



February 22, 2002

**ENGROSSED  
SENATE BILL No. 488**

DIGEST OF SB 488 (Updated February 20, 2002 6:15 PM - DI 92)

**Citations Affected:** IC 22-12; IC 22-13; IC 22-15; noncode.

**Synopsis:** Regulated lifting devices. Requires the fire prevention and building safety commission adopt rules for the issuance of elevator contractor, elevator inspector, and elevator mechanic licenses. Provides for a Class C infraction for constructing, installing, or altering a regulated lifting device without a license issued by the fire prevention and building safety commission. Requires the registration and inspection of regulated lifting devices, with certain exceptions. Makes conforming amendments. Provides for the licensure of occupations related to elevators. Adds a member to the fire prevention and building safety commission from the masonry construction industry. Allows the fire prevention and building safety commission to adopt rules to establish fees for the issuance of various permits and licenses relating to regulated lifting devices and regulated boiler and pressure vessels. Repeals statutes that set the fees relating to: (1) permitting and inspection of regulated lifting devices; (2) permitting of an owner or user for inspections of regulated boilers and pressure vessels; (3) inspection of a regulated boiler or pressure vessel for the issuance of a permit; (4) manufacturers using the inspection services of the office of the state building commissioner; (5) a regulated boiler and pressure vessel inspector license; and (6) an owner or user boiler and pressure vessel inspection agency license.

**Effective:** July 1, 2002; April 1, 2003.

**Alting, Blade, Harrison, Broden**

(HOUSE SPONSORS — TINCHER, FRIEND, MCCLAIN, OXLEY)

January 14, 2002, read first time and referred to Committee on Public Policy.  
January 31, 2002, amended, reported favorably — Do Pass.  
February 4, 2002, read second time, ordered engrossed. Engrossed.  
February 5, 2002, read third time, passed. Yeas 45, nays 3.

HOUSE ACTION

February 11, 2002, read first time and referred to Committee on Ways and Means.  
February 21, 2002, amended, reported — Do Pass.

ES 488—LS 7194/DI 96+



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February 22, 2002

Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

## ENGROSSED SENATE BILL No. 488

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

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

1 SECTION 1. IC 22-12-1-2.2 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2002]: **Sec. 2.2. "ANSI" refers to the American National**  
4 **Standards Institute.**

5 SECTION 2. IC 22-12-1-2.3 IS ADDED TO THE INDIANA CODE  
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 2002]: **Sec. 2.3. "ASME" refers to the American Society of**  
8 **Mechanical Engineers.**

9 SECTION 3. IC 22-12-1-22 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 22. (a) "Regulated  
11 lifting device" means any part of the components, enclosures, and  
12 equipment necessary for the operation of the following:

13 (1) ~~A mechanism equipped to raise and lower persons or property~~  
14 ~~along a guide or belt; hoisting and lowering mechanism,~~  
15 **equipped with a car or a platform, that moves between two (2)**  
16 **or more landings, including the following:**

17 (A) ~~A power driven, continuous stairway.~~ **An elevator, as**

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- 1           **defined in the Safety Code for Elevators and Escalators, an**  
 2           **American National Standard, as adopted by ASME A17.1,**  
 3           **and the Safety Code for Existing Elevators and Escalators,**  
 4           **an American National Standard, as adopted by ASME**  
 5           **A17.3.**  
 6           **(B) A surface ski lift designed to have the passenger's feet or**  
 7           **skis on the ground at all times: platform lift and stairway**  
 8           **chair lift, as defined in the Safety Standard for Platform**  
 9           **Lifts and Stairway Chairlifts, an American National**  
 10           **Standard, as adopted by ASME A18.1.**  
 11           **(C) A personnel hoist within the scope of ANSI A10.4**  
 12           **(Safety Requirements for Personnel Hoists).**  
 13           **(D) A manlift within the scope of ANSI A90.1 (Safety Code**  
 14           **for Manlifts).**  
 15           **(2) A power driven continuous stairway or walkway equipped to**  
 16           **transport persons in a sitting, standing, or walking position:**  
 17           **between landings, including:**  
 18               **(A) an escalator; and**  
 19               **(B) a moving walk;**  
 20           **as defined in the Safety Code for Elevators and Escalators, an**  
 21           **American National Standard, as adopted by the ASME A17.1,**  
 22           **and the Safety Code for Existing Elevators and Escalators, an**  
 23           **American National Standard, as adopted by the ASME A17.3.**  
 24           **(3) A hoisting and lowering mechanism, equipped with a car**  
 25           **or a platform, that serves two (2) or more landings and is**  
 26           **restricted to the carrying of materials by its limited size or**  
 27           **limited access to the car, including:**  
 28               **(A) a dumbwaiter; and**  
 29               **(B) a material lift and dumbwaiter with an automatic**  
 30               **transfer device;**  
 31           **as defined in the Safety Code for Elevators and Escalators,**  
 32           **and American National Standard, as adopted by ASME**  
 33           **A17.1, and the Safety Code for Existing Elevators and**  
 34           **Escalators, an American National Standard, as adopted by**  
 35           **ASME A17.3.**  
 36           **(4) An automatic guided transit vehicle on a guideway with an**  
 37           **exclusive right-of-way, including an automated people mover,**  
 38           **as defined in the Automated People Mover Standard 21, as**  
 39           **adopted by the American Society of Civil Engineers (ASCE).**  
 40           **(b) The term does not include the following:**  
 41               **(1) A belt, bucket, roller, or similar type conveyor.**  
 42               **(2) A tiering or piling machine that is used to move materials to**

