

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1575

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

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

SECTION 1. IC 22-12-2-2, AS AMENDED BY P.L.249-2019, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The commission consists of ~~eleven (11)~~ **twelve (12)** members, ~~nine (9)~~ **ten (10)** of whom shall be appointed by the governor.

(b) The term of a commission member is four (4) years.

(c) The state health commissioner or the commissioner's designee shall serve as a member of the commission and the commissioner of labor or the commissioner's designee shall serve as a member of the commission.

(d) ~~Each appointed member of the commission must have a recognized interest, knowledge, and experience in the field of fire prevention, fire protection, building safety, or other related matters. The governor shall consider appointing individuals to the commission with experience in the following:~~

- ~~(1) A paid fire department.~~
- ~~(2) A volunteer fire department.~~
- ~~(3) The field of fire insurance.~~
- ~~(4) The fire service industry.~~
- ~~(5) The manufactured housing industry.~~
- ~~(6) The field of fire protection engineering.~~
- ~~(7) As a professionally licensed engineer.~~

HEA 1575 — Concur



- (8) Building contracting.
- (9) The field of building one (1) and two (2) family dwellings.
- (10) As a professionally licensed architect.
- (11) The design or construction of heating, ventilating, air conditioning, or plumbing systems.
- (12) The design or construction of regulated lifting devices.
- (13) City, town, or county building inspection.
- (14) Regulated amusement devices.
- (15) Accessibility requirements and personal experience with a disability.
- (16) Underground and aboveground motor fuel storage tanks and dispensing systems.
- (17) The masonry trades.
- (18) Energy conservation codes and standards, including the manner in which energy conservation codes and standards apply to:
 - (A) residential;
 - (B) single and multiple family dwelling; or
 - (C) commercial;
 building codes.
- (19) The boiler and pressure vessel industry.

(d) Beginning August 1, 2023, the appointed commission members must contain one (1) of each of the following:

- (1) A fire official.**
- (2) An architect licensed under IC 25-4.**
- (3) A professional engineer licensed under IC 25-31.**
- (4) A remodeler with experience in residential or commercial remodeling.**
- (5) A contractor with experience building low income single family or low income multifamily housing.**
- (6) A member of the Indiana Association of Building Officials.**
- (7) A member of the Associated Builders and Contractors of Indiana/Kentucky with experience in the construction of commercial developments.**
- (8) A member of the Indiana Apartment Association with experience in the construction of multifamily housing.**
- (9) A member of the Indiana Builders Association with experience in the construction of single family housing.**
- (10) A real estate broker licensed under IC 25-34.1.**

(e) Beginning August 1, 2023, a commission member must be a resident of Indiana.

(f) Not more than five (5) of the appointed members of the



commission may be affiliated with the same political party.

SECTION 2. IC 22-12-2-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. (a) Notwithstanding section 2(b) of this chapter, the term of a commission member, other than the state health commissioner and the commissioner of labor serving on July 31, 2023, ends August 1, 2023.**

(b) Before August 1, 2023, the governor shall appoint members of the commission to satisfy section 2(d) of this chapter, as in effect on August 1, 2023.

(c) After July 31, 2023, except for rulemaking, a matter pending before the commission, as composed before August 1, 2023, is considered to be pending before the commission, as composed after July 31, 2023, in the same status as if the commission, as composed after July 31, 2023, had handled the matter in the same fashion as the commission, as composed before August 1, 2023.

SECTION 3. IC 22-12-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3. A commission member serves at the pleasure of the governor. ~~may remove a member of the commission for inefficiency or neglect of duty.~~**

SECTION 4. IC 22-12-2-6, AS AMENDED BY P.L.22-2005, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6. (a) The commission shall meet at least quarterly.**

(b) A quorum of the commission consists of ~~six (6)~~ seven (7) members. IC 4-21.5-3-3 applies to a commission action governed by IC 4-21.5.

