

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.

SENATE ENROLLED ACT No. 132

AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 9-18.5-23-1, AS ADDED BY P.L.198-2016, SECTION 327, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 1. The bureau shall design and issue a ~~safety~~ first **responder** license plate. The ~~safety~~ first **responder** license plate shall:

- (1) be designed and issued as a special group recognition license plate under IC 9-18.5-12; and
- (2) replace the emergency medical services license plate issued by the bureau.

SECTION 2. IC 9-18.5-23-2, AS ADDED BY P.L.198-2016, SECTION 327, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 2. A person that is eligible to register a vehicle under this title is eligible to receive a ~~safety~~ first **responder** license plate under this chapter upon doing the following:

- (1) Completing an application for a ~~safety~~ first **responder** license plate.
- (2) Paying the fees under section 3 of this chapter.

SECTION 3. IC 9-18.5-23-3, AS ADDED BY P.L.198-2016, SECTION 327, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 3. (a) The fees for a ~~safety~~ first **responder** license plate are as follows:

- (1) An annual supplemental fee of fifteen dollars (\$15) under



IC 9-18.5-12-16.

(2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

(b) The annual fee referred to in subsection (a)(2) shall be collected by the bureau and deposited in the fund established under IC 10-15-3-1.

SECTION 4. IC 10-19-1-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 1.5. "Application", for purposes of IC 10-19-2.1, means an application for:**

- (1) a permit;
- (2) a registration;
- (3) a variance;
- (4) an authorization;
- (5) a license;
- (6) a certification; or
- (7) a waiver.

SECTION 5. IC 10-19-2.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 2.1. Powers and Duties of Department

Sec. 1. If a person is required to submit information, an application, or a document to:

- (1) the department;
- (2) an employee of the department;
- (3) an office or division of the department; or
- (4) a board, commission, or council staffed by the department;

the department, office, or division of the department, or the board, commission, or council staffed by the department, may require the person to submit the information, application, or document electronically. However, the department, office, or division of the department, or the board, commission, or council staffed by the department, may not require a person to submit information, an application, or a document electronically if the person demonstrates that being required to submit the information, application, or document electronically will constitute an undue hardship for the person.

SECTION 6. IC 10-19-3-8, AS ADDED BY P.L.45-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 8. (a)** The executive director may grant a variance to a rule governing the state disaster relief fund under 290 IAC 1. A variance granted under this section must promote the effective and



expeditious distribution of relief assistance.

(b) The executive director may grant a variance to a rule under subsection (a) if an applicant for financial assistance under 290 IAC 1-1 or 290 IAC 1-2 does the following:

- (1) Submits to the executive director a written **or electronic** request for the variance in the form and manner specified by the executive director.
- (2) Documents that compliance with the rule specified in the application for the variance will create an undue hardship on the applicant, as determined by the executive director.
- (3) Documents that the applicant for the variance will be in substantial compliance with 290 IAC 1-1 or 290 IAC 1-2, as applicable, after the variance is granted, as determined by the executive director.
- (4) Documents that noncompliance with the rule specified in the application for a variance will not be adverse to public health and safety or the purposes of the fund, as determined by the executive director.

(c) A variance granted under subsection (b) must be conditioned upon compliance with the alternative method approved by the executive director. Noncompliance with the alternative method constitutes the violation of a rule of the executive director and may be the basis for revoking the variance.

SECTION 7. IC 10-19-11-6, AS ADDED BY P.L.29-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) A person shall not produce, use, store, or dispose of radioactive materials until the person:

- (1) is registered or licensed in Indiana under this chapter; or
- (2) registers in writing **or an electronic format** with the agency, giving the pertinent information the agency requires, in accordance with the procedures prescribed by the agency.

(b) A person that uses, stores, or disposes of radioactive materials may be exempted by the agency from licensure or registration under this chapter if the agency determines that the person's use, storage, or disposal of radioactive materials is not a material hazard to public health, safety, and welfare.

SECTION 8. IC 20-26-18.2-5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 5. (a) A school corporation or charter school served by a school resource officer employed for the protection of the school corporation or charter school under section 2 of this chapter shall annually report the number of school**



resource officers serving the school corporation or charter school to the department of homeland security before September 1.

(b) The department of homeland security shall:

(1) annually compile the information reported under subsection (a); and

(2) retain the information reported under subsection (a).

(c) For purposes of IC 5-14-3, the department of homeland security shall keep information compiled and retained under subsection (b) confidential and shall withhold the information from public disclosure.

SECTION 9. IC 22-11-14-2, AS AMENDED BY P.L.187-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) The fire prevention and building safety commission shall:

(1) adopt rules under IC 4-22-2 for the granting of permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals; and

(2) establish by rule the fee for the permit, which shall be paid into the fire and building services fund created under IC 22-12-6-1.

(b) The application for a permit required under subsection (a) must:

(1) name a competent operator who is to officiate at the display;

(2) set forth a brief resume of the operator's experience;

(3) be made in writing **or an electronic format;** and

(4) be received with the applicable fee by the division of fire and building safety at least five (5) business days before the display.

No operator who has a prior conviction for violating this chapter may operate any display for one (1) year after the conviction.