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- 1 and from storage and located and operated entirely within one (1)  
 2 story.
- 3 (3) ~~Equipment for feeding or positioning materials at machine~~  
 4 ~~tools and printing presses: A mobile scaffold, tower, and~~  
 5 ~~platform within the scope of ANSI A92.~~
- 6 (4) A hoist that is used for raising or lowering materials and **that**  
 7 has unguided hooks, slings, or similar means for attaching  
 8 materials.
- 9 (5) A skip or furnace hoist.
- 10 (6) A wharf ramp.
- 11 (7) ~~An amusement device: A conveyor and related equipment~~  
 12 ~~within the scope of ASME B20.1.~~
- 13 (8) A stage or orchestra lift.
- 14 (9) ~~A lift bridge: An industrial truck within the scope of ASME~~  
 15 ~~B56.~~
- 16 (10) A railroad car lift or dumper.
- 17 (11) A hillside inclined lift.
- 18 (12) Any lifting device in a private residence.
- 19 **(13) A line jack, false car, shafter, moving platform, or similar**  
 20 **equipment used for installing an elevator by an elevator**  
 21 **contractor licensed under IC 22-15-5-7.**
- 22 ~~(13)~~ **(14) A materials conveyor with a platform.**
- 23 **(15) A powered platform and equipment for exterior and**  
 24 **interior maintenance within the scope of ANSI 120.1.**
- 25 SECTION 4. IC 22-12-2-2, AS AMENDED BY P.L.1-1999,  
 26 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2002]: Sec. 2. (a) The commission consists of ~~eighteen (18)~~  
 28 **nineteen (19)** voting members and two (2) nonvoting members. The  
 29 governor shall appoint ~~sixteen (16)~~ **seventeen (17)** voting members to  
 30 the commission, each to serve a term of four (4) years. The state health  
 31 commissioner or the commissioner's designee shall serve as a voting  
 32 member of the commission, and the commissioner of labor or the  
 33 commissioner's designee shall serve as a voting member of the  
 34 commission. The state fire marshal and the state building commissioner  
 35 shall serve as nonvoting members of the commission.
- 36 (b) Each appointed member of the commission must have a  
 37 recognized interest, knowledge, and experience in the field of fire  
 38 prevention, fire protection, building safety, or other related matters.
- 39 (c) The appointed members of the commission must include the  
 40 following:
- 41 (1) One (1) member of a ~~professional~~, paid fire department.
- 42 (2) One (1) member of a volunteer fire department.

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- 1 (3) One (1) individual in the field of fire insurance.  
 2 (4) One (1) individual in the fire service industry.  
 3 (5) One (1) individual in the manufactured housing industry.  
 4 (6) One (1) individual in the field of fire protection engineering.  
 5 (7) One (1) professional engineer.  
 6 (8) One (1) building contractor.  
 7 (9) One (1) individual in the field of building one (1) and two (2)  
 8 family dwellings.  
 9 (10) One (1) registered architect.  
 10 (11) One (1) individual engaged in the design or construction of  
 11 heating, ventilating, air conditioning, or plumbing systems.  
 12 (12) One (1) individual engaged in the design or construction of  
 13 regulated lifting devices.  
 14 (13) One (1) building commissioner of a city, town, or county.  
 15 (14) One (1) individual in an industry that operates regulated  
 16 amusement devices.  
 17 (15) One (1) individual who is knowledgeable in accessibility  
 18 requirements and who has personal experience with a disability.  
 19 (16) One (1) individual who represents owners, operators, and  
 20 installers of underground and aboveground motor fuel storage  
 21 tanks and dispensing systems.  
 22 **(17) One (1) individual in the masonry trades.**  
 23 (d) Not more than ~~nine (9)~~ **ten (10)** of the appointed members of the  
 24 commission may be affiliated with the same political party.  
 25 (e) An appointed member of the commission may not serve more  
 26 than two (2) consecutive terms. However, any part of an unexpired  
 27 term served by a member filling a vacancy does not count toward this  
 28 limitation.  
 29 SECTION 5. IC 22-12-2-6 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) The commission  
 31 shall meet at least quarterly.  
 32 (b) A quorum of the commission consists of ten (10) voting  
 33 members. IC 4-21.5-3-3 applies to a commission action governed by  
 34 IC 4-21.5. The commission may take other actions by an affirmative  
 35 vote of:  
 36 (1) nine (9) members, if less than ~~eighteen (18)~~ **nineteen (19)**  
 37 voting members are present and voting on the action; or  
 38 (2) ten (10) members, if ~~eighteen (18)~~ **nineteen (19)** members are  
 39 present and voting on the action.  
 40 (c) In the case of a tie vote on an action of the commission, the  
 41 deciding vote shall be cast by the:  
 42 (1) state fire marshal, in even-numbered years; or



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(2) state building commissioner, in odd-numbered years.  
SECTION 6. IC 22-12-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: 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 22-14-4.
- (3) Design releases issued under IC 22-15-3.
- (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) 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 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 7. IC 22-13-2-2 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) The commission  
 2 shall adopt rules under IC 4-22-2 and IC 22-13-2.5 to adopt a statewide  
 3 code of fire safety laws and building laws.

4 (b) Before December 1, 2003, the commission shall adopt the  
 5 most recent edition, including addenda, of the following national  
 6 codes by rules under IC 4-22-2 and IC 22-13-2.5:

7 (1) ANSI A10.4 (Safety Requirements for Personnel Hoists).

8 (2) ASME A17.1 (Safety Code for Elevators and Escalators,  
 9 an American National Standard).

10 (3) ASME A18.1 (Safety Standard for Platform Lifts and  
 11 Stairway Chairlifts, American National Standard).

12 (4) ASME QEI-1 (Standard for the Qualification of Elevator  
 13 Inspectors, an American National Standard).

14 (5) The American Society of Civil Engineers (ASCE)  
 15 Automated People Mover Standard 21.

