completes the
 30 pre-basic course established in subsection (f); and

31 (2) the securities enforcement officer successfully completes any
 32 other training courses established by the securities commissioner
 33 in conjunction with the board.

34 (v) As used in this section, "upper level policymaking position"
 35 refers to the following:

36 (1) If the authorized size of the department or town marshal
 37 system is not more than ten (10) members, the term refers to the
 38 position held by the police chief or town marshal.

39 (2) If the authorized size of the department or town marshal
 40 system is more than ten (10) members but less than fifty-one (51)
 41 members, the term refers to:

42 (A) the position held by the police chief or town marshal; and



- 1 (B) each position held by the members of the police
 2 department or town marshal system in the next rank and pay
 3 grade immediately below the police chief or town marshal.
- 4 (3) If the authorized size of the department or town marshal
 5 system is more than fifty (50) members, the term refers to:
 6 (A) the position held by the police chief or town marshal; and
 7 (B) each position held by the members of the police
 8 department or town marshal system in the next two (2) ranks
 9 and pay grades immediately below the police chief or town
 10 marshal.
- 11 (w) This subsection applies only to a correctional police officer
 12 employed by the department of correction. A correctional police officer
 13 may exercise the police powers described in subsection (d) if:
 14 (1) the officer successfully completes the pre-basic course
 15 described in subsection (f); and
 16 (2) the officer successfully completes any other training courses
 17 established by the department of correction in conjunction with
 18 the board.
- 19 (x) This subsection applies only to the sexual assault training
 20 described in subsection (a)(11). The board shall:
 21 (1) consult with experts on the neurobiology of trauma, trauma
 22 informed interviewing, and investigative techniques in developing
 23 the sexual assault training; and
 24 (2) develop the sexual assault training and begin offering the
 25 training not later than July 1, 2022.
- 26 (y) After July 1, 2023, a law enforcement officer who regularly
 27 investigates sexual assaults involving adult victims must complete the
 28 training requirements described in subsection (a)(11) within one (1)
 29 year of being assigned to regularly investigate sexual assaults involving
 30 adult victims.
- 31 (z) A law enforcement officer who regularly investigates sexual
 32 assaults involving adult victims may complete the training
 33 requirements described in subsection (a)(11) by attending a:
 34 (1) statewide or national training; or
 35 (2) department hosted local training.
- 36 SECTION 6. IC 5-16-3-1, AS AMENDED BY P.L.1-2006,
 37 SECTION 103, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) A public official, board,
 39 commission, or other public agency having charge of the construction
 40 of a public building, an addition to the building, or an alteration of the
 41 building shall file in the ~~division of fire and building safety;~~
 42 **department of homeland security**, within sixty (60) days after the



1 completion of the building project, a complete set of blueprints and a
 2 complete set of bound specifications for the public building, addition,
 3 or alteration.

4 (b) Subsection (a) does not apply to buildings, additions, or
 5 alterations that are constructed at a cost of less than twenty-five
 6 thousand dollars (\$25,000).

7 SECTION 7. IC 5-16-3-2, AS AMENDED BY P.L.1-2006,
 8 SECTION 104, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2021]: Sec. 2. The ~~division of fire and building~~
 10 ~~safety of the~~ department of homeland security shall provide a safe
 11 depository for all blueprints and specifications filed as provided in
 12 section 1 of this chapter and retain them for inspection and loan under
 13 the conditions and restrictions as the fire prevention and building safety
 14 commission shall determine by rule. The fire prevention and building
 15 safety commission may designate the librarian of the state of Indiana
 16 as the custodian of any blueprints and specifications filed with it, at any
 17 time, and it shall be the duty of the state librarian to safely preserve the
 18 same in the state archives as public documents.

19 SECTION 8. IC 7.1-5-12-6, AS ADDED BY P.L.141-2012,
 20 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2021]: Sec. 6. (a) The commission shall enforce this chapter.

22 (b) This chapter may also be enforced by:

- 23 (1) the state department of health established by IC 16-19-1-1;
- 24 (2) a local health department, as defined in IC 16-18-2-211;
- 25 (3) a health and hospital corporation established by IC 16-22-8-6;
- 26 (4) ~~the division of fire and building safety established within the~~
 27 ~~department of homeland security established by IC 10-19-7-1;~~
 28 **IC 10-19-2-1;** and
- 29 (5) a law enforcement officer;

30 in cooperation with the commission.

31 (c) The commission, the state department of health, a local health
 32 department, a health and hospital corporation, the ~~division of fire and~~
 33 ~~building safety;~~ **department of homeland security,** or a law
 34 enforcement officer may inspect premises that are subject to this
 35 chapter to ensure that the person responsible for the premises is in
 36 compliance with this chapter.

37 SECTION 9. IC 7.1-5-12-9, AS ADDED BY P.L.141-2012,
 38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2021]: Sec. 9. (a) A local health department may enforce this
 40 chapter by filing a civil action under IC 16-20-1-26.

41 (b) A health and hospital corporation may enforce this chapter by
 42 filing a civil action under IC 16-22-8-31.



1 (c) The ~~division of fire and building safety department of~~
2 **homeland security** may enforce this chapter by filing a civil action
3 under IC 22-12-7-13.

4 SECTION 10. IC 10-15-3-13 IS ADDED TO THE INDIANA
5 CODE AS A NEW SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2021]: **Sec. 13. (a) The Indiana public safety**
7 **training matching fund is established for the purpose of**
8 **encouraging private investment in first responder training and**
9 **providing financial assistance to public safety training facilities in**
10 **Indiana that provide first responder integrated, coordinated, and**
11 **collaborative training to law enforcement, firefighters, and**
12 **emergency medical services (EMS) personnel.**

13 (b) The fund consists of money appropriated to the fund by the
14 general assembly and the investment earnings made on those
15 funds.

16 (c) The department shall administer the fund.

17 (d) The fund shall provide matching funds to eligible public
18 safety training facilities that submit an application to the
19 department.

20 (e) The department shall award a matching grant to an eligible
21 public safety training facility equal to the amount of money raised
22 by the facility from private sources and used for the construction,
23 renovation, or operation of the eligible public safety training
24 facility.

25 (f) The amount of a matching grant may not exceed five
26 hundred thousand dollars (\$500,000) to any one (1) facility in a
27 state fiscal year.

28 (g) The department shall give preference to facilities that
29 provide training to more than one (1) discipline of public safety
30 personnel and provide deescalation and use of force training at
31 that facility.

32 (h) Facilities that do not meet the criteria described in
33 subsection (g) will be granted matching funds from the remaining
34 funds.

35 (i) Facilities must submit their matching fund applications to the
36 department between May 1 and July 1 of each calendar year.

37 (j) Facilities must include the amount of money contributed to
38 the facility from private sources during the previous calendar year
39 and the proposed use of the requested matching funds.

40 (k) Before September 1 of each year, the department shall
41 review and approve, as appropriate, a grant of matching funds to
42 each eligible facility equal to the amount contributed to the facility



1 from private sources during the previous calendar year to support
 2 training at multidiscipline public safety training facilities and
 3 deescalation and use of force training.

4 (l) The matching funds the department approves must be
 5 disbursed to the eligible facility by the state before October 1 of
 6 each calendar year.

7 (m) The expenses of administering the fund shall be paid from
 8 money in the fund.

9 (n) The treasurer of state shall invest the money in the fund not
 10 currently needed to meet the obligations of the fund in the same
 11 manner as other public money may be invested. Interest that
 12 accrues from the investments must be deposited in the fund.

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

15 SECTION 11. IC 10-19-2-2, AS ADDED BY P.L.22-2005,
 16 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2021]: Sec. 2. (a) The department ~~consists of the following~~
 18 ~~divisions:~~ **shall do the following:**

19 (1) ~~The division of planning and assessment.~~

20 (2) ~~The division of preparedness and training.~~

21 (3) ~~The division of emergency response and recovery.~~

22 (4) ~~The division of fire and building safety.~~

23 (1) **Develop a single strategic plan for preparing for and**
 24 **responding to homeland security emergencies.**

25 (2) **Assess state and local security needs.**

26 (3) **Administer all state emergency management and response**
 27 **training programs.**

28 (4) **Administer the state's emergency operations functions**
 29 **during an emergency.**

30 (5) **Administer the following:**

31 (A) **IC 10-14.**

32 (B) **IC 16-31.**

33 (C) **IC 22-11.**

34 (D) **IC 22-12.**

35 (E) **IC 22-13.**

36 (F) **IC 22-14.**

37 (G) **IC 22-15.**

38 (b) **The executive director may organize the personnel and**
 39 **functions of the department into divisions and subdivisions to carry**
 40 **out the executive director's powers and duties and the powers and**
 41 **duties of the department. The executive director may periodically**
 42 **consolidate, divide, or abolish divisions and subdivisions as is**



- 1 **necessary to carry out those powers and duties.**
 2 SECTION 12. IC 10-19-3-3, AS AMENDED BY P.L.43-2020,
 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2021]: Sec. 3. The executive director shall do the following:
 5 (1) Serve as the chief executive and administrative officer of the
 6 department.
 7 (2) Serve as the director of the council.
 8 (3) Administer the application for, and disbursement of, federal
 9 and state homeland security money for all Indiana state and local
 10 governments.
 11 (4) Develop a single strategic plan for preparing and responding
 12 to homeland security emergencies in consultation with the
 13 council.
 14 (5) Serve as the state coordinating officer under federal law for all
 15 matters relating to emergency and disaster mitigation,
 16 preparedness, response, and recovery.
 17 (6) Use and allocate the services, facilities, equipment, personnel,
 18 and resources of any state agency, on the governor's behalf, as is
 19 reasonably necessary in the preparation for, response to, or
 20 recovery from an emergency or disaster situation that threatens or
 21 has occurred in Indiana.
 22 (7) Develop a plan to protect key state assets and public
 23 infrastructure from a disaster or terrorist attack.
 24 (8) Partner with state agencies, including the state department of
 25 health and state educational institutions, to develop public safety
 26 education and outreach programs.
 27 **(9) Appoint an individual to serve as the state emergency**
 28 **medical services medical director as provided in section 3.5 of**
 29 **this chapter.**
 30 SECTION 13. IC 10-19-3-3.5 IS ADDED TO THE INDIANA
 31 CODE AS A NEW SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2021]: **Sec. 3.5. (a) For purposes of this**
 33 **section, "EMS" means emergency medical services.**
 34 **(b) For purposes of this section, "state EMS medical director"**
 35 **refers to the state emergency medical services medical director**
 36 **appointed under subsection (c).**
 37 **(c) The executive director shall appoint an individual to serve as**
 38 **the state emergency medical services medical director. The**
 39 **individual must have the following qualifications:**
 40 **(1) Thorough knowledge of state EMS laws and**
 41 **administrative rules and regulations.**
 42 **(2) At least five (5) years experience in the following:**



- 1 (A) Medical direction of out of hospital EMS.
 2 (B) Emergency department treatment of acutely ill and
 3 injured patients.
 4 (3) Significant experience and familiarity with the following:
 5 (A) The design and operation of statewide EMS systems.
 6 (B) Working with national and other state EMS
 7 committees.
 8 (4) At the time of the individual's appointment, has a valid
 9 and unrestricted license to practice medicine in Indiana.
 10 (5) Be certified by the American Board of Emergency
 11 Medicine.
 12 (6) Other areas of knowledge and expertise that the executive
 13 director determines essential.
- 14 The state EMS medical director shall be an employee of the
 15 department.
- 16 (d) The executive director shall submit the name of the
 17 individual whom the executive director would like to appoint as
 18 state EMS medical director to the Indiana emergency medical
 19 services commission created by IC 16-31-2-1. The commission may,
 20 by a majority of the members, vote not later than thirty (30) days
 21 after the submission on whether to approve the appointment. If the
 22 commission:
 23 (1) does not take any action; or
 24 (2) by a majority of the commission votes to approve the
 25 appointment of the individual;
 26 not later than thirty (30) days after, the appointment shall become
 27 effective. If a majority of the commission votes not later than thirty
 28 (30) days after the submission of the appointment to not approve
 29 the appointment, the executive director shall restart the
 30 appointment process and submit an alternative individual for
 31 appointment.
- 32 (e) The state EMS medical director shall oversee all pre-hospital
 33 aspects of the statewide EMS system, including the following:
 34 (1) Medical components for systems of care that interface or
 35 integrate with the statewide EMS system, including the
 36 following:
 37 (A) Statewide planning for trauma, burn, cardiac, and
 38 stroke care.
 39 (B) Domestic preparedness.
 40 (C) EMS for children.
 41 (2) For all levels of emergency responders, establishment of
 42 the following:



- 1 **(A) Statewide model guidelines and best practices for all**
- 2 **patient care activities to ensure delivery of medical care**
- 3 **consistent with professionally recognized standards.**
- 4 **(B) A statewide EMS continuous quality improvement**
- 5 **program.**
- 6 **(C) A statewide EMS advocacy program.**
- 7 **(3) In cooperation with appropriate state and local agencies,**
- 8 **training and certification of all EMS providers.**
- 9 **(f) The state EMS medical director shall assist the executive**
- 10 **director on all issues related to statewide EMS, including the**
- 11 **following:**
 - 12 **(1) Consulting with EMS medical directors.**
 - 13 **(2) In consultation with the Indiana emergency medical**
 - 14 **services commission created by IC 16-31-2-1, providing**
 - 15 **guidance and assistance on the following matters:**
 - 16 **(A) Scope of practice for EMS providers.**
 - 17 **(B) Restrictions placed on EMS certifications.**
 - 18 **(C) Appropriate corrective and disciplinary actions for**
 - 19 **EMS personnel.**
 - 20 **(D) Education and training on emerging issues in EMS.**
 - 21 **(3) EMS system research.**
 - 22 **(4) Coordination of all medical activities for disaster planning**
 - 23 **and response.**
 - 24 **(5) Improving quality of care, research, and injury prevention**
 - 25 **programs.**
 - 26 **(6) Partnering with state agencies, including the state**
 - 27 **department of health and state educational institutions, to**
 - 28 **develop public safety education and outreach programs.**
- 29 SECTION 14. IC 10-19-4 IS REPEALED [EFFECTIVE JULY 1,
- 30 2021]. (Division of Planning and Assessment).
- 31 SECTION 15. IC 10-19-5 IS REPEALED [EFFECTIVE JULY 1,
- 32 2021]. (Division of Preparedness and Training).
- 33 SECTION 16. IC 10-19-6 IS REPEALED [EFFECTIVE JULY 1,
- 34 2021]. (Division of Emergency Response and Recovery).
- 35 SECTION 17. IC 10-19-7-1 IS REPEALED [EFFECTIVE JULY 1,
- 36 2021]. ~~Sec. 1. The division of fire and building safety is established~~
- 37 ~~within the department.~~
- 38 SECTION 18. IC 10-19-7-2 IS REPEALED [EFFECTIVE JULY 1,
- 39 2021]. ~~Sec. 2. The division shall administer the following:~~
 - 40 ~~(1) IC 16-31.~~
 - 41 ~~(2) IC 22-11.~~
 - 42 ~~(3) IC 22-12.~~



1 ~~(4) IC 22-13.~~
 2 ~~(5) IC 22-14.~~
 3 ~~(6) IC 22-15.~~
 4 SECTION 19. IC 10-19-7-3, AS AMENDED BY P.L.43-2020,
 5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2021]: Sec. 3. (a) The state fire marshal appointed under
 7 IC 22-14-2-2 shall ~~do~~ **manage the department's administration of**
 8 the following:
 9 **(1) IC 16-31.**
 10 **(2) IC 22-11.**
 11 **(3) IC 22-12.**
 12 **(4) IC 22-13.**
 13 **(5) IC 22-14.**
 14 **(6) IC 22-15.**
 15 ~~(1) Serve as a deputy executive director to manage the division.~~
 16 ~~(2) Administer the division.~~
 17 **(b) In carrying out the duties under subsection (a), the state fire**
 18 **marshal shall do the following:**
 19 ~~(1) Provide department staff to support the fire prevention~~
 20 ~~and building safety commission established by IC 22-12-2-1.~~
 21 ~~(2) Partner with state agencies, including the state department~~
 22 ~~of health and state educational institutions, to develop public~~
 23 ~~safety education and outreach programs.~~
 24 ~~(b) (c) The state fire marshal may not exercise any powers or~~
 25 ~~perform any duties specifically assigned to either of the following:~~
 26 ~~(1) The fire prevention and building safety commission.~~
 27 ~~(2) The state building commissioner.~~
 28 ~~(c) (d) The state fire marshal may delegate the state fire marshal's~~
 29 ~~authority to the appropriate division department staff.~~
 30 SECTION 20. IC 10-19-7-5 IS REPEALED [EFFECTIVE JULY 1,
 31 2021]. Sec. 5: (a) For purposes of this section, "EMS" means
 32 emergency medical services.
 33 ~~(b) For purposes of this section, "state EMS medical director" refers~~
 34 ~~to the state emergency medical services medical director appointed~~
 35 ~~under subsection (c):~~
 36 ~~(c) The executive director shall appoint an individual to serve as the~~
 37 ~~state emergency medical services medical director. The individual must~~
 38 ~~have the following qualifications:~~
 39 ~~(1) Thorough knowledge of state EMS laws and administrative~~
 40 ~~rules and regulations:~~
 41 ~~(2) At least five (5) years experience in the following:~~
 42 ~~(A) Medical direction of out of hospital EMS:~~



- 1 (B) Emergency department treatment of acutely ill and injured
 2 patients:
 3 (3) Significant experience and familiarity with the following:
 4 (A) The design and operation of statewide EMS systems.
 5 (B) Working with national and other state EMS committees.
 6 (4) At the time of the individual's appointment, has a valid and
 7 unrestricted license to practice medicine in Indiana.
 8 (5) Be certified by the American Board of Emergency Medicine.
 9 (6) Other areas of knowledge and expertise that the executive
 10 director determines essential.
- 11 The state EMS medical director shall be an employee of the
 12 department.
- 13 (d) The executive director shall submit the name of the individual
 14 whom the executive director would like to appoint as state EMS
 15 medical director to the Indiana emergency medical services
 16 commission created by IC 16-31-2-1. The commission may, by a
 17 majority of the members, vote not later than thirty (30) days after the
 18 submission on whether to approve the appointment. If the commission:
 19 (1) does not take any action; or
 20 (2) by a majority of the commission votes to approve the
 21 appointment of the individual;
 22 not later than thirty (30) days after, the appointment shall become
 23 effective. If a majority of the commission votes not later than thirty (30)
 24 days after the submission of the appointment to not approve the
 25 appointment, the executive director shall restart the appointment
 26 process and submit an alternative individual for appointment.
- 27 (e) The state EMS medical director shall oversee all pre-hospital
 28 aspects of the statewide EMS system, including the following:
 29 (1) Medical components for systems of care that interface or
 30 integrate with the statewide EMS system, including the following:
 31 (A) Statewide planning for trauma, burn, cardiac, and stroke
 32 care.
 33 (B) Domestic preparedness.
 34 (C) EMS for children.
 35 (2) For all levels of emergency responders, establishment of the
 36 following:
 37 (A) Statewide model guidelines and best practices for all
 38 patient care activities to ensure delivery of medical care
 39 consistent with professionally recognized standards.
 40 (B) A statewide EMS continuous quality improvement
 41 program.
 42 (C) A statewide EMS advocacy program.



- 1 (3) In cooperation with appropriate state and local agencies;
 2 training and certification of all EMS providers.
 3 (f) The state EMS medical director shall assist the executive director
 4 on all issues related to statewide EMS, including the following:
 5 (1) Consulting with EMS medical directors.
 6 (2) In consultation with the Indiana emergency medical services
 7 commission created by IC 16-31-2-1, providing guidance and
 8 assistance on the following matters:
 9 (A) Scope of practice for EMS providers.
 10 (B) Restrictions placed on EMS certifications.
 11 (C) Appropriate corrective and disciplinary actions for EMS
 12 personnel.
 13 (D) Education and training on emerging issues in EMS.
 14 (3) EMS system research.
 15 (4) Coordination of all medical activities for disaster planning and
 16 response.
 17 (5) Improving quality of care, research, and injury prevention
 18 programs.
 19 (6) Partnering with state agencies, including the state department
 20 of health and state educational institutions, to develop public
 21 safety education and outreach programs.
 22 SECTION 21. IC 10-19-9-1 IS REPEALED [EFFECTIVE JULY 1,
 23 2021]. Sec. 1. As used in this chapter, "division" refers to the division
 24 of preparedness and training.
 25 SECTION 22. IC 10-19-9-2, AS ADDED BY P.L.22-2005,
 26 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2021]: Sec. 2. As used in this chapter, "public safety service
 28 provider" or "provider" means an officer or employee of the state, an
 29 officer or employee of a governmental unit, or a volunteer who is
 30 engaged in at least one (1) of the following activities:
 31 (1) Firefighting.
 32 (2) Emergency management.
 33 (3) Environmental management.
 34 (4) Fire or building inspection.
 35 (5) Emergency medical service.
 36 (6) Any other public safety or homeland security activity that the
 37 **division department** may designate.
 38 SECTION 23. IC 10-19-9-3, AS ADDED BY P.L.22-2005,
 39 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2021]: Sec. 3. (a) The **division department** shall develop and
 41 provide a training program for public safety service providers.
 42 (b) Participation in the training program is optional for a provider.



1 SECTION 24. IC 10-19-9-4, AS ADDED BY P.L.22-2005,
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 4. Subject to section 3(b) of this chapter, the
4 ~~division~~ **department** shall establish and conduct advanced training
5 programs in public safety and homeland security subjects on a
6 voluntary enrollment basis. The ~~division~~ **department** may offer
7 courses to any public safety service provider that the ~~division~~
8 **department** determines will benefit from the training.

9 SECTION 25. IC 10-19-9-5, AS ADDED BY P.L.22-2005,
10 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2021]: Sec. 5. The ~~division~~ **department** may establish
12 training facilities at which the ~~division~~ **department** provides programs.
13 The ~~division~~ **department** shall establish policies and procedures for
14 the use of any training facilities that the ~~division~~ **department**
15 establishes.

