



January 28, 2014

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## HOUSE BILL No. 1305

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DIGEST OF HB 1305 (Updated January 28, 2014 11:07 am - DI 84)

**Citations Affected:** IC 22-13; IC 25-37.5.

**Synopsis:** Communications equipment and components. Provides that the general assembly intends for the 2010 edition of the NFPA 72, National Fire Protection Association Standard for the National Fire Alarm and Signaling Code (NFPA 72) to be incorporated into the Indiana Administrative Code (IAC). Provides that not later than July 1, 2014, the fire prevention and building safety commission (commission) shall adopt rules to incorporate NFPA 72 into the IAC. Allows the commission to adopt emergency rules to meet this requirement. Allows the commission to amend NFPA 72 as the commission considers appropriate, if the rules finally adopted by the commission do the following: (1) Incorporate the definition of, and associated requirements for: (A) a managed facilities-based voice network  
(Continued next page)

**Effective:** Upon passage; July 1, 2014.

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**VanNatter, Hale, Koch, McMillin**

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January 15, 2014, read first time and referred to Committee on Veterans Affairs and Public Safety.  
January 28, 2014, reported — Do Pass.

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Digest Continued

(MFVN); and (B) a public switched telephone network (PSTN); as set forth in NFPA 72. (2) Allow digital alarm communicator systems that make use of a MFVN to transmit signals from a fire alarm system to an offsite monitoring facility, subject to NFPA 72 requirements. Provides that if the commission does not comply with these rulemaking requirements by the date specified, the following apply on July 1, 2014: (1) The definition of and associated requirements for: (A) a MFVN; and (B) a PSTN; as set forth in NFPA 72, are considered incorporated into the IAC. (2) A person that after June 30, 2014, installs or uses a digital alarm communicator system that: (A) makes use of a MFVN to transmit signals from a fire alarm system to an offsite monitoring facility; and (B) meets the applicable NFPA 72 requirements; is not required to obtain a variance from the commission for the installation or use. Provides that: (1) a person may not sell or attempt to sell more than two lead acid batteries to any one valuable metal dealer; and (2) a valuable metal dealer may not purchase or attempt to purchase more than two lead acid batteries from any one person; in any 24 hour period, unless the person attempting the sale provides certain documentation showing that the lead acid battery lawfully came into the person's possession.



January 28, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1305

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

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

1 SECTION 1. IC 22-13-2-11.5 IS ADDED TO THE INDIANA  
2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. (a) As used in this**  
4 **section, "NFPA 72" refers to NFPA 72, National Fire Alarm and**  
5 **Signaling Code, 2010 Edition, published by the National Fire**  
6 **Protection Association, 1 Batterymarch Park, Quincy,**  
7 **Massachusetts 02269-9101.**  
8 (b) It is the intent of the general assembly that NFPA 72, as may  
9 be amended by the commission under subsection (c), be  
10 incorporated into the Indiana Administrative Code. Not later than  
11 July 1, 2014, the commission shall adopt rules under IC 4-22-2 to  
12 amend 675 IAC 28-1-28 to incorporate NFPA 72 into the Indiana  
13 Administrative Code, subject to subsection (c)(1) and (c)(2). The  
14 commission may adopt emergency rules in the manner provided  
15 under IC 4-22-2-37.1 to comply with this subsection. An emergency

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1 rule adopted by the commission under IC 4-22-2-37.1 to comply  
 2 with this subsection expires on the date a rule that supersedes the  
 3 emergency rule is adopted by the commission under IC 4-22-2-24  
 4 through IC 4-22-2-36.

5 (c) In adopting rules to incorporate NFPA 72 into the Indiana  
 6 Administrative Code, as required by subsection (b), the  
 7 commission may amend NFPA 72 as the commission considers  
 8 appropriate. However, the rules finally adopted by the commission  
 9 to comply with this section must do the following:

10 (1) Incorporate the definition of, and associated requirements  
 11 for:

12 (A) a managed facilities-based voice network (MFVN); and

13 (B) a public switched telephone network (PSTN);

14 as set forth in NFPA 72.

15 (2) Allow digital alarm communicator systems that make use  
 16 of a managed facilities-based voice network (MFVN) to  
 17 transmit signals from a fire alarm system to an offsite  
 18 monitoring facility, subject to the requirements for those  
 19 systems set forth in NFPA 72.