(c) Every display shall be handled by a qualified operator approved by the chief of the fire department of the municipality in which the display is to be held. A display shall be located, discharged, or fired as, in the opinion of:

(1) the chief of the fire department of the city or town in which the display is to be held; or

(2) the township fire chief or the fire chief of the municipality nearest the site proposed, in the case of a display to be held outside of the corporate limits of any city or town;

after proper inspection, is not hazardous to property or person.

(d) A permit granted under this section is not transferable.

(e) A denial of a permit by a municipality shall be issued in writing before the date of the display.



(f) A person may not possess, transport, or deliver special fireworks, except as authorized under this section.

SECTION 10. IC 22-13-5-2, AS AMENDED BY P.L.49-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) Except as provided under subsection (c), upon the written request of an interested person, the state building commissioner of the division of fire and building safety shall issue a written interpretation of a building law or a fire safety law not later than ten (10) business days after the date of receiving a request. An interpretation issued by the state building commissioner must be consistent with building laws and fire safety laws enacted by the general assembly or adopted by the commission.

(b) The state building commissioner shall issue a written interpretation of a building law or fire safety law under subsection (a) whether or not the county or municipality has taken any action to enforce the building law or fire safety law.

(c) If:

- (1) an interested person submits a written **or electronic** request to the building commissioner for a written interpretation of a building law or fire safety law applicable to a Class 2 structure; and
- (2) the building commissioner is absent and unable to issue a written interpretation within the time specified under subsection (a);

the chair of the commission, or, if the chair is absent, the vice chair of the commission, shall issue the written interpretation not later than ten (10) business days after the date of receiving the request.

SECTION 11. IC 22-14-7-22 IS REPEALED [EFFECTIVE JULY 1, 2020]. Sec. 22: (a) ~~The reduced ignition propensity standards for cigarettes fund is established. Money in the fund may be used to support processing, testing, enforcement, and oversight activities under this chapter. The fund shall be administered by the state fire marshal.~~

~~(b) The expenses of administering the fund shall be paid from money in the fund.~~

~~(c) The treasurer of state shall invest money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.~~

~~(d) The fund consists of:~~

- ~~(1) certification fees collected under section 21 of this chapter; and~~
- ~~(2) grants, gifts, and donations intended for deposit in the fund.~~

~~(e) The money in the fund at the end of the state fiscal year does not~~



revert to the state general fund:

SECTION 12. IC 22-14-7-27, AS AMENDED BY HEA 1174-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 27. (a) The fire prevention and public safety fund is established. The fund shall be administered by the state fire marshal. Money in the fund may be used to support:

- (1) fire safety and prevention programs; ~~and~~
- (2) processing, testing, enforcement, and oversight activities under this chapter; and**
- ~~(2)~~ **(3)** public safety education and outreach programs, including, but not limited to, youth helmet safety.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) The fund consists of:

- (1) certification fees collected under section 21 of this chapter;**
- ~~(+)~~ **(2)** penalties recovered under section 24 of this chapter; and
- ~~(2)~~ **(3)** grants, gifts, and donations intended for deposit in the fund.

(e) The money in the fund at the end of the state fiscal year does not revert to the state general fund.

SECTION 13. IC 22-14-7-27.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 27.5. On July 1, 2020, the auditor of state shall transfer the balance that remained on June 30, 2020, in the reduced ignition propensity standards for cigarettes fund established by section 22 of this chapter (before its repeal) to the fire prevention and public safety fund established by section 27 of this chapter.**

SECTION 14. IC 22-15-5-4, AS AMENDED BY P.L.230-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: 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 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;
- (2) submits results of all applicable safety tests, including failed safety tests for the regulated lifting device; and
- (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.

(h) A copy of the operating certificate shall be displayed in or on each regulated lifting device or in an associated machine room. **In addition to the requirements of this subsection, the two-dimensional bar code assigned to an elevator shall be displayed in or on each elevator in a location that is easily viewed**



and scanned by a person riding on the elevator.

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

SECTION 15. IC 36-8-17-7, AS AMENDED BY P.L.1-2006, SECTION 578, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) A fire department shall investigate and determine the causes and circumstances surrounding each fire occurring within the territory served by the fire department. The fire department shall begin the investigation when the fire occurs. The fire department shall immediately notify the division if the fire chief believes that a crime may have been committed and shall submit a written **or electronic** report to the division concerning every investigation at the end of each month. The fire department shall submit the report on the form prescribed by the division and shall include the following information in the report:

- (1) A statement of the facts relating to the cause and origin of the fire.
- (2) The extent of damage caused by the fire.
- (3) The amount of insurance on the property affected by the fire.
- (4) Other information required in the commission's rules.

(b) To carry out this section, a fire department may:

- (1) enter and inspect any real or personal property at a reasonable hour;
- (2) cooperate with the prosecuting attorney and assist the prosecuting attorney with any criminal investigation;
- (3) request that the office subpoena witnesses under IC 22-14-2-8 or order the production of books, documents, and other papers;
- (4) give oaths and affirmations;
- (5) take depositions and conduct hearings; and
- (6) separate witnesses and otherwise regulate the course of proceedings.

(c) Subpoenas, discovery orders, and protective orders issued under this section shall be enforced under IC 4-21.5-6-2.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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