16 SECTION 26. IC 10-19-9-6, AS ADDED BY P.L.22-2005,
17 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2021]: Sec. 6. The ~~division~~ **department** may recommend or
19 conduct studies or surveys. The ~~division~~ **department** may require
20 reports from the chief executive of a governmental or volunteer
21 provider organization for the purposes of this chapter.

22 SECTION 27. IC 10-19-9-7, AS ADDED BY P.L.22-2005,
23 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2021]: Sec. 7. The ~~division~~ **department** may originate,
25 compile, and disseminate training materials to providers.

26 SECTION 28. IC 10-19-9-8, AS ADDED BY P.L.22-2005,
27 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2021]: Sec. 8. The ~~division~~ **department** may establish a
29 system of issuing diplomas or certificates for persons who successfully
30 complete the ~~division's~~ **department's** training programs.

31 SECTION 29. IC 10-19-9-9, AS ADDED BY P.L.22-2005,
32 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2021]: Sec. 9. Upon request, the ~~division~~ **department** may
34 assist a provider organization in the development of training programs
35 for the organization's personnel.

36 SECTION 30. IC 10-19-9-10, AS ADDED BY P.L.22-2005,
37 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2021]: Sec. 10. The ~~division~~ **department** may consult,
39 cooperate, or contract with the law enforcement training board, a
40 college or university, or any other individual or entity for the
41 development and providing of courses of study for public safety service
42 providers.



1 SECTION 31. IC 10-19-9-11, AS ADDED BY P.L.22-2005,
 2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2021]: Sec. 11. (a) The ~~division's~~ **department's** facilities are
 4 available for the training of any public safety or health services
 5 provider that the ~~division~~ **department** determines will benefit from the
 6 training.

7 (b) The ~~division~~ **department** shall determine the terms and
 8 conditions for use of the ~~division's~~ **department's** facilities by the
 9 providers listed in subsection (a).

10 SECTION 32. IC 10-19-9-12, AS ADDED BY P.L.22-2005,
 11 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2021]: Sec. 12. The ~~division~~ **department** may establish fee
 13 schedules and charges for the following:

14 (1) Items or services provided by the ~~division~~ **department** under
 15 this chapter.

16 (2) Training conducted by the ~~division~~ **department** under this
 17 chapter.

18 (3) Other ~~division~~ **department** activities conducted under this
 19 chapter.

20 SECTION 33. IC 10-19-9-13, AS ADDED BY P.L.22-2005,
 21 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2021]: Sec. 13. The ~~division~~ **department** may accept gifts and
 23 grants from any source and use them for the purposes of this chapter.

24 SECTION 34. IC 10-19-9-14, AS ADDED BY P.L.22-2005,
 25 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2021]: Sec. 14. The ~~division~~ **department** may perform any
 27 other acts that are necessary or appropriate to implement this chapter.

28 SECTION 35. IC 10-19-11-2, AS ADDED BY P.L.29-2014,
 29 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2021]: Sec. 2. (a) The definitions set forth in this section apply
 31 throughout this chapter.

32 (b) "Agency" refers to the department of homeland security
 33 established by ~~IC 10-19-2-1~~.

34 (c) "Agreement state" means a state with which the United
 35 States Atomic Energy Commission or the Nuclear Regulatory
 36 Commission has entered into an agreement under subsection 274b of
 37 the federal Atomic Energy Act of 1954 (42 U.S.C. 2021b).

38 (d) (c) For purposes of this chapter, exposures are "as low as
 39 reasonably achievable" if every reasonable effort has been made to
 40 maintain exposures to ionizing radiation as far below the dose limits as
 41 is practical:

42 (1) consistent with the purpose for which the licensed activity is



- 1 undertaken;
- 2 (2) taking into account the state of technology and the economics
- 3 of improvements; and
- 4 (3) in relation to:
- 5 (A) benefits to the public health and safety;
- 6 (B) other societal and socioeconomic considerations; and
- 7 (C) utilization of nuclear energy and licensed materials in the
- 8 public interest.
- 9 (Ⓣ) (d) "Atomic Energy Act of 1954" refers to the federal Atomic
- 10 Energy Act of 1954, 42 U.S.C. 2011 et seq., as in effect January 1,
- 11 2014.
- 12 (Ⓣ) (e) "Byproduct material" means any of the following:
- 13 (1) Radioactive material, except special nuclear material, yielding
- 14 in or made radioactive by exposure to the radiation incident to the
- 15 process of producing or utilizing special nuclear material.
- 16 (2) The tailings or wastes produced by the extraction or
- 17 concentration of uranium or thorium from ore.
- 18 (3) Any discrete source of radium-226 that is produced, extracted,
- 19 or converted after extraction for use for a commercial, medical, or
- 20 research activity.
- 21 (4) Any material that:
- 22 (A) has been made radioactive by use of a particle accelerator;
- 23 and
- 24 (B) is:
- 25 (i) produced;
- 26 (ii) extracted; or
- 27 (iii) converted after extraction;
- 28 for use for a commercial, medical, or research activity.
- 29 (5) Any discrete source of naturally occurring radioactive
- 30 material, other than source material, that:
- 31 (A) is determined by the Nuclear Regulatory Commission, in
- 32 consultation with the administrator of the United States
- 33 Environmental Protection Agency, the United States Secretary
- 34 of Energy, the United States Secretary of Homeland Security,
- 35 and the head of any other appropriate federal agency, to pose
- 36 a threat similar to the threat posed by a discrete source of
- 37 radium-226 to the public health and safety or the common
- 38 defense and security; and
- 39 (B) is:
- 40 (i) extracted; or
- 41 (ii) converted after extraction;
- 42 for use in a commercial, medical, or research activity.



1 **(f) "Department" refers to the department of homeland security**
 2 **established by IC 10-19-2-1.**

3 (g) "General license" means an export or import license that:

4 (1) is issued through rulemaking by the Nuclear Regulatory
 5 Commission;

6 (2) is effective without the filing of a specific application with the
 7 Nuclear Regulatory Commission or the issuance of licensing
 8 documents to a particular person;

9 (3) is not an exemption from the requirements of the Nuclear
 10 Regulatory Commission; and

11 (4) does not relieve a person from complying with other
 12 applicable Nuclear Regulatory Commission, federal, or state
 13 requirements.

14 (h) "Inspection" means an official examination or observation by the
 15 ~~agency:~~ **department.** The term includes tests, surveys, and monitoring
 16 to determine compliance with this chapter and the rules adopted under
 17 this chapter.

18 (i) "Ionizing radiation" means:

19 (1) alpha particles;

20 (2) beta particles;

21 (3) gamma rays;

22 (4) x-rays;

23 (5) neutrons;

24 (6) high-speed electrons;

25 (7) high-speed protons; and

26 (8) other particles capable of producing ions.

27 The term does not include nonionizing radiation such as radio waves,
 28 microwaves, and visible light, infrared light, or ultraviolet light.

29 (j) "License" means a license issued under the Nuclear Regulatory
 30 Commission regulations or by an agreement state as stated in 10 CFR
 31 Parts 30 through 36, 39, 40, 50, 60, 61, 63, 70, or 72.

32 (k) "Licensed material" means:

33 (1) source material;

34 (2) special nuclear material; or

35 (3) byproduct material;

36 that is received, possessed, used, transferred, or disposed of under a
 37 general or specific license issued by the Nuclear Regulatory
 38 Commission or the ~~agency:~~ **department.**

39 (l) "Nuclear Regulatory Commission" refers to the United States
 40 Nuclear Regulatory Commission.

41 (m) "Person" means an individual, a firm, a partnership, an
 42 association, a fiduciary, an executor or administrator, a governmental



1 entity, a limited liability company, or a corporation.

2 (n) "Radioactive material" means:

3 (1) byproduct material;

4 (2) source material;

5 (3) special nuclear material; or

6 (4) any solid, liquid, or gas that emits radiation spontaneously.

7 (o) "Registration" means registration with the ~~agency~~ **department**.

8 (p) "Source material" means:

9 (1) natural uranium, depleted uranium, thorium, or any other
10 combination of natural uranium, depleted uranium, and thorium,
11 in any physical or chemical form other than special nuclear
12 material; or

13 (2) ores that contain by weight at least five-hundredths of one
14 percent (0.05%) of:

15 (A) natural uranium;

16 (B) depleted uranium;

17 (C) thorium; or

18 (D) any combination of natural uranium, depleted uranium,
19 and thorium.

20 (q) "Special nuclear material" means:

21 (1) plutonium;

22 (2) uranium-233; or

23 (3) uranium enriched above seven hundred eleven thousandths of
24 one percent (0.711%) by weight in the isotope uranium-235.

25 (r) "Specific license" means an export or import license document
26 that is issued to a named person and authorizes the export or import of
27 specified nuclear equipment or materials based upon the review and
28 approval of an NRC Form 7 (Application for NRC Export or Import
29 License, amendment, renewal, or consent request(s)) application.

30 (s) "Unnecessary radiation" means radiation used in such a manner
31 as to be injurious or dangerous to health, life, or property.

32 (t) "The state" refers to the state of Indiana.

33 SECTION 36. IC 10-19-11-3, AS ADDED BY P.L.29-2014,
34 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2021]: Sec. 3. (a) The ~~agency~~ **department** or the ~~agency's~~
36 **department's** agent may enter at any reasonable time any private or
37 public property for the purpose of an inspection and investigation of
38 conditions relating to radiation control.

39 (b) An owner or tenant of private or public property shall, upon
40 reasonable notice, make available to the ~~agency~~ **department** for
41 inspection records maintained in accordance with 10 CFR 20, this
42 chapter, and the rules adopted under this chapter.



1 (c) An owner or tenant of private or public property shall permit the
2 **agency department** to:

3 (1) perform radiation surveys in the air using portable survey
4 equipment; and

5 (2) take environmental samples for analysis;

6 as the **agency department** considers appropriate and necessary for
7 public health and safety.

8 SECTION 37. IC 10-19-11-4, AS ADDED BY P.L.29-2014,
9 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2021]: Sec. 4. (a) Byproduct material shall be licensed and
11 regulated in Indiana by the Nuclear Regulatory Commission until the
12 governor, on behalf of the state, enters into an agreement with the
13 Nuclear Regulatory Commission for the state to assume regulation of
14 the use of byproduct material under subsection (d).

15 (b) Source material shall be licensed and regulated in Indiana by the
16 Nuclear Regulatory Commission until the governor, on behalf of the
17 state, enters into an agreement with the Nuclear Regulatory
18 Commission for the state to assume regulation of the use of source
19 materials under subsection (d).

20 (c) Special nuclear material shall be licensed and regulated in
21 Indiana by the Nuclear Regulatory Commission until the governor, on
22 behalf of the state, enters into an agreement with the Nuclear
23 Regulatory Commission to assume regulation of the use of special
24 nuclear material under subsection (d).

25 (d) The governor, or the governor's appointee on behalf of the state,
26 may enter into an agreement with the Nuclear Regulatory Commission
27 to assume regulation, as authorized under the federal Atomic Energy
28 Act of 1954, of the use of the following:

29 (1) Byproduct material.

30 (2) Source material.

31 (3) Special nuclear material.

32 (e) An agreement entered into under subsection (d) may provide for
33 the federal government to relinquish certain of its responsibilities with
34 respect to sources of ionizing radiation and for the state to assume
35 those responsibilities.

36 (f) After the governor, on behalf of the state, enters into an
37 agreement with the Nuclear Regulatory Commission under subsection
38 (d), the **agency department** may adopt rules under IC 4-22-2 to
39 implement the agreement, including emergency rules in the manner
40 provided under IC 4-22-2-37.1.

41 SECTION 38. IC 10-19-11-5, AS ADDED BY P.L.29-2014,
42 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2021]: Sec. 5. If a person receives, possesses, uses, transfers,
 2 owns, or acquires any source of radiation before the governor enters
 3 into an agreement with the Nuclear Regulatory Commission under
 4 section 4 of this chapter, the person shall register the source of
 5 radiation with the **agency department** on forms prescribed by the
 6 agency.

7 SECTION 39. IC 10-19-11-6, AS AMENDED BY P.L.57-2020,
 8 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2021]: Sec. 6. (a) A person shall not produce, use, store, or
 10 dispose of radioactive materials until the person:

- 11 (1) is registered or licensed in Indiana under this chapter; or
 12 (2) registers in writing or an electronic format with the **agency**;
 13 **department**, giving the pertinent information the **agency**
 14 **department** requires, in accordance with the procedures
 15 prescribed by the **agency department**.

16 (b) A person that uses, stores, or disposes of radioactive materials
 17 may be exempted by the **agency department** from licensure or
 18 registration under this chapter if the **agency department** determines
 19 that the person's use, storage, or disposal of radioactive materials is not
 20 a material hazard to public health, safety, and welfare.

21 SECTION 40. IC 10-19-11-8, AS ADDED BY P.L.29-2014,
 22 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2021]: Sec. 8. In addition to adopting rules under section 4(f)
 24 of this chapter, the **agency department** may adopt rules under
 25 IC 4-22-2 to effectuate the purposes of this chapter, including rules
 26 imposing fees for licensure and registration under this chapter.

27 SECTION 41. IC 10-19-11-9, AS ADDED BY P.L.29-2014,
 28 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2021]: Sec. 9. A person who:

- 30 (1) produces radiation; or
 31 (2) produces, uses, stores, sells, or otherwise disposes of
 32 radioactive materials;

33 in violation of this chapter commits a Class B misdemeanor. Each day
 34 a violation continues, after notification in writing of the offense by the
 35 **agency department**, constitutes a separate offense.

36 SECTION 42. IC 11-12-4-7, AS AMENDED BY P.L.1-2006,
 37 SECTION 182, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2021]: Sec. 7. After conducting the review
 39 required by section 6 of this chapter, the department shall send a copy
 40 of the department's report to the **division of fire and building safety**
 41 **department of homeland security** and make a public report to the
 42 board of county commissioners. In the report, the department shall



1 evaluate whether the jail, if constructed according to the plans and
 2 specifications submitted to the department, meets the minimum
 3 standards adopted by the department under section 1 of this chapter.

4 SECTION 43. IC 11-12-4-8, AS AMENDED BY P.L.1-2006,
 5 SECTION 183, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) This section does not apply
 7 to the approval of the plans and specifications for a county jail under
 8 IC 22-15-3 if the department has failed to submit its report under
 9 section 7 of this chapter to the ~~division of fire and building safety~~
 10 **department of homeland security** within ten (10) regular working
 11 days of the date that the department received the plans and
 12 specifications from the board of county commissioners.

13 (b) The ~~division of fire and building safety~~ **department of**
 14 **homeland security** may not issue a design release for a county jail
 15 under IC 22-15-3 until the ~~division of fire and building safety~~
 16 **department of homeland security** receives the report of the
 17 department for that county jail under section 7 of this chapter.

18 SECTION 44. IC 12-17-12-14, AS AMENDED BY P.L.1-2006,
 19 SECTION 190, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2021]: Sec. 14. The division may not approve
 21 a grant from the fund to an applicant that is planning to use a facility
 22 not located in a school, unless the applicant's facility meets the
 23 following:

24 (1) Standards for sanitation that are adopted by the director of the
 25 division.

26 (2) Standards for fire safety that are adopted by the ~~division of fire~~
 27 ~~and building safety.~~ **department of homeland security.**

28 SECTION 45. IC 12-17.2-2-9, AS AMENDED BY P.L.1-2006,
 29 SECTION 192, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) A program operated to serve
 31 migrant children that is exempted under section 8(6) of this chapter and
 32 is certified by the United States Department of Health and Human
 33 Services shall be:

34 (1) granted a provisional license by the division, for a limited
 35 period not to exceed one (1) year and that is subject to review
 36 every three (3) months, if the division determines that the
 37 program reasonably complies with the rules adopted by the
 38 division; and

39 (2) inspected by the ~~division of fire and building safety.~~
 40 **department of homeland security.**

41 (b) The division and the fire prevention and building safety
 42 commission shall adopt rules under IC 4-22-2 that apply only to



1 programs operated to serve migrant children that take into
2 consideration the fact that the programs:

- 3 (1) operate in donated space;
- 4 (2) provide services for children from migrant worker families;
- 5 and
- 6 (3) are operated during a single period of less than one hundred
7 twenty (120) consecutive days during a calendar year.

8 (c) This section does not prohibit a program operated to serve
9 migrant children from applying for a license under this article.

10 SECTION 46. IC 12-17.2-6-2, AS AMENDED BY P.L.53-2018,
11 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2021]: Sec. 2. (a) An unlicensed child care ministry under
13 section 1 of this chapter may not operate unless the child care ministry
14 has registered with and met the requirements of the division and the
15 ~~division of fire and building safety.~~ **department of homeland security.**
16 Registration application forms shall be provided by the division and the
17 ~~division of fire and building safety.~~ **department of homeland security.**

18 (b) Registration under this section expires two (2) years after the
19 date of issuance unless revoked, modified to a probationary or
20 suspended status, or voluntarily returned.

21 SECTION 47. IC 12-17.2-6-5, AS AMENDED BY P.L.1-2006,
22 SECTION 194, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) As used in this section,
24 "primary use of the building" means the occupancy classification that
25 is:

- 26 (1) most closely related to the intended use of the building; and
- 27 (2) determined by the rules of the fire prevention and building
28 safety commission in effect at the time that the child care ministry
29 is first registered.

30 (b) The state fire marshal shall inspect a child care ministry
31 registered under section 2 of this chapter to ensure that the child care
32 ministry complies with the requirements of subsection (c).

33 (c) Except as provided in the following, a registered child care
34 ministry shall comply with all rules of the fire prevention and building
35 safety commission applicable to the primary use of the building:

- 36 (1) A registered child care ministry with an occupant load of at
37 least fifty (50) shall do either of the following:
 - 38 (A) Install and maintain a fire alarm system in compliance
39 with the rules of the fire prevention and building safety
40 commission.
 - 41 (B) Provide a notice on a form prescribed by the ~~division of~~
42 **fire and building safety department of homeland security** to



- 1 the parents of each child who attends the ministry stating that
- 2 the ministry does not have the same level of fire safety
- 3 protection as a licensed child care center.
- 4 (2) Each registered child care ministry with an occupant load of
- 5 less than fifty (50) shall do either of the following:
- 6 (A) Install and maintain in good operating condition at least
- 7 one (1) battery operated smoke detector in each room and
- 8 corridor used by the ministry.
- 9 (B) Provide a notice on a form prescribed by the ~~division of~~
- 10 **fire and building safety department of homeland security** to
- 11 the parents of each child who attends the ministry stating that
- 12 the ministry does not have the same level of fire safety
- 13 protection as a licensed child care center.
- 14 (3) Each registered child care ministry shall comply with the rules
- 15 of the fire prevention and building safety commission concerning
- 16 fire drills.

17 For purposes of this subsection, occupant load is determined by
 18 dividing the total square footage of the area used by the child care
 19 ministry by thirty-five (35) and rounding any result that is not a whole
 20 number up to the next whole number.

21 (d) The state fire marshal shall make an inspection of a child care
 22 ministry registered under section 2 of this chapter at least annually.

23 (e) During an inspection, the state fire marshal shall inspect the
 24 structure in which the child care ministry is conducted for fire safety
 25 and life safety with respect to the structure's primary use.

26 SECTION 48. IC 12-17.2-6-6, AS AMENDED BY P.L.145-2006,
 27 SECTION 104, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2021]: Sec. 6. Upon the completion of the
 29 inspections required under this chapter, a notice signed by the
 30 inspectors from the division and the ~~division of fire and building safety~~
 31 **department of homeland security** shall be issued to the operator of
 32 each child care ministry found to be in compliance. The notice shall be
 33 placed in a conspicuous place in the child care ministry, and must be
 34 in substantially the following form:

35 "THIS UNLICENSED REGISTERED CHILD CARE MINISTRY
 36 has been inspected and complies with state rules concerning
 37 health and sanitation in child care ministries.

38 DATE _____

39 SIGNATURE _____

40 DIVISION OF FAMILY RESOURCES

41 THIS UNLICENSED REGISTERED CHILD CARE MINISTRY
 42 has been inspected and complies with state law concerning fire



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safety and life safety.

DATE _____

SIGNATURE _____

~~DIVISION OF FIRE AND BUILDING SAFETY". DEPARTMENT OF HOMELAND SECURITY".~~

SECTION 49. IC 13-18-17-5, AS AMENDED BY P.L.113-2014, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The board shall adopt rules under IC 4-22-2 establishing groundwater quality standards that include numeric and narrative criteria, a groundwater classification plan, and a method of determining where the groundwater quality standards must apply. The standards established under this subsection shall be used for the following purposes:

- (1) To establish minimum compliance levels for groundwater quality monitoring at regulated facilities.
- (2) To ban the discharge of effluents into potable groundwater.
- (3) To establish health protection goals for untreated water in water supply wells.
- (4) To establish concentration limits for contaminants in ambient groundwater.

(b) Except as provided in subsection (c) and subject to subsection (d), the following agencies shall adopt rules under IC 4-22-2 to apply the groundwater quality standards established under this section to activities regulated by the agencies:

- (1) The department.
- (2) The department of natural resources.
- (3) The state department of health.
- (4) The office of the state chemist.
- (5) ~~The division of fire and building safety.~~ **department of homeland security.**

(c) The executive board of the state department of health may not adopt rules to apply the nitrate and nitrite numeric criteria included in groundwater quality standards established in rules adopted by the board under subsection (a) to onsite sewage systems.

(d) Any rule adopted by the executive board of the state department of health is void to the extent that the rule applies the nitrate and nitrite numeric criteria included in groundwater quality standards established in rules adopted by the board under subsection (a) to onsite sewage systems.