20 (d) If the commission does not comply with subsection (b), the  
 21 following apply on July 1, 2014:

22 (1) The definition of, and associated requirements for:

23 (A) a managed facilities-based voice network (MFVN); and

24 (B) a public switched telephone network (PSTN);

25 as set forth in NFPA 72, are considered incorporated into the  
 26 Indiana Administrative Code. Any provisions of 675  
 27 IAC 28-1-28 (or any rules adopted by a state agency, or any  
 28 ordinances or other regulations adopted by a political  
 29 subdivision) that conflict with the definitions and  
 30 requirements described in this subdivision are superseded by  
 31 the definitions and requirements described in this subdivision.  
 32 This subdivision continues to apply until the commission  
 33 adopts rules that amend 675 IAC 28-1-28 to incorporate  
 34 NFPA 72 into the Indiana Administrative Code and that  
 35 comply with subsection (c)(1) and (c)(2).

36 (2) A person that after June 30, 2014, installs or uses a digital  
 37 alarm communicator system that:

38 (A) makes use of a managed facilities-based voice network  
 39 (MFVN) to transmit signals from a fire alarm system to an  
 40 offsite monitoring facility; and

41 (B) meets the requirements for such a system set forth in  
 42 NFPA 72;



1           **is not required to obtain a variance from the commission**  
 2           **under section 11 of this chapter for the installation or use.**

3           SECTION 2. IC 25-37.5-1-2, AS AMENDED BY P.L.224-2013,  
 4           SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5           JULY 1, 2014]: Sec. 2. (a) Except as provided in section 5 of this  
 6           chapter, every valuable metal dealer in this state shall enter on forms  
 7           provided under section 6 of this chapter by the state police department  
 8           for each purchase of valuable metal the following information:

- 9           (1) The name and address of the valuable metal dealer.  
 10          (2) The date and place of each purchase.  
 11          (3) The name, address, age, and driver's license number or Social  
 12          Security number of the person or persons from whom the valuable  
 13          metal was purchased.  
 14          (4) The valuable metal dealer shall verify the identity of the  
 15          person from whom the valuable metal was purchased by use of a  
 16          government issued photographic identification. The valuable  
 17          metal dealer shall enter on the form the type of government issued  
 18          photographic identification used to verify the identity of the  
 19          person from whom the valuable metal was purchased, together  
 20          with the:  
 21                  (A) name of the government agency that issued the  
 22                  photographic identification; and  
 23                  (B) identification number present on the government issued  
 24                  photographic identification.  
 25          (5) The motor vehicle license number of the vehicle or  
 26          conveyance on which the valuable metal was delivered to the  
 27          valuable metal dealer.  
 28          (6) The price paid for the metal.  
 29          (7) A description and weight of the valuable metal purchased.  
 30          (8) The source of the valuable metal.  
 31          (9) The photograph described in subsection (b).

32          After entering the information required in this subsection, the valuable  
 33          metal dealer shall require the person or persons from whom the  
 34          valuable metal is purchased to sign the form and verify its accuracy.

35          (b) In addition to collecting the information described in subsection  
 36          (a), a valuable metal dealer shall take a photograph of:

- 37                  (1) the person from whom the valuable metal is being purchased;  
 38                  and  
 39                  (2) the valuable metal.

40          (c) In addition to the requirements of subsections (a) and (b), a  
 41          valuable metal dealer shall keep a copy of the **following**:

- 42                  (1) **The** bill of sale or other written documentation submitted by



1 a person attempting to sell an air conditioner evaporator coil or  
2 condenser, **as required** under section 8(c) of this chapter. ~~and~~

3 **(2) The written documentation required to be produced under**  
4 **section 9(b) of this chapter** by a person attempting to sell a  
5 catalytic converter. ~~required by section 9(b) of this chapter.~~

6 **(3) The affidavit or documentation required to be produced**  
7 **under section 9.5(d) of this chapter by a person attempting to**  
8 **sell three (3) or more lead acid batteries to any one (1)**  
9 **valuable metal dealer in a twenty-four (24) hour period.**

10 (d) A valuable metal dealer shall make and retain a copy of the  
11 government issued photographic identification described under  
12 subsection (a)(4) used to verify the identity of the person from whom  
13 valuable metal was purchased and the photograph described in  
14 subsection (b). However, a valuable metal dealer is not required to  
15 make a copy of a government issued photographic identification used  
16 under subsection (a)(4) to verify the identity of the person from whom  
17 valuable metal is purchased if the valuable metal dealer has retained a  
18 copy of a person's government issued photographic identification from  
19 a prior purchase from the person by the valuable metal dealer.

