



TO: Members of the Fire Prevention and Building Safety Commission of the State of Indiana
FROM: Indiana Department of Homeland Security Office of the General Counsel
DATE: Thursday, May 9, 2019
SUBJECT: Legislation Impacting the Fire Prevention and Building Safety Commission from the 2019 Indiana General Assembly's Legislative Session

HEA 1113: Telecoil and Beacon Positioning Systems

Summary: The Commission shall adopt certain building rules regarding installation of audio frequency induction loop systems and beacon positioning systems in Class 1 structures located in a first or second class city after June 30, 2020. The rules require a person performing new construction or major alterations to an existing facility to consider installing an audio frequency induction loop system and a beacon positioning system, unless installation of such systems is impractical. *(It is important to reiterate HEA 1113 does not require these systems to be installed).*

Action required by the Commission: Adopt rules after June 30, 2020.

Link: <http://iga.in.gov/documents/fca3f66e>

HEA 1128: Construction Permits

Summary: Prohibits local government from withholding a building permit, improvement location permit, or a structural building permit before the completion of the subject matter with a bond or other surety.

Action required by the Commission: None. Included for informational purposes only.

Link: <http://iga.in.gov/documents/8f8e30bd>

HEA 1185: Bunkhouse Safety Requirements

Summary: Defines “bunkhouse.” Allows the Commission to adopt rules to exempt a bunkhouse from being required to have an automatic fire sprinkler. *(It is important to note HEA 1185 does not require the Commission to adopt such rules).*

Action required by the Commission: No mandatory requirements at this time. However, the Commission may choose to adopt such rules (likely address at a later date).

Link: <http://iga.in.gov/documents/95df9af5>

HEA 1258: Department of Homeland Security

Summary: Requires the Commission to adopt rules for regulated boiler and pressure vessels. (Current law provides that the boiler and pressure vessel rules board adopts rules for regulated boiler and pressure vessels.) Provides the department of homeland security (IDHS) may conduct a program of inspections of regulated boilers and pressure vessels. (Current law provides that the IDHS shall conduct a program of periodic inspections of regulated boiler and pressure vessels.) Provides that the IDHS shall: (1) issue a regulated boiler and pressure vessel operating permit to certain applicants; (2) perform operating permit inspections of a boiler or pressure vessel owned by the state; (3) conduct a program to audit boiler and pressure vessel inspectors; and (4) conduct a program to audit inspections completed by a boiler and pressure vessel inspector. Provides requirements for qualifying or renewing an operating permit. Removes requirements for inspections. Provides the Commission with emergency rulemaking authority to adopt rules concerning the IDHS's inspection program. Provides that the Commission may sanction a boiler and pressure vessel inspector in certain instances. Requires IDHS or the Commission to consult with an industry expert regarding a variance application for a boiler or pressure vessel or regulated amusement device.

Actions required by the Commission: Adopt emergency rules regarding IDHS's inspections, operating permits, and variances for regulated boilers and pressure vessels.

Link: <http://iga.in.gov/documents/2f5e14c4>

HEA 1269: Administrative Boards

Summary: Eliminates the boiler and pressure vessel rules board and the regulated amusement device safety board, and transfers all duties and powers to the Commission on July 1, 2019. Makes the following changes to the process for obtaining a variance to fire safety, building, and equipment rules: (1) Provides that the department and the Commission may grant variances to rules adopted by the Commission. (2) Provides that the department shall make each application for a variance available for review on a public portal. (3) Provides that local fire and building officials shall receive notice of variance applications filed within their respective jurisdictions. (4) Provides that a local fire official, local building official, or other interested party may submit documentation regarding a variance application to the department or the Commission for review and consideration prior to an initial determination being made on the application by the department or the Commission. (5) Provides that the department or Commission shall wait at least five business days after a variance application is filed before making an initial determination on the application. (6) Provides that the Commission may adopt emergency rules to implement the bill's changes to the variance application process. Provides that the department may engage in studies and consult with any person to implement fire safety, building, and equipment laws and rules, and that the Commission may consult with industry experts or call a special meeting to discuss boiler and pressure vessels or regulated amusement devices. Requires the state building commissioner to create a data base cataloging variance rulings.

Action required by the Commission: The Commission has the authority to adopt emergency rules to implement these changes.

Link: <http://iga.in.gov/documents/821247b7>

SEA 142: Building Permits

Summary: Prohibits a building commissioner, building code official, or inspector of a local government unit from issuing or overseeing the issuance of a permit if the person has a conflict of interest (direct or indirect financial interest). Requires local governments to adopt an ordinance to establish a procedure to address a conflict of interest.

Action Required by the Commission: None. Included for informational purposes only.

Link: <http://iga.in.gov/documents/bc0acae0>

SEA 485: Building Standards

Summary: Adds certain elevator standards to the list of national codes, or their equivalent, that the Fire Prevention and Building Safety Commission (Commission) shall adopt to comply with the statewide code of fire and safety building laws. 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 Commission to review 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.

Action Required by the Commission: Requires the Commission to adopt national model code ASME A17.6 (Standard for Elevator Suspension, Compensation, and Governor Systems).

Link: <http://iga.in.gov/documents/4fe7aa5e>