SECTION 50. IC 14-23-6-1, AS AMENDED BY P.L.1-2006, SECTION 214, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. The department shall do the



- 1 following:
- 2 (1) Organize, establish, and maintain a program of education,
- 3 training, and service throughout Indiana to combat forest, brush,
- 4 or open fires occurring in Indiana.
- 5 (2) Establish an organization of trained volunteer forest
- 6 firefighters to be known and designated as the Indiana volunteer
- 7 forest firefighters service.
- 8 (3) Cooperate with local firefighting services and the ~~division of~~
- 9 ~~fire and building safety department of homeland security~~ to
- 10 combat fires under this section.

11 SECTION 51. IC 16-19-3.5-2.5 IS ADDED TO THE INDIANA

12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

13 [EFFECTIVE JULY 1, 2021]: **Sec. 2.5. As used in this chapter,**

14 **"department" refers to the department of homeland security**

15 **established under IC 10-19-2-1.**

16 SECTION 52. IC 16-19-3.5-3 IS REPEALED [EFFECTIVE JULY

17 1, 2021]. ~~Sec. 3: As used in this chapter, "division" means the division~~

18 ~~of fire and building safety established by IC 10-19-7-1.~~

19 SECTION 53. IC 16-19-3.5-7, AS ADDED BY P.L.49-2016,

20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

21 JULY 1, 2021]: Sec. 7. The state department shall accept an

22 application for a construction permit that is submitted by an applicant

23 by either of the following methods:

- 24 (1) The applicant may submit an application to the ~~division~~
- 25 **department** that is a combined application for:
- 26 (A) a construction permit under this chapter; and
- 27 (B) a design release under IC 22-15-3.
- 28 (2) The applicant may submit separate applications for:
- 29 (A) a construction permit to the state department; and
- 30 (B) a design release under IC 22-15-3 to the ~~division:~~
- 31 **department.**

32 Not later than the next business day, the ~~division department~~ shall

33 provide a copy of the application submitted under subdivision (1) to the

34 state department to initiate processing of the construction permit under

35 this chapter.

36 SECTION 54. IC 16-21-1-10, AS AMENDED BY P.L.141-2014,

37 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

38 JULY 1, 2021]: Sec. 10. (a) Licensure inspections of an institution or

39 agency shall be made regularly in accordance with rules adopted under

40 this chapter. The state department shall make all health and sanitation

41 inspections, including inspections in response to an alleged breach of

42 this chapter or rules adopted under this chapter. The ~~division of fire and~~



1 ~~building safety~~ **department of homeland security** shall make all fire
2 safety inspections.

3 (b) An employee of the state department who knowingly or
4 intentionally informs an institution or agency of the exact date of an
5 unannounced inspection shall be suspended without pay for five (5)
6 days for a first offense and shall be dismissed for a subsequent offense.

7 (c) Reports of all inspections must be in writing and sent to the
8 institution or agency.

9 (d) The report of an inspection and records relating to the inspection
10 may not be released to the public until the conditions set forth in
11 IC 16-19-3-25 are satisfied.

12 SECTION 55. IC 16-22-6-25, AS AMENDED BY P.L.1-2006,
13 SECTION 296, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2021]: Sec. 25. Before the execution of a lease
15 the governing board of the hospital and the county executive shall
16 approve the plans, specifications, and estimates of cost for the building,
17 equipment, and appurtenances that the authority proposes to lease to a
18 lessee. The plans and specifications also shall be submitted to and
19 approved by the state department, the ~~division of fire and building~~
20 **safety, department of homeland security**, and other state agencies
21 designated by law to pass on plans and specifications for public
22 buildings.

23 SECTION 56. IC 16-22-7-28, AS AMENDED BY P.L.1-2006,
24 SECTION 297, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2021]: Sec. 28. Before executing a lease, the
26 governing board of the hospital shall approve the plans, specifications,
27 and estimates of cost for the building, including equipment and
28 appurtenances, that the authority proposes to lease to a lessee. The
29 plans and specifications shall be submitted to and approved by the state
30 department, the ~~division of fire and building safety,~~ **department of**
31 **homeland security**, and other state agencies designated by law to pass
32 on plans and specifications for public buildings.

33 SECTION 57. IC 16-28-1-13, AS AMENDED BY P.L.141-2014,
34 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2021]: Sec. 13. (a) Licensure inspections of health facilities
36 shall be made regularly in accordance with rules adopted under this
37 chapter. The division shall make all health and sanitation inspections.
38 The ~~division of fire and building safety~~ **department of homeland**
39 **security** shall make all fire safety inspections.

40 (b) The exact date of an inspection of a health facility under this
41 chapter may not be announced or communicated directly or indirectly
42 to the owner, administrator, or an employee of the facility before the



1 inspection. An employee of the state department who knowingly or
 2 intentionally informs a health facility of the exact date of an inspection
 3 shall be suspended without pay for five (5) days for a first offense and
 4 shall be dismissed for a subsequent offense.

5 (c) Reports of all inspections must be:

- 6 (1) in writing; and
- 7 (2) sent to the health facility.

8 (d) The report of an inspection and records relating to the inspection
 9 may not be released to the public until the conditions set forth in
 10 IC 16-19-3-25 are satisfied.

11 SECTION 58. IC 16-31-2-2, AS AMENDED BY P.L.100-2017,
 12 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2021]: Sec. 2. (a) The commission is composed of fourteen
 14 (14) members. The governor shall appoint the members for four (4)
 15 year terms as follows:

16 (1) One (1) must be appointed from a volunteer fire department
 17 that provides emergency medical service.

18 (2) One (1) must be appointed from a full-time municipal fire or
 19 police department that provides emergency medical service.

20 (3) One (1) must be a nonprofit provider of emergency ambulance
 21 services organized on a volunteer basis other than a volunteer fire
 22 department.

23 (4) One (1) must be a provider of private ambulance services.

24 (5) One (1) must be a state licensed paramedic.

25 (6) One (1) must be a licensed physician who:

26 (A) has a primary interest, training, and experience in
 27 emergency medical services; and

28 (B) is currently practicing in an emergency medical services
 29 facility.

30 (7) One (1) must be a chief executive officer of a hospital that
 31 provides emergency ambulance services.

32 (8) One (1) must be a registered nurse who has supervisory or
 33 administrative responsibility in a hospital emergency department.

34 (9) One (1) must be a licensed physician who:

35 (A) has a primary interest, training, and experience in trauma
 36 care; and

37 (B) is practicing in a trauma facility.

38 (10) One (1) must be a state certified emergency medical service
 39 technician.

40 (11) One (1) must be an individual who:

41 (A) represents the public at large; and

42 (B) is not in any way related to providing emergency medical



- 1 services.
- 2 (12) One (1) must be a program director (as defined in 836
- 3 IAC 4-2-2(12)(B)(iii)) for a commission certified advanced life
- 4 support training institution.
- 5 (13) One (1) must be the ~~deputy~~ executive director ~~appointed~~
- 6 ~~under IC 10-19-5-3 to manage the division of preparedness and~~
- 7 ~~training~~ of the department of homeland security **appointed under**
- 8 **IC 10-19-3-1** or the designee of the ~~deputy~~ executive director.
- 9 (14) One (1) must be a representative of an entity that provides air
- 10 ambulance services.

11 (b) The chief executive officer of a hospital appointed under
 12 subsection (a)(7) may designate another administrator of the hospital
 13 to serve for the chief executive officer on the commission.

14 (c) Not more than eight (8) members may be from the same political
 15 party.

16 SECTION 59. IC 16-31-2-8, AS AMENDED BY P.L.188-2014,
 17 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2021]: Sec. 8. The commission may do the following:

- 19 (1) Develop training and certification standards for emergency
- 20 medical responders under this article.
- 21 (2) Require emergency medical responders to be certified under
- 22 the standards developed under subdivision (1).
- 23 (3) Develop reciprocal certification training standards for
- 24 individuals who have received medical training by a branch of the
- 25 United States armed forces.
- 26 (4) Not later than thirty (30) days after the executive director of
- 27 the department of homeland security submits an appointment for
- 28 state emergency medical services medical director to the
- 29 commission, vote concerning whether to approve the appointment
- 30 in accordance with ~~IC 10-19-7-5(d)~~; **IC 10-19-3-3.5(d)**. If the
- 31 commission votes on the appointment in accordance with
- 32 ~~IC 10-19-7-5(d)~~; **IC 10-19-3-3.5(d)**, a vote by a majority of the
- 33 members of the commission is necessary under this subdivision
- 34 in order to approve or not approve the appointment.

35 SECTION 60. IC 20-26-7-27.5, AS ADDED BY P.L.132-2007,
 36 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2021]: Sec. 27.5. (a) Notwithstanding any other law, if:

- 38 (1) as a result of an inspection of a school building under
- 39 IC 22-14-2-11 that is not an inspection to determine compliance
- 40 with a legal standard for accreditation, ~~the division of fire and~~
- 41 ~~building safety~~ of the department of homeland security determines
- 42 that there is a violation of a fire safety law at the school building;



1 (2) the fire safety law that the ~~division~~ **department of homeland**
 2 **security** determines has been violated at the school building
 3 incorporates a standard that:

4 (A) was not a fire safety law at the time of the construction or
 5 renovation of the school building and is being applied
 6 retroactively to the building by an employee of the ~~division of~~
 7 **fire and building safety; department of homeland security;**

8 or

9 (B) previously was not applicable to the building; and

10 (3) the violation is not a condition that creates an immediate
 11 safety hazard and is monitored under daily maintenance and
 12 supervision;

13 the school corporation shall abate the violation before the earlier of one
 14 (1) year after the violation determination or six (6) months after the
 15 start of the school corporation's next budget year following the
 16 violation determination.

17 (b) The expense of the abatement may be paid out of funds
 18 appropriated for such purposes in the budget year following a violation
 19 determination under subsection (a).

20 SECTION 61. IC 20-26-7-28, AS AMENDED BY P.L.1-2006,
 21 SECTION 329, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2021]: Sec. 28. A report of the inspection
 23 described in section 27 of this chapter shall be made to the ~~division of~~
 24 **fire and building safety department of homeland security** before
 25 September 1 of each year. The report shall be made on forms
 26 prescribed and approved by the ~~division of fire and building safety;~~
 27 **department of homeland security.**

28 SECTION 62. IC 22-11-14-2, AS AMENDED BY P.L.57-2020,
 29 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2021]: Sec. 2. (a) The fire prevention and building safety
 31 commission shall:

32 (1) adopt rules under IC 4-22-2 for the granting of permits for
 33 supervised public displays of fireworks by municipalities, fair
 34 associations, amusement parks, and other organizations or groups
 35 of individuals; and

36 (2) establish by rule the fee for the permit, which shall be paid
 37 into the fire and building services fund created under
 38 IC 22-12-6-1.

39 (b) The application for a permit required under subsection (a) must:

40 (1) name a competent operator who is to officiate at the display;

41 (2) set forth a brief resume of the operator's experience;

42 (3) be made in writing or an electronic format; and



1 (4) be received with the applicable fee by the ~~division of fire and~~
2 ~~building safety~~ **department of homeland security** at least five
3 (5) business days before the display.

4 No operator who has a prior conviction for violating this chapter may
5 operate any display for one (1) year after the conviction.

6 (c) Every display shall be handled by a qualified operator approved
7 by the chief of the fire department of the municipality in which the
8 display is to be held. A display shall be located, discharged, or fired as,
9 in the opinion of:

10 (1) the chief of the fire department of the city or town in which
11 the display is to be held; or
12 (2) the township fire chief or the fire chief of the municipality
13 nearest the site proposed, in the case of a display to be held
14 outside of the corporate limits of any city or town;
15 after proper inspection, is not hazardous to property or person.

16 (d) A permit granted under this section is not transferable.

17 (e) A denial of a permit by a municipality shall be issued in writing
18 before the date of the display.

19 (f) A person may not possess, transport, or deliver special fireworks,
20 except as authorized under this section.

21 SECTION 63. IC 22-11-14-4.5, AS ADDED BY P.L.187-2006,
22 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2021]: Sec. 4.5. (a) A retailer may sell consumer fireworks
24 and items referenced in section 8(a) of this chapter from a tent under
25 the following conditions:

26 (1) The tent may not be larger than one thousand five hundred
27 (1,500) square feet.
28 (2) There may be only one (1) tent for each registration granted
29 under section 11(a) of this chapter.
30 (3) The tent may not be located closer than one hundred (100) feet
31 from a permanent structure.
32 (4) A vehicle may not be parked closer than twenty (20) feet from
33 the edge of the tent.
34 (5) The tent must be fire retardant.
35 (6) The sales site must comply with all applicable local zoning
36 and land use rules.
37 (7) Sales of fireworks may be made from the tent for not more
38 than forty-five (45) days in a year.
39 (8) The weight of consumer fireworks in a tent may not exceed
40 three thousand (3,000) gross pounds of consumer fireworks.
41 (9) A retailer that legally operated a tent with a registration in
42 2005 may continue operation in a tent in 2006 and the following



1 years. A registration under section 11(a) of this chapter is
 2 required for operation in 2006 and following years. For purposes
 3 of this subdivision, a retailer includes a resident wholesaler who
 4 supplied consumer fireworks to an applicant for a tent registration
 5 in 2005.

6 (10) The retailer holds a valid registration under section 11(a) of
 7 this chapter.

8 (b) A retailer may sell consumer fireworks and items referenced in
 9 section 8(a) of this chapter from a Class 1 structure (as defined in
 10 IC 22-12-1-4) if the Class 1 structure meets the requirements of any of
 11 the following subdivisions:

12 (1) The structure complied with the rules for a B-2 or M building
 13 occupancy classification before July 4, 2003, under the Indiana
 14 building code adopted by the fire prevention and building safety
 15 commission established under IC 22-12-2-1:

16 (A) in which consumer fireworks were sold or stored on or
 17 before July 4, 2003; and

18 (B) in which no subsequent intervening nonfireworks sales or
 19 storage use has occurred.

20 (2) The structure complied with the rules for a B-2 or M building
 21 occupancy classification before July 4, 2003, under the Indiana
 22 building code adopted by the fire prevention and building safety
 23 commission established under IC 22-12-2-1;

24 (A) in which consumer fireworks were sold or stored on or
 25 before July 4, 2003;

26 (B) in a location at which the retailer was registered as a
 27 resident wholesaler in 2005; and

28 (C) in which the retailer's primary business is not the sale of
 29 consumer fireworks.

30 (3) The structure complies with the rules for an H-3 building
 31 occupancy classification under the Indiana building code adopted
 32 by the fire prevention and building safety commission established
 33 under IC 22-12-2-1, or the equivalent occupancy classification
 34 adopted by subsequent rules of the fire prevention and building
 35 safety commission.

36 (4) The structure complies with the rules adopted after July 3,
 37 2003, by the fire prevention and building safety commission
 38 established under IC 22-12-2-1 for an M building occupancy
 39 classification under the Indiana building code.

40 A registration under section 11(a) of this chapter is required for
 41 operation in 2006 and following years.

42 (c) This subsection does not apply to a structure identified in



1 subsection (b)(1), (b)(2), (b)(3), or (b)(4). A retailer may sell consumer
 2 fireworks and items referenced in section 8(a) of this chapter from a
 3 structure under the following conditions:

4 (1) The structure must be a Class 1 structure in which consumer
 5 fireworks are sold and stored.

6 (2) The sales site must comply with all applicable local zoning
 7 and land use rules.

8 (3) The weight of consumer fireworks in the structure may not
 9 exceed three thousand (3,000) gross pounds of consumer
 10 fireworks.

11 (4) The retailer holds a valid registration under section 11(a) of
 12 this chapter.

13 (5) A retailer that sold consumer fireworks and operated from a
 14 structure with a registration in 2005 may continue in operation in
 15 the structure in 2006 and the following years. A registration under
 16 section 11(a) of this chapter is required for operation in 2006 and
 17 following years.

18 (d) The state fire marshal or a member of the ~~division of fire and~~
 19 ~~building safety department of homeland security~~ staff shall, under
 20 section 9 of this chapter, inspect tents and structures in which fireworks
 21 are sold. The state fire marshal may delegate this responsibility to a
 22 responding fire department with jurisdiction over the tent or structure,
 23 subject to the policies and procedures of the state fire marshal.

24 (e) A retailer shall file an application for each retail location on a
 25 form to be provided by the state fire marshal.

26 (f) This chapter does not limit the quantity of items referenced in
 27 section 8(a) of this chapter that may be sold from any Class 1 structure
 28 that complied with the rules of the fire prevention and building safety
 29 commission in effect before May 21, 2003.

30 SECTION 64. IC 22-11-17-1 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. As used in this
 32 chapter:

33 (1) "Commission" refers to the Indiana fire prevention and
 34 building safety commission.

35 (2) "Exit" means a continuous and unobstructed means of egress
 36 to a public way designated as an exit pursuant to the rules of the
 37 commission. The term includes doorways, corridors, exterior exit
 38 balconies, ramps, stairways, smokeproof enclosures, horizontal
 39 exits, exit passageways, exit courts, and yards.

40 (3) "Owner" means a person having control or custody of any
 41 building covered by this chapter.

42 (4) "Public building" means any structure used in whole or in part



1 as a place of resort, assemblage, lodging, trade, traffic,
 2 occupancy, or use by the public, or by three (3) or more tenants.
 3 It also means all educational buildings, day care centers,
 4 hospitals, institutions, health facilities, residential-custodial care
 5 facilities, mercantile occupancies, and office occupancies.

6 (5) "Special egress control device" means an **electronically**
 7 **controlled** exit locking system that:

8 (A) allows a delay in exiting through an exit in a
 9 nonemergency situation; and

10 (B) complies with rules adopted by the commission.

11 SECTION 65. IC 22-11-17-2, AS AMENDED BY
 12 P.L.211-2018(ss), SECTION 14, IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) Except as
 14 provided in subsections (b) and (d) and section 2.5 of this chapter, an
 15 owner of a public building shall not permit an exit to be locked or
 16 obstructed in any manner that denies the public a continuous and
 17 unobstructed means of egress while lawfully occupied by anyone who
 18 is not an officer or an employee.

19 (b) The commission may adopt rules under IC 4-22-2 that:

20 (1) allow the owner of a public building to equip an exit with a
 21 special egress control device;

22 (2) limit the circumstances under which a special egress control
 23 device may be used; and

24 (3) allow an exit that was in compliance with the rules of the
 25 commission when the exit was constructed to be equipped with a
 26 special egress control device.

27 (c) An owner of a public building shall not permit a fire alarm to be
 28 disconnected or otherwise rendered inoperative, except in cases of
 29 routine maintenance or for repair.

30 (d) A school that has one (1) or more employees ~~may barricade or~~
 31 ~~block a door for a period not to exceed three (3) minutes in the event~~
 32 ~~of an unplanned fire alarm activation in order for a designated school~~
 33 ~~official to investigate the alarm. The school must initiate evacuation~~
 34 ~~and safety procedures after the three (3) minute period expires.~~
 35 ~~However, the period may be extended in the event that an active~~
 36 ~~shooter has been verified to be on the school's property shall develop~~
 37 ~~a plan to address unplanned fire alarm activation as part of its~~
 38 ~~emergency operation plan.~~

39 (e) A school's emergency operation plan for unplanned fire
 40 alarm activation shall include procedures for the following:

41 (1) Evacuation of the building when the fire alarm is heard. A
 42 school with a fire alarm panel that allows for a positive fire



1 alarm sequence may:

2 (A) develop a plan to investigate an unplanned fire alarm
3 activation before activating the audible and visual alarms
4 requiring evacuation;

5 (B) designate school officials to acknowledge that an alarm
6 has been activated and initiate an investigation within
7 fifteen (15) seconds;

8 (C) secure-in-place for up to three (3) minutes in order for
9 a designated school official to determine, by investigation,
10 if an active shooter is on the property; and

11 (D) following the three (3) minute period under clause (C),
12 the school must evacuate, unless an active shooter has been
13 verified to be on the school's property.

14 (2) Compliance with all provisions of 675 IAC 28-1-28.

15 (f) Pursuant to a school's emergency operations plan in
16 subsection (e), doors:

17 (1) may be locked or secured against unwanted entry
18 provided the doors unlatch with one (1) operation, with no
19 key, tool, special knowledge, or effort, and do not require tight
20 grasping, pinching, or twisting of the wrist;

21 (2) shall be lockable from inside the classroom without
22 requiring the door to be opened; and

23 (3) shall be capable of being unlocked from the outside to
24 allow for access by staff and emergency responders.

25 SECTION 66. IC 22-12-3-2, AS AMENDED BY P.L.40-2015,
26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2021]: Sec. 2. (a) The education board consists of thirteen
28 (13) voting members as follows:

29 (1) The state fire marshal or the state fire marshal's designee.

30 (2) The **executive** director of the **department of homeland**
31 **security appointed under IC 10-19-3-1** ~~department's division of~~
32 ~~preparedness and training~~ or the **executive** director's designee.

33 (3) Eleven (11) members appointed by the governor, each serving
34 a four (4) year term.

35 (b) Each appointed member of the education board must be
36 qualified by experience or education in the field of fire protection and
37 related fields.

38 (c) Each appointed member of the education board must be a
39 resident of Indiana.

40 (d) The education board must include the following appointed
41 members:

42 (1) Seven (7) individuals who are members of fire departments.

EH 1270—LS 7312/DI 141



1 Appointments under this subdivision must include the following:
 2 (A) At least one (1) individual who is a full-time firefighter (as
 3 defined in IC 36-8-10.5-3).
 4 (B) At least one (1) individual who is a volunteer firefighter
 5 (as defined in IC 36-8-12-2).
 6 (C) At least one (1) individual who is a fire department officer.
 7 (2) Two (2) citizens who are not members of a fire department.
 8 (3) One (1) emergency management director.
 9 (4) One (1) paramedic licensed under IC 16-31-3.

10 SECTION 67. IC 22-12-3-7, AS AMENDED BY P.L.1-2006,
 11 SECTION 351, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2021]: Sec. 7. The ~~division of fire and building~~
 13 **safety department of homeland security** shall provide facilities and
 14 staff to carry out the responsibilities of the education board.