20 (e) The completed form, the photograph described in subsection (b),  
21 the copy of the bill of sale or other written documentation required by  
22 subsection (c), and the copy of the government issued photographic  
23 identification described in subsection (d) shall be kept in a separate  
24 book or register by the valuable metal dealer and shall be retained for  
25 a period of two (2) years. This book or register shall be made available  
26 for inspection by any law enforcement official at any time.

27 (f) A valuable metal dealer may not accept a damaged or an  
28 undamaged metal beer keg if either of the following applies:

29 (1) The keg is clearly marked as the property of a brewery  
30 manufacturer.

31 (2) The keg's identification markings have been made illegible.

32 SECTION 3. IC 25-37.5-1-9.5 IS ADDED TO THE INDIANA  
33 CODE AS A NEW SECTION TO READ AS FOLLOWS  
34 [EFFECTIVE JULY 1, 2014]: **Sec. 9.5. (a) This section does not**  
35 **apply to:**

36 **(1) a lead acid battery that is attached to a motor vehicle at**  
37 **the time of a sale or an attempted sale; or**

38 **(2) a lead acid battery that is not attached to a motor vehicle**  
39 **at the time of a sale or an attempted sale if the seller is a used**  
40 **parts dealer or an automotive repair company.**

41 **(b) Except as provided in subsection (d), a person may not sell**  
42 **or attempt to sell more than two (2) lead acid batteries to any one**



1 (1) valuable metal dealer in any twenty-four (24) hour period.

2 (c) Except as provided in subsection (d), a valuable metal dealer  
3 may not purchase or attempt to purchase more than two (2) lead  
4 acid batteries from any one (1) person in any twenty-four (24) hour  
5 period.

6 (d) A person may sell or attempt to sell three (3) or more lead  
7 acid batteries to any one (1) valuable metal dealer in a twenty-four  
8 (24) hour period if for each lead acid battery sold or attempted to  
9 be sold in the twenty-four (24) hour period, the person presents to  
10 the valuable metal dealer to whom the sale or attempted sale is  
11 made one (1) of the following:

12 (1) An affidavit executed by a law enforcement officer  
13 attesting to the officer's reasonable belief that the lead acid  
14 battery lawfully came into the possession of the person  
15 attempting to sell the lead acid battery.

16 (2) A receipt, a bill of sale, or other written documentation for  
17 the lead acid battery that shows that the lead acid battery  
18 lawfully came into the possession of the person attempting to  
19 sell the lead acid battery to the valuable metal dealer.

20 A valuable metal dealer may purchase three (3) or more lead acid  
21 batteries in a twenty-four (24) hour period from any one (1) person  
22 if the person presents the affidavit or documentation required by  
23 this subsection.

24 (e) This section does not relieve any person of any duty imposed  
25 on that person under IC 13-20-16.

26 SECTION 4. IC 25-37.5-1-10, AS ADDED BY P.L.224-2013,  
27 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2014]: Sec. 10. Sections 8, ~~and 9~~, ~~and 9.5~~ of this chapter do  
29 not apply to commercial transactions between two (2) or more of the  
30 following:

31 (1) An entity licensed by the secretary of state under ~~IC 9-22-4~~  
32 ~~IC 9-32-9~~ as:

33 (A) an automotive salvage rebuilder;

34 (B) a disposal facility; or

35 (C) a used parts dealer.

36 (2) A valuable metal dealer.

37 (3) An automobile scrapyard (as defined by IC 9-13-2-8).

38 (4) A scrap metal processor (as defined by IC 9-13-2-162).

39 SECTION 5. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1305, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1305 as introduced.)

Committee Vote: Yeas 10, Nays 2

Representative Frye R