16 (6) ANSI A90.1 Safety Code for Manlifts.

17 (c) Before July 1, 2006, the commission shall adopt the most  
 18 recent edition, including addenda, of ASME A17.3 (Safety Code for  
 19 Existing Elevators and Escalators, an American National  
 20 Standard) by rules under IC 4-22-2 and IC 22-13-2.5.

21 (d) The commission shall adopt the subsequent edition of each  
 22 national code, including addenda, to be adopted as provided under  
 23 subsections (b) and (c) within eighteen (18) months after the  
 24 effective date of the subsequent edition.

25 (e) The commission may amend the national codes as a  
 26 condition of the adoption under subsections (b), (c), and (d).

27 SECTION 8. IC 22-13-2-9 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9. Except as provided  
 29 in section 10 of this chapter, political subdivisions do not have the  
 30 power to regulate regulated:

31 (1) amusement devices;

32 (2) boilers;

33 (3) lifting devices; and

34 (4) pressure vessels.

35 SECTION 9. IC 22-13-2-10 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE APRIL 1, 2003]: Sec. 10. (a) A county, city,  
 37 or town may regulate regulated lifting devices if the unit's regulatory  
 38 program is approved by the commission.

39 (b) A unit must submit its ordinances and other regulations that  
 40 regulate lifting devices to the commission for approval. The ordinance  
 41 or other regulation is not effective until it is approved by the  
 42 commission. If any of these ordinances or regulations conflict with the

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1 commission's rules, the commission's rules supersede the local  
2 ordinance or other regulation.

3 (c) A unit may issue permits only to applicants who qualify under  
4 IC 22-15-5. However, the unit may specify a lesser fee than that set in  
5 ~~IC 22-12-6-9~~ **under IC 22-12-6-6(a)(7)**.

6 (d) A unit must inspect regulated lifting devices with inspectors who  
7 possess the qualifications necessary to be employed by the office of the  
8 state building commissioner as a regulated lifting device inspector.

9 SECTION 10. IC 22-15-2-3 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) The state  
11 building commissioner shall organize the office into the following  
12 divisions:

13 (1) A division of code enforcement to carry out section 7 of this  
14 chapter and IC 22-15-4 and to encourage the development of  
15 building law enforcement programs in other state agencies and in  
16 every political subdivision.

17 (2) A division of plan review to carry out IC 22-15-3.

18 (3) A division of elevator safety, ~~to carry out~~ **which duties**  
19 **include inspections of regulated lifting devices as required**  
20 **under IC 22-15-5 and regulated amusement devices under**  
21 **IC 22-15-7.**

22 (4) A division of boiler and pressure vessel safety to carry out  
23 IC 22-15-6.

24 (b) Inspections of regulated boilers shall be conducted by inspectors  
25 licensed under IC 22-15-6-5.

26 (c) The state building commissioner may assign duties that are not  
27 described in subsection (a) to any division within the office.

28 (d) The state building commissioner shall appoint the personnel in  
29 the office under IC 4-15-2.

30 (e) The state building commissioner shall appoint a chief deputy  
31 state building commissioner. The appointee must be approved by the  
32 executive director of the department. The chief deputy may exercise  
33 any of the state building commissioner's responsibilities in the  
34 commissioner's absence.

35 SECTION 11. IC 22-15-2-7 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. (a) The office shall  
37 carry out a program to enforce all laws described by one (1) or more of  
38 the following:

39 (1) Building laws and related variances and other orders that  
40 apply to Class 1 structures.

41 (2) Building laws and related variances and other orders that  
42 apply to industrialized building systems.



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(3) Building laws and related variances and other orders that apply to mobile structures.

**(4) Building laws, equipment laws, and related variances and other orders that apply to regulated lifting devices.**

**(5) Equipment laws and related variances and other orders.**

(b) The office shall coordinate its enforcement program with the enforcement program conducted by the office of the state fire marshal under IC 22-14. The state building commissioner may authorize the office of the state fire marshal to carry out an enforcement function for the office.

SECTION 12. IC 22-15-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) The office shall issue a regulated lifting device installation or alteration permit to an applicant who qualifies under this section.

(b) To qualify for a permit under this section, an applicant must **meet the following requirements:**

(1) Demonstrate through the submission of complete plans, **including:**

**(A) copies of specifications and accurately scaled and fully dimensioned plans showing the location of the installation in relation to the plans and elevation of the building;**

**(B) plans showing the location of the machine room and the equipment to be installed, relocated, or altered;**

**(C) plans showing the structural supporting members, including foundations; and**

**(D) a specification of all materials employed and loads to be supported or conveyed;**

that the installation or alteration covered by the application will comply with all applicable equipment laws. ~~and~~ **All plans and specifications must be sufficiently complete to illustrate all details of construction and design.**

(2) Pay the fee set under ~~IC 22-12-6-9~~: **IC 22-12-6-6(a)(7).**

**(3) Be the holder of a current elevator contractor license, as set forth under IC 22-15-5-7.**

(c) **A copy of the permit shall be kept at the construction site at all times while the work is in progress.**

**(d) The regulated lifting device must be installed or altered in compliance with:**

**(1) applicable codes; and**

**(2) the details of the application, plans, specifications, and conditions of the permit.**

**(e) The regulated lifting device must be installed or altered**

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1 under the direction and control of a licensed contractor. The  
2 elevator contractor does not have to be present at the site.

