

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 ENROLLED ACT No. 485

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 22-12-6-6, AS AMENDED BY P.L.218-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) The commission may adopt rules under IC 4-22-2 setting a fee schedule for the following:

- (1) Fireworks display permits issued under IC 22-11-14-2.
- (2) Explosives magazine permits issued under IC 35-47.5-4.
- (3) Design releases issued under IC 22-15-3 and IC 22-15-3.2.
- (4) Certification of industrialized building systems and mobile structures under IC 22-15-4.
- (5) Inspection of regulated amusement devices under IC 22-15-7.
- (6) Application fees for variance requests under IC 22-13-2-11 and inspection fees for exemptions under IC 22-13-4-5.
- (7) **Except as provided in section 6.5 of this chapter**, permitting and inspection of regulated lifting devices under IC 22-15-5.
- (8) Permitting and inspection of regulated boiler and pressure vessels under IC 22-15-6.
- (9) Licensing of:
 - (A) boiler and pressure vessel inspectors under IC 22-15-6-5; and
 - (B) an owner or user boiler and pressure vessel inspection agency under IC 22-15-6-6.
- (10) Licensing of elevator contractors, elevator inspectors, and

SEA 485 — Concur



elevator mechanics under IC 22-15-5-6 through IC 22-15-5-16.

(b) Fee schedules set under this section must be sufficient to pay all of the costs, direct and indirect, that are payable from the fund into which the fee must be deposited, after deducting other money deposited in the fund. In setting these fee schedules, the commission may consider differences in the degree or complexity of the activity being performed for each fee.

(c) The fee schedule set for design releases issued under subsection (a)(3) may not be changed more than one (1) time each year. The commission may include in this fee schedule a fee for the review of plans and specifications and, if a political subdivision does not have a program to periodically inspect the construction covered by the design release, a fee for inspecting the construction.

(d) The fee schedule set under subsection (a) for design releases may provide that a portion of the fees collected shall be deposited in the statewide fire and building safety education fund established under section 3 of this chapter.

SECTION 2. IC 22-12-6-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 6.5. (a) The commission may adopt rules under IC 4-22-2 to set fees for a permit issued under IC 22-15-5-4(c) if the acceptance inspection of the regulated lifting device required by IC 22-15-5-4(c)(1)(A) is conducted by an inspector who is not employed by the department.**

(b) A fee under subsection (a) must be a lesser fee than that set under section 6(a)(7) of this chapter.

(c) When determining a fee under subsection (a), the commission shall consider any savings the department will experience as a result of a permit applicant using an inspector who is not employed by the department, including savings related to department inspector salaries, travel, and administrative costs.

SECTION 3. IC 22-13-2-2, AS AMENDED BY P.L.104-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **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) (b) Before December 1, 2003, the~~ **The** commission shall adopt the **most recent edition, including addenda, of the** following national codes **or their equivalent** 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.

(7) ASME A17.3 (Safety Code for Existing Elevators and Escalators, an American National Standard).

(8) ASME A17.6 (Standard for Elevator Suspension, Compensation, and Governor Systems).

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

~~(f) (d) Except as provided in subsection (e),~~ the commission may amend the national codes as a condition of the adoption under subsections ~~(c), (b) (d), and (e), and (c).~~

(e) An amendment to the national code under subsection (d) may not unreasonably impair public safety.

SECTION 4. IC 22-15-5-4, AS AMENDED BY P.L.1-2006, SECTION 394, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The division shall carry out a program for the periodic inspection of regulated lifting devices being operated in Indiana. A regulated lifting device may not be operated without an operating certificate that covers the operation of the



regulated lifting device.

(b) A permit issued under this section expires on the earlier of:

- (1) one (1) year after issuance; or
- (2) when the regulated lifting device is altered.

(c) After a regulated lifting device has been installed or altered, an applicant shall apply for an initial operating certificate. The division shall issue an initial operating certificate for a regulated lifting device if:

(1) the applicant demonstrates:

(A) through an acceptance inspection made by an elevator inspector licensed under ~~IC 22-15-5-11~~ **section 11 of this chapter** that the regulated lifting device covered by the application complies with the laws governing its construction, repair, maintenance, and operation; and

(B) that the applicant has paid the fee set under IC 22-12-6-6(a)(7); and

(2) the division verifies, through an inspection, that the regulated lifting device complies with the laws governing the construction, repair, maintenance, and operation of the regulated lifting device.

(d) The division shall issue a renewal operating certificate if the applicant:

(1) demonstrates through the completion of applicable safety tests that the regulated lifting device complies with the laws governing the construction, repair, maintenance, and operation of the regulated lifting device; ~~and~~

(2) submits results of all applicable safety tests, including failed safety tests for the regulated lifting device; and

~~(2)~~ **(3)** has paid the fee set under IC 22-12-6-6(a)(7).

(e) The division may issue a temporary operating permit to an applicant under this section who does not comply with subsection (c)(1)(A) for a new or altered regulated lifting device or subsection (d)(1) for an existing unaltered regulated lifting device. The applicant must pay the fee set under IC 22-12-6-6(a)(7) to qualify for the temporary operating permit. Except as provided in subsection (f), the permit, including all renewal periods, is limited to sixty (60) days.

