

HOUSE BILL No. 1060

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-13-2-3.6; IC 36-7.

Synopsis: Regulation of building materials. Provides that a state agency or political subdivision may not adopt or enforce a law in certain instances as it relates to building products, materials, and aesthetic methods for Class 1 and Class 2 structures.

Effective: July 1, 2020.

Miller D

January 14, 2020, read first time and referred to Committee on Local Government.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1060

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 22-13-2-3.6 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2020]: **Sec. 3.6. (a) This section does not apply to the following:**
4 **(1) A program established by a state agency that requires**
5 **particular standards, incentives, or financing arrangements**
6 **in order to comply with requirements of a state or federal**
7 **funding source or housing program.**
8 **(2) A requirement that a structure must satisfy to be eligible**
9 **for windstorm or hail insurance coverage.**
10 **(3) A structure that is listed or is within a district listed in the**
11 **National Register of Historic Places maintained under the**
12 **National Historic Preservation Act of 1966, as amended.**
13 **(4) A structure that is listed or is within a district listed in the**
14 **register of Indiana historic sites and historic structures under**
15 **IC 14-21-1.**
16 **(5) A structure that is listed or is within a historic, a historical,**
17 **or an architectural district of a political subdivision before**



- 1 **July 1, 2020.**
- 2 **(b) As used in this section, "national code" refers to a national**
3 **code that:**
- 4 **(1) applies to the construction or maintenance of a Class 1 or**
5 **Class 2 structure; and**
- 6 **(2) has been published within the last three (3) code**
7 **publications.**
- 8 **(c) Notwithstanding any other law or provision and except as**
9 **provided in subsection (f), a state agency or political subdivision**
10 **may not adopt or enforce a law that:**
- 11 **(1) prohibits; or**
12 **(2) limits;**
- 13 **the use or installation of a building product, a material, or an**
14 **aesthetic method in the construction or maintenance of a Class 1**
15 **or Class 2 structure if the building product or material is approved**
16 **for use by a national code.**
- 17 **(d) Notwithstanding any other law or provision and except as**
18 **provided in subsection (f), a state agency or political subdivision**
19 **may not adopt or enforce a law that establishes a construction or**
20 **maintenance standard for:**
- 21 **(1) a building product;**
22 **(2) a material; or**
23 **(3) an aesthetic method;**
- 24 **for a Class 1 or Class 2 structure that includes more stringent or**
25 **detailed requirements that conflict with a standard published in a**
26 **national code.**
- 27 **(e) A state agency or political subdivision that adopts a building**
28 **law governing the construction or maintenance of a Class 1 or**
29 **Class 2 structure may amend a provision of the building law to**
30 **address local conditions only if the amendment does not conflict**
31 **with subsection (b).**
- 32 **(f) A political subdivision may adopt or enforce a law described**
33 **in subsection (c) or (d) that applies to a structure located in a**
34 **historic, a historical, or an architectural district designated after**
35 **June 30, 2020, by the political subdivision, if the political**
36 **subdivision has consent from the owner of the structure.**
- 37 **(g) A person aggrieved by an action in violation of this chapter**
38 **may file a petition in circuit or superior court to obtain an**
39 **injunction against a violation of this chapter by a state agency or**
40 **political subdivision.**
- 41 **(h) A regulation, rule, or ordinance that conflicts with this**
42 **section is void.**



1 SECTION 2. IC 36-7-11-1.1 IS ADDED TO THE INDIANA CODE
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2020]: **Sec. 1.1. Except as provided in IC 22-13-2-3.6, this chapter
 4 does not apply to the following activities:**

5 **(1) Adoption or enforcement of a rule, ordinance, or other
 6 regulation that prohibits or limits the use or installation of a
 7 building product, a material, or an aesthetic method for a
 8 building or structure that is listed as historic or is located
 9 within a historical district after June 30, 2020.**

10 **(2) Adoption or enforcement of a rule, ordinance, or other
 11 regulation that establishes construction or maintenance
 12 standards for a building product, a material, or an aesthetic
 13 method for a building or structure that is listed as historic or
 14 is located within a historical district after June 30, 2020.**

15 SECTION 3. IC 36-7-11.1-1.1 IS ADDED TO THE INDIANA
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2020]: **Sec. 1.1. Except as provided in
 18 IC 22-13-2-3.6, this chapter does not apply to the following
 19 activities:**

20 **(1) Adoption or enforcement of a rule, ordinance, or other
 21 regulation that prohibits or limits the use or installation of a
 22 building product, a material, or an aesthetic method for a
 23 historic area identified after June 30, 2020.**

24 **(2) Adoption or enforcement of a rule, ordinance, or other
 25 regulation that establishes construction or maintenance
 26 standards for a building product, a material, or an aesthetic
 27 method for a historic area identified after June 30, 2020.**

28 SECTION 4. IC 36-7-11.2-1.1 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2020]: **Sec. 1.1. Except as provided in
 31 IC 22-13-2-3.6, this chapter does not apply to the following
 32 activities:**

33 **(1) Adoption or enforcement of a rule, ordinance, or other
 34 regulation that prohibits or limits the use or installation of a
 35 building product, a material, or an aesthetic method for a
 36 Meridian Street or bordering property identified after June
 37 30, 2020.**

38 **(2) Adoption or enforcement of a rule, ordinance, or other
 39 regulation that establishes construction or maintenance
 40 standards for a building product, a material, or an aesthetic
 41 method for a Meridian Street or bordering property
 42 identified after June 30, 2020.**



1 SECTION 5. IC 36-7-11.3-1.1 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2020]: **Sec. 1.1. Except as provided in**
4 **IC 22-13-2-3.6, this chapter does not apply to the following**
5 **activities:**

6 (1) **Adoption or enforcement of a rule, ordinance, or other**
7 **regulation that prohibits or limits the use or installation of a**
8 **building product, a material, or an aesthetic method for a**
9 **primary or secondary area identified after June 30, 2020.**

10 (2) **Adoption or enforcement of a rule, ordinance, or other**
11 **regulation that establishes construction or maintenance**
12 **standards for a building product, a material, or an aesthetic**
13 **method for a primary or secondary area identified after June**
14 **30, 2020.**