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

6 SECTION 13. IC 22-15-5-1.3 IS ADDED TO THE INDIANA  
7 CODE AS A NEW SECTION TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2002]: **Sec. 1.3. A permit issued under section  
9 1 of this chapter is subject to sanctions as provided in IC 22-12-7-7  
10 for any of the following reasons:**

11 (1) **A false statement or misrepresentation of the material fact  
12 in the application, plan, or specification on which the permit  
13 was based.**

14 (2) **The work being performed is not in compliance with the  
15 applicable code.**

16 (3) **The work is not being performed in accordance with the  
17 details of the application, plans, specifications, or conditions  
18 of the permit.**

19 (4) **The elevator contractor to whom the permit was issued is  
20 the subject of an order issued under IC 22-12-7-4 and  
21 IC 22-12-7-6.**

22 SECTION 14. IC 22-15-5-1.5 IS ADDED TO THE INDIANA  
23 CODE AS A NEW SECTION TO READ AS FOLLOWS  
24 [EFFECTIVE JULY 1, 2002]: **Sec. 1.5. A permit granted under  
25 section 1 of this chapter expires for the following reasons:**

26 (1) **The work authorized by the permit has not begun within  
27 one (1) year after the date of issuance or within a shorter  
28 period if specified at the time of issuance of the permit.**

29 (2) **The work authorized by the permit has been suspended or  
30 abandoned for at least one hundred eighty (180) days or a  
31 shorter period if specified at the time of the issuance of the  
32 permit.**

33 SECTION 15. IC 22-15-5-2 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 2. (a) This section does  
35 not apply to minor construction that is exempted from this section  
36 under IC 22-13-4.**

37 (b) This section applies to the following:

38 (1) **Each person who installs or alters a regulated lifting device,  
39 whether or not required to be licensed under IC 22-15-5-7,  
40 IC 22-15-5-8, IC 22-15-5-9, IC 22-15-5-10, IC 22-15-5-11, or  
41 IC 22-15-5-12. However, the erection, construction,  
42 installation, alteration, or maintenance of a regulated lifting**

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1 **device to which ASME A18.1 applies is not required to be**  
 2 **performed by a mechanic licensed under IC 22-15-5-12.**

3 (2) Each person who has control over the **erection, construction,**  
 4 installation, or alteration of a regulated lifting device.

5 (3) Each person who has control over the place where the  
 6 regulated lifting device is installed or altered.

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

9 (1) a regulated lifting device is installed or altered; and

10 (2) no regulated lifting device installation or alteration permit  
 11 issued under section 1 of this chapter covers the installation or  
 12 alteration.

13 SECTION 16. IC 22-15-5-3 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) **All regulated**  
 15 **lifting devices shall be registered under this section.**

16 (b) The office shall issue a registration for a regulated lifting device  
 17 to an applicant who qualifies under this section.

18 ~~(b)~~ (c) ~~To qualify for registration~~ **register a regulated lifting device**  
 19 under this section, an applicant must submit, on a form approved by the  
 20 ~~commission;~~ **office,** the following information:

21 (1) Type, ~~contract~~ **rated** load **and** speed, name of manufacturer,  
 22 location, and the nature of the use of the regulated lifting device.

23 (2) Any information required under the rules adopted by the  
 24 commission.

25 SECTION 17. IC 22-15-5-4 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) The office shall  
 27 carry out a program for the periodic inspection of regulated lifting  
 28 devices being operated in Indiana. ~~The office shall issue~~ A regulated  
 29 lifting device operating permit to an applicant who qualifies under this  
 30 ~~section:~~ **may not be operated without an operating certificate that**  
 31 **covers the operation of the regulated lifting device.**

32 (b) A permit issued under this section expires on the ~~date set in the~~  
 33 ~~rules adopted by the commission:~~ **earlier of:**

34 (1) ~~one~~ (1) year after issuance; or

35 (2) ~~when the regulated lifting device is altered.~~

36 (c) ~~To qualify for a permit under this section an~~ **After a regulated**  
 37 **lifting device has been installed or altered, an applicant shall apply**  
 38 **for an initial operating certificate. The office shall issue an initial**  
 39 **operating certificate for a regulated lifting device if:**

40 (1) ~~the applicant must (+) demonstrate:~~ **demonstrates:**

41 (A) through an **acceptance** inspection **made by an elevator**  
 42 **inspector licensed under IC 25-41-4-1** that the regulated

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1 lifting device covered by the application complies with the  
 2 laws governing its construction, repair, maintenance, and  
 3 operation; and  
 4 ~~(2) pay (B) that the applicant has paid~~ the fee set under  
 5 ~~IC 22-12-6-9; IC 22-12-6-6(a)(7); and~~  
 6 **(2) the office verifies, through an inspection, that the**  
 7 **regulated lifting device complies with the laws governing the**  
 8 **construction, repair, maintenance, and operation of the**  
 9 **regulated lifting device.**  
 10 **(d) The office shall issue a renewal operating certificate if the**  
 11 **applicant:**  
 12 **(1) demonstrates through the completion of applicable safety**  
 13 **tests that the regulated lifting device complies with the laws**  
 14 **governing the construction, repair, maintenance, and**  
 15 **operation of the regulated lifting device; and**  
 16 **(2) has paid the fee set under IC 22-12-6-6(a)(7).**  
 17 ~~(d)~~ **(e)** The office may issue a temporary operating permit to an  
 18 applicant under this section who does not comply with subsection  
 19 ~~(e)(1): (c)(1)(A) for a new or altered regulated lifting device or~~  
 20 **subsection (d)(1) for an existing unaltered regulated lifting device.**  
 21 The applicant must pay the fee set under ~~IC 22-12-6-9~~  
 22 **IC 22-12-6-6(a)(7)** to qualify for the temporary operating permit.  
 23 Except as provided in subsection ~~(e); (f)~~, the permit, including all  
 24 renewal periods, is limited to sixty (60) days.  
 25 ~~(e)~~ **(f)** The state building commissioner may renew a temporary  
 26 operating permit issued under subsection ~~(d)~~ **(e)** for thirty (30) day  
 27 periods during the construction of a building if the regulated lifting  
 28 device is used for the transportation of construction personnel, tools,  
 29 and materials.  
 30 ~~(f)~~ **(g)** The responsibilities of the office under this section may be  
 31 carried out by a political subdivision that is approved by the  
 32 commission under IC 22-13-2-10.  
 33 **(h) A copy of the operating certificate shall be displayed in or on**  
 34 **each regulated lifting device or in an associated machine room.**  
 35 **(i) A licensed elevator mechanic shall perform the maintenance**  
 36 **on a regulated lifting device.**  
 37 SECTION 18. IC 22-15-5-6 IS ADDED TO THE INDIANA CODE  
 38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 39 1, 2002]: **Sec. 6. (a) The following definitions apply to sections 7**  
 40 **through 16 of this chapter:**  
 41 **(1) "Competency examination" means an examination that**  
 42 **thoroughly tests the scope of the knowledge and skill of the**