15 SECTION 68. IC 22-12-6-1, AS AMENDED BY P.L.249-2019,
 16 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2021]: Sec. 1. (a) The fire and building services fund is
 18 established for the purpose of defraying the personal services, other
 19 operating expense, and capital outlay of the following:
 20 (1) The department.
 21 (2) The education board.
 22 (3) The commission.
 23 (b) The fund shall be administered by the department. Money
 24 collected for deposit in the fund shall be deposited at least monthly
 25 with the treasurer of state.
 26 (c) The treasurer of state shall deposit the following collected
 27 amounts in the fund:
 28 (1) Fire insurance policy premium taxes assessed under section 5
 29 of this chapter.
 30 (2) Except as provided in section 6(d) of this chapter, all fees
 31 collected under this chapter.
 32 ~~(3) Any money not otherwise described in this subsection but~~
 33 ~~collected by the division of fire and building safety:~~
 34 ~~(4) (3) Any money not otherwise described in this subsection but~~
 35 ~~collected by the department, commission, or education board and~~
 36 ~~designated for distribution to the fund by statute or the executive~~
 37 ~~director of the department.~~
 38 ~~(5) (4) A fee collected by the education board for the issuance of~~
 39 ~~a certification under IC 22-14-2-7.~~
 40 (d) The treasurer of state shall invest the money in the fund not
 41 currently needed to meet the obligations of the fund in the same
 42 manner as other public funds may be invested.



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

3 SECTION 69. IC 22-12-6-3, AS AMENDED BY P.L.1-2006,
4 SECTION 354, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The statewide fire and
6 building safety education fund is established to provide money to:

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

10 (2) the ~~division of fire and building safety~~ **department** for:

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

13 (B) the sponsoring of training conferences.

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

17 (c) The fund consists of:

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

19 (2) fees collected under subsection (e).

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

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

26 SECTION 70. IC 22-12-6-7, AS AMENDED BY P.L.1-2006,
27 SECTION 355, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) This section does not apply
29 to a nonpublic school (as defined in IC 20-18-2-12) or a school
30 operated by a school corporation (as defined in IC 20-18-2-16).

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

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

39 (d) Halls, gymnasiums, or places of assembly in which contests,
40 drills, exhibitions, plays, displays, dances, concerts, or other types of
41 amusement are held by colleges, universities, social or fraternal
42 organizations, lodges, farmers organizations, societies, labor unions,



1 trade associations, or churches are exempt from the fees charged or
 2 collected under subsections (b) and (c), unless rental fees are charged
 3 or collected.

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

9 SECTION 71. IC 22-12-6-15, AS AMENDED BY P.L.249-2019,
 10 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2021]: Sec. 15. (a) As used in this section, "credit card" means
 12 a bank card, debit card, charge card, prepaid card, or other similar
 13 device used for payment.

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

17 (1) The department.

18 ~~(2) The division of preparedness and training.~~

19 ~~(3) (2) The fire prevention and building safety commission.~~

20 ~~(4) (3) The Indiana homeland security foundation.~~

21 ~~(5) The division of fire and building safety.~~

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

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

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

29 SECTION 72. IC 22-12-7-6, AS AMENDED BY P.L.1-2006,
 30 SECTION 357, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) An emergency or other
 32 temporary order may be issued under IC 4-21.5-4 whenever the
 33 appropriate person under section 1 of this chapter determines that
 34 conduct or a condition of property:

35 (1) presents a clear and immediate hazard of death or serious
 36 bodily injury to any person other than a trespasser;

37 (2) is prohibited without a permit, registration, certification,
 38 release, authorization, variance, exemption, or other license
 39 required under IC 22-14 or IC 22-15 or another statute
 40 administered by a person described in section 1 of this chapter
 41 and the license has not been issued; or

42 (3) will conceal a violation of law.



1 (b) An emergency or other temporary order issued by an employee
 2 or agent of the ~~division of fire and building safety~~ **department** must be
 3 approved by the state fire marshal or by the executive director of the
 4 department.

5 (c) An approval under subsection (b) may be orally communicated
 6 to the employee or agent issuing the order. However, the department
 7 shall maintain a written record of the approval.

8 SECTION 73. IC 22-13-2-4.1, AS ADDED BY P.L.49-2016,
 9 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2021]: Sec. 4.1. (a) This section applies only to a plan review
 11 for a design release performed:

12 (1) before construction of a Class 1 structure; and

13 (2) to determine compliance with the rules of the commission.

14 (b) This section does not apply to a plan review for the issuance of
 15 a building permit, an improvement permit, a fire protection system
 16 permit, or any other permit issued by a state agency or a city, town, or
 17 county.

18 (c) A plan review for a design release must be:

19 (1) authorized under IC 22-15-3; and

20 (2) performed in compliance with the rules and objective criteria
 21 adopted by the commission under IC 22-15-3-1.

22 (d) If the commission has certified that a city, town, or county is
 23 qualified to perform a plan review for a design release under
 24 IC 22-15-3, both of the following may perform the plan review for a
 25 design release:

26 (1) The ~~division of fire and building safety~~ **department**.

27 (2) The city, town, or county.

28 However, only the entity described in subdivision (1) or (2) that
 29 performs the initial plan review for a design release may charge a fee
 30 for the plan review for a design release. The other entity shall not
 31 charge a fee for the plan review for a design release.

32 SECTION 74. IC 22-13-2-10, AS AMENDED BY P.L.22-2005,
 33 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2021]: Sec. 10. (a) A county, city, or town may regulate
 35 regulated lifting devices if the unit's regulatory program is approved by
 36 the commission.

37 (b) A unit must submit its ordinances and other regulations that
 38 regulate lifting devices to the commission for approval. The ordinance
 39 or other regulation is not effective until it is approved by the
 40 commission. If any of these ordinances or regulations conflict with the
 41 commission's rules, the commission's rules supersede the local
 42 ordinance or other regulation.



1 (c) A unit may issue permits only to applicants who qualify under
 2 IC 22-15-5. However, the unit may specify a lesser fee than that set
 3 under IC 22-12-6-6(a)(7).

4 (d) A unit must inspect regulated lifting devices with inspectors who
 5 possess the qualifications necessary to be employed by ~~the division of~~
 6 ~~fire and building safety~~ of the department of homeland security as a
 7 regulated lifting device inspector.

8 SECTION 75. IC 22-13-2-13, AS AMENDED BY P.L.1-2006,
 9 SECTION 359, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2021]: Sec. 13. (a) The commission may adopt
 11 rules under IC 4-22-2 to implement this article, IC 22-12, IC 22-14, and
 12 IC 22-15.

13 (b) Any power of the state fire marshal or the ~~division of fire and~~
 14 ~~building safety~~ **department** to adopt rules to **implement this article,**
 15 **IC 22-12, IC 22-14, and IC 22-15** shall be exercised by the
 16 commission.

17 SECTION 76. IC 22-13-2-14.1, AS ADDED BY P.L.171-2019,
 18 SECTION 5, AND AS ADDED BY P.L.249-2019, SECTION 27, IS
 19 CORRECTED AND AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2021]: Sec. 14.1. (a) The commission *or*
 21 *department shall may* consult with *an* industry expert ~~experts or call~~
 22 ~~a special meeting~~ to discuss a variance application or an update to a
 23 rule or safety standard concerning:

- 24 (1) a boiler or pressure vessel; ~~boiler and pressure vessels;~~ or
 25 (2) a regulated amusement device. ~~regulated amusement devices.~~

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

- 28 (1) *a professional engineer registered under IC 25-31; and*
 29 (2) *knowledgeable in and have experience with boiler and*
 30 *pressure vessels.*

31 SECTION 77. IC 22-13-3-2, AS AMENDED BY P.L.1-2006,
 32 SECTION 360, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) This section applies to the
 34 following laboratories:

35 (1) Analytical laboratories approved by the ~~division of fire and~~
 36 ~~building safety~~ **department** under the alternative criteria
 37 established by the commission in its rules.

38 (2) Laboratories that are:

- 39 (A) operated by a college, university, school, or other
 40 educational entity for the purpose of instruction or research;
 41 and
 42 (B) approved by the ~~division of fire and building safety~~



- 1 **department** under the alternative criteria established by the
 2 commission in the rules.
- 3 (b) The commission may:
- 4 (1) apply different rules to the manufacture of regulated
 5 explosives (as defined in IC 35-47.5-2-13) in a laboratory
 6 described in subsection (a) than apply to other places where
 7 regulated explosives (as defined in IC 35-47.5-2-13) are
 8 manufactured; and
- 9 (2) adopt rules under IC 4-22-2 to exempt laboratories described
 10 in subsection (a) from the regulated explosive magazines permit
 11 requirement under IC 35-47.5-4.

12 SECTION 78. IC 22-13-5-2, AS AMENDED BY P.L.57-2020,
 13 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2021]: Sec. 2. (a) Except as provided under subsection (c),
 15 upon the written request of an interested person, the state building
 16 commissioner of the ~~division of fire and building safety~~ **department**
 17 shall issue a written interpretation of a building law or a fire safety law
 18 not later than ten (10) business days after the date of receiving a
 19 request. An interpretation issued by the state building commissioner
 20 must be consistent with building laws and fire safety laws enacted by
 21 the general assembly or adopted by the commission.

22 (b) The state building commissioner shall issue a written
 23 interpretation of a building law or fire safety law under subsection (a)
 24 whether or not the county or municipality has taken any action to
 25 enforce the building law or fire safety law.

- 26 (c) If:
- 27 (1) an interested person submits a written or electronic request to
 28 the building commissioner for a written interpretation of a
 29 building law or fire safety law applicable to a Class 2 structure;
 30 and
- 31 (2) the building commissioner is absent and unable to issue a
 32 written interpretation within the time specified under subsection
 33 (a);
- 34 the chair of the commission, or, if the chair is absent, the vice chair of
 35 the commission, shall issue the written interpretation not later than ten
 36 (10) business days after the date of receiving the request.

37 SECTION 79. IC 22-14-1-4 IS REPEALED [EFFECTIVE JULY 1,
 38 2021]. Sec. 4. "~~Division~~" refers to the ~~division of fire and building~~
 39 ~~safety established by IC 10-19-7-1.~~

40 SECTION 80. IC 22-14-2-2, AS AMENDED BY P.L.1-2006,
 41 SECTION 363, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The governor shall appoint a



1 state fire marshal. ~~to direct the division.~~ The state fire marshal serves
2 at the pleasure of the governor.

3 (b) The state fire marshal must have:

- 4 (1) a recognized interest and knowledge in the areas of fire
5 prevention and fire protection; and
6 (2) experience as an administrator.

7 (c) The state fire marshal shall serve as a full-time employee of the
8 ~~division.~~ **department.**

9 SECTION 81. IC 22-14-2-4, AS AMENDED BY P.L.1-2006,
10 SECTION 364, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) ~~To carry out its~~
12 ~~responsibilities,~~ The ~~division~~ **department** may:

- 13 (1) enter and inspect any property, at a reasonable hour;
14 (2) issue and enforce administrative orders under IC 22-12-7 and
15 apply for judicial orders under IC 22-12-7-13;
16 (3) direct a fire department to assist the ~~division;~~ **department;**
17 (4) cooperate with law enforcement officers; and
18 (5) provide hazardous materials and counterterrorism:
19 (A) training;
20 (B) support; and
21 (C) response assistance.

22 (b) To carry out the state fire marshal's responsibility to conduct an
23 investigation into the causes and circumstances surrounding a fire or
24 an explosion, the state fire marshal or a ~~division~~ **department** fire
25 investigator authorized by the state fire marshal may:

- 26 (1) exercise the powers of a law enforcement officer to prevent
27 fires and conduct arson investigations;
28 (2) direct a fire department to assist the state fire marshal or
29 ~~division~~ **department** fire investigator; and
30 (3) cooperate with law enforcement officers.

31 SECTION 82. IC 22-14-2-5, AS AMENDED BY P.L.1-2006,
32 SECTION 365, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The ~~division~~ **department**
34 shall carry out a program to provide public information concerning fire
35 prevention and maintain data and statistics concerning fires and fire
36 prevention activities.

37 (b) The ~~division~~ **department** shall provide a copy of the fire safety
38 rules adopted by the commission to the chief of each fire department.
39 The ~~division~~ **department** may exclude, from the rules distributed
40 under this subsection, any text that is incorporated by reference into the
41 rules published in the Indiana Administrative Code.

42 SECTION 83. IC 22-14-2-6, AS AMENDED BY P.L.40-2015,



1 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2021]: Sec. 6. (a) The ~~division~~ **department** may establish the
3 fire and public safety academy training system to create and conduct
4 programs to train public safety personnel.

5 (b) The ~~division~~ **department** may develop programs to train:

- 6 (1) fire department personnel and volunteers;
- 7 (2) emergency medical services personnel;
- 8 (3) telecommunicators;
- 9 (4) emergency management personnel; and
- 10 (5) chemical, biological, radiological, nuclear, and explosives
11 personnel.

12 (c) The ~~division~~ **department** may develop training programs in
13 cooperation with:

- 14 (1) any accredited educational institution;
- 15 (2) any fire fighting association;
- 16 (3) the Indiana emergency response commission established by
17 IC 13-25-1-1;
- 18 (4) the Indiana emergency medical services commission
19 established by IC 16-31-2-1;
- 20 (5) the board of firefighting personnel standards and education
21 established by IC 22-12-3-1; or
- 22 (6) any other public safety agency of the state or political
23 subdivision of the state, or public safety organization or
24 association.

25 The academy or the accredited educational institution under
26 subdivision (1) may conduct the programs.

27 (d) The programs developed under this section must cover the areas
28 of:

- 29 (1) fire prevention;
- 30 (2) enforcement of fire safety laws;
- 31 (3) firefighting;
- 32 (4) emergency medical services; and
- 33 (5) other areas of public safety.

34 (e) The ~~division~~ **department** shall establish inspection training
35 requirements for members of volunteer fire companies and certify
36 individuals who meet these requirements.

37 (f) If the ~~division~~ **department** establishes a training program under
38 subsection (a), the academy shall collaborate with public safety boards
39 and commissions of the state to establish criteria for certification and
40 credentialing of public safety personnel.

41 (g) The academy may provide programs for research, professional
42 development, and accreditation.



1 (h) The ~~division~~ **department** shall provide staff and meeting
2 facilities to the education board to carry out section 7 of this chapter.

3 SECTION 84. IC 22-14-2-8, AS AMENDED BY P.L.1-2006,
4 SECTION 367, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) Regardless of the extent of
6 the investigation conducted by a fire department under IC 36-8-17-7,
7 the state fire marshal or a ~~division~~ **department** fire investigator
8 authorized by the state fire marshal may conduct an investigation into
9 the causes and circumstances surrounding any fire or explosion.

10 (b) To carry out this section, the state fire marshal or a ~~division~~
11 **department** fire investigator authorized by the state fire marshal may:

- 12 (1) exercise its powers under section 4 of this chapter;
- 13 (2) assist a prosecuting attorney with any criminal investigation;
- 14 (3) subpoena witnesses and order the production of books,
15 documents, and other evidence;
- 16 (4) give oaths and affirmations;
- 17 (5) take depositions and conduct hearings;
- 18 (6) separate witnesses and otherwise regulate the course of
19 proceedings; and
- 20 (7) obtain and secure evidence.

21 (c) Subpoenas, discovery orders, and protective orders issued under
22 this section shall be enforced under IC 4-21.5-6-2.

23 (d) A person who is summoned and testifies under this section is
24 entitled to receive a minimum salary per diem and a mileage allowance
25 from the fire and building services fund. The budget agency shall set
26 the amount of the per diem and mileage allowance.

27 (e) The state fire marshal and the ~~division~~ **department** fire
28 investigators authorized by the state fire marshal have law enforcement
29 authority at all times while discharging their duties under this section
30 as employees of the department.

31 (f) The executive director of the department of ~~homeland security~~
32 has law enforcement authority at all times while discharging the duties
33 of the executive director under this section.

34 SECTION 85. IC 22-14-2-9, AS AMENDED BY P.L.1-2006,
35 SECTION 368, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2021]: Sec. 9. The ~~division~~ **department** shall
37 review and may approve plans and specifications presented to the
38 ~~division~~ **department** for a design release under IC 22-15-3 for
39 compliance with the fire safety laws.

40 SECTION 86. IC 22-14-2-10, AS AMENDED BY P.L.1-2006,
41 SECTION 369, IS AMENDED TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) The ~~division~~ **department**



- 1 shall carry out a program to:
- 2 (1) enforce all fire safety laws and related variances and other
- 3 orders; and
- 4 (2) protect the public from fire hazards.
- 5 (b) The ~~division~~ **department** shall carry out a program to
- 6 investigate complaints.
- 7 SECTION 87. IC 22-14-2-11, AS AMENDED BY P.L.1-2006,
- 8 SECTION 370, IS AMENDED TO READ AS FOLLOWS
- 9 [EFFECTIVE JULY 1, 2021]: Sec. 11. The ~~division~~ **department** shall
- 10 carry out a program to periodically inspect structures and other
- 11 property that are used by the state, a county, a city, a town, or a school
- 12 corporation, including institutions where inmates are involuntarily
- 13 detained. Inspections shall be conducted under the schedule specified
- 14 by the ~~division~~ **department**. The ~~division~~ **department** may exclude
- 15 a class of buildings or other property from inspection under this
- 16 section, if the ~~division~~ **department** determines that the public interest
- 17 will be served without inspection.
- 18 SECTION 88. IC 22-14-2-12, AS AMENDED BY P.L.1-2006,
- 19 SECTION 371, IS AMENDED TO READ AS FOLLOWS
- 20 [EFFECTIVE JULY 1, 2021]: Sec. 12. Whenever a ~~division~~
- 21 **department** fire investigator retires after at least twenty (20) years of
- 22 service, the ~~division~~ **department** shall, in recognition of the
- 23 investigator's service to the ~~division~~ **department**, do the following:
- 24 (1) Allow the investigator to retain the service weapon issued to
- 25 the investigator by the ~~division~~ **department**.
- 26 (2) Issue the investigator a badge that indicates the investigator is
- 27 a retired ~~division~~ **department** fire investigator.
- 28 (3) Issue the investigator an identification card that contains the
- 29 following information:
- 30 (A) The name of the ~~division~~ **department**.
- 31 (B) The name of the investigator.
- 32 (C) The investigator's position title before the investigator's
- 33 retirement.
- 34 (D) A statement that the investigator is retired.
- 35 (E) A statement that the investigator is authorized to retain the
- 36 service weapon issued to the investigator by the ~~division~~
- 37 **department**.
- 38 SECTION 89. IC 22-14-3-1, AS AMENDED BY P.L.1-2006,
- 39 SECTION 372, IS AMENDED TO READ AS FOLLOWS
- 40 [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) Except as provided in
- 41 ~~subsection subsections~~ (c) and (d), this chapter does not apply to a
- 42 nonpublic school (as defined in IC 20-18-2-12) or a school operated by



1 a school corporation (as defined in IC 20-18-2-16).

2 (b) The ~~division~~ **department** shall carry out an inspection program
3 to periodically inspect regulated places of amusement or entertainment.
4 These inspections shall be conducted at least annually.

5 (c) A school that holds amusement or entertainment events shall be
6 inspected at least one (1) time each year. The inspection may be
7 performed by either the ~~division~~ **department** or the fire department
8 that has jurisdiction over the school.

9 (d) At the time of each annual inspection performed by the ~~division~~;
10 **department**, the ~~division~~ **department** shall provide a fire safety
11 checklist to each school that holds amusement or entertainment events.
12 Each school shall be responsible for ensuring compliance with the
13 items on the fire safety checklist for each amusement or entertainment
14 event held at the school.

15 SECTION 90. IC 22-14-3-2, AS AMENDED BY P.L.110-2009,
16 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2021]: Sec. 2. (a) The ~~division~~ **department** shall issue an
18 amusement and entertainment permit to an applicant who qualifies
19 under section 3 of this chapter.

20 (b) A permit issued under section 3 of this chapter expires one (1)
21 year after the date of issuance. The permit applies only to the place,
22 maximum occupancy, and use specified in the permit.

23 SECTION 91. IC 22-14-3-3, AS AMENDED BY P.L.1-2006,
24 SECTION 374, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2021]: Sec. 3. To qualify for an amusement and
26 entertainment permit, an applicant must:

27 (1) submit an application sworn or affirmed under penalties of
28 perjury on forms provided by the ~~division~~ **department** upon
29 request;

30 (2) provide:

31 (A) the applicant's full name and address;

32 (B) the full name and address of each of the applicant's
33 partners (if the applicant is a partnership), members or
34 managers, if any (if the applicant is a limited liability
35 company), and principal officers (if the applicant is a
36 corporation);

37 (C) an indication of whether the applicant is an owner, lessee,
38 occupant, or agent for the place covered by the application;

39 (D) a description of the place covered by the application,
40 including a description of every building and room covered by
41 the application; and

42 (E) any information required under the commission's rules;



- 1 (3) demonstrate through an inspection that the place covered by
 2 the application complies with applicable fire safety laws; and
 3 (4) pay the fee set under IC 22-12-6-7.

4 SECTION 92. IC 22-14-3-4, AS AMENDED BY P.L.1-2006,
 5 SECTION 375, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) The ~~division~~ **department**
 7 may modify an amusement and entertainment permit with a special
 8 event endorsement that covers one (1) or more events not specified in
 9 the initial permit.

- 10 (b) To qualify for a special event endorsement, an applicant must:
 11 (1) provide the information required by the commission;
 12 (2) demonstrate through an inspection that the special events
 13 covered by the application will be conducted in compliance with
 14 applicable fire safety laws; and
 15 (3) pay the inspection fee set under IC 22-12-6-7.

16 SECTION 93. IC 22-14-6-3, AS ADDED BY P.L.107-2007,
 17 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2021]: Sec. 3. The ~~division~~ **department** shall administer the
 19 fund.

