

# SENATE BILL No. 485

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-12-6; IC 22-13-2-2; IC 22-15-5.

**Synopsis:** Elevator safety. Provides that in certain instances, an elevator contractor and a person who works under an elevator contractor commit a Class C infraction if a regulated lifting device is operated and no regulated lifting device operating permit covers the operation. Allows the department of homeland security (department) to request certain types of documentation to determine that work conducted on a regulated lifting device was performed by a licensed individual. Requires the fire prevention and building safety commission (commission) to determine equivalent state licensing programs for reciprocity. Allows the commission to adopt national codes outside of a select list if the national code will improve safety and commerce. Requires the commission to adopt national codes within 24 months after the effective date of the national code. Provides that the commission may not adopt an amendment to a national code if the amendment will unreasonably impair safety. Allows the commission to set a fee that is less than the standard fee for certain permits if the acceptance inspection is performed by an inspector that is not employed by the department. Requires the department to enter into a memorandum of understanding with the Indiana professional licensing agency to issue licenses for elevator contractors, elevator mechanics, and elevator inspectors. Removes obsolete sections. Makes conforming changes.

**Effective:** July 1, 2019.

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## Alting

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January 14, 2019, read first time and referred to Committee on Homeland Security and Transportation.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## SENATE BILL No. 485

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 22-12-6-6, AS AMENDED BY P.L.218-2014,  
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 6. (a) The commission may adopt rules under  
4 IC 4-22-2 setting a fee schedule for the following:  
5 (1) Fireworks display permits issued under IC 22-11-14-2.  
6 (2) Explosives magazine permits issued under IC 35-47.5-4.  
7 (3) Design releases issued under IC 22-15-3 and IC 22-15-3.2.  
8 (4) Certification of industrialized building systems and mobile  
9 structures under IC 22-15-4.  
10 (5) Inspection of regulated amusement devices under IC 22-15-7.  
11 (6) Application fees for variance requests under IC 22-13-2-11  
12 and inspection fees for exemptions under IC 22-13-4-5.  
13 (7) **Except as provided in section 6.5 of this chapter**, permitting  
14 and inspection of regulated lifting devices under IC 22-15-5.  
15 (8) Permitting and inspection of regulated boiler and pressure  
16 vessels under IC 22-15-6.  
17 (9) Licensing of:



- 1 (A) boiler and pressure vessel inspectors under IC 22-15-6-5;  
 2 and  
 3 (B) an owner or user boiler and pressure vessel inspection  
 4 agency under IC 22-15-6-6.
- 5 (10) Licensing of elevator contractors, elevator inspectors, and  
 6 elevator mechanics under IC 22-15-5-6 through IC 22-15-5-16.
- 7 (b) Fee schedules set under this section must be sufficient to pay all  
 8 of the costs, direct and indirect, that are payable from the fund into  
 9 which the fee must be deposited, after deducting other money deposited  
 10 in the fund. In setting these fee schedules, the commission may  
 11 consider differences in the degree or complexity of the activity being  
 12 performed for each fee.
- 13 (c) The fee schedule set for design releases issued under subsection  
 14 (a)(3) may not be changed more than one (1) time each year. The  
 15 commission may include in this fee schedule a fee for the review of  
 16 plans and specifications and, if a political subdivision does not have a  
 17 program to periodically inspect the construction covered by the design  
 18 release, a fee for inspecting the construction.
- 19 (d) The fee schedule set under subsection (a) for design releases  
 20 may provide that a portion of the fees collected shall be deposited in  
 21 the statewide fire and building safety education fund established under  
 22 section 3 of this chapter.
- 23 SECTION 2. IC 22-12-6-6.5 IS ADDED TO THE INDIANA CODE  
 24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 25 1, 2019]: **Sec. 6.5. (a) The commission may adopt rules under  
 26 IC 4-22-2 to set fees for a permit issued under IC 22-15-5-4(c) if the  
 27 acceptance inspection of the regulated lifting device required by  
 28 IC 22-15-5-4(c)(1)(A) is conducted by an inspector who is not  
 29 employed by the department.**
- 30 (b) A fee under subsection (a) must be a lesser fee than that set  
 31 under section 6(a)(7) of this chapter.
- 32 (c) When determining a fee under subsection (a), the  
 33 commission shall consider any savings the department will  
 34 experience as a result of a permit applicant using an inspector who  
 35 is not employed by the department, including savings related to  
 36 department inspector salaries, travel, and administrative costs.
- 37 SECTION 3. IC 22-13-2-2, AS AMENDED BY P.L.104-2018,  
 38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2019]: **Sec. 2. (a) Except as provided in section 3.5 of this  
 40 chapter, the commission shall adopt rules under IC 4-22-2 to adopt a  
 41 statewide code of fire safety laws and building laws.**
- 42 (b) The commission may adopt temporary rules in a manner