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- 1 applicant for the license.
- 2 (2) "Educational institution" has the meaning set forth in
- 3 IC 20-12-0.5-1.
- 4 (3) "Elevator apprentice" means an individual who works
- 5 under the direct supervision of a licensed elevator mechanic.
- 6 The term includes an individual commonly known as an
- 7 elevator helper while working under the direct supervision of
- 8 a licensed elevator mechanic.
- 9 (4) "Elevator contractor" means a person who by himself or
- 10 herself or with other persons, constructs, repairs, alters,
- 11 remodels, adds to, subtracts from, or improves a regulated
- 12 lifting device and who is responsible for substantially all the
- 13 regulated lifting device within the entire project, or who
- 14 fabricates elevator lifting devices substantially completed and
- 15 ready for installation.
- 16 (5) "Elevator inspector" means an individual who conducts
- 17 the acceptance inspection of a regulated lifting device
- 18 required by section 4(c)(1)(A) of this chapter.
- 19 (6) "Elevator mechanic" means an individual who engages in
- 20 the construction, reconstruction, alteration, maintenance,
- 21 mechanical, or electrical work or adjustments of a regulated
- 22 lifting device.
- 23 (7) "License" means a certificate issued by the department
- 24 that confers upon the holder the privilege to act as an elevator
- 25 contractor, elevator inspector, or elevator mechanic.
- 26 (8) "Licensing program" means the program for licensing
- 27 elevator contractors, elevator inspectors, and elevator
- 28 mechanics established under this section and sections 7
- 29 through 13 of this chapter.
- 30 (9) "Municipality" has the meaning set forth in IC 36-1-2-11.
- 31 (10) "Person" means:
- 32 (A) a natural person;
- 33 (B) the partners or members of a partnership or a limited
- 34 partnership;
- 35 (C) an educational institution; or
- 36 (D) a corporation or the officers, directors, and employees
- 37 of the corporation.
- 38 (11) "Practitioner" means a person that holds:
- 39 (A) an unlimited license;
- 40 (B) a limited or probationary license;
- 41 (C) a temporary license;
- 42 (D) an emergency license; or

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**(E) an inactive license.**

**(b) The commission and the department shall establish a program to license elevator contractors, elevator mechanics, and elevator inspectors.**

**(c) The department shall issue licenses as elevator contractors, elevator mechanics, and elevator inspectors to a person who qualifies and complies with the provisions of the licensing program. A person who receives a license under this chapter is subject to the supervision and control of the department.**

**(d) The department may contract with public and private institutions, agencies, businesses, and organizations to implement all or part of its duties established under this chapter.**

**(e) The commission may adopt rules under IC 4-22-2 to implement the licensing program.**

**SECTION 19. IC 22-15-5-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. (a) 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 an educational institution that holds an elevator contractor license issued under this chapter.**

**(b) A partnership, a limited partnership, a corporation, or an 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**

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before March 2, 2003.

(d) A corporation or an educational institution that is an applicant for an elevator contractor license must have at least one (1) officer or employee of the corporation or an educational institution that holds a valid elevator contractor license issued under this chapter. A license granted to a corporation or an educational institution to act as an elevator contractor under this chapter becomes invalid when an officer or employee of the corporation or 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 20. IC 22-15-5-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 8. (a) An applicant for an initial elevator contractor license must do the following:

- (1) Submit to the department an application on the form that the department provides.
- (2) Submit to the department any proof of eligibility the department requires.
- (3) Demonstrate proof of insurance as required by section 11 of this chapter.
- (4) Demonstrate proof of worker's compensation coverage under IC 22-3-2-5.
- (5) 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 or applies to take the examination.
- (6) Affirm under penalty of perjury that all information provided to the department is true to the best of the applicant's knowledge and belief.

(b) An applicant for a renewal elevator contractor license must do the following:

- (1) Submit an application on the form that the department provides.

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- (2) Submit proof of completion of the continuing education required by section 12 of this chapter.**
- (3) Demonstrate proof of insurance as required by section 14 of this chapter.**
- (4) Demonstrate proof of worker's compensation coverage under IC 22-3-2-5.**
- (5) 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.**
- (6) Affirm under penalty of perjury that all information provided to the department is true to the best of the applicant's knowledge and belief.**

SECTION 21. IC 22-15-5-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9. **(a) An application for an elevator contractor license must contain the following information:**