20 SECTION 94. IC 22-15-1-4 IS REPEALED [EFFECTIVE JULY 1,
 21 2021]. Sec. 4. "~~Division~~" refers to the ~~division of fire and building~~
 22 ~~safety established by IC 10-19-7-1.~~

23 SECTION 95. IC 22-15-2-5.5, AS ADDED BY P.L.218-2014,
 24 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2021]: Sec. 5.5. (a) The governor shall appoint a state
 26 building commissioner. The state building commissioner shall serve:

- 27 (1) at the pleasure of the governor; and
 28 (2) as a full-time employee of the ~~office.~~ **department of**
 29 **homeland security established by IC 10-19-2-1.**

30 (b) The state building commissioner must be a registered or licensed
 31 design professional under IC 25-4 or IC 25-31, as appropriate, with at
 32 least ten (10) years of experience in the building trades industry.

33 SECTION 96. IC 22-15-2-6, AS AMENDED BY P.L.218-2014,
 34 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2021]: Sec. 6. (a) To carry out the ~~division's~~ **department's**
 36 responsibilities, the ~~division~~ **department** or an employee or another
 37 agent of the ~~division~~ **department** may:

- 38 (1) exercise any program of supervision that is approved by the
 39 commission, if the responsibility involves the administration or
 40 enforcement of a building law;
 41 (2) enter and inspect any property, at a reasonable hour;
 42 (3) issue and enforce administrative orders under IC 22-12-7 and



1 apply for judicial orders under IC 22-12-7-13; and

2 (4) cooperate with law enforcement officers and political
3 subdivisions that have jurisdiction over a matter.

4 (b) To carry out the state building commissioner's responsibilities,
5 the state building commissioner shall issue a written interpretation of
6 any building law under IC 22-13-5.

7 SECTION 97. IC 22-15-2-7, AS AMENDED BY P.L.1-2006,
8 SECTION 385, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2021]: Sec. 7. The ~~division~~ **department** shall
10 carry out a program to enforce all laws described by one (1) or more of
11 the following:

12 (1) Building laws and related variances and other orders that
13 apply to Class 1 structures.

14 (2) Building laws and related variances and other orders that
15 apply to industrialized building systems.

16 (3) Building laws and related variances and other orders that
17 apply to mobile structures.

18 (4) Building laws, equipment laws, and related variances and
19 other orders that apply to regulated lifting devices.

20 (5) Equipment laws and related variances and other orders.

21 SECTION 98. IC 22-15-3-1, AS AMENDED BY P.L.49-2016,
22 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2021]: Sec. 1. (a) The state building commissioner or a city,
24 town, or county certified under subsection (d) shall issue a design
25 release for the construction of a Class 1 structure to an applicant who
26 qualifies under section 2 or 3 of this chapter.

27 (b) The state building commissioner shall issue a design release for
28 the fabrication of an industrial building system or mobile structure
29 under section 4 of this chapter.

30 (c) A design release issued under this chapter expires on the date
31 specified in the rules adopted by the commission.

32 (d) The commission may certify a city, town, or county as qualified
33 to issue design releases, if the city, town, or county:

34 (1) is competent under the commission's objective criteria; and

35 (2) has adopted the rules of the commission under IC 22-13-2-3.

36 (e) A city, town, or county that is certified by the commission under
37 subsection (d) may issue design releases. A design release issued by a
38 certified city, town, or county must be:

39 (1) in accordance with the commission's objective criteria; and

40 (2) for a construction type for which the city, town, or county is
41 certified.

42 All records held by a certified city, town, or county that pertain to the



1 design release must be submitted to the ~~division~~ **department** to be held
2 in a central repository.

3 SECTION 99. IC 22-15-3-2, AS AMENDED BY P.L.1-2006,
4 SECTION 386, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2021]: Sec. 2. To qualify for a design release
6 under this section, an applicant must:

7 (1) demonstrate, through the submission of plans and
8 specifications for the construction covered by the application, that
9 the construction will comply with all applicable building laws and
10 fire safety laws;

11 (2) pay the fees set under IC 22-12-6-6;

12 (3) have the plans and specifications:

13 (A) prepared by a registered architect or professional engineer
14 who is:

- 15 (i) competent to design the construction covered by the
16 application as determined by the ~~division;~~ **department;** and
17 (ii) registered under IC 25-4 or IC 25-31;

18 (B) include on each page of all drawings and the title page of
19 all specifications the seal of the registered architect or
20 professional engineer described by clause (A) or the person's
21 technical or professional staff; and

22 (C) filed by the registered architect or professional engineer
23 described by clause (A) or the person's technical or
24 professional staff; and

25 (4) submit a certificate prepared on a form provided by the
26 ~~division~~ **department** and sworn or affirmed under penalty of
27 perjury by the registered architect or professional engineer
28 described in subdivision (3)(A):

29 (A) providing an estimate of the cost of the construction
30 covered by the application, its square footage, and any other
31 information required under the rules of the commission;

32 (B) stating that the plans and specifications submitted for the
33 application were prepared either by or under the immediate
34 supervision of the person making the statement;

35 (C) stating that the plans and specifications submitted for the
36 application provide for construction that will meet all building
37 laws; and

38 (D) stating that the construction covered by the application
39 will be subject to inspection at intervals appropriate to the
40 stage of the construction by a registered architect or
41 professional engineer identified in the statement for the
42 purpose of determining in general if work is proceeding in



- 1 accordance with the released plans and specifications.
- 2 SECTION 100. IC 22-15-3-5, AS AMENDED BY P.L.1-2006,
3 SECTION 387, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) This section does not
5 authorize a variance from any rule adopted by the commission.
- 6 (b) The rules adopted by the commission do not prevent the use of:
7 (1) materials;
8 (2) methods of construction; or
9 (3) design procedures;
10 if they are not specifically prohibited in the rules and if they are
11 approved under subsection (c).
- 12 (c) The state fire marshal and the ~~division~~ **department** may, in the
13 review of an application for a design release, consider as evidence of
14 compliance with the rules adopted by the commission any evaluation
15 report that:
16 (1) contains limitations, conditions, or standards for alternative
17 materials, methods of construction, or design procedures; and
18 (2) is published by an independent, nationally recognized testing
19 laboratory or other organization that is approved under the rules
20 adopted by the commission.
- 21 SECTION 101. IC 22-15-3-6, AS AMENDED BY P.L.218-2014,
22 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2021]: Sec. 6. (a) Pending the completion of the review of an
24 application, the ~~division~~ **department** may issue:
25 (1) a design release for part of the construction proposed in an
26 application, if that part of the construction qualifies for release
27 under this chapter; or
28 (2) a provisional release for any part of the construction proposed
29 in an application, under the conditions specified by the ~~division~~
30 **department**.
- 31 (b) Issuance of a design release or provisional release under this
32 section for any part of construction proposed in an application does not
33 toll or affect the time limitations for completing the review of the
34 application or providing notice under IC 22-15-3.2.
- 35 SECTION 102. IC 22-15-3.2-4 IS REPEALED [EFFECTIVE JULY
36 1, 2021]. ~~Sec. 4. As used in this chapter, "division" means the division
37 of fire and building safety.~~
- 38 SECTION 103. IC 22-15-3.2-6, AS AMENDED BY P.L.49-2016,
39 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2021]: Sec. 6. (a) An applicant for a design release shall
41 submit an application meeting the requirements of IC 22-15-3 to the
42 ~~division~~ **department**.



1 (b) This subsection applies only to an applicant for a design release
 2 for a project listed in 410 IAC 6-12-7 for which the applicant must
 3 obtain a construction permit from the state department of health under
 4 IC 16-19-3.5. After December 31, 2016, an applicant may submit a
 5 combined application to the ~~division~~ **department** that is an application
 6 for:

- 7 (1) a construction permit under IC 16-19-3.5; and
- 8 (2) a design release under this chapter.

9 Not later than the next business day after receiving the combined
 10 application, the ~~division~~ **department** shall provide a copy of the
 11 application to the state department of health.

12 SECTION 104. IC 22-15-3.2-7, AS ADDED BY P.L.218-2014,
 13 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2021]: Sec. 7. (a) A design release shall be issued to an
 15 applicant without a plan review if:

- 16 (1) the applicant submits a complete application; and
- 17 (2) the ~~division~~ **department** does not select the application for a
 18 plan review under this section.

19 (b) The ~~division~~ **department** may select any application for design
 20 release to be subject to a plan review. The ~~division~~ **department** has
 21 complete discretion in the criteria used by the ~~division~~ **department** to
 22 select a design release application for a plan review. A criterion used
 23 by the ~~division~~ **department** may be whether the design professional
 24 has received disciplinary sanctions under IC 25-1-11-12 within the
 25 preceding five (5) years.

26 SECTION 105. IC 22-15-3.2-8, AS ADDED BY P.L.218-2014,
 27 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2021]: Sec. 8. Upon receiving a complete application for a
 29 design release, the ~~division~~ **department** shall do one (1) of the
 30 following:

- 31 (1) Not later than ten (10) business days after the application is
 32 received, send written notice to the applicant that a design release
 33 will be issued. Not later than the next business day after the date
 34 the notice is sent, the ~~division~~ **department** shall provide the
 35 applicant with:
 - 36 (A) a copy of the design release; or
 - 37 (B) a confirmation number that serves as a temporary design
 38 release until the applicant receives a copy of the design
 39 release.
- 40 (2) Not later than ten (10) business days after the application is
 41 received, send written notice that a plan review will be conducted.
 42 However, if the applicant does not receive the notice within the



1 period specified in this subdivision, the ~~division~~ **department**
 2 shall, not later than the eleventh day after the date a complete
 3 application is received, provide the applicant with:

4 (A) a copy of the design release; or

5 (B) a confirmation number that serves as a temporary design
 6 release until the applicant receives a copy of the design
 7 release.

8 SECTION 106. IC 22-15-3.2-9, AS ADDED BY P.L.218-2014,
 9 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2021]: Sec. 9. If the ~~division~~ **department** sends an applicant
 11 notice of a plan review under section 8(2) of this chapter within the
 12 period required, the ~~division~~ **department** shall do one (1) of the
 13 following:

14 (1) Not later than twenty (20) business days after the date that
 15 notice of the plan review is sent, send notice to the applicant that
 16 the plans and specifications have been approved for a design
 17 release as submitted. The ~~division~~ **department** shall, not later
 18 than the next business day after the date that notice is sent to the
 19 applicant, provide to the applicant:

20 (A) a copy of the design release; or

21 (B) a confirmation number that serves as a temporary design
 22 release until the applicant receives a copy of the design
 23 release.

24 (2) Not later than twenty (20) business days after the date that
 25 notice of the plan review is sent, send notice to the applicant that
 26 a design release will not be issued until the applicant submits
 27 corrections to the plans. However, if the applicant does not
 28 receive notice within the period specified in this subdivision, the
 29 ~~division~~ **department** shall, not later than the twenty-first business
 30 day after the date that notice of a plan review is sent under section
 31 10 of this chapter, provide the applicant with:

32 (A) a copy of the design release; or

33 (B) a confirmation number that serves as a temporary design
 34 release until the applicant receives a copy of the design
 35 release.

36 SECTION 107. IC 22-15-3.2-10, AS ADDED BY P.L.218-2014,
 37 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2021]: Sec. 10. (a) If the ~~division~~ **department** receives
 39 corrections to a plan in response to a notice sent under section 9(2) of
 40 this chapter, and any time the ~~division~~ **department** receives corrections
 41 to a notice under subdivision (2) thereafter, the ~~division~~ **department**
 42 shall do one (1) of the following:



1 (1) Not later than ten (10) business days after receiving the
 2 corrections, send notice to the applicant that the corrected plans
 3 have been approved for a design release as submitted. The
 4 ~~division~~ **department** shall, not later than the next business day
 5 after the date that notice is sent to the applicant, provide to the
 6 applicant:

7 (A) a copy of the design release; or

8 (B) a confirmation number that serves as a temporary design
 9 release until the applicant receives a copy of the design
 10 release.

11 (2) Not later than ten (10) business days after receiving the
 12 corrections, send notice to the applicant that a design release will
 13 not be issued until the applicant submits additional corrections.
 14 However, if the applicant does not receive the notice within the
 15 period specified in this subdivision, the ~~division~~ **department**
 16 shall, not later than the eleventh business day after the date that
 17 the corrections are received by the ~~division~~, **department**, provide
 18 the applicant with:

19 (A) a copy of the design release; or

20 (B) a confirmation number that serves as a temporary design
 21 release until the applicant receives a copy of the design
 22 release.

23 (b) A review under this section is limited to the corrections required
 24 by the ~~division~~ **department** pursuant to notice sent under section 9(2)
 25 of this chapter or subsection (a)(2). All other parts of a project not
 26 directly related to corrections required by the ~~division~~, **department**,
 27 including previously completed corrections that the ~~division~~
 28 **department** has already accepted, are deemed approved for a design
 29 release and may not be included in subsequent notice requests sent
 30 under this section. Except for a project reviewed under IC 22-15-3-6
 31 and subject to the deadlines set forth in this chapter, the ~~division~~
 32 **department** may delay issuing a design release until all corrections to
 33 a project have been accepted by the ~~division~~, **department**.

34 SECTION 108. IC 22-15-3.2-11, AS ADDED BY P.L.218-2014,
 35 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2021]: Sec. 11. (a) This section applies if the results of a plan
 37 review reveal that a design professional knowingly or recklessly
 38 submitted plans or specifications containing one (1) or more violations
 39 of the rules of the commission that are determined by the ~~division~~
 40 **department** and the commission to pose a wanton and willful
 41 disregard for the public health, safety, or welfare.

42 (b) The provisions regarding the time limitations for review and



1 notice under this chapter do not apply, and the ~~division~~ **department** is
 2 not required to issue a design release and confirmation number for
 3 providing notice. The ~~division~~ **department** shall send written notice of
 4 its determination to:

- 5 (1) the design professional's licensing or registration authority
 6 under IC 25-4-1 or IC 25-31, as appropriate, for the purpose of
 7 conducting a hearing under IC 4-21.5 to determine if action under
 8 IC 4-21.5-3-8 is appropriate;
- 9 (2) the design professional; and
- 10 (3) the project owner or general contractor on whose behalf the
 11 application was submitted.

12 (c) An applicant that receives notice under subsection (b) may
 13 withdraw the application and submit a new application and plans to the
 14 ~~division~~ **department** that are prepared by a different design
 15 professional. Withdrawal of an application does not affect any
 16 disciplinary action against the professional of record that prepared the
 17 plans described in subsection (a).

18 SECTION 109. IC 22-15-3.2-12, AS ADDED BY P.L.218-2014,
 19 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2021]: Sec. 12. (a) The ~~division~~ **department** shall maintain
 21 the following information for every application:

- 22 (1) The type of project that is the subject of the application.
- 23 (2) The name and profession of the design professional.
- 24 (3) The location of the project.
- 25 (4) The date the application was submitted to the ~~division~~
 26 **department**.
- 27 (5) Whether the application was selected for plan review.
- 28 (6) If the application was selected for a review:
 - 29 (A) whether the ~~division~~ **department** requested corrections to
 30 the plans and specifications;
 - 31 (B) the dates that corrections were requested by the ~~division~~
 32 **department**; and
 - 33 (C) the dates that the applicant responded to the requests under
 34 clause (B).
- 35 (7) Whether a design release was issued by the ~~division~~
 36 **department**. The date a design release was issued (if any) or
 37 other final action was taken.
- 38 (8) Any other significant plan review activity related to an
 39 application.

40 (b) The ~~division~~ **department** shall maintain the information
 41 described in subsection (a) in a single electronic file in a format that
 42 permits easy comparison of the information for each applicant. The



1 ~~division department~~ shall update the information at least quarterly.

2 SECTION 110. IC 22-15-3.2-13, AS ADDED BY P.L.218-2014,
3 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2021]: Sec. 13. The ~~division department~~ may contract with
5 a person or an entity to perform the ~~division's department's~~ plan
6 review responsibilities under this chapter.

7 SECTION 111. IC 22-15-4-1, AS AMENDED BY P.L.1-2006,
8 SECTION 389, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) The ~~division department~~
10 shall certify an industrialized building system for use in Indiana to an
11 applicant who qualifies under this section. If an applicant qualifies for
12 certification under this section, the ~~division department~~ shall provide
13 the applicant with a seal for the certified industrial building system.

14 (b) To qualify for a certification under this section, an applicant
15 must:

16 (1) submit proof that the ~~division department~~ has issued a design
17 release under IC 22-15-3 for the model or series of industrialized
18 building systems being constructed;

19 (2) demonstrate, in an in-plant inspection, that the industrialized
20 building system covered by the application has been constructed
21 in conformity with all applicable building laws and fire safety
22 laws; and

23 (3) pay the fee set by the commission under IC 22-12-6-6.

24 (c) The exemption under IC 22-13-4-2 applies to an industrialized
25 building system certified under this section.

26 SECTION 112. IC 22-15-4-2, AS AMENDED BY P.L.1-2006,
27 SECTION 390, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The ~~division department~~
29 shall certify a mobile structure for sale and use in Indiana for an
30 applicant who qualifies under this section. If an applicant qualifies for
31 certification under this section, the ~~division department~~ shall provide
32 the applicant with a seal for the certified mobile structure.

33 (b) To qualify for certification under this section, an applicant must:

34 (1) submit proof that the ~~division department~~ has issued a design
35 release under IC 22-15-3 for the model or series of mobile
36 structures being constructed;

37 (2) demonstrate, in an in-plant inspection, that the mobile
38 structure covered by the application has been constructed in
39 conformity with all applicable building laws and fire safety laws;

40 (3) certify in an affidavit that a seal provided by the ~~division~~
41 ~~department~~ will not be attached to a mobile structure that does
42 not conform to the requirements adopted by the commission in its



- 1 rules; and
 2 (4) pay the fee set by the commission under IC 22-12-6-6.
 3 (c) The exemption under IC 22-13-4-2 applies to a mobile structure
 4 certified under this chapter.
 5 SECTION 113. IC 22-15-4-6, AS AMENDED BY P.L.1-2006,
 6 SECTION 391, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2021]: Sec. 6. A person who offers to sell or
 8 sells a mobile structure that:
 9 (1) was certified under IC 9-8-1.5 (before its repeal on July 1,
 10 1987) or certified by the ~~division~~ **department** under section 2 or
 11 4 of this chapter; and
 12 (2) has been altered or converted in violation of a rule adopted by
 13 the commission;
 14 commits a Class C infraction.
 15 SECTION 114. IC 22-15-5-1, AS AMENDED BY P.L.1-2006,
 16 SECTION 392, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) The ~~division~~ **department**
 18 shall issue a regulated lifting device installation or alteration permit to
 19 an applicant who qualifies under this section.
 20 (b) To qualify for a permit under this section, an applicant must
 21 meet the following requirements:
 22 (1) Demonstrate through the submission of complete plans,
 23 including:
 24 (A) copies of specifications and accurately scaled and fully
 25 dimensioned plans showing the location of the installation in
 26 relation to the plans and elevation of the building;
 27 (B) plans showing the location of the machine room and the
 28 equipment to be installed, relocated, or altered;
 29 (C) plans showing the structural supporting members,
 30 including foundations; and
 31 (D) a specification of all materials employed and loads to be
 32 supported or conveyed;
 33 that the installation or alteration covered by the application will
 34 comply with all applicable equipment laws. All plans and
 35 specifications must be sufficiently complete to illustrate all details
 36 of construction and design.
 37 (2) Pay the fee set under IC 22-12-6-6(a)(7).
 38 (3) Be the holder of a current elevator contractor license, if
 39 applicable, as set forth under IC 22-15-5-7.
 40 (c) A copy of the permit shall be kept at the construction site at all
 41 times while the work is in progress.
 42 (d) The regulated lifting device must be installed or altered in



1 compliance with:

2 (1) applicable codes; and

3 (2) the details of the application, plans, specifications, and
4 conditions of the permit.

5 (e) The regulated lifting device must be installed or altered under
6 the direction and control of a licensed contractor. The elevator
7 contractor does not have to be present at the site.

8 (f) The responsibilities of the ~~division~~ **department** under this
9 section may be carried out by a political subdivision that is approved
10 by the commission under IC 22-13-2-10.

11 SECTION 115. IC 22-15-5-3, AS AMENDED BY P.L.1-2006,
12 SECTION 393, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) All regulated lifting devices
14 shall be registered under this section.

15 (b) The ~~division~~ **department** shall issue a registration for a
16 regulated lifting device to an applicant who qualifies under this section.

17 (c) To register a regulated lifting device under this section, an
18 applicant must submit, on a form approved by the ~~division~~,
19 **department**, the following information:

20 (1) Type, rated load and speed, name of manufacturer, location,
21 and the nature of the use of the regulated lifting device.

22 (2) Any information required under the rules adopted by the
23 commission.

24 SECTION 116. IC 22-15-5-4, AS AMENDED BY P.L.57-2020,
25 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2021]: Sec. 4. (a) The ~~division~~ **department** shall carry out a
27 program for the periodic inspection of regulated lifting devices being
28 operated in Indiana. A regulated lifting device may not be operated
29 without an operating certificate that covers the operation of the
30 regulated lifting device.

31 (b) A permit issued under this section expires on the earlier of:

32 (1) one (1) year after issuance; or

33 (2) when the regulated lifting device is altered.