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

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

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

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

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

27 (e) The commission shall adopt the subsequent edition of each  
 28 national code, including addenda, to be adopted as provided under  
 29 subsections (c) and (d) within ~~eighteen (18)~~ **twenty-four (24)** months  
 30 after the effective date of the subsequent edition.

31 **(f) The commission may adopt a national code not included in**  
 32 **subsection (c) or (d) if the commission determines that the national**  
 33 **code will improve elevator safety and increase elevator commerce.**

34 ~~(g)~~ **(g) Except as provided in subsection (h),** the commission may  
 35 amend the national codes as a condition of the adoption under  
 36 subsections (c), (d), ~~and~~ (e), **and (f).**

37 **(h) An amendment to the national code under subsection (g)**  
 38 **may not unreasonably impair public safety.**

39 SECTION 4. IC 22-15-5-4.5 IS ADDED TO THE INDIANA CODE  
 40 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 41 1, 2019]: **Sec. 4.5. The department may require submission of**  
 42 **documentation, including payroll records or records of hours**



1 **worked by employees, that demonstrates that work performed on**  
 2 **a regulated lifting device under sections 1 and 4 of this chapter was**  
 3 **completed by a qualified person as described under this chapter.**

4 SECTION 5. IC 22-15-5-5 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) This section does  
 6 not apply to a person who uses a regulated lifting device unless the  
 7 person also has authority to:

- 8 (1) construct, repair, or maintain the regulated lifting device; or  
 9 (2) place the regulated lifting device out of service.

10 (b) This section applies to the following:

- 11 (1) Each person who operates a regulated lifting device.  
 12 (2) Each person who has control over the operation of a regulated  
 13 lifting device.  
 14 (3) Each person who has control over the place where a regulated  
 15 lifting device is operated.

16 **(4) An elevator contractor licensed under section 7 of this**  
 17 **chapter or a person who works under the elevator contractor**  
 18 **when either is operating under a contract to maintain a**  
 19 **regulated lifting device if the elevator contractor or person is**  
 20 **aware that the regulated lifting device does not comply with**  
 21 **the standards required for a permit under section 4 of this**  
 22 **chapter.**

23 (c) A person described in subsection (b) commits a Class C  
 24 infraction if:

- 25 (1) a regulated lifting device is operated; and  
 26 (2) no regulated lifting device operating permit covers the  
 27 operation.

28 SECTION 6. IC 22-15-5-6, AS AMENDED BY P.L.2-2007,  
 29 SECTION 309, IS AMENDED TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 2019]: Sec. 6. ~~(a)~~ The following definitions  
 31 apply to sections ~~7~~ **6.5** through 16 of this chapter:

- 32 (1) "Competency examination" means an examination that  
 33 thoroughly tests the scope of the knowledge and skill of the  
 34 applicant for the license.  
 35 (2) "Elevator apprentice" means an individual who works under  
 36 the direct supervision of a licensed elevator mechanic. The term  
 37 includes an individual commonly known as an elevator helper  
 38 while working under the direct supervision of a licensed elevator  
 39 mechanic.  
 40 (3) "Elevator contractor" means a person who alone or with other  
 41 persons, constructs, repairs, alters, remodels, adds to, subtracts  
 42 from, or improves a regulated lifting device and who is