(c) The affirmative vote of not less than two-thirds (2/3) of the commission members present and voting is necessary for purposes of adopting a rule under IC 4-22-2.

(d) A commission member may participate in a meeting by electronic means in accordance with IC 5-14-1.5-3.6.

SECTION 5. IC 22-12-2-6.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.1. (a) The first meeting of the fire prevention and building safety commission after July 31, 2023, cannot occur until all members have been appointed.**

(b) This section expires January 1, 2025.

SECTION 6. IC 22-12-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 2.5. Building Codes and Standards; Review and



Implementation of Rules; Taking Effect of Rules

Sec. 1. As used in this chapter, "building code" includes the standards relating to a building code.

Sec. 2. Rules adopted under IC 4-22-2 relating to building codes may not take effect earlier than one hundred eighty (180) days after the final rule is filed with the publisher unless required by law or to maintain compliance with a federal program.

Sec. 3. The commission shall decide which building codes shall be reviewed each calendar year, focusing on the oldest building codes for review. The commission may not review more than three (3) building codes during any calendar year.

Sec. 4. (a) The commission may not review and update a building code to a new edition earlier than five (5) years after the building code's effective date.

(b) Notwithstanding subsection (a), the commission may consider an amendment to a building code not under consideration during the current year in any the following circumstances:

- (1)** The amendment resolves a conflict with another building code.
- (2)** The amendment addresses an emergency or some other exigent circumstance.
- (3)** A county, city, or town submits a proposed amendment to the commission under IC 22-13-2-5.6.

Sec. 5. (a) This section does not apply to either of the following adopted by a unit:

- (1)** The unit's architectural design standards.
- (2)** The unit's zoning ordinances.

(b) A unit (as defined in IC 36-1-2-23) may not adopt an ordinance concerning construction and remodeling that:

- (1)** conflicts with this chapter or a code adopted under this chapter; or
- (2)** includes more stringent or detailed requirements than those set forth in this chapter or a code adopted under this chapter.

If a building code or standard within the jurisdiction of the commission is silent on equipment or a regulation, a unit may petition the commission for consideration and a determination.

SECTION 7. IC 22-13-2-3, AS AMENDED BY P.L.104-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) ~~Except to the extent provided in subsection (c);~~ The rules adopted under section 2 of this chapter take precedence over:



- (1) any rule adopted by a state agency that conflicts with the commission's fire safety rules or building rules; and
- (2) any ordinance or other regulation adopted by a political subdivision that covers the same subject matter as the commission's fire safety rules or building rules.

(b) State agencies and political subdivisions may incorporate the rules adopted by the commission by reference into a rule, ordinance, or other regulation. Notwithstanding IC 4-22-9-6, a reference to the rules adopted by the commission, by citation to the Indiana Administrative Code (IAC), shall be construed to include all amendments as of the date that the reference is written and any later amendments to that provision, unless accompanied by a reference to a specific edition or supplement to the Indiana Administrative Code.

(c) ~~Except as provided in section 3.5 of this chapter,~~ A city, town, or county may **not** adopt an ordinance that **conflicts with or** includes more stringent or detailed requirements ~~that do not conflict with than~~ the commission's rules. ~~but the ordinance is subject to approval under section 5 of this chapter.~~

SECTION 8. IC 22-13-2-5, AS AMENDED BY P.L.101-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) ~~The commission shall carry out a program to review the fire safety laws and the building laws adopted in the ordinances and other regulations of political subdivisions.~~

(b) ~~Except as provided in subsection (c), an ordinance or other regulation adopted by a political subdivision that qualifies as a fire safety law or a building law:~~

- (1) ~~must be submitted to the commission for review within thirty (30) days after adoption by the political subdivision; and~~
- (2) ~~is not effective until:~~
 - (A) ~~it is approved by an order issued by the commission; or~~
 - (B) ~~it is approved as the result of the commission not having issued an order approving or denying the ordinance or other regulation within the period set forth in section 5.5(2) of this chapter.~~

(c) ~~An ordinance that:~~

- (1) ~~is adopted by a city, town, or county; and~~
- (2) ~~governs the installations, repair, and maintenance of smoke detectors in residential structures that are not required to have smoke detectors under the rules of the commission;~~

~~is effective without approval by the commission.~~

(d) ~~A:~~

- (1) ~~state agency; or~~

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(2) political subdivision;
 may not require a person or entity to obtain or maintain, or both, a license in order to install or maintain a low voltage thermostat of fifty (50) volts or less.