34 (c) After a regulated lifting device has been installed or altered, an
35 applicant shall apply for an initial operating certificate. The ~~division~~
36 **department** shall issue an initial operating certificate for a regulated
37 lifting device if:

38 (1) the applicant demonstrates:

39 (A) through an acceptance inspection made by an elevator
40 inspector licensed under section 11 of this chapter that the
41 regulated lifting device covered by the application complies
42 with the laws governing its construction, repair, maintenance,



- 1 and operation; and
- 2 (B) that the applicant has paid the fee set under
- 3 IC 22-12-6-6(a)(7); and
- 4 (2) the **division department** verifies, through an inspection, that
- 5 the regulated lifting device complies with the laws governing the
- 6 construction, repair, maintenance, and operation of the regulated
- 7 lifting device.
- 8 (d) The **division department** shall issue a renewal operating
- 9 certificate if the applicant:
- 10 (1) demonstrates through the completion of applicable safety tests
- 11 that the regulated lifting device complies with the laws governing
- 12 the construction, repair, maintenance, and operation of the
- 13 regulated lifting device;
- 14 (2) submits results of all applicable safety tests, including failed
- 15 safety tests for the regulated lifting device; and
- 16 (3) has paid the fee set under IC 22-12-6-6(a)(7).
- 17 (e) The **division department** may issue a temporary operating
- 18 permit to an applicant under this section who does not comply with
- 19 subsection (c)(1)(A) for a new or altered regulated lifting device or
- 20 subsection (d)(1) for an existing unaltered regulated lifting device. The
- 21 applicant must pay the fee set under IC 22-12-6-6(a)(7) to qualify for
- 22 the temporary operating permit. Except as provided in subsection (f),
- 23 the permit, including all renewal periods, is limited to sixty (60) days.
- 24 (f) The **division department** may renew a temporary operating
- 25 permit issued under subsection (e) for thirty (30) day periods during the
- 26 construction of a building if the regulated lifting device is used for the
- 27 transportation of construction personnel, tools, and materials.
- 28 (g) The responsibilities of the **division department** under this
- 29 section may be carried out by a political subdivision that is approved
- 30 by the commission under IC 22-13-2-10.
- 31 (h) A copy of the operating certificate shall be displayed in or on
- 32 each regulated lifting device or in an associated machine room. In
- 33 addition to the requirements of this subsection, the two-dimensional bar
- 34 code assigned to an elevator shall be displayed in or on each elevator
- 35 in a location that is easily viewed and scanned by a person riding on the
- 36 elevator.
- 37 (i) A licensed elevator mechanic shall perform the maintenance on a
- 38 regulated lifting device.
- 39 SECTION 117. IC 22-15-5-14, AS AMENDED BY P.L.2-2007,
- 40 SECTION 313, IS AMENDED TO READ AS FOLLOWS
- 41 [EFFECTIVE JULY 1, 2021]: Sec. 14. (a) This section does not apply
- 42 to the following:

EH 1270—LS 7312/DI 141



- 1 (1) An individual employed by the following:
- 2 (A) The state.
- 3 (B) A county.
- 4 (C) A municipality.
- 5 (D) A state educational institution.
- 6 (2) A state educational institution.
- 7 (b) The department may not issue an elevator inspector or elevator
- 8 contractor license until the applicant has filed with the department a
- 9 certificate of insurance indicating that the applicant has liability
- 10 insurance:
- 11 (1) in effect with an insurer that is authorized to write insurance
- 12 in Indiana; and
- 13 (2) that provides general liability coverage to a limit of at least:
- 14 (A) one million dollars (\$1,000,000) for the injury or death of
- 15 any number of persons in any one (1) occurrence; and
- 16 (B) five hundred thousand dollars (\$500,000) for property
- 17 damage in any one (1) occurrence.
- 18 (c) An insurance policy required under this section may include a
- 19 deductible clause if the clause provides that any settlement made by the
- 20 insurance company with an injured person or a personal representative
- 21 must be paid as though the deductible clause did not apply.
- 22 (d) An insurance policy required under this section must provide by
- 23 the policy's original terms or an endorsement that the insurer may not
- 24 cancel the policy without:
- 25 (1) thirty (30) days written notice; and
- 26 (2) a complete report of the reasons for the cancellation to the
- 27 ~~division.~~ **department.**
- 28 (e) An insurance policy required under this section must provide by
- 29 the policy's original terms or an endorsement that the insurer shall
- 30 report to the department within twenty-four (24) hours after the insurer
- 31 pays a claim or reserves any amount to pay an anticipated claim that
- 32 reduces the liability coverage below the amounts established in this
- 33 section.
- 34 (f) If an insurance policy required under this section:
- 35 (1) is canceled during the policy's term;
- 36 (2) lapses for any reason; or
- 37 (3) has the policy's coverage fall below the required amount;
- 38 the license holder shall replace the policy with another policy that
- 39 complies with this section.
- 40 (g) If a license holder fails to file a certificate of insurance for new
- 41 or replacement insurance, the license holder:
- 42 (1) must cease all operations under the license immediately; and



- 1 (2) may not conduct further operations until the license holder
 2 receives the approval of the department to resume operations after
 3 the license holder complies with the requirements of this section.
- 4 SECTION 118. IC 22-15-6-2, AS AMENDED BY P.L.156-2020,
 5 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2021]: Sec. 2. (a) The ~~division~~ **department** may conduct a
 7 program of inspections of regulated boilers and pressure vessels.
- 8 (b) The ~~division~~ **department** shall do the following:
 9 (1) Issue a regulated boiler and pressure vessel operating permit
 10 to an applicant who qualifies under this section.
 11 (2) Perform an operating permit inspection of a boiler or pressure
 12 vessel owned by the state.
 13 (3) Conduct a program to audit boiler and pressure vessel
 14 inspectors licensed under section 5 of this chapter.
 15 (4) Conduct a program to audit inspections completed by a boiler
 16 and pressure vessel inspector licensed under section 5 of this
 17 chapter.
- 18 (c) Except as provided in subsection (e), an operating permit issued
 19 under this section expires one (1) year after it is issued.
- 20 (d) To qualify for an operating permit or to renew an operating
 21 permit under this section, an applicant must do the following:
 22 (1) Apply for an operating permit on a form approved by the
 23 ~~division~~ **department**.
 24 (2) Demonstrate through an inspection, performed by an inspector
 25 licensed under section 5 of this chapter, that the regulated boiler
 26 or pressure vessel covered by the application complies with the
 27 rules adopted by the commission.
 28 (3) Submit a report of the inspection conducted under subdivision
 29 (2) to the ~~division~~ **department**.
 30 (4) Pay the fee set under IC 22-12-6-6(a)(8).
- 31 (e) The commission may, by rule adopted under IC 4-22-2, specify:
 32 (1) a period between inspections of more than one (1) year; and
 33 (2) an expiration date for an operating permit longer than one (1)
 34 year from the date of issuance.
- 35 However, the commission may not set an inspection period of greater
 36 than five (5) years or issue an operating permit valid for a period of
 37 more than five (5) years for regulated pressure vessels or steam
 38 generating equipment that is an integral part of a continuous processing
 39 unit.
- 40 (f) For any inspection conducted by the ~~division~~ **department** under
 41 this section, the ~~division~~ **department** may designate an inspector
 42 licensed under section 5 of this chapter to act as the ~~division's~~



1 **department's** agent for purposes of the inspection.

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

6 (1) The expiration date stated in the emergency rule.

7 (2) The date the emergency rule is amended or repealed by a later
8 rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36 or under
9 IC 4-22-2-37.1.

10 (3) July 1, 2021.

11 SECTION 119. IC 22-15-6-5, AS AMENDED BY P.L.156-2020,
12 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2021]: Sec. 5. (a) The ~~division~~ **department** shall issue a
14 boiler and pressure vessel inspector license to an applicant who
15 qualifies under this section.

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

17 (1) meet the qualifications set by the commission in its rules;

18 (2) pass an examination approved by the commission and
19 conducted, supervised, and graded as prescribed by the
20 commission; and

21 (3) pay the fee set under IC 22-12-6-6(a)(9).

22 (c) The commission may exempt an applicant from any part of the
23 examination required by subsection (b) if the applicant has:

24 (1) a boiler and pressure vessel inspector's license issued by
25 another state with qualifications substantially equal to the
26 qualifications for a license under this section; or

27 (2) a commission as a boiler and pressure vessel inspector issued
28 by the National Board of Boiler and Pressure Vessel Inspectors.

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

32 SECTION 120. IC 22-15-7-1, AS AMENDED BY P.L.1-2006,
33 SECTION 401, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2021]: Sec. 1. The ~~division~~ **department** shall
35 carry out a program of periodic on-site inspections of the erection and
36 operation of regulated amusement devices. These inspections are not
37 a prerequisite for operation of a device that is covered by a regulated
38 amusement device operating permit.

39 SECTION 121. IC 22-15-7-2, AS AMENDED BY P.L.1-2006,
40 SECTION 402, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The ~~division~~ **department**
42 shall issue a regulated amusement device operating permit to an



1 applicant who qualifies under this section. If an applicant qualifies for
 2 a permit under this section, an inspector shall place an inspection seal
 3 on the device that is covered by the permit.

4 (b) A permit issued under this section:

- 5 (1) expires one (1) year from the date the permit was issued; and
 6 (2) may be renewed if the applicant continues to qualify for a
 7 permit under this section.

8 (c) To qualify for a permit under this section, an applicant or an
 9 authorized officer of the applicant shall pay the inspection fee set under
 10 IC 22-12-6-6 and execute an application form affirming under penalties
 11 for perjury the following:

12 (1) That all information provided in the application is true to the
 13 best of the applicant's or officer's knowledge and belief after
 14 reasonable investigation.

15 (2) That all personnel employed by the applicant having
 16 maintenance responsibility for the amusement devices have or
 17 will have sufficient background, knowledge, skills, and training
 18 to adequately maintain the amusement devices under the rules of
 19 the commission.

20 (3) That all persons employed by the applicant having operational
 21 responsibility for the amusement devices have or will have
 22 sufficient background, knowledge, skills, and training to
 23 adequately operate the amusement devices under the rules of the
 24 commission.

25 (4) That adequate training will be provided or otherwise made
 26 available on an ongoing basis to maintenance and operational
 27 personnel to ensure the continuous compliance of the personnel
 28 with the standards set forth in subdivisions (2) and (3).

29 (5) That all maintenance and operational personnel will be trained
 30 to recognize and report any condition that would prohibit the safe
 31 operation of the amusement device.

32 (6) That, upon discovering a condition that would prohibit the
 33 safe operation of an amusement device, both operational and
 34 maintenance personnel must possess the requisite authority to
 35 immediately shut down the amusement device and report the
 36 condition of the amusement device to supervisory personnel. An
 37 amusement device that is shut down under this subdivision may
 38 not be returned to operation until the amusement device complies
 39 with ASTM standards for operation.

40 (7) That the applicant assumes full financial responsibility for:

- 41 (A) any condition or circumstance occasioned by, caused by,
 42 or resulting from noncompliance with the maintenance and



- 1 operational standards set forth in subdivisions (2) through (6);
 2 and
 3 (B) any death, injury, or other loss occasioned by, caused by,
 4 or resulting from noncompliance with the maintenance and
 5 operational standards set forth in subdivisions (2) through (6).
 6 (d) The execution of an application under subsection (c) by an
 7 officer of an applicant corporation does not create individual financial
 8 liability for the officer.
 9 (e) The applicant must satisfy an inspector for the ~~division~~
 10 **department** that the regulated amusement device meets the safety
 11 requirements set by the commission.
 12 SECTION 122. IC 22-15-7-2.5, AS AMENDED BY P.L.1-2006,
 13 SECTION 403, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2021]: Sec. 2.5. (a) Except as provided in
 15 subsection (g) or (h), the ~~division~~ **department** may not issue a permit
 16 under this chapter until the applicant has filed with the ~~division~~
 17 **department** a certificate of insurance indicating that the applicant has
 18 liability insurance:
 19 (1) in effect with an insurer that is authorized to write insurance
 20 in Indiana on the operation of regulated amusement devices; and
 21 (2) except for an applicant that is subject to the provisions of
 22 IC 34-13-3, that provides coverage to a limit of at least:
 23 (A) one million dollars (\$1,000,000) per occurrence and five
 24 million dollars (\$5,000,000) in the annual aggregate;
 25 (B) five hundred thousand dollars (\$500,000) per occurrence
 26 and two million dollars (\$2,000,000) in the annual aggregate
 27 if the applicant operates only:
 28 (i) a ski lift;
 29 (ii) a surface lift or tow; or
 30 (iii) both items (i) and (ii); or
 31 (C) one million dollars (\$1,000,000) per occurrence and two
 32 million dollars (\$2,000,000) in the annual aggregate if the
 33 applicant operates only regulated amusement devices that are
 34 designed to be used and are ridden by persons who are not
 35 more than forty-two (42) inches in height.
 36 (b) An insurance policy required under this section may include a
 37 deductible clause if the clause provides that any settlement made by the
 38 insurance company with an injured person or a personal representative
 39 must be paid as though the deductible clause did not apply.
 40 (c) An insurance policy required under this section must provide by
 41 the policy's original terms or an endorsement that the insurer may not
 42 cancel the policy without:



- 1 (1) thirty (30) days written notice; and
 2 (2) a complete report of the reasons for the cancellation to the
 3 division.

4 (d) An insurance policy required under this section must provide by
 5 the policy's original terms or an endorsement that the insurer shall
 6 report to the ~~division~~ **department** within twenty-four (24) hours after
 7 the insurer pays a claim or reserves any amount to pay an anticipated
 8 claim that reduces the liability coverage to a limit of less than one
 9 million dollars (\$1,000,000) because of bodily injury or death in an
 10 occurrence.

11 (e) If an insurance policy required under this section:

- 12 (1) is canceled during the policy's term;
 13 (2) lapses for any reason; or
 14 (3) has the policy's coverage fall below the required amount;

15 the permittee shall replace the policy with another policy that complies
 16 with this section.

17 (f) If a permittee fails to file a certificate of insurance for new or
 18 replacement insurance, the permittee:

- 19 (1) must cease all operations under the permit immediately; and
 20 (2) may not conduct further operations until the permittee
 21 receives the approval of the ~~division~~ **department** to resume
 22 operations after the permittee complies with the requirements of
 23 this section.

24 (g) The ~~division~~ **department** may issue a permit under this chapter
 25 to an applicant that:

- 26 (1) is subject to IC 34-13-3; and
 27 (2) has not filed a certificate of insurance under subsection (a);
 28 if the applicant has filed with the ~~division~~ **department** a notification
 29 indicating that the applicant is self-insured for liability.

30 (h) The ~~division~~ **department** may reduce the annual aggregate
 31 liability insurance coverage required under subsection (a)(2)(A) to one
 32 million dollars (\$1,000,000) in the annual aggregate for an applicant
 33 that:

- 34 (1) operates only regulated amusement devices that are bull ride
 35 simulators that are multiride electric units with bull ride
 36 attachments; and
 37 (2) otherwise complies with the requirements of this chapter.

38 SECTION 123. IC 22-15-7-4, AS AMENDED BY P.L.68-2009,
 39 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2021]: Sec. 4. (a) The commission shall adopt rules under
 41 IC 4-22-2 to define appropriate training for a person who inspects
 42 regulated amusement devices.



1 (b) The rules required under this section must, at a minimum,
2 provide the following:

3 (1) The adoption by reference of:

4 (A) ASTM F 698 (1994 edition) ("Specification for Physical
5 Information to be Provided to Amusement Rides and
6 Devices");

7 (B) ASTM F 770 (1993 edition) ("Practice for Operation
8 Procedures for Amusement Rides and Devices");

9 (C) ASTM F 846 (1992 edition) ("Guide for Testing
10 Performance of Amusement Rides and Devices");

11 (D) ASTM F 853 (1993 edition) ("Practice for Maintenance
12 Procedures for Amusement Rides and Devices");

13 (E) ASTM F 893 (1987 edition) ("Guide for Inspection of
14 Amusement Rides and Devices");

15 (F) ASTM F 1305 (1994 edition) ("Standard Guides for the
16 Classification of Amusement Ride and Device Related Injuries
17 and Illnesses"); or

18 (G) any subsequent published editions of the ASTM standards
19 described in clauses (A) through (F).

20 (2) A requirement that inspectors employed or contracted by the
21 ~~division:~~ **department:**

22 (A) have and maintain at least:

23 (i) a Level 1 certification from the National Association of
24 Amusement Ride Safety Officials or an equivalent
25 organization approved by the commission; or

26 (ii) an equivalent certification under a process or system
27 approved by the commission; and

28 (B) conduct inspections that conform to the rules of the
29 commission.

30 (3) A requirement that regulated amusement devices be operated
31 and maintained in accordance with the rules of the commission.

32 (4) The commission's chief inspector or supervisor of regulated
33 amusement device inspectors must have and maintain a Level I
34 certification.

35 SECTION 124. IC 22-15-7-5, AS AMENDED BY P.L.1-2006,
36 SECTION 405, IS AMENDED TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) A permittee shall, during the
38 permit period, maintain at each location operated by the permittee for
39 each regulated amusement device at the location the following:

40 (1) A current owner's manual.

41 (2) Any operational manuals or maintenance guides.

42 (3) Complete maintenance records describing all repairs and



- 1 modifications.
- 2 (4) Daily operation and inspection logs or checklists.
- 3 (5) Personnel training records.
- 4 (b) The materials described in subsection (a) must be made
- 5 available to an inspector from the ~~division~~ **department**:
- 6 (1) upon request; and
- 7 (2) within a reasonable time.
- 8 The failure by the permittee to have, maintain, or make available for
- 9 review the materials described in subsection (a) constitutes grounds for
- 10 the ~~division~~ **department** to temporarily suspend a permit during the
- 11 term of failure or refusal.
- 12 SECTION 125. IC 24-4-15-7, AS AMENDED BY P.L.134-2008,
- 13 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 JULY 1, 2021]: Sec. 7. The:
- 15 (1) state department and the ~~division of fire and building safety~~
- 16 **department of homeland security** may inspect a health club at
- 17 any time:
- 18 (A) according to rules adopted by the state department; or
- 19 (B) in response to a filed complaint alleging noncompliance
- 20 with this chapter; and
- 21 (2) fire department that serves the area in which a health club is
- 22 located shall inspect the health club for compliance with this
- 23 chapter if the health club is inspected as part of an inspection
- 24 program under IC 36-8-17-8.
- 25 SECTION 126. IC 25-4-1-33, AS ADDED BY P.L.218-2014,
- 26 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 27 JULY 1, 2021]: Sec. 33. The board shall send written notice to the
- 28 ~~division of fire and building safety established by IC 10-19-7-1~~
- 29 **department of homeland security established by IC 10-19-2-1** of the
- 30 determination of the board in a disciplinary action against an architect
- 31 under IC 25-1-11. The board shall send the notice not later than three
- 32 (3) business days after the date of the board's determination.
- 33 SECTION 127. IC 25-31-1-36, AS ADDED BY P.L.218-2014,
- 34 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 35 JULY 1, 2021]: Sec. 36. The board shall send written notice to the
- 36 ~~division of fire and building safety established by IC 10-19-7-1~~
- 37 **department of homeland security established by IC 10-19-2-1** of the
- 38 determination of the board in a disciplinary action against an engineer
- 39 under IC 25-1-11. The board shall send the notice not later than three
- 40 (3) business days after the date of the board's determination.
- 41 SECTION 128. IC 35-47.5-2-3.5 IS ADDED TO THE INDIANA
- 42 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2021]: **Sec. 3.5. "Department" refers to the**
 2 **department of homeland security established by IC 10-19-2-1.**

3 SECTION 129. IC 35-47.5-2-10 IS REPEALED [EFFECTIVE
 4 JULY 1, 2021]. ~~Sec. 10: "Division" refers to the division of fire and~~
 5 ~~building safety.~~

6 SECTION 130. IC 35-47.5-4-1, AS AMENDED BY P.L.1-2006,
 7 SECTION 540, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2021]: Sec. 1. The ~~division~~ **department** shall
 9 carry out a program to periodically inspect places where regulated
 10 explosives are manufactured.

11 SECTION 131. IC 35-47.5-4-2, AS AMENDED BY P.L.1-2006,
 12 SECTION 541, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The ~~division~~ **department**
 14 may order any person engaged in the manufacture or handling of a
 15 regulated explosive and any person with control over a place where
 16 regulated explosives are manufactured or handled to maintain
 17 insurance covering fire and explosion losses. The order is not effective
 18 until sixty (60) days after the date that notice of the order is received.

19 (b) The state fire marshal shall specify the insurance required under
 20 subsection (a) in an amount not less than ten thousand dollars
 21 (\$10,000) nor more than two hundred fifty thousand dollars
 22 (\$250,000).

23 (c) Proof of the insurance required under this section must be
 24 maintained with the department of insurance.

25 (d) The insurance commissioner may exempt a person from the
 26 insurance requirements under this section if an applicant for the
 27 exemption submits proof that the applicant has the financial ability to
 28 discharge all judgments in the amount specified by the state fire
 29 marshal. The insurance commissioner may revoke an exemption under
 30 this subsection if the commissioner requires additional proof of
 31 financial ability and:

32 (1) the exempted person fails to comply with the order; or

33 (2) the insurance commissioner determines that the exempted
 34 person has failed to provide adequate proof of financial ability.

35 SECTION 132. IC 35-47.5-4-3, AS AMENDED BY P.L.1-2006,
 36 SECTION 542, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2021]: Sec. 3. The ~~division~~ **department** shall
 38 carry out a program to periodically inspect places where regulated
 39 explosives are stored.

40 SECTION 133. IC 35-47.5-4-4, AS AMENDED BY P.L.1-2006,
 41 SECTION 543, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) The ~~division~~ **department**



1 shall issue a regulated explosives magazine permit to maintain an
 2 explosives magazine to an applicant who qualifies under section 5 of
 3 this chapter.

4 (b) A permit issued under subsection (a) expires one (1) year after
 5 it is issued. The permit is limited to storage of the types and maximum
 6 quantities of explosives specified in the permit in the place covered by
 7 the permit and under the construction and location requirements
 8 specified in the rules of the commission.

9 SECTION 134. IC 35-47.5-4-4.5, AS AMENDED BY P.L.1-2006,
 10 SECTION 544, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2021]: Sec. 4.5. (a) This section does not apply
 12 to:

- 13 (1) a person who is regulated under IC 14-34; or
- 14 (2) near surface or subsurface use of regulated explosives
- 15 associated with oil and natural gas:
 - 16 (A) exploration;
 - 17 (B) development;
 - 18 (C) production; or
 - 19 (D) abandonment activities or procedures.