- 1 responsible for substantially all the regulated lifting devices  
 2 within the entire project, or who fabricates elevator lifting devices  
 3 substantially completed and ready for installation.
- 4 (4) "Elevator inspector" means an individual who conducts the  
 5 acceptance inspection of a regulated lifting device required by  
 6 section 4(c)(1)(A) of this chapter.
- 7 (5) "Elevator mechanic" means an individual who engages in the  
 8 construction, reconstruction, alteration, maintenance, mechanical,  
 9 or electrical work or adjustments of a regulated lifting device.
- 10 (6) "License" means a certificate issued by the department that  
 11 confers upon the holder the privilege to act as an elevator  
 12 contractor, elevator inspector, or elevator mechanic.
- 13 (7) "Licensing program" means the program for licensing elevator  
 14 contractors, elevator inspectors, and elevator mechanics  
 15 established under this section and sections 7 6.5 through 16 of  
 16 this chapter.
- 17 (8) "Municipality" has the meaning set forth in IC 36-1-2-11.
- 18 (9) "Person" means:  
 19 (A) a natural person;  
 20 (B) the partners or members of a partnership or a limited  
 21 partnership;  
 22 (C) a state educational institution; or  
 23 (D) a corporation or the officers, directors, and employees of  
 24 the corporation.
- 25 (10) "Practitioner" means a person that holds:  
 26 (A) an unlimited license;  
 27 (B) a limited or probationary license;  
 28 (C) a temporary license;  
 29 (D) an emergency license; or  
 30 (E) an inactive license.
- 31 ~~(b) The commission and the department shall establish a program~~  
 32 ~~to license elevator contractors, elevator mechanics, and elevator~~  
 33 ~~inspectors.~~
- 34 ~~(c) The department shall issue a license as an elevator contractor, an~~  
 35 ~~elevator mechanic, or an elevator inspector to a person who qualifies~~  
 36 ~~and complies with the provisions of the licensing program. A person~~  
 37 ~~who receives a license under this chapter is subject to the supervision~~  
 38 ~~and control of the department.~~
- 39 ~~(d) The department may contract with public and private~~  
 40 ~~institutions, agencies, businesses, and organizations to implement all~~  
 41 ~~or part of its duties established under this chapter.~~
- 42 ~~(e) The commission may adopt rules under IC 4-22-2 to implement~~



- 1 the licensing program:  
 2 SECTION 7. IC 22-15-5-6.5 IS ADDED TO THE INDIANA CODE  
 3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 4 1, 2019]: **Sec. 6.5. (a) The commission and the department shall**  
 5 **establish a program to license elevator contractors, elevator**  
 6 **mechanics, and elevator inspectors.**  
 7 **(b) The department shall issue a license as an elevator**  
 8 **contractor, an elevator mechanic, or an elevator inspector to a**  
 9 **person who qualifies and complies with the provisions of the**  
 10 **licensing program. A person who receives a license under this**  
 11 **chapter is subject to the supervision and control of the department.**  
 12 **(c) Except as provided in subsection (d), the department may**  
 13 **contract with public and private institutions, agencies, businesses,**  
 14 **and organizations to implement all or part of its duties established**  
 15 **under this chapter.**  
 16 **(d) The department shall enter into a memorandum of**  
 17 **understanding with the Indiana professional licensing agency**  
 18 **established under IC 25-1-5 to issue licenses under this section.**  
 19 **(e) The commission may adopt rules under IC 4-22-2 to**  
 20 **implement the licensing program.**  
 21 SECTION 8. IC 22-15-5-7, AS AMENDED BY P.L.2-2007,  
 22 SECTION 310, IS AMENDED TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) ~~After May 1, 2003~~, An  
 24 individual may not act as an elevator contractor unless the individual:  
 25 (1) holds an elevator contractor license issued under this chapter;  
 26 or  
 27 (2) is an employee of a partnership, a limited partnership, a  
 28 corporation, or a state educational institution that holds an  
 29 elevator contractor license issued under this chapter.  
 30 (b) ~~After May 1, 2003~~, A partnership, a limited partnership, a  
 31 corporation, or a state educational institution may not act as an elevator  
 32 contractor unless it holds an elevator contractor license issued under  
 33 this chapter.  
 34 (c) An individual who is an applicant for an elevator contractor  
 35 license shall:  
 36 (1) hold a valid elevator contractor license issued by another state  
 37 that has a licensing program that, as determined by the  
 38 department or the commission, is equivalent to the elevator  
 39 contractor licensing program established under this chapter; or  
 40 (2) except as otherwise provided, satisfy both of the following  
 41 requirements:  
 42 (A) Have at least five (5) years of documented work



1 experience in the elevator industry in construction,  
2 maintenance, and service or repair in Indiana.