SECTION 9. IC 22-13-2-5.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 5.5: The commission's program for review of adopted ordinances and other regulations of political subdivisions submitted for approval by the commission under section 5 of this chapter shall be conducted by the commission staff as follows:

(1) A request may be made to the commission for preliminary staff review at any time. The results of the staff review must be furnished to the requester within a reasonable time.

(2) A submission by a political subdivision for approval of an ordinance or other regulation by the commission shall be made in hard copy or electronic form acceptable to the commission. The staff shall place the submission on the agenda for the first commission meeting scheduled later than five (5) working days after the receipt of the submission. An opportunity for public testimony may be afforded at the meeting of the commission. If the commission does not issue an order approving or denying the ordinance or other regulation at the first commission meeting, or at any of the next three (3) commission meetings, the ordinance or other regulation is automatically approved and effective without an order of the commission.

(3) A member of the commission may submit an adopted ordinance or other regulation to the commission for review under subdivisions (1) and (2) if the political subdivision did not submit the adopted ordinance or other regulation within thirty (30) days of adoption by the political subdivision as required by section 5(b) of this chapter.

(4) The commission's order regarding the ordinance or other regulation shall be issued following the requirements set forth under IC 4-21.5-3-5. If a petition for review is subsequently granted under IC 4-21.5-3-7, the commission's order shall be deemed merely to have been a preliminary determination.

(5) One (1) copy of each approved ordinance or other regulation, endorsed by the chair of the commission, shall be returned to the political subdivision or, if the submission was made by a member of the commission, to the member, with the order approving the ordinance or other regulation.

(6) If the commission denies an ordinance or other regulation, the commission's denial must specify the defects in the ordinance or



other regulation that are the basis for the denial. The defects referred to in the commission's denial must include a citation to specific provisions of the state fire safety laws and the state building laws that are the basis for the denial.

SECTION 10. IC 22-13-2-5.6 IS ADDED TO THE INDIANA CODE AS NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.6. (a) As used in this section, "building code" means a building code and includes the standards related to a building code.**

(b) As used in this section, "unit" means a county, city, or town.

(c) Beginning January 1, 2024, a unit may submit a proposal to the commission to amend any building code that the commission adopts or updates after December 31, 2023. A unit may submit the proposal in hard copy or in an electronic form that is acceptable to the commission. A proposal must include the following:

(1) A resolution adopted by the unit to request an amendment to the building code that:

(A) specifies the building code language to be amended; and

(B) states the safety issue that is the basis for the proposed amendment.

(2) A fiscal analysis of the estimated cost or savings resulting from the proposed building code amendment.

(d) The commission shall hold one (1) meeting each year to review and consider all proposals submitted by units. A unit may submit a proposal at any time. However, the commission shall review and consider only complete proposal submissions that are received not later than sixty (60) days before the date of a meeting in which proposals are considered.

(e) The commission shall:

(1) place a proposal on the meeting agenda not later than thirty (30) days before the date of the meeting in which the proposal is considered; and

(2) take public testimony at the meeting.

(f) The commission may only adopt a proposed amendment upon an affirmative vote of not less than two-thirds (2/3) of the members of the commission present and voting as provided in IC 22-12-2-6.

(g) A building code amendment adopted by the commission under this section is subject to IC 22-12-2.5-2.

SECTION 11. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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