20 (b) The commission shall adopt rules under IC 4-22-2 to:

- 21 (1) govern the use of a regulated explosive; and
- 22 (2) establish requirements for the issuance of a license for the use
- 23 of a regulated explosive.

24 (c) The commission shall include the following requirements in the
 25 rules adopted under subsection (b):

- 26 (1) Relicensure every three (3) years after the initial issuance of
- 27 a license.
- 28 (2) Continuing education as a condition of relicensure.
- 29 (3) An application for licensure or relicensure must be submitted
- 30 to the ~~division~~ **department** on forms approved by the
- 31 commission.
- 32 (4) A fee for licensure and relicensure.
- 33 (5) Reciprocal recognition of a license for the use of a regulated
- 34 explosive issued by another state if the licensure requirements of
- 35 the other state are substantially similar to the licensure
- 36 requirements established by the commission.

37 (d) A person may not use a regulated explosive unless the person
 38 has a license issued under this section for the use of a regulated
 39 explosive.

40 (e) The ~~division~~ **department** shall carry out the licensing and
 41 relicensing program under the rules adopted by the commission.

42 (f) As used in this section, "regulated explosive" does not include



1 either of the following:

2 (1) Consumer fireworks (as defined in 27 CFR 555.11).

3 (2) Commercially manufactured black powder in quantities not to
4 exceed fifty (50) pounds, if the black powder is intended to be
5 used solely for sporting, recreational, or cultural purposes in
6 antique firearms or antique devices.

7 SECTION 135. IC 36-1-10-10, AS AMENDED BY P.L.218-2014,
8 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2021]: Sec. 10. (a) A lessor proposing to build, acquire,
10 improve, remodel, or expand a structure for lease to a political
11 subdivision or agency shall submit plans, specifications, and estimates
12 to the leasing agent before executing a lease. The leasing agent shall
13 submit the plans and specifications to the ~~division of fire and building~~
14 **safety department of homeland security** or the state building
15 commissioner, and other agencies designated by law.

16 (b) A lessor proposing to acquire a transportation project or system
17 may enter into a lease without submitting plans, designs, or
18 specifications to any political subdivision or agency. However, before
19 the execution of the lease, the lessor must submit to the lessee or
20 lessees an estimate of the cost and a description of the transportation
21 project or system.

22 SECTION 136. IC 36-1-12-10, AS AMENDED BY P.L.1-2006,
23 SECTION 553, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2021]: Sec. 10. All plans and specifications for
25 public buildings must be approved by the state department of health,
26 the ~~division of fire and building safety,~~ **department of homeland**
27 **security**, and other state agencies designated by statute.

28 SECTION 137. IC 36-1-12-11, AS AMENDED BY P.L.1-2006,
29 SECTION 554, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) The board must, within sixty
31 (60) days after the completion of the public work project, file in the
32 ~~division of fire and building safety~~ **department of homeland security**
33 a complete set of final record drawings for the public work project.
34 However, this requirement does not apply to a public work project
35 constructed at a cost less than one hundred thousand dollars
36 (\$100,000). In addition, the filing of the drawings is required only if the
37 project involves a public building.

38 (b) The ~~division of fire and building safety~~ **department of**
39 **homeland security** shall provide a depository for all final record
40 drawings filed, and retain them for inspection and loan under regulated
41 conditions. The fire prevention and building safety commission may
42 designate the librarian of Indiana as the custodian of the final record



1 drawings. The librarian shall preserve the final record drawings in the
2 state archives as public documents.

3 SECTION 138. IC 36-1-12.5-8, AS AMENDED BY P.L.168-2006,
4 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2021]: Sec. 8. Conservation measures installed under a utility
6 efficiency program or a guaranteed savings contract must be approved
7 by the following:

8 (1) The state department of health, ~~division of fire and building~~
9 ~~safety, department of homeland security~~, and any other state
10 agency designated by statute.

11 (2) An architect or engineer licensed under IC 25-4 or IC 25-31
12 if the conservation measures have a cost of more than fifty
13 thousand dollars (\$50,000).

14 SECTION 139. IC 36-7-18-38, AS AMENDED BY P.L.1-2006,
15 SECTION 569, IS AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2021]: Sec. 38. (a) A housing authority shall
17 file with the state department of health a description of each proposed
18 project, including plans and layout. The state department shall, within
19 thirty (30) days, transmit its approval or disapproval to the authority.

20 (b) A housing authority shall file all plans for new construction with
21 the ~~division of fire and building safety~~ **department of homeland**
22 **security** in the manner prescribed by IC 22-15-3.

23 SECTION 140. IC 36-8-10.5-7, AS AMENDED BY P.L.10-2017,
24 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2021]: Sec. 7. (a) The education board shall adopt rules under
26 IC 4-22-2 establishing minimum basic training requirements for
27 full-time firefighters and volunteer firefighters, subject to subsection
28 (b) and section 7.5 of this chapter. The requirements must include
29 training in the following areas:

- 30 (1) Orientation.
31 (2) Personal safety.
32 (3) Forcible entry.
33 (4) Ventilation.
34 (5) Apparatus.
35 (6) Ladders.
36 (7) Self-contained breathing apparatus.
37 (8) Hose loads.
38 (9) Streams.
39 (10) Basic recognition of special hazards.

40 (b) A person who fulfills the certification requirements for:

- 41 (1) Firefighter I; as ~~described in 655 IAC 1-2.1-4~~; or
42 (2) Firefighter II; as ~~described in 655 IAC 1-2.1-5~~;



- 1 is considered to comply with the requirements established under
 2 subsection (a).
- 3 (c) In addition to the requirements of subsections (a) and (d), the
 4 minimum basic training requirements for full-time firefighters and
 5 volunteer firefighters must include successful completion of a basic or
 6 inservice course of education and training on sudden infant death
 7 syndrome that is certified by the Indiana emergency medical services
 8 commission (created under IC 16-31-2-1) in conjunction with the state
 9 health commissioner.
- 10 (d) In addition to the requirements of subsections (a) and (c), the
 11 minimum basic training requirements for full-time and volunteer
 12 firefighters must include successful completion of an instruction course
 13 on vehicle emergency response driving safety. The education board
 14 shall adopt rules under IC 4-22-2 to operate this course.
- 15 (e) In addition to the requirements of subsections (a), (c), and (d),
 16 the minimum basic training requirements for full-time and volunteer
 17 firefighters must include successful completion of a basic or inservice
 18 course of education and training in interacting with individuals with
 19 autism that is certified by the Indiana emergency medical services
 20 commission (created under IC 16-31-2-1).
- 21 (f) The education board may adopt emergency rules in the manner
 22 provided under IC 4-22-2-37.1 concerning the adoption of the most
 23 current edition of the following National Fire Protection Association
 24 standards, subject to amendment by the board:
- 25 (1) NFPA 472.
 - 26 (2) NFPA 1001.
 - 27 (3) NFPA 1002.
 - 28 (4) NFPA 1003.
 - 29 (5) NFPA 1006.
 - 30 (6) NFPA 1021.
 - 31 (7) NFPA 1031.
 - 32 (8) NFPA 1033.
 - 33 (9) NFPA 1035.
 - 34 (10) NFPA 1041.
 - 35 (11) NFPA 1521.
 - 36 (12) NFPA 1670.
- 37 (g) Notwithstanding any provision in IC 4-22-2-37.1 to the contrary,
 38 an emergency rule described in subsection (f) expires on the earlier of
 39 the following dates:
- 40 (1) Two (2) years after the date on which the emergency rule is
 41 accepted for filing with the publisher of the Indiana Register.
 - 42 (2) The date a permanent rule is adopted under this chapter.



1 (h) At least sixty (60) days before the education board adopts an
2 emergency rule under subsection (f), the education board shall:

- 3 (1) notify the public of its intention to adopt an emergency rule by
4 publishing a notice of intent to adopt an emergency rule in the
5 Indiana Register; and
6 (2) provide a period for public hearing and comment for the
7 proposed rule.

8 The publication notice described in subdivision (1) must include an
9 overview of the intent and scope of the proposed emergency rule and
10 the statutory authority for the rule.

11 SECTION 141. IC 36-8-10.5-7.5, AS ADDED BY P.L.110-2009,
12 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2021]: Sec. 7.5. (a) Except as provided in subsection (b), an
14 individual whose employment by a fire department as a full-time
15 firefighter begins after December 31, 2009, must complete the training
16 for Firefighter I (as described in 655 IAC 1-2.1-4) and Firefighter II (as
17 described in 655 IAC 1-2.1-5) during the firefighter's first year of
18 employment. The fire department that employs a firefighter shall report
19 to the education board when the firefighter has completed the training
20 requirements established by this subsection.

21 (b) The education board may grant a firefighter any number of
22 extensions of six (6) months to complete the training required under
23 subsection (a). An extension must be requested by the fire department
24 that employs the firefighter. An extension may be requested for any
25 reason, including the following:

- 26 (1) The firefighter has been attending training in accordance with
27 section 8 of this chapter in any of the following:
28 (A) Hazardous materials.
29 (B) Paramedic training.
30 (C) Emergency medical technician training.
31 (D) Technical training.

32 (2) The firefighter was unable to complete the training due to
33 economic reasons.

34 (c) The education board shall determine whether a firefighter
35 receives an extension under this section.

36 SECTION 142. IC 36-8-10.5-10 IS REPEALED [EFFECTIVE
37 JULY 1, 2021]. Sec. 10: (a) This section applies to the following
38 certifications:

- 39 (1) Mandatory training (as described in 655 IAC 1-4-2).
40 (2) Basic firefighter (as described in 655 IAC 1-2.1-3).
41 (3) Firefighter I (as described in 655 IAC 1-2.1-4).
42 (4) Firefighter II (as described in 655 IAC 1-2.1-5).

EH 1270—LS 7312/DI 141



1 (b) Before January 2, 2012, the board may not mandate that the
 2 written tests for the certifications listed in subsection (a) be taken
 3 solely using a computer, the Internet, or another online arrangement.

4 SECTION 143. IC 36-8-10.6 IS ADDED TO THE INDIANA
 5 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2021]:

7 **Chapter 10.6. Fire Chief Executive Training Program**

8 **Sec. 0.5. This chapter does not apply to a fire chief who is**
 9 **appointed as a volunteer in an unpaid position.**

10 **Sec. 1. As used in this chapter, "department" refers to the**
 11 **department of homeland security established by IC 10-19-2-1.**

12 **Sec. 2. As used in this chapter, "executive training program"**
 13 **means the fire chief executive training program described in**
 14 **section 4 of this chapter.**

15 **Sec. 3. (a) After January 1, 2022, a newly appointed fire chief of**
 16 **a political subdivision must successfully complete the executive**
 17 **training program within one (1) year of appointment unless:**

18 (1) a course is not offered within the twelve (12) months after
 19 the date that the fire chief initially takes office; or

20 (2) space in the program is not available at a time that will
 21 allow the fire chief to complete the program within twelve
 22 (12) months after the date that the fire chief initially takes
 23 office.

24 (b) If a fire chief is unable to successfully complete the executive
 25 training program within one (1) year of appointment for any of the
 26 reasons described in subsection (a), the fire chief must successfully
 27 complete the next available executive training program that is
 28 presented by the department.

29 **Sec. 4. The executive training program must consist of not less**
 30 **than forty (40) hours of instruction and must include training in**
 31 **the following subject areas:**

32 (1) Leadership development.

33 (2) Accounting, budgets, and state funding.

34 (3) Diversity and inclusion.

35 (4) Discipline and conflict resolution.

36 (5) Laws and regulations.

37 (6) Policies and procedures.

38 (7) Record management and retention.

39 (8) Media relations.

40 (9) Worker's compensation and liability.

41 (10) State and local government operations.

42 **Sec. 5. The department shall do the following:**



- 1 (1) Develop curriculum for the executive training program.
- 2 (2) Offer an executive training program, either in person or
- 3 by electronic means, at least two (2) times per year.
- 4 (3) Pay any costs of the executive training program out of the
- 5 regional public safety training fund established by
- 6 IC 10-15-3-12.
- 7 (4) Provide a certificate of completion to any fire service
- 8 personnel who complete the executive training program
- 9 offered by the department.

10 Sec. 6. (a) If there is any available space in an executive training
 11 program course that has not been filled by fire chiefs who are
 12 required to attend the executive training program as provided in
 13 this chapter, the department may allow any of the following
 14 individuals to enroll in the executive training program until the
 15 course is full:

- 16 (1) A chief officer.
- 17 (2) Management level personnel.
- 18 (3) A volunteer fire chief.
- 19 (4) A volunteer chief officer.
- 20 (5) Volunteer management level personnel.

21 (b) A person who successfully completes the executive training
 22 program while serving in a capacity other than fire chief is deemed
 23 to have complied with the training requirements under this chapter
 24 if the person is subsequently appointed as fire chief.

25 Sec. 7. An appointed fire chief of a political subdivision is only
 26 required to complete the executive training program one (1) time
 27 during the fire chief's career.

28 Sec. 8. A fire chief who fails to successfully complete the
 29 executive training program as provided in this chapter may not
 30 continue to serve as fire chief until the individual successfully
 31 completes the executive training program.

32 Sec. 9. The department may adopt rules under IC 4-22-2 to
 33 carry out this chapter.

34 SECTION 144. IC 36-8-17-4 IS REPEALED [EFFECTIVE JULY
 35 1, 2021]. Sec. 4. As used in this chapter, "division" refers to the
 36 division of fire and building safety.

37 SECTION 145. IC 36-8-17-4.5 IS ADDED TO THE INDIANA
 38 CODE AS A NEW SECTION TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2021]: Sec. 4.5. As used in this chapter,
 40 "department" refers to the department of homeland security
 41 established by IC 10-19-2-1.

42 SECTION 146. IC 36-8-17-5, AS AMENDED BY P.L.29-2011,



1 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2021]: Sec. 5. (a) The fire chief and the designees of the fire
3 chief in every fire department are assistants to the state fire marshal.

4 (b) A fire department shall comply with an order issued by the
5 ~~division~~ **department** under IC 22-14-2-4 that directs the fire
6 department to assist the ~~division~~ **department**.

7 (c) This section also applies to a fire department established by the
8 board of trustees of Purdue University under IC 21-39-7.

9 SECTION 147. IC 36-8-17-7, AS AMENDED BY P.L.57-2020,
10 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2021]: Sec. 7. (a) A fire department shall investigate and
12 determine the causes and circumstances surrounding each fire
13 occurring within the territory served by the fire department. The fire
14 department shall begin the investigation when the fire occurs. The fire
15 department shall immediately notify the ~~division~~ **department** if the fire
16 chief believes that a crime may have been committed and shall submit
17 a written or electronic report to the ~~division~~ **department** concerning
18 every investigation at the end of each month. The fire department shall
19 submit the report on the form prescribed by the ~~division~~ **department**
20 and shall include the following information in the report:

21 (1) A statement of the facts relating to the cause and origin of the
22 fire.

23 (2) The extent of damage caused by the fire.

24 (3) The amount of insurance on the property affected by the fire.

25 (4) Other information required in the commission's rules.

26 (b) To carry out this section, a fire department may:

27 (1) enter and inspect any real or personal property at a reasonable
28 hour;

29 (2) cooperate with the prosecuting attorney and assist the
30 prosecuting attorney with any criminal investigation;

31 (3) request that the office subpoena witnesses under IC 22-14-2-8
32 or order the production of books, documents, and other papers;

33 (4) give oaths and affirmations;

34 (5) take depositions and conduct hearings; and

35 (6) separate witnesses and otherwise regulate the course of
36 proceedings.

37 (c) Subpoenas, discovery orders, and protective orders issued under
38 this section shall be enforced under IC 4-21.5-6-2.

39 SECTION 148. IC 36-8-17-8, AS AMENDED BY P.L.17-2008,
40 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2021]: Sec. 8. (a) A fire department serving an area that does
42 not include a city may engage in an inspection program to promote



1 compliance with fire safety laws. Upon the request of an owner or a
 2 primary lessee who resides in a private dwelling, the fire department
 3 may inspect the interior of the private dwelling to determine
 4 compliance with IC 22-11-18-3.5. The fire department shall maintain
 5 a written report for each inspection. These reports shall be made
 6 available to the ~~division~~ **department** upon request.

7 (b) The fire department serving an area that includes a city shall
 8 inspect every place and public way within the jurisdiction of the city,
 9 except the interiors of private dwellings, for compliance with the fire
 10 safety laws. Upon the request of an owner or a primary lessee who
 11 resides in a private dwelling, the fire department may inspect the
 12 interior of the private dwelling to determine compliance with
 13 IC 22-11-18-3.5. Except as otherwise provided in the rules adopted by
 14 the commission, the fire chief of the fire department shall specify the
 15 schedule under which places and public ways are inspected and may
 16 exclude a class of places or public ways from inspection under this
 17 section, if the fire chief determines that the public interest will be
 18 served without inspection. The fire department shall maintain a written
 19 report for each inspection. The fire department shall submit monthly
 20 reports to the ~~division~~, **department**, on forms prescribed by the
 21 ~~division~~, **department**, containing the following information:

- 22 (1) The total number of inspections made.
- 23 (2) The total number of defects found, classified as required by
 24 the office.
- 25 (3) The total number of orders issued for correction of each class
 26 of defect.
- 27 (4) The total number of orders complied with.

28 (c) A volunteer fire department may carry out inspections under this
 29 section only through an individual who is certified under
 30 IC 22-14-2-6(c).

31 SECTION 149. IC 36-8-17-9, AS AMENDED BY P.L.1-2006,
 32 SECTION 580, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) A fire department may issue
 34 orders under IC 4-21.5-3-6 to require a person to cease and correct a
 35 violation of the fire safety laws. The order must grant a reasonable time
 36 in which to correct a violation of law covered by the order.

37 (b) A fire department may issue an emergency or temporary order
 38 under IC 4-21.5-4 if the fire department determines that conduct or a
 39 condition of property:

- 40 (1) presents a clear and immediate hazard of death or serious
 41 bodily injury to any person other than a trespasser;
- 42 (2) is prohibited without a permit, registration, certification,



1 release, authorization, variance, exemption, or other license
 2 required under IC 22-14 or another statute administered by the
 3 ~~division~~ **department** and the license has not been issued; or
 4 (3) will conceal a violation of law.

5 (c) An emergency or other temporary order issued under subsection
 6 (b) must be approved by the state fire marshal. The approval may be
 7 communicated orally to the fire department. However, the ~~division~~
 8 **department** shall maintain a written record of the approval.

9 (d) An order under IC 4-21.5-3-6 or IC 4-21.5-4 may include the
 10 following, singly or in combination:

11 (1) Require a person who has taken a substantial step toward
 12 violating a fire safety law or has violated a fire safety law to cease
 13 and correct the violation.

14 (2) Require a person who has control over property that is
 15 affected by a violation to take reasonable steps to:

16 (A) protect persons and property from the hazards of the
 17 violation; and

18 (B) correct the violation.

19 (3) Require persons to leave an area that is affected by a violation
 20 and prohibit persons from entering the area until the violation is
 21 corrected.

22 SECTION 150. IC 36-8-17-10, AS AMENDED BY P.L.1-2006,
 23 SECTION 581, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) The ~~division~~ **department**
 25 shall give a person who:

26 (1) is aggrieved by an order issued under section 9 of this chapter;
 27 and

28 (2) requests review of the order in verbal or written form;
 29 an opportunity to informally discuss the order with the ~~division~~
 30 **department**. Review under this subsection does not suspend the
 31 running of the time period in which a person must petition under
 32 IC 4-21.5-3-7 to appeal the order.

33 (b) The ~~division~~ **department** may, on its own initiative or at the
 34 request of any person, modify or reverse an order issued under section
 35 9 of this chapter.

36 SECTION 151. IC 36-8-17-12, AS AMENDED BY P.L.1-2006,
 37 SECTION 582, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2021]: Sec. 12. The ~~division~~ **department** may
 39 enforce an order issued under this chapter under IC 4-21.5-6.

40 SECTION 152. IC 36-8-25-1 IS REPEALED [EFFECTIVE JULY
 41 1, 2021]. Sec. 1. As used in this chapter, "division" means the division
 42 of fire and building safety established by IC 10-19-7-1.



1 SECTION 153. IC 36-8-25-1.5 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2021]: **Sec. 1.5. As used in this chapter,**
 4 **"department" refers to the department of homeland security**
 5 **established by IC 10-19-2-1.**

6 SECTION 154. IC 36-8-25-5, AS ADDED BY P.L.54-2019,
 7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2021]: Sec. 5. (a) Except as provided in section 11 of this
 9 chapter, after June 30, 2020, a public safety telecommunicator must
 10 successfully complete, at least every two (2) years, a T-CPR training
 11 program that meets or exceeds evidence based nationally recognized
 12 emergency cardiovascular care guidelines adopted by the division. A
 13 T-CPR training program shall include:

- 14 (1) recognition protocols for out of hospital cardiac arrest; and
- 15 (2) compression only cardiopulmonary resuscitation instructions
 16 for telephone callers.

17 (b) The ~~division~~ **department** shall establish T-CPR training
 18 continuing education requirements for public safety
 19 telecommunicators.

20 SECTION 155. IC 36-8-25-6, AS ADDED BY P.L.54-2019,
 21 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2021]: Sec. 6. (a) The ~~division~~ **department** may:

- 23 (1) provide a T-CPR training program or continuing education
 24 course; or
- 25 (2) approve a T-CPR training program or continuing education
 26 course provided by a third party;

27 that meets the requirements of this chapter.

28 (b) The ~~division~~ **department** shall establish requirements and a
 29 certification program for third party T-CPR instructors that provide
 30 T-CPR training programs or continuing education courses.