3 (B) Successfully complete a written competency examination  
4 approved by the commission.

5 ~~An applicant for an elevator contractor license is entitled to a license~~  
6 ~~without examination if the applicant applies for the license on or before~~  
7 ~~May 1, 2003.~~

8 (d) A corporation or a state educational institution that is an  
9 applicant for an elevator contractor license must have at least one (1)  
10 officer or employee of the corporation or a state educational institution  
11 that holds a valid elevator contractor license issued under this chapter.  
12 A license granted to a corporation or a state educational institution to  
13 act as an elevator contractor under this chapter becomes invalid when  
14 an officer or employee of the corporation or state educational  
15 institution no longer holds a valid elevator contractor license issued  
16 under this chapter.

17 (e) A partnership or limited partnership that is an applicant for an  
18 elevator contractor license must have at least one (1) partner or general  
19 partner that holds a valid elevator contractor license issued under this  
20 chapter. A license granted to a partnership or limited partnership to act  
21 as an elevator contractor under this chapter becomes invalid when the  
22 partner of a partnership or general partner of a limited partnership  
23 named in the application no longer holds a valid elevator contractor  
24 license as provided by this chapter.

25 SECTION 9. IC 22-15-5-11 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) ~~After May 1,~~  
27 ~~2003,~~ An individual may not act as an elevator inspector unless the  
28 individual holds an elevator inspector license issued under this chapter.

29 (b) An individual who is an applicant for an elevator inspector  
30 license shall meet the standards set forth in American Society of  
31 Mechanical Engineers (ASME) American National Standard QEI-1  
32 (Standard for the Qualification of Elevator Inspectors) or other  
33 nationally accepted standard qualifying authority that the commission  
34 has determined has equivalent requirements as ASME QEI-1 for  
35 obtaining and retaining certification.

36 (c) An applicant for an initial elevator inspector license must do the  
37 following:

38 (1) Submit to the department an application provided by the  
39 department that contains the following information:

40 (A) The name, address, telephone number, and electronic mail  
41 address of the applicant.

42 (B) Any other information the department requires.





- 1 (2) Submit to the department any proof of eligibility the  
 2 department requires.
- 3 (3) Demonstrate proof of insurance as required by section 14 of  
 4 this chapter.
- 5 (4) Pay the license fee established under IC 22-12-6-6. The  
 6 license fee is nonrefundable and must be paid each time an  
 7 applicant submits an application.
- 8 (5) Affirm under penalty of perjury that all information provided  
 9 to the department is true to the best of the applicant's knowledge  
 10 and belief.
- 11 (d) An applicant for a renewal elevator inspector license shall:
- 12 (1) Submit to the department an application provided by the  
 13 department that contains the following information:
- 14 (A) The name, address, telephone number, and electronic mail  
 15 address of the applicant.
- 16 (B) Any other information the department requires.
- 17 (2) Submit proof of completion of the continuing education  
 18 required by section 15 of this chapter.
- 19 (3) Demonstrate proof of insurance as required by section 14 of  
 20 this chapter.
- 21 (4) Pay the license fee established under IC 22-12-6-6. The  
 22 license fee is nonrefundable and must be paid each time an  
 23 applicant submits an application.
- 24 (5) Affirm under penalty of perjury that all information provided  
 25 to the department is true to the best of the applicant's knowledge  
 26 and belief.
- 27 (e) An initial elevator inspector license issued under this chapter  
 28 expires on December 31 of the second year after the license was issued.
- 29 (f) A renewal of an elevator inspector license is valid for two (2)  
 30 years.
- 31 (g) An individual who engages in the business of an elevator  
 32 inspector shall carry the individual's license and present the license for  
 33 inspection by a representative of the department upon request.
- 34 (h) If the QEI-1 certification or other certification standard approved  
 35 by the commission that made the individual eligible for an inspector  
 36 license under subsection (b):
- 37 (1) is terminated;
- 38 (2) expires; or
- 39 (3) becomes invalid for any other reason;
- 40 the elevator inspector's license immediately becomes invalid.
- 41 SECTION 10. IC 22-15-5-12 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) ~~After May 1,~~



1     ~~2003~~; An individual may not act as an elevator mechanic unless the  
 2 individual holds an elevator mechanic license issued under this  
 3 chapter. A license is not required for an elevator apprentice.