- (1) If the applicant is an individual, the name, business address, telephone number, and electronic mail address of the applicant.**
- (2) If the applicant is a corporation or an educational institution, the following:**
  - (A) The name and address of the corporation.**
  - (B) The name, business address, phone number, and electronic mail address of every officer or employee in the corporation who holds a valid elevator contractor license as provided by this chapter.**
  - (C) The name and address of the resident agent of the corporation.**
- (3) If the applicant is a partnership or limited partnership, the following:**
  - (A) The name and address of the partnership or limited partnership.**
  - (B) The name, business address, phone number, and electronic mail address of every partner, for a partnership, or every general partner, for a limited partnership, who holds a valid elevator contractor license as provided by this chapter.**
  - (4) Any other information the department requires.**
- (b) An initial elevator contractor license issued under this chapter expires on December 31 of the second year after it was issued.**
- (c) A renewal of an elevator contractor license is valid for two**

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**(2) years.**  
SECTION 22. IC 22-15-5-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 10. An individual engaged in the business of an elevator contractor shall carry:**

- (1) the individual's license; or**
- (2) a facsimile of the license of the partnership, corporation, or educational institution by which the individual is employed;**

**and present the license for inspection by a representative of the department upon request.**

SECTION 23. IC 22-15-5-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 11. (a) 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**

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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 11 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 24. IC 22-15-5-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. (a) 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 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:

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**(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 March 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**

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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.

SECTION 25. IC 22-15-5-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 13. (a) A temporary elevator mechanic license may be issued by the department upon receipt of the following:

(1) A certification by a licensed elevator contractor that the contractor is unable to secure, despite the contractor's best efforts, licensed elevator mechanics to perform construction, maintenance, or service and repair of elevators.

(2) An application on the form that the department provides.

(3) A certification by the licensed elevator contractor that the individual to receive the temporary license possesses sufficient documented experience and education to perform elevator construction, maintenance, or service and repair.

(4) A temporary mechanic license fee established under IC 22-12-6-6. The license fee is nonrefundable and must be

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paid each time an applicant submits an application.  
(5) An affirmation under penalty of perjury made by both the individual who would receive the temporary license and the licensed elevator contractor that all information provided to the department is true to the best of their knowledge and belief.

(b) A temporary elevator mechanic license is valid for sixty (60) days after the date of issuance and is valid only for work performed for the licensed elevator contractor that has made the certifications under subsection (a).

(c) A temporary elevator mechanic license issued under this section may be renewed for two (2) subsequent sixty (60) day periods. To renew the license, the license holder must submit:

(1) A certification by a licensed elevator contractor that the contractor is unable to secure, despite the contractor’s best efforts, licensed elevator mechanics to perform construction, maintenance, or service and repair of elevators.

(2) An application on the form that the department provides.

(3) A temporary mechanic license renewal fee established under IC 22-12-6-6. The license fee is nonrefundable and must be paid each time an applicant submits an application.

(4) An affirmation by both the individual that would receive the temporary license and the licensed elevator contractor under penalty for perjury that all information provided to the department is true to the best of their knowledge and belief.

(d) An emergency elevator mechanic license may be issued by the department upon receipt of the following:

(1) A certification by a licensed elevator contractor that the contractor is unable to secure, despite the contractor’s best efforts, licensed elevator mechanics to perform construction, maintenance, or service and repair of elevators due to a disaster (as defined in IC 10-4-1-3).

(2) An application on the form that the department provides.

(3) A certification by the licensed elevator contractor that the individual to receive the temporary license possesses sufficient documented experience and education to perform elevator construction, maintenance, or service and repair.

(4) An emergency mechanic 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) An affirmation by both the individual that would receive the temporary license and the licensed elevator contractor

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under penalty for perjury that all information provided to the department is true to the best of their knowledge and belief.

(e) An emergency elevator mechanic license is valid for sixty (60) days after the date of issuance and is valid only for work performed for the licensed elevator contractor that has made the certifications under subsection (d).

(f) An emergency elevator mechanic license issued under this section may be renewed for two (2) subsequent sixty (60) day periods. To renew the license, the license holder must submit the following:

- (1) A certification by a licensed elevator contractor that the contractor is unable to secure, despite the contractor’s best efforts, licensed elevator mechanics to perform construction, maintenance, or service and repair of elevators.
- (2) An application on the form that the department provides.
- (3) An emergency mechanic license renewal fee established under IC 22-12-6-6. The license fee is nonrefundable and must be paid each time an applicant submits an application.
- (4) An affirmation by both the individual who would receive the emergency license and the licensed elevator contractor under penalty for perjury that all information provided to the department is true to the best of their knowledge and belief.

SECTION 26. IC 22-15-5-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 14. (a) This section does not apply to the following:

- (1) An individual employed by the following:
  - (A) The state.
  - (B) A county.
  - (C) A municipality.
  - (D) An educational institution.
- (2) An educational institution.

(b) The department may not issue an elevator inspector or elevator contractor license until the applicant has filed with the department a certificate of insurance indicating that the applicant has liability insurance:

- (1) in effect with an insurer that is authorized to write insurance in Indiana; and
- (2) that provides general liability coverage to a limit of at least:
  - (A) one million dollars (\$1,000,000) for the injury or death of any number of persons in any one (1) occurrence; and

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(B) five hundred thousand dollars (\$500,000) for property damage in any one (1) occurrence.

(c) An insurance policy required under this section may include a deductible clause if the clause provides that any settlement made by the insurance company with an injured person or a personal representative must be paid as though the deductible clause did not apply.

(d) An insurance policy required under this section must provide by the policy's original terms or an endorsement that the insurer may not cancel the policy without:

- (1) thirty (30) days written notice; and
- (2) a complete report of the reasons for the cancellation to the office.

(e) An insurance policy required under this section must provide by the policy's original terms or an endorsement that the insurer shall report to the department within twenty-four (24) hours after the insurer pays a claim or reserves any amount to pay an anticipated claim that reduces the liability coverage below the amounts established in this section.

