



Reprinted
March 1, 2018

ENGROSSED SENATE BILL No. 393

DIGEST OF SB 393 (Updated February 28, 2018 4:17 pm - DI 132)

Citations Affected: IC 22-11; IC 22-13.

Synopsis: Safety notice of advanced structural buildings. Requires an individual applying for a building permit issued by a city, town, or county for a Class 1 or Class 2 structure after June 30, 2018, to disclose the use of advanced structural components on the building permit application. Requires the city, town, or county building commissioner to notify the local fire department and local 911 call center of a Class 1 or Class 2 structure's use of advanced structural components not later than 90 days after issuing a building permit. Directs a 911 telephone
(Continued next page)

Effective: Upon passage; July 1, 2018.

**Eckerty, Tomes, Houchin,
Randolph Lonnie M, Lanane, Ford,
Alting**

(HOUSE SPONSORS — PRESSEL, FRYE R, FORESTAL, MOSELEY)

January 8, 2018, read first time and referred to Committee on Commerce and Technology.
January 25, 2018, amended, reported favorably — Do Pass.
January 29, 2018, read second time, ordered engrossed. Engrossed.
January 30, 2018, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 6, 2018, read first time and referred to Committee on Veterans Affairs and Public Safety.
February 13, 2018, reported — Do Pass.
February 28, 2018, read second time, amended, ordered engrossed.

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Digest Continued

call center to maintain and relay information contained in a qualifying property's notification and received by the 911 telephone call center. Prohibits the fire prevention and building safety commission (commission) or a state agency from adopting rules requiring the installation of an automatic fire sprinkler system. Prohibits a political subdivision from adopting an ordinance or other regulation requiring the installation of an automatic fire sprinkler system. Requires that the commission adopt rules to replace the current statewide residential code before January 1, 2020. Provides that if the commission uses a national code as part of the adoption of the statewide residential code, the commission shall amend the national code as a condition of the adoption of the code. Requires the commission to submit a report to the general assembly by January 1, 2019 regarding the commission's work related to the adoption of a replacement statewide residential code.



Reprinted
March 1, 2018

Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 393

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 22-11-21 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]:

4 **Chapter 21. Firefighter Safety Notification**

5 **Sec. 1. This chapter applies only to a Class 1 or Class 2 structure**
6 **for which a building permit is issued by a city, town, or county**
7 **after June 30, 2018.**

8 **Sec. 2. As used in this chapter, "advanced structural**
9 **components" means lightweight I-joists or lightweight roof trusses**
10 **that:**

- 11 (1) **have less mass cross-sectional area than sawn lumber of**
12 **equivalent proportions used in an equivalent application; and**
13 (2) **are assembled from combustible or noncombustible**
14 **materials, or both.**

15 **The term does not include a structural assembly, joist, or truss that**
16 **provides at least one (1) hour of fire resistance when tested in**
17 **accordance with the ASTM Standard E119.**

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1 **Sec. 3.** As used in this chapter, "ASTM" refers to the American
2 Society for Testing and Materials.

3 **Sec. 4.** As used in this chapter, "Class 1 structure" has the
4 meaning set forth in IC 22-12-1-4.

5 **Sec. 5.** As used in this chapter, "Class 2 structure" has the
6 meaning set forth in IC 22-12-1-5.

7 **Sec. 6.** As used in this chapter, "fire department" has the
8 meaning set forth in IC 22-12-1-12.

9 **Sec. 7.** As used in this chapter, "qualifying property" means any
10 property subject to this chapter.

11 **Sec. 8.** As used in this chapter, "structure" means a Class 1 or
12 Class 2 structure.

13 **Sec. 9. (a)** An applicant for a city, town, or county issued
14 building permit for a Class 1 or Class 2 structure must provide the
15 following information when applying for the building permit:

16 (1) The street address of a qualifying property containing
17 advanced structural components.

18 (2) The name of the township and the county in which the
19 qualifying property is located.

20 (3) The types of advanced structural components used in the
21 qualifying property.

22 (4) The location of the advanced structural components used
23 in the floor, or roof, or both, of the qualifying property.

24 **(b)** The city, town, or county issued building permit application
25 form used to comply with subsection (a) must include a place on
26 the form for providing the information required under subsection
27 (a).

28 **Sec. 10.** Not later than ninety (90) days after issuing the building
29 permit, the city, town, or county building commissioner shall send
30 electronic notification, read receipt requested, of a structure's use
31 of advanced structural components to the:

32 (1) local fire department; and

33 (2) 911 telephone call center;

34 responsible for the area where the structure is located.