31 SECTION 156. IC 36-8-25-7, AS ADDED BY P.L.54-2019,
 32 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2021]: Sec. 7. The ~~division~~ **department** shall set the
 34 minimum standards for a T-CPR training program including:

- 35 (1) course approval;
- 36 (2) instruction; and
- 37 (3) examination;

38 which may include online training based on the nationally recognized
 39 guidelines adopted by the ~~division~~ **department**. The ~~division~~
 40 **department** shall provide a person with a certificate for successfully
 41 completing T-CPR training.

42 SECTION 157. IC 36-8-25-8, AS ADDED BY P.L.54-2019,



1 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2021]: Sec. 8. The ~~division~~ **department** may impose a
3 reasonable fee for:

- 4 (1) providing a T-CPR program or continuing education course;
5 and
6 (2) certifying a person who successfully completes a T-CPR
7 program or any T-CPR instructor requirements.

8 The ~~division~~ **department** shall deposit any fees collected in the fire
9 and building services fund established by IC 22-12-6-1.

10 SECTION 158. IC 36-8-25-9, AS ADDED BY P.L.54-2019,
11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2021]: Sec. 9. Nothing in this chapter prohibits a public safety
13 agency from entering into a reciprocal agreement with another public
14 safety agency to provide T-CPR instruction to telephone callers, if the
15 public safety agency that accepts the telephone call has a public safety
16 telecommunicator who has successfully completed a T-CPR training
17 program approved by the ~~division~~ **department**.

18 SECTION 159. IC 36-8-25-12, AS ADDED BY P.L.54-2019,
19 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2021]: Sec. 12. A public safety telecommunicator who has
21 successfully completed:

- 22 (1) a T-CPR training program approved by the ~~division~~;
23 **department**; and
24 (2) any continuing education requirements;

25 is immune from civil liability for damages arising out of T-CPR
26 instruction provided to a telephone caller, except for acts or omissions
27 constituting gross negligence or willful or wanton misconduct.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1270, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 76, between lines 11 and 12, begin a new paragraph and insert:

"Sec. 0.5. This chapter does not apply to a fire chief who is appointed as a volunteer in an unpaid position."

Page 77, delete lines 12 through 21, begin a new paragraph and insert:

"Sec. 6. (a) If there is any available space in an executive training program course that has not been filled by fire chiefs who are required to attend the executive training program as provided in this chapter, the department may allow any of the following individuals to enroll in the executive training program until the course is full:

- (1) A chief officer.**
- (2) Management level personnel.**
- (3) A volunteer fire chief.**
- (4) A volunteer chief officer.**
- (5) Volunteer management level personnel.**

(b) A person who successfully completes the executive training program while serving in a capacity other than fire chief is deemed to have complied with the training requirements under this chapter if the person is subsequently appointed as fire chief."

and when so amended that said bill do pass.

(Reference is to HB 1270 as introduced.)

FRYE R

Committee Vote: yeas 11, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred House Bill No. 1270, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

EH 1270—LS 7312/DI 141



Page 1, delete lines 1 through 17.

Delete page 2, begin a new paragraph and insert:

"SECTION 1. IC 4-21.5-3-1, AS AMENDED BY HEA 1060-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) This section applies to:

- (1) the giving of any notice;
- (2) the service of any motion, ruling, order, or other filed item; or
- (3) the filing of any document with the ultimate authority or the office of administrative law proceedings;

in an administrative proceeding under this article.

(b) Except as provided in subsection (c) or as otherwise provided by law, a person shall serve papers by:

- (1) United States mail;
- (2) personal service;
- (3) electronic mail; or
- (4) any other method approved by the Indiana Rules of Trial Procedure.

(c) ~~The following~~ **A complaint under section 8 of this chapter** shall be served by United States mail or personal service.

~~(1) The initial notice of a determination under section 6 of this chapter.~~

~~(2) A complaint under section 8 of this chapter.~~

(d) The agency shall keep a record of the time, date, and circumstances of the service under subsection (b) or (c).

(e) Service shall be made on a person or on the person's counsel or other authorized representative of record in the proceeding. Service on an artificial person or a person incompetent to receive service shall be made on a person allowed to receive service under the rules governing civil actions in the courts. If an ultimate authority consists of more than one (1) individual, service on that ultimate authority must be made on the chairperson or secretary of the ultimate authority. A document to be filed with that ultimate authority must be filed with the chairperson or secretary of the ultimate authority.

(f) If the current address of a person is not ascertainable, service shall be mailed to the last known address where the person resides or has a principal place of business. If the identity, address, or existence of a person is not ascertainable, or a law other than a rule allows, service shall be made by a single publication in a newspaper of general circulation in:

- (1) the county in which the person resides, has a principal place of business, or has property that is the subject of the proceeding;
- or



(2) Marion County, if the place described in subdivision (1) is not ascertainable or the place described in subdivision (1) is outside Indiana and the person does not have a resident agent or other representative of record in Indiana.

(g) A notice given by publication must include a statement advising a person how the person may receive written notice of the proceedings.

(h) The filing of a document with an ultimate authority is considered complete on the earliest of the following dates that apply to the filing:

(1) The date on which the document is delivered to the ultimate authority or the office of administrative law proceedings:

(A) under subsection (b) or (c); and

(B) in compliance with subsection (e).

(2) The date of the postmark on the envelope containing the document, if the document is mailed to the ultimate authority or the office of administrative law proceedings by United States mail.

(3) The date on which the document is deposited with a private carrier, as shown by a receipt issued by the carrier, if the document is sent to the ultimate authority or the office of administrative law proceedings by private carrier.

(4) The date of the electronic submission containing the document, if the document is sent by electronic mail."

Page 4, delete lines 14 through 42.

Delete pages 5 through 11.

Page 12, delete lines 1 through 3, begin a new paragraph and insert:

"SECTION 5. IC 5-2-1-9, AS AMENDED BY SEA 81-2021, SECTION 1, AND AS AMENDED BY HEA 1006-2021, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) The board shall adopt in accordance with IC 4-22-2 all necessary rules to carry out the provisions of this chapter. The rules, which shall be adopted only after necessary and proper investigation and inquiry by the board, shall include the establishment of the following:

(1) Minimum standards of physical, educational, mental, and moral fitness which shall govern the acceptance of any person for training by any law enforcement training school or academy meeting or exceeding the minimum standards established pursuant to this chapter.

(2) Minimum standards for law enforcement training schools administered by towns, cities, counties, law enforcement training centers, agencies, or departments of the state.

(3) Minimum standards for courses of study, attendance



requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.

(4) Minimum standards for a course of study on cultural diversity awareness, including training on the U nonimmigrant visa created through the federal Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386) that must be required for each person accepted for training at a law enforcement training school or academy. Cultural diversity awareness study must include an understanding of cultural issues related to race, religion, gender, age, domestic violence, national origin, and physical and mental disabilities.

(5) Minimum qualifications for instructors at approved law enforcement training schools.

(6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.

(7) Minimum basic training requirements which law enforcement officers appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

(8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with:

(A) persons with autism, mental illness, addictive disorders, intellectual disabilities, and developmental disabilities;

(B) missing endangered adults (as defined in IC 12-7-2-131.3);
and

(C) persons with Alzheimer's disease or related senile dementia;

to be provided by persons approved by the secretary of family and social services and the board. The training must include an overview of the crisis intervention teams.

(10) Minimum standards for a course of study on human and sexual trafficking that must be required for each person accepted for training at a law enforcement training school or academy and for inservice training programs for law enforcement officers. The course must cover the following topics:

(A) Examination of the human and sexual trafficking laws (IC



35-42-3.5).

(B) Identification of human and sexual trafficking.

(C) Communicating with traumatized persons.

(D) Therapeutically appropriate investigative techniques.

(E) Collaboration with federal law enforcement officials.

(F) Rights of and protections afforded to victims.

(G) Providing documentation that satisfies the Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Form I-914, Supplement B) requirements established under federal law.

(H) The availability of community resources to assist human and sexual trafficking victims.

(11) Minimum standards for ongoing specialized, intensive, and integrative training for persons responsible for investigating sexual assault cases involving adult victims. This training must include instruction on:

(A) the neurobiology of trauma;

(B) trauma informed interviewing; and

(C) investigative techniques.

(H) (12) Minimum standards for de-escalation training. De-escalation training shall be taught as a part of existing use-of-force training and not as a separate topic.

(b) A law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which shall be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e), (m), (t), and (u), a law enforcement officer appointed to a law enforcement department or



agency after June 30, 1993, may not:

- (1) make an arrest;
- (2) conduct a search or a seizure of a person or property; or
- (3) carry a firearm;

unless the law enforcement officer successfully completes, at a board certified law enforcement academy or at a law enforcement training center under section 10.5 or 15.2 of this chapter, the basic training requirements established by the board under this chapter.

(e) This subsection does not apply to:

- (1) a gaming agent employed as a law enforcement officer by the Indiana gaming commission; or
- (2) an:
 - (A) attorney; or
 - (B) investigator;

designated by the securities commissioner as a police officer of the state under IC 23-19-6-1(k).

Before a law enforcement officer appointed after June 30, 1993, completes the basic training requirements, the law enforcement officer may exercise the police powers described in subsection (d) if the officer successfully completes the pre-basic course established in subsection (f). Successful completion of the pre-basic course authorizes a law enforcement officer to exercise the police powers described in subsection (d) for one (1) year after the date the law enforcement officer is appointed.

(f) The board shall adopt rules under IC 4-22-2 to establish a pre-basic course for the purpose of training:

- (1) law enforcement officers;
- (2) police reserve officers (as described in IC 36-8-3-20); and
- (3) conservation reserve officers (as described in IC 14-9-8-27);

regarding the subjects of arrest, search and seizure, the lawful use of force, de-escalation training, interacting with individuals with autism, and the operation of an emergency vehicle. The pre-basic course must be offered on a periodic basis throughout the year at regional sites statewide. The pre-basic course must consist of at least forty (40) hours of course work. The board may prepare the classroom part of the pre-basic course using available technology in conjunction with live instruction. The board shall provide the course material, the instructors, and the facilities at the regional sites throughout the state that are used for the pre-basic course. In addition, the board may certify pre-basic courses that may be conducted by other public or private training entities, including postsecondary educational institutions.

(g) Subject to subsection (h), the board shall adopt rules under



IC 4-22-2 to establish a mandatory inservice training program for police officers and police reserve officers (as described in IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has satisfactorily completed basic training and has been appointed to a law enforcement department or agency on either a full-time or part-time basis is not eligible for continued employment unless the officer satisfactorily completes the mandatory inservice training requirements established by rules adopted by the board. Inservice training must include de-escalation training. Inservice training must also include training in interacting with persons with mental illness, addictive disorders, intellectual disabilities, autism, developmental disabilities, and Alzheimer's disease or related senile dementia, to be provided by persons approved by the secretary of family and social services and the board, and training concerning human and sexual trafficking and high risk missing persons (as defined in IC 5-2-17-1). The board may approve courses offered by other public or private training entities, including postsecondary educational institutions, as necessary in order to ensure the availability of an adequate number of inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice training hours is due to either an emergency situation or the unavailability of courses.

(h) This subsection applies only to a mandatory inservice training program under subsection (g). Notwithstanding subsection (g), the board may, without adopting rules under IC 4-22-2, modify the course work of a training subject matter, modify the number of hours of training required within a particular subject matter, or add a new subject matter, if the board satisfies the following requirements:

- (1) The board must conduct at least two (2) public meetings on the proposed modification or addition.
- (2) After approving the modification or addition at a public meeting, the board must post notice of the modification or addition on the Indiana law enforcement academy's Internet web site at least thirty (30) days before the modification or addition takes effect.

If the board does not satisfy the requirements of this subsection, the modification or addition is void. This subsection does not authorize the board to eliminate any inservice training subject matter required under subsection (g).

(i) The board shall also adopt rules establishing a town marshal basic training program, subject to the following:

- (1) The program must require fewer hours of instruction and class



attendance and fewer courses of study than are required for the mandated basic training program.

(2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.

(3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (IC 36-5-7) and having not more than one (1) marshal and two (2) deputies.

(4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.

(5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal basic training program.

(6) The program must require training in interacting with individuals with autism.

(j) The board shall adopt rules under IC 4-22-2 to establish an executive training program. The executive training program must include training in the following areas:

- (1) Liability.
- (2) Media relations.
- (3) Accounting and administration.
- (4) Discipline.
- (5) Department policy making.
- (6) Lawful use of force and de-escalation training.
- (7) Department programs.
- (8) Emergency vehicle operation.
- (9) Cultural diversity.

(k) A police chief shall apply for admission to the executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow completion of the executive training program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered after the police chief initially takes office.

(l) A police chief who fails to comply with subsection (k) may not continue to serve as the police chief until completion of the executive training program. For the purposes of this subsection and subsection



(k), "police chief" refers to:

- (1) the police chief of any city;
- (2) the police chief of any town having a metropolitan police department; and
- (3) the chief of a consolidated law enforcement department established under IC 36-3-1-5.1.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the executive training program.

(m) A fire investigator in the **division of fire and building safety department of homeland security** appointed after December 31, 1993, is required to comply with the basic training standards established under this chapter.

(n) The board shall adopt rules under IC 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by IC 11-13-1-3.5(3).

(o) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

- (1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;
- (2) has not been employed as a law enforcement officer for:
 - (A) at least two (2) years; and
 - (B) less than six (6) years before the officer is hired under subdivision (1); and
- (3) completed at any time a basic training course certified or recognized by the board before the officer is hired under subdivision (1).

(p) An officer to whom subsection (o) applies must successfully complete the refresher course described in subsection (o) not later than six (6) months after the officer's date of hire, or the officer loses the officer's powers of:

- (1) arrest;
- (2) search; and
- (3) seizure.

(q) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

- (1) is appointed by an Indiana law enforcement department or agency as a reserve police officer; and
- (2) has not worked as a reserve police officer for at least two (2) years after:



- (A) completing the pre-basic course; or
- (B) leaving the individual's last appointment as a reserve police officer.

An officer to whom this subsection applies must successfully complete the refresher course established by the board in order to work as a reserve police officer.

(r) This subsection applies to an individual who, at the time the individual completes a board certified or recognized basic training course, has not been appointed as a law enforcement officer by an Indiana law enforcement department or agency. If the individual is not employed as a law enforcement officer for at least two (2) years after completing the basic training course, the individual must successfully retake and complete the basic training course as set forth in subsection (d).

(s) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an individual who:

- (1) is appointed as a board certified instructor of law enforcement training; and
- (2) has not provided law enforcement training instruction for more than one (1) year after the date the individual's instructor certification expired.

An individual to whom this subsection applies must successfully complete the refresher course established by the board in order to renew the individual's instructor certification.

(t) This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming agent appointed after June 30, 2005, may exercise the police powers described in subsection (d) if:

- (1) the agent successfully completes the pre-basic course established in subsection (f); and
- (2) the agent successfully completes any other training courses established by the Indiana gaming commission in conjunction with the board.

(u) This subsection applies only to a securities enforcement officer designated as a law enforcement officer by the securities commissioner. A securities enforcement officer may exercise the police powers described in subsection (d) if:

- (1) the securities enforcement officer successfully completes the pre-basic course established in subsection (f); and
- (2) the securities enforcement officer successfully completes any other training courses established by the securities commissioner in conjunction with the board.



(v) As used in this section, "upper level policymaking position" refers to the following:

(1) If the authorized size of the department or town marshal system is not more than ten (10) members, the term refers to the position held by the police chief or town marshal.

(2) If the authorized size of the department or town marshal system is more than ten (10) members but less than fifty-one (51) members, the term refers to:

(A) the position held by the police chief or town marshal; and

(B) each position held by the members of the police department or town marshal system in the next rank and pay grade immediately below the police chief or town marshal.

(3) If the authorized size of the department or town marshal system is more than fifty (50) members, the term refers to:

(A) the position held by the police chief or town marshal; and

(B) each position held by the members of the police department or town marshal system in the next two (2) ranks and pay grades immediately below the police chief or town marshal.

(w) This subsection applies only to a correctional police officer employed by the department of correction. A correctional police officer may exercise the police powers described in subsection (d) if:

(1) the officer successfully completes the pre-basic course described in subsection (f); and

(2) the officer successfully completes any other training courses established by the department of correction in conjunction with the board.

(x) This subsection applies only to the sexual assault training described in subsection (a)(11). The board shall:

(1) consult with experts on the neurobiology of trauma, trauma informed interviewing, and investigative techniques in developing the sexual assault training; and

(2) develop the sexual assault training and begin offering the training not later than July 1, 2022.

(y) After July 1, 2023, a law enforcement officer who regularly investigates sexual assaults involving adult victims must complete the training requirements described in subsection (a)(11) within one (1) year of being assigned to regularly investigate sexual assaults involving adult victims.

(z) A law enforcement officer who regularly investigates sexual assaults involving adult victims may complete the training requirements described in subsection (a)(11) by attending a:



- (1) statewide or national training; or
- (2) department hosted local training."

Page 13, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 10. IC 10-15-3-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 13. (a) The Indiana public safety training matching fund is established for the purpose of encouraging private investment in first responder training and providing financial assistance to public safety training facilities in Indiana that provide first responder integrated, coordinated, and collaborative training to law enforcement, firefighters, and emergency medical services (EMS) personnel.**

(b) The fund consists of money appropriated to the fund by the general assembly and the investment earnings made on those funds.

(c) The department shall administer the fund.

(d) The fund shall provide matching funds to eligible public safety training facilities that submit an application to the department.

(e) The department shall award a matching grant to an eligible public safety training facility equal to the amount of money raised by the facility from private sources and used for the construction, renovation, or operation of the eligible public safety training facility.

(f) The amount of a matching grant may not exceed five hundred thousand dollars (\$500,000) to any one (1) facility in a state fiscal year.

(g) The department shall give preference to facilities that provide training to more than one (1) discipline of public safety personnel and provide deescalation and use of force training at that facility.

(h) Facilities that do not meet the criteria described in subsection (g) will be granted matching funds from the remaining funds.

(i) Facilities must submit their matching fund applications to the department between May 1 and July 1 of each calendar year.

(j) Facilities must include the amount of money contributed to the facility from private sources during the previous calendar year and the proposed use of the requested matching funds.

(k) Before September 1 of each year, the department shall review and approve, as appropriate, a grant of matching funds to each eligible facility equal to the amount contributed to the facility



from private sources during the previous calendar year to support training at multidiscipline public safety training facilities and deescalation and use of force training.

(l) The matching funds the department approves must be disbursed to the eligible facility by the state before October 1 of each calendar year.

(m) The expenses of administering the fund shall be paid from money in the fund.

(n) 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 money may be invested. Interest that accrues from the investments must be deposited in the fund.

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

Page 38, between lines 28 and 29, begin a new paragraph and insert:
"SECTION 63. IC 22-11-17-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. As used in this chapter:

(1) "Commission" refers to the Indiana fire prevention and building safety commission.

(2) "Exit" means a continuous and unobstructed means of egress to a public way designated as an exit pursuant to the rules of the commission. The term includes doorways, corridors, exterior exit balconies, ramps, stairways, smokeproof enclosures, horizontal exits, exit passageways, exit courts, and yards.

(3) "Owner" means a person having control or custody of any building covered by this chapter.

(4) "Public building" means any structure used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public, or by three (3) or more tenants. It also means all educational buildings, day care centers, hospitals, institutions, health facilities, residential-custodial care facilities, mercantile occupancies, and office occupancies.

(5) "Special egress control device" means an **electronically controlled** exit locking system that:

(A) allows a delay in exiting through an exit in a nonemergency situation; and

(B) complies with rules adopted by the commission.

SECTION 64. IC 22-11-17-2, AS AMENDED BY P.L.211-2018(ss), SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) Except as provided in subsections (b) and (d) and section 2.5 of this chapter, an



owner of a public building shall not permit an exit to be locked or obstructed in any manner that denies the public a continuous and unobstructed means of egress while lawfully occupied by anyone who is not an officer or an employee.

(b) The commission may adopt rules under IC 4-22-2 that:

- (1) allow the owner of a public building to equip an exit with a special egress control device;
- (2) limit the circumstances under which a special egress control device may be used; and
- (3) allow an exit that was in compliance with the rules of the commission when the exit was constructed to be equipped with a special egress control device.

(c) An owner of a public building shall not permit a fire alarm to be disconnected or otherwise rendered inoperative, except in cases of routine maintenance or for repair.

(d) A school that has one (1) or more employees ~~may barricade or block a door for a period not to exceed three (3) minutes in the event of an unplanned fire alarm activation in order for a designated school official to investigate the alarm. The school must initiate evacuation and safety procedures after the three (3) minute period expires. However, the period may be extended in the event that an active shooter has been verified to be on the school's property shall develop a plan to address unplanned fire alarm activation as part of its emergency operation plan.~~

(e) A school's emergency operation plan for unplanned fire alarm activation shall include procedures for the following:

(1) Evacuation of the building when the fire alarm is heard. A school with a fire alarm panel that allows for a positive fire alarm sequence may:

- (A) develop a plan to investigate an unplanned fire alarm activation before activating the audible and visual alarms requiring evacuation;**
- (B) designate school officials to acknowledge that an alarm has been activated and initiate an investigation within fifteen (15) seconds;**
- (C) secure-in-place for up to three (3) minutes in order for a designated school official to determine, by investigation, if an active shooter is on the property; and**
- (D) following the three (3) minute period under clause (C), the school must evacuate, unless an active shooter has been verified to be on the school's property.**

(2) Compliance with all provisions of 675 IAC 28-1-28.



(f) Pursuant to a school's emergency operations plan in subsection (e), doors:

- (1) may be locked or secured against unwanted entry provided the doors unlatch with one (1) operation, with no key, tool, special knowledge, or effort, and do not require tight grasping, pinching, or twisting of the wrist;**
- (2) shall be lockable from inside the classroom without requiring the door to be opened; and**
- (3) shall be capable of being unlocked from the outside to allow for access by staff and emergency responders."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1270 as printed February 16, 2021.)

CRIDER, Chairperson

Committee Vote: Yeas 9, Nays 0.