(f) The division may renew a temporary operating permit issued under subsection (e) for thirty (30) day periods during the construction of a building if the regulated lifting device is used for the transportation of construction personnel, tools, and materials.

(g) The responsibilities of the division under this section may be carried out by a political subdivision that is approved by the commission under IC 22-13-2-10.

SEA 485 — Concur



(h) A copy of the operating certificate shall be displayed in or on each regulated lifting device or in an associated machine room.

(i) A licensed elevator mechanic shall perform the maintenance on a regulated lifting device.

SECTION 5. IC 22-15-5-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2019]: **Sec. 4.5. The department may require submission of documentation, including payroll records or records of hours worked by employees, that demonstrates that work performed on a regulated lifting device under sections 1 and 4 of this chapter was completed by a qualified person as described under this chapter.**

SECTION 6. IC 22-15-5-7, AS AMENDED BY P.L.2-2007, SECTION 310, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) ~~After May 1, 2003~~; An individual may not act as an elevator contractor unless the individual:

(1) holds an elevator contractor license issued under this chapter;

or

(2) is an employee of a partnership, a limited partnership, a corporation, or a state educational institution that holds an elevator contractor license issued under this chapter.

(b) ~~After May 1, 2003~~; A partnership, a limited partnership, a corporation, or a state educational institution may not act as an elevator contractor unless it holds an elevator contractor license issued under this chapter.

(c) An individual who is an applicant for an elevator contractor license shall:

(1) hold a valid elevator contractor license issued by another state that has a licensing program that, as determined by the department or the commission, is equivalent to the elevator contractor licensing program established under this chapter; or

(2) except as otherwise provided, satisfy both of the following requirements:

(A) Have at least five (5) years of documented work experience in the elevator industry in construction, maintenance, and service or repair in Indiana.

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

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

(d) A corporation or a state educational institution that is an applicant for an elevator contractor license must have at least one (1)



officer or employee of the corporation or a state educational institution that holds a valid elevator contractor license issued under this chapter. A license granted to a corporation or a state educational institution to act as an elevator contractor under this chapter becomes invalid when an officer or employee of the corporation or state educational institution no longer holds a valid elevator contractor license issued under this chapter.

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

SECTION 7. IC 22-15-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) ~~After May 1, 2003,~~ An individual may not act as an elevator inspector unless the individual holds an elevator inspector license issued under this chapter.

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

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

- (1) Submit to the department an application provided by the department that contains the following information:
 - (A) The name, address, telephone number, and electronic mail address of the applicant.
 - (B) Any other information the department requires.
- (2) Submit to the department any proof of eligibility the department requires.
- (3) Demonstrate proof of insurance as required by section 14 of this chapter.
- (4) Pay the license fee established under IC 22-12-6-6. The license fee is nonrefundable and must be paid each time an applicant submits an application.
- (5) Affirm under penalty of perjury that all information provided to the department is true to the best of the applicant's knowledge



and belief.

(d) An applicant for a renewal elevator inspector license shall:

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

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

(B) Any other information the department requires.

(2) Submit proof of completion of the continuing education required by section 15 of this chapter.

(3) Demonstrate proof of insurance as required by section 14 of this chapter.

(4) Pay the license fee established under IC 22-12-6-6. The license fee is nonrefundable and must be paid each time an applicant submits an application.

(5) Affirm under penalty of perjury that all information provided to the department is true to the best of the applicant's knowledge and belief.

(e) An initial elevator inspector license issued under this chapter expires on December 31 of the second year after the license was issued.

(f) A renewal of an elevator inspector license is valid for two (2) years.

(g) An individual who engages in the business of an elevator inspector shall carry the individual's license and present the license for inspection by a representative of the department upon request.

(h) If the QEI-1 certification or other certification standard approved by the commission that made the individual eligible for an inspector license under subsection (b):

(1) is terminated;

(2) expires; or

(3) becomes invalid for any other reason;

the elevator inspector's license immediately becomes invalid.

SECTION 8. IC 22-15-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) ~~After May 1, 2003~~; An individual may not act as an elevator mechanic unless the individual holds an elevator mechanic license issued under this chapter. A license is not required for an elevator apprentice.

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

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



(2) Satisfy both of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Any other information the department requires.

(2) Submit to the department any proof of eligibility the department requires.

(3) Pay the nonrefundable and nontransferable license fee



established under IC 22-12-6-6.

(4) Affirm under penalty of perjury that all information provided to the department is true to the best of the applicant's knowledge and belief.

(d) An applicant for a renewal elevator mechanic license must do the following:

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

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

(B) Any other information the department requires.

(2) Submit proof of completion of the continuing education required by section 15 of this chapter.

(3) Pay the nonrefundable and nontransferable license fee established under IC 22-12-6-6.

(4) Affirm under penalty of perjury that all information provided to the department is true to the best of the applicant's knowledge and belief.

(e) An initial elevator mechanic license issued under this chapter expires on December 31 of the second year after the license was issued.

(f) A renewal of an elevator mechanic license is valid for two (2) years.

(g) An individual engaged in the business of an elevator mechanic shall carry the individual's license and present the license for inspection by a representative of the department upon request.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 485 — Concur