35 **Sec. 11.** Upon receiving a notification described under section 10
36 of this chapter, the receiving 911 telephone call center shall:

37 (1) maintain the information contained in the notification for
38 the qualifying property; and

39 (2) relay the information contained in a qualifying property's
40 notification to all responding public safety units whenever
41 dispatching public safety units to a qualifying property's
42 address.



1 SECTION 2. IC 22-13-2-2, AS AMENDED BY P.L.86-2015,
 2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 UPON PASSAGE]: Sec. 2. (a) **Except as provided in section 3.5 of**
 4 **this chapter**, the commission shall adopt rules under IC 4-22-2 to
 5 adopt a statewide code of fire safety laws and building laws.

6 (b) The commission may adopt temporary rules in a manner
 7 provided for the adoption of emergency rules under IC 4-22-2-37.1 to
 8 administer regulation of sanitary conditions and sanitary facilities of
 9 Class I structures under IC 22-12-1-3(4). A temporary rule adopted
 10 under this subsection expires on the earliest of the following dates:

11 (1) The date specified in the temporary rule.

12 (2) The date another temporary rule adopted under this subsection
 13 or rule adopted under IC 4-22-2 supersedes or repeals the
 14 previously adopted temporary rule.

15 (3) January 1, 2017.

16 (c) Before December 1, 2003, the commission shall adopt the most
 17 recent edition, including addenda, of the following national codes by
 18 rules under IC 4-22-2 and IC 22-13-2.5 (before its repeal):

19 (1) ANSI A10.4 (Safety Requirements for Personnel Hoists).

20 (2) ASME A17.1 (Safety Code for Elevators and Escalators, an
 21 American National Standard).

22 (3) ASME A18.1 (Safety Standard for Platform Lifts and Stairway
 23 Chairlifts, American National Standard).

24 (4) ASME QEI-1 (Standard for the Qualification of Elevator
 25 Inspectors, an American National Standard).

26 (5) The American Society of Civil Engineers (ASCE) Automated
 27 People Mover Standard 21.

28 (6) ANSI A90.1 Safety Code for Manlifts.

29 (d) Before July 1, 2006, the commission shall adopt the most recent
 30 edition, including addenda, of ASME A17.3 (Safety Code for Existing
 31 Elevators and Escalators, an American National Standard) by rules
 32 under IC 4-22-2 and IC 22-13-2.5 (before its repeal).

33 (e) The commission shall adopt the subsequent edition of each
 34 national code, including addenda, to be adopted as provided under
 35 subsections (c) and (d) within eighteen (18) months after the effective
 36 date of the subsequent edition.

37 (f) The commission may amend the national codes as a condition of
 38 the adoption under subsections (c), (d), and (e).

39 SECTION 3. IC 22-13-2-2.5 IS ADDED TO THE INDIANA CODE
 40 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 41 1, 2018]: Sec. 2.5. (a) **Before January 1, 2020, the commission shall**
 42 **adopt rules under IC 4-22-2 to replace the statewide residential**



1 code for Class 2 structures that is included within the statewide
 2 code of fire safety laws and building laws adopted under section 2
 3 of this chapter.

4 (b) If the commission uses a national code as part of the
 5 adoption of a replacement statewide residential code under
 6 subsection (a), the commission shall amend the national code as a
 7 condition of the adoption under subsection (a).

8 (c) The commission shall submit a report to the general
 9 assembly not later than January 1, 2019, regarding the
 10 commission's work during the previous year related to adoption of
 11 a replacement statewide residential code under subsection (a). The
 12 report to the general assembly must be submitted in an electronic
 13 format under IC 5-14-6.

14 SECTION 4. IC 22-13-2-3 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except to the
 16 extent provided in subsection (c), the rules adopted under section 2 of
 17 this chapter take precedence over:

18 (1) any rule adopted by a state agency that conflicts with the
 19 commission's fire safety rules or building rules; and

20 (2) any ordinance or other regulation adopted by a political
 21 subdivision that covers the same subject matter as the
 22 commission's fire safety rules or building rules.

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

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

35 SECTION 5. IC 22-13-2-3.5 IS ADDED TO THE INDIANA CODE
 36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 37 UPON PASSAGE]: **Sec. 3.5. (a) The following may not adopt rules
 38 requiring the installation of an automatic fire sprinkler system in
 39 a Class 2 structure:**

40 (1) **The commission.**

41 (2) **Another state agency.**

42 (b) **A political subdivision may not adopt an ordinance or other**



1 **regulation requiring the installation of an automatic fire sprinkler**
2 **system in a Class 2 structure.**

3 **SECTION 6. An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Technology, to which was referred Senate Bill No. 393, 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:

Page 1, line 6, after "issued" insert "**by a city, town, or county**".