(f) If an insurance policy required under this section:

- (1) is canceled during the policy's term;
  - (2) lapses for any reason; or
  - (3) has the policy's coverage fall below the required amount;
- the license holder shall replace the policy with another policy that complies with this section.

(g) If a license holder fails to file a certificate of insurance for new or replacement insurance, the license holder:

- (1) must cease all operations under the license immediately; and
- (2) may not conduct further operations until the license holder receives the approval of the department to resume operations after the license holder complies with the requirements of this section.

SECTION 27. IC 22-15-5-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 15. (a) This section applies only to a licensed elevator contractor who is an individual.**

(b) To renew a license issued under this licensing program, the license holder must satisfy the continuing education requirement and submit a proof of completion of training to the department.

(c) The continuing education requirement is at least eight (8) hours of instruction that must be attended and completed within

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1 one (1) year before a license renewal.

2 (d) The continuing education courses designed to ensure the  
3 continuing education of an individual holding a license regarding  
4 new and existing provisions of the rules of the commission may  
5 include:

- 6 (1) programs sponsored by the commission;  
7 (2) trade association seminars;  
8 (3) labor training programs; or  
9 (4) joint labor management apprenticeship and journeyman  
10 upgrade training programs.

11 For an individual's completion of a continuing education course to  
12 satisfy the individual's continuing education requirement under  
13 this chapter, the continuing education provider, instructor and the  
14 curriculum must have been approved by the department.

15 (e) All instructors of continuing education courses must be  
16 approved by the department. If an instructor is approved by the  
17 department, has worked as an instructor teaching a curriculum  
18 approved by the department at any time within the year preceding  
19 the expiration date of the license, and submits proof of this work to  
20 the department, the instructor is exempt from the requirements of  
21 subsection (c).

22 (f) Continuing education providers shall keep uniform records  
23 of attendance at approved continuing education courses for at least  
24 ten (10) years on forms designed and distributed by the  
25 department.

26 (g) A license holder who is unable to complete the continuing  
27 education required under this chapter before the expiration of the  
28 individual's license due to temporary physical or mental disability  
29 may apply for a waiver from the department in accordance with  
30 the following:

- 31 (1) A waiver application must be submitted to the department  
32 on a form established by the department.  
33 (2) A waiver application must be signed and accompanied by  
34 an affidavit signed by the physician of the applicant attesting  
35 to the applicant's temporary disability.

36 (h) After the cessation of the temporary disability, the applicant  
37 must submit to the department a certification from the same  
38 physician, if the physician is still the treating physician of the  
39 applicant, or from a subsequent treating physician attesting to the  
40 termination of the temporary disability.

41 (i) Upon the submission of the certification under subsection (h),  
42 the department shall issue a temporary waiver of the continuing

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1 education requirement. A temporary waiver is valid for ninety (90)  
 2 days after the date of issue and allows the individual to work as an  
 3 elevator contractor, elevator inspector, or elevator mechanic  
 4 without the completion of the continuing education requirement  
 5 for ninety (90) days.

6 (j) A temporary waiver of the continuing education requirement  
 7 may not be renewed.

8 SECTION 28. IC 22-15-5-16 IS ADDED TO THE INDIANA  
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2002]: Sec. 16. (a) A practitioner shall  
 11 comply with the standards established under this licensing  
 12 program. A practitioner is subject to the exercise of the  
 13 disciplinary sanctions under subsection (b) if the department finds  
 14 that a practitioner has:

- 15 (1) engaged in or knowingly cooperated in fraud or material  
 16 deception in order to obtain a license to practice, including  
 17 cheating on a licensing examination;  
 18 (2) engaged in fraud or material deception in the course of  
 19 professional services or activities;  
 20 (3) advertised services or goods in a false or misleading  
 21 manner;  
 22 (4) falsified or knowingly allowed another person to falsify  
 23 attendance records or certificates of completion of continuing  
 24 education courses provided under this chapter.  
 25 (5) been convicted of a crime that has a direct bearing on the  
 26 practitioner's ability to continue to practice competently;  
 27 (6) knowingly violated a state statute or rule or federal statute  
 28 or regulation regulating the profession for which the  
 29 practitioner is licensed;  
 30 (7) continued to practice although the practitioner has become  
 31 unfit to practice due to:  
 32 (A) professional incompetence;  
 33 (B) failure to keep abreast of current professional theory  
 34 or practice;  
 35 (C) physical or mental disability; or  
 36 (D) addiction to, abuse of, or severe dependency on alcohol  
 37 or other drugs that endanger the public by impairing a  
 38 practitioner's ability to practice safely;  
 39 (8) engaged in a course of lewd or immoral conduct in  
 40 connection with the delivery of services to the public;  
 41 (9) allowed the practitioner's name or a license issued under  
 42 this chapter to be used in connection with an individual or



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1           business who renders services beyond the scope of that  
2           individual's or business's training, experience, or competence;  
3           (10) had disciplinary action taken against the practitioner or  
4           the practitioner's license to practice in another state or  
5           jurisdiction on grounds similar to those under this chapter;  
6           (11) assisted another person in committing an act that would  
7           constitute a ground for disciplinary sanction under this  
8           chapter; or  
9           (12) allowed a license issued by the department to be:  
10                (A) used by another person; or  
11                (B) displayed to the public when the license has expired, is  
12                inactive, is invalid, or has been revoked or suspended.  
13           For purposes of subdivision (10), a certified copy of a record of  
14           disciplinary action constitutes prima facie evidence of a  
15           disciplinary action in another jurisdiction.  
16           (b) The department may impose one (1) or more of the following  
17           sanctions if the department finds that a practitioner is subject to  
18           disciplinary sanctions under subsection (a):  
19                (1) Permanent revocation of a practitioner's license.  
20                (2) Suspension of a practitioner's license.  
21                (3) Censure of a practitioner.  
22                (4) Issuance of a letter of reprimand.  
23                (5) Assess a civil penalty against the practitioner in  
24                accordance with the following:  
25                    (A) The civil penalty may not be more than one thousand  
26                    dollars (\$1,000) for each violation listed in subsection (a),  
27                    except for a finding of incompetency due to a physical or  
28                    mental disability.  
29                    (B) When imposing a civil penalty, the department shall  
30                    consider a practitioner's ability to pay the amount  
31                    assessed. If the practitioner fails to pay the civil penalty  
32                    within the time specified by the department, the  
33                    department may suspend the practitioner's license without  
34                    additional proceedings. However, a suspension may not be  
35                    imposed if the sole basis for the suspension is the  
36                    practitioner's inability to pay a civil penalty.  
37                (6) Place a practitioner on probation status and require the  
38                practitioner to:  
39                    (A) report regularly to the department upon the matters  
40                    that are the basis of probation;  
41                    (B) limit practice to those areas prescribed by the  
42                    department;

