

# SENATE BILL No. 165

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-16-13-16; IC 8-23-9-60.

**Synopsis:** Welding certifications on public works projects. Requires that contractors on a public works project meet certain standards relating to the welding of structural steel.

**Effective:** July 1, 2023.

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January 9, 2023, read first time and referred to Committee on Commerce and Technology.

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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.

# SENATE BILL No. 165



A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 5-16-13-16 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2023]: **Sec. 16. (a) As used in this section, "adequate welding**  
4 **standards" means specifications, guidelines, tests, and other**  
5 **methods used to ensure that all structural steel welds meet, at**  
6 **minimum, the codes and standards for such welds established in**  
7 **the welding code and under rules adopted by the fire prevention**  
8 **and building safety commission under IC 22-13-2-2.**  
9 (b) As used in this section, "certified welding inspector" means  
10 a person who has been certified by the American Welding Society  
11 to inspect structural steel welding projects and conduct welder  
12 qualification tests.  
13 (c) As used in this section, "structural steel welding" means  
14 structural welds, weld repair, the structural system, and the  
15 welding of all primary steel members of a structure in accordance  
16 with the welding code. The term does not include welding that is  
17 required by the American Society of Mechanical Engineers to have



1 its own certification.

2 (d) As used in this section, "welding code" refers to the  
3 American Welding Society structural steel welding code D1.1, as  
4 in effect on July 1, 2023.

5 (e) A contractor whose workers are welding the structural steel  
6 on a public works project shall ensure that all of the following  
7 occur:

8 (1) The workers performing the structural steel welding have  
9 been tested by, and hold a valid certification from, a facility  
10 that, or an individual who, has been accredited by the  
11 American Welding Society to test and certify welders and  
12 welding inspectors.

13 (2) All structural steel welds performed for the project meet  
14 adequate welding standards and are listed in the project's job  
15 specifications.

16 (3) All structural steel welding inspections listed in the  
17 project's job specifications are completed by a certified  
18 welding inspector.

19 SECTION 2. IC 8-23-9-60 IS ADDED TO THE INDIANA CODE  
20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
21 1, 2023]: Sec. 60. (a) As used in this section, "adequate welding  
22 standards" means specifications, guidelines, tests, and other  
23 methods used to ensure that all structural steel welds meet, at  
24 minimum, the codes and standards for such welds established in  
25 the welding code and under rules adopted by the fire prevention  
26 and building safety commission under IC 22-13-2-2.

27 (b) As used in this section, "certified welding inspector" means  
28 a person who has been certified by the American Welding Society  
29 to inspect structural steel welding projects and conduct welder  
30 qualification tests.

31 (c) As used in this section, "structural steel welding" means  
32 structural welds, weld repair, the structural system, and the  
33 welding of all primary steel members of a structure in accordance  
34 with the welding code. The term does not include welding that is  
35 required by the American Society of Mechanical Engineers to have  
36 its own certification.

37 (d) As used in this section, "welding code" refers to the  
38 American Welding Society structural steel welding code D1.1, as  
39 in effect on July 1, 2023.

40 (e) A contractor whose workers are welding the structural steel  
41 on a project shall ensure that all of the following occur:

42 (1) The workers performing the structural steel welding have



1           **been tested by, and hold a valid certification from, a facility**  
2           **that, or an individual who, has been accredited by the**  
3           **American Welding Society to test and certify welders and**  
4           **welding inspectors.**

5           **(2) All structural steel welds performed for the project meet**  
6           **adequate welding standards and are listed in the project's job**  
7           **specifications.**

8           **(3) All structural steel welding inspections listed in the**  
9           **project's job specifications are completed by a certified**  
10           **welding inspector.**

11           **(f) If the department reasonably suspects a contractor has**  
12           **violated this section, the department shall require the contractor**  
13           **to remedy the violation not later than thirty (30) days after the**  
14           **department notifies the contractor of the violation. The notification**  
15           **to the contractor must be signed by the commissioner and sent by**  
16           **a method that enables the department to verify receipt of the notice**  
17           **by the contractor. During the thirty (30) day period, the contractor**  
18           **may continue to work on the project. If the contractor fails to**  
19           **remedy the violation within the thirty (30) day period, the**  
20           **department shall find the contractor not responsible and determine**  
21           **the length of time the contractor is considered not responsible by**  
22           **the department.**

23           **(g) In making the determination of the length of time a**  
24           **contractor is not responsible under subsection (f), the department**  
25           **shall consider the severity of the violation. The period during**  
26           **which a contractor is considered not responsible:**

27           **(1) may not exceed forty-eight (48) months; and**

28           **(2) begins on the date of substantial completion of the project.**

29           **(h) A finding by the department under subsection (f) that a**  
30           **contractor is not responsible may not be used by another state**  
31           **agency or a political subdivision in making a determination as to**  
32           **whether the contractor is responsible for purposes of that state**  
33           **agency's or political subdivision's award of a public works contract**  
34           **to that contractor.**