Page 2, line 12, after "applicant for a" insert "**city, town, or county issued**".

Page 2, line 14, delete "for a" and insert "**for the**".

Page 2, line 23, after "The" insert "**city, town, or county issued**".

Page 2, line 26, delete "a building" and insert "**the building**".

Page 2, line 27, after "the" insert "**city, town, or county**".

Page 2, between lines 32 and 33, begin a new paragraph and insert:
"Sec. 11. Upon receiving a notification described under section 10 of this chapter, the receiving 911 telephone call center shall:

(1) maintain the information contained in the notification for the qualifying property; and

(2) relay the information contained in a qualifying property's notification to all responding public safety units whenever dispatching public safety units to a qualifying property's address."

Page 2, delete lines 33 through 37.

and when so amended that said bill do pass.

(Reference is to SB 393 as introduced.)

MESSMER, Chairperson

Committee Vote: Yeas 9, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 393, 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 SB 393 as printed January 26, 2018.)

FRYE R

Committee Vote: Yeas 12, Nays 0

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 393 be amended to read as follows:

Page 2, after line 42, begin a new paragraph and insert:

"SECTION 2. IC 22-13-2-2, AS AMENDED BY P.L.86-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) **Except as provided in section 3.5 of this chapter**, the commission shall adopt rules under IC 4-22-2 to adopt a statewide code of fire safety laws and building laws.

(b) The commission may adopt temporary rules in a manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to administer regulation of sanitary conditions and sanitary facilities of Class I structures under IC 22-12-1-3(4). A temporary rule adopted under this subsection expires on the earliest of the following dates:

- (1) The date specified in the temporary rule.
- (2) The date another temporary rule adopted under this subsection or rule adopted under IC 4-22-2 supersedes or repeals the previously adopted temporary rule.
- (3) January 1, 2017.

(c) Before December 1, 2003, the commission shall adopt the most recent edition, including addenda, of the following national codes by rules under IC 4-22-2 and IC 22-13-2.5 (before its repeal):

- (1) ANSI A10.4 (Safety Requirements for Personnel Hoists).
- (2) ASME A17.1 (Safety Code for Elevators and Escalators, an American National Standard).
- (3) ASME A18.1 (Safety Standard for Platform Lifts and Stairway Chairlifts, American National Standard).
- (4) ASME QEI-1 (Standard for the Qualification of Elevator Inspectors, an American National Standard).
- (5) The American Society of Civil Engineers (ASCE) Automated People Mover Standard 21.
- (6) ANSI A90.1 Safety Code for Manlifts.

(d) Before July 1, 2006, the commission shall adopt the most recent edition, including addenda, of ASME A17.3 (Safety Code for Existing Elevators and Escalators, an American National Standard) by rules under IC 4-22-2 and IC 22-13-2.5 (before its repeal).

(e) The commission shall adopt the subsequent edition of each national code, including addenda, to be adopted as provided UNDER subsections (c) and (d) within eighteen (18) months after the effective date of the subsequent edition.

(f) The commission may amend the national codes as a condition of

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the adoption under subsections (c), (d), and (e).

SECTION 3. IC 22-13-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 2.5. (a) Before January 1, 2020, the commission shall adopt rules under IC 4-22-2 to replace the statewide residential code for Class 2 structures that is included within the statewide code of fire safety laws and building laws adopted under section 2 of this chapter.**

(b) If the commission uses a national code as part of the adoption of a replacement statewide residential code under subsection (a), the commission shall amend the national code as a condition of the adoption under subsection (a).

(c) The commission shall submit a report to the general assembly not later than January 1, 2019, regarding the commission's work during the previous year related to adoption of a replacement statewide residential code under subsection (a). The report to the general assembly must be submitted in an electronic format under IC 5-14-6.

SECTION 4. IC 22-13-2-3 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 adopt an ordinance that includes more stringent or detailed requirements that do not conflict with the commission's rules, but the ordinance is subject to approval under section 5 of this chapter.

SECTION 5. IC 22-13-2-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. (a) The following may not adopt rules**



requiring the installation of an automatic fire sprinkler system in a Class 2 structure:

(1) The commission.

(2) Another state agency.

(b) A political subdivision may not adopt an ordinance or other regulation requiring the installation of an automatic fire sprinkler system in a Class 2 structure.

SECTION 6. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to ESB 393 as printed February 13, 2018.)

PRESSEL

