

HOUSE BILL No. 1507

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-13-2-3; IC 22-15-2-5.5; IC 36-7-2.

Synopsis: State and local building regulations. Removes a provision that allows a city, town, or county to adopt an ordinance that includes requirements that are more stringent or detailed than, but do not conflict with, the rules of the fire prevention and building safety commission. Amends the statute concerning the qualifications of the state building commissioner (commissioner) to: (1) eliminate the requirement that the commissioner be a registered or licensed architect or engineer, as long as the commissioner has at least 10 years of experience in the building trades industry and a bachelor's degree in a construction related field; and (2) eliminate the requirement that the commissioner have at least 10 years of experience in the building trades industry, as long as the commissioner has at least five years of industry experience and a master's degree in a construction related field. Provides that after June 30, 2015, a unit of local government may not adopt a new ordinance, rule, or policy that: (1) regulates or concerns the construction, alteration, or repair of a Class 1 or Class 2 structure; and (2) is more stringent, restrictive, or financially burdensome than a state or federal statute, rule, or regulation regulating or concerning the same subject matter. Provides that after June 30, 2015, a local unit may not enforce any such existing ordinance, rule, or policy, regardless of when the ordinance was adopted or became effective.

Effective: Upon passage; July 1, 2015.

VanNatter

January 20, 2015, read first time and referred to Committee on Government and Regulatory Reform.



First Regular Session of the 119th General Assembly (2015)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1507

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 22-13-2-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Except to the
3 extent provided in subsection (c), the rules adopted under section 2 of
4 this chapter take precedence over:
5 (1) any rule adopted by a state agency that conflicts with the
6 commission's fire safety rules or building rules; and
7 (2) any ordinance or other regulation adopted by a political
8 subdivision that covers the same subject matter as the
9 commission's fire safety rules or building rules.
10 (b) State agencies and political subdivisions may incorporate the
11 rules adopted by the commission by reference into a rule, ordinance, or
12 other regulation. Notwithstanding IC 4-22-9-6, a reference to the rules
13 adopted by the commission, by citation to the Indiana Administrative
14 Code (IAC), shall be construed to include all amendments as of the
15 date that the reference is written and any later amendments to that



1 provision, unless accompanied by a reference to a specific edition or
 2 supplement to the Indiana Administrative Code.

3 (c) A city, town, or county may adopt an ordinance that includes
 4 more stringent or detailed requirements that do not conflict with the
 5 commission's rules; but the ordinance is subject to approval under
 6 section 5 of this chapter.

7 SECTION 2. IC 22-15-2-5.5, AS ADDED BY P.L.218-2014,
 8 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 UPON PASSAGE]: Sec. 5.5. (a) The governor shall appoint a state
 10 building commissioner. The state building commissioner shall serve:

- 11 (1) at the pleasure of the governor; and
 12 (2) as a full-time employee of the office.

13 (b) The state building commissioner must: ~~be a registered or~~
 14 ~~licensed design professional under IC 25-4 or IC 25-31, as appropriate;~~
 15 ~~with~~

16 **(1) have at least ten (10) years of experience in the building**
 17 **trades industry and have a minimum of a bachelor's degree in**
 18 **a construction related field, such as:**

- 19 **(A) civil, electrical, mechanical, or structural engineering;**
 20 **(B) architecture;**
 21 **(C) engineering technology;**
 22 **(D) construction management; or**
 23 **(E) construction technology; or**

24 **(2) have at least five (5) years of experience in the building**
 25 **trades industry and:**

- 26 **(A) be a registered or licensed design professional under**
 27 **IC 25-4 or IC 25-31, as appropriate; or**
 28 **(B) have a minimum of a master's degree in a construction**
 29 **related field, such as:**

- 30 **(i) civil, electrical, mechanical, or structural engineering;**
 31 **(ii) architecture;**
 32 **(iii) engineering technology;**
 33 **(iv) construction management; or**
 34 **(v) construction technology.**

35 SECTION 3. IC 36-7-2-4 IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2015]: Sec. 4. **Except as otherwise provided**
 37 **in section 9(b) of this chapter**, a unit may regulate methods of, and
 38 use of materials in, the repair, alteration, and construction of structures
 39 and other improvements. The unit also may require the execution of a
 40 bond by any person repairing, altering, or constructing structures or
 41 other improvements.

42 SECTION 4. IC 36-7-2-9, AS AMENDED BY P.L.22-2005,



1 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2015]: Sec. 9. **(a) As used in this section:**

3 **(1) "Class 1 structure" has the meaning set forth in**
4 **IC 22-12-1-4; and**

5 **(2) "Class 2 structure" has the meaning set forth in**
6 **IC 22-12-1-5.**

7 **(b) Each unit shall require compliance with:**

8 (1) the code of building laws and fire safety laws that is adopted
9 in the rules of the fire prevention and building safety commission
10 under IC 22-13;

11 (2) orders issued under IC 22-13-2-11 that grant a variance to the
12 code of building laws and fire safety laws described in
13 subdivision (1);

14 (3) orders issued under IC 22-12-7 that apply the code of building
15 laws described in subdivision (1);

16 (4) IC 22-15-3-7; and

17 (5) a written interpretation of a building law and fire safety law
18 binding on the unit under IC 22-13-5-3 or IC 22-13-5-4.

19 **(c) This subsection applies to any ordinance, rule, or policy that:**

20 **(1) is adopted by a unit;**

21 **(2) regulates or concerns the construction, alteration, or**
22 **repair of a Class 1 structure or a Class 2 structure; and**

23 **(3) is more stringent, restrictive, or financially burdensome**
24 **than a state or federal statute, rule, or regulation regulating**
25 **or concerning the same subject matter, including any rule**
26 **adopted by:**

27 **(A) the state department of health under its authority to**
28 **regulate residential and commercial onsite sewage disposal**
29 **systems; or**

30 **(B) the fire prevention and building safety commission**
31 **under its authority to regulate Class 1 and Class 2**
32 **structures.**

33 **After June 30, 2015, a unit may not adopt a new ordinance, rule, or**
34 **policy described in this subsection. After June 30, 2015, a unit may**
35 **not enforce an existing ordinance, rule, or policy described in this**
36 **subsection, regardless of when the ordinance was adopted or**
37 **became effective.**

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