4     (b) An individual who is an applicant for an elevator mechanic  
 5 license must meet one (1) of the following eligibility criteria:

6         (1) Hold an active elevator mechanic license issued by a state that  
 7 **the commission has determined** has a licensing program that is  
 8 at least equivalent to the elevator mechanic licensing program  
 9 established under this chapter.

10        (2) Satisfy both of the following:

11           (A) Have at least one (1) of the following types of work  
 12 experience or training:

13               (i) Have at least three (3) years of documented work  
 14 experience in the elevator industry in construction,  
 15 maintenance, and service or repair.

16               (ii) Have at least eighteen (18) months experience in the  
 17 elevator industry in construction, maintenance, and service  
 18 or repair and have at least three (3) years experience in a  
 19 related field that is certified by a licensed elevator  
 20 contractor.

21               (iii) Complete an apprenticeship program that is registered  
 22 with the Bureau of Apprenticeship and Training of the  
 23 United States Department of Labor or a state apprenticeship  
 24 program and that the commission determines is at least  
 25 equivalent to three (3) years of work experience in the  
 26 elevator industry in construction, maintenance, and service  
 27 or repair.

28           (B) Successfully complete a written competency examination  
 29 approved by the commission.

30        (3) Successfully complete an elevator mechanic's program that  
 31 consists of a combination of extensive training and a  
 32 comprehensive examination that the commission has determined  
 33 is at least equivalent to both the work experience required under  
 34 subdivision (2)(A)(i) and the competency examination established  
 35 under subdivision (2)(B).

36        ~~(4) Furnish acceptable proof to the department of:~~

37           ~~(A) at least three (3) years work experience in the elevator~~  
 38 ~~industry in construction, maintenance, service or repair; and~~

39           ~~(B) current performance of the duties of an elevator mechanic~~  
 40 ~~in Indiana without direct supervision;~~

41           ~~and apply for the license on or before May 1, 2003.~~

42        (c) An applicant for an initial elevator mechanic license must do the



- 1 following:
- 2 (1) Submit to the department an application provided by the
- 3 department that contains the following information:
- 4 (A) The name, business address, telephone number, and
- 5 electronic mail address of the applicant.
- 6 (B) Any other information the department requires.
- 7 (2) Submit to the department any proof of eligibility the
- 8 department requires.
- 9 (3) Pay the nonrefundable and nontransferable license fee
- 10 established under IC 22-12-6-6.
- 11 (4) Affirm under penalty of perjury that all information provided
- 12 to the department is true to the best of the applicant's knowledge
- 13 and belief.
- 14 (d) An applicant for a renewal elevator mechanic license must do
- 15 the following:
- 16 (1) Submit to the department an application provided by the
- 17 department that contains the following information:
- 18 (A) The name, business address, telephone number, and
- 19 electronic mail address of the applicant.
- 20 (B) Any other information the department requires.
- 21 (2) Submit proof of completion of the continuing education
- 22 required by section 15 of this chapter.
- 23 (3) Pay the nonrefundable and nontransferable license fee
- 24 established under IC 22-12-6-6.
- 25 (4) Affirm under penalty of perjury that all information provided
- 26 to the department is true to the best of the applicant's knowledge
- 27 and belief.
- 28 (e) An initial elevator mechanic license issued under this chapter
- 29 expires on December 31 of the second year after the license was issued.
- 30 (f) A renewal of an elevator mechanic license is valid for two (2)
- 31 years.
- 32 (g) An individual engaged in the business of an elevator mechanic
- 33 shall carry the individual's license and present the license for inspection
- 34 by a representative of the department upon request.