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1 (C) continue or renew professional education approved by  
2 the department until a satisfactory degree of skill has been  
3 attained in those areas that are the basis of the probation;  
4 or

5 (D) perform or refrain from performing any acts,  
6 including community restitution or service without  
7 compensation, that the department considers appropriate  
8 to the public interest or to the rehabilitation or treatment  
9 of the practitioner.

10 The department may withdraw or modify this probation if the  
11 department finds after a hearing that the deficiency that  
12 required disciplinary action has been remedied or that  
13 changed circumstances warrant a modification of the order.

14 (c) If an applicant or a practitioner has engaged in or knowingly  
15 cooperated in fraud or material deception to obtain a license to  
16 practice, including cheating on the licensing examination, the  
17 department may rescind the license if it has been granted, void the  
18 examination or other fraudulent or deceptive material, and  
19 prohibit the applicant from reapplying for the license for a length  
20 of time established by the department.

21 (d) The department may deny licensure to an applicant who has  
22 had disciplinary action taken against the applicant or the  
23 applicant's license to practice in another state or jurisdiction or  
24 who has practiced without a license in violation of the law. A  
25 certified copy of the record of disciplinary action is conclusive  
26 evidence of the other jurisdiction's disciplinary action.

27 (e) The department may order a practitioner to submit to a  
28 reasonable physical or mental examination if the practitioner's  
29 physical or mental capacity to practice safely and competently is  
30 at issue in a disciplinary proceeding. Failure to comply with a  
31 department order to submit to a physical or mental examination  
32 makes a practitioner liable to temporary suspension under  
33 subsection (h).

34 (f) Except as provided under subsection (g) or (h), a license may  
35 not be denied, revoked, or suspended because the applicant or  
36 holder has been convicted of an offense. The acts from which the  
37 applicant's or holder's conviction resulted may, however, be  
38 considered as to whether the applicant or holder should be  
39 entrusted to serve the public in a specific capacity.

40 (g) The department may deny, suspend, or revoke a license  
41 issued under this chapter if the individual who holds the license is  
42 convicted of any of the following:

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- 1 (1) Possession of cocaine, a narcotic drug, or  
 2 methamphetamine under IC 35-48-4-6.  
 3 (2) Possession of a controlled substance under IC 35-48-4-7(a).  
 4 (3) Fraudulently obtaining a controlled substance under  
 5 IC 35-48-4-7(b).  
 6 (4) Manufacture of paraphernalia as a Class D felony under  
 7 IC 35-48-4-8.1(b).  
 8 (5) Dealing in paraphernalia as a Class D felony under  
 9 IC 35-48-4-8.5(b).  
 10 (6) Possession of paraphernalia as a Class D felony under  
 11 IC 35-48-4-8.3(b).  
 12 (7) Possession of marijuana, hash oil, or hashish as a Class D  
 13 felony under IC 35-48-4-11.  
 14 (8) Maintaining a common nuisance under IC 35-48-4-13.  
 15 (9) An offense relating to registration, labeling, and  
 16 prescription forms under IC 35-48-4-14.  
 17 (10) Conspiracy under IC 35-41-5-2 to commit an offense  
 18 listed in clauses (1) through (9).  
 19 (11) Attempt under IC 35-41-5-1 to commit an offense listed  
 20 in clauses (1) through (10).  
 21 (12) An offense in any other jurisdiction in which the elements  
 22 of the offense for which the conviction was entered are  
 23 substantially similar to the elements of an offense described  
 24 under clauses (1) through (11).  
 25 (h) The department shall deny, revoke or suspend a license or  
 26 certificate issued under this chapter if the individual who holds the  
 27 license or certificate is convicted of any of the following:  
 28 (1) Dealing in cocaine, a narcotic drug, or methamphetamine  
 29 under IC 35-48-4-1.  
 30 (2) Dealing in a schedule I, II, or III controlled substance  
 31 under IC 35-48-4-2.  
 32 (3) Dealing in a schedule IV controlled substance under  
 33 IC 35-48-4-3.  
 34 (4) Dealing in a schedule V controlled substance under  
 35 IC 35-48-4-4.  
 36 (5) Dealing in a substance represented to be a controlled  
 37 substance under IC 35-48-4-4.5.  
 38 (6) Knowingly or intentionally manufacturing, advertising,  
 39 distributing, or possessing with intent to manufacture,  
 40 advertise, or distribute a substance represented to be a  
 41 controlled substance under IC 35-48-4-4.6.  
 42 (7) Dealing in a counterfeit substance under IC 35-48-4-5.

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- 1           **(8) Dealing in marijuana, hash oil, or hashish under**  
2           **IC 35-48-4-10(b).**
- 3           **(9) Conspiracy under IC 35-41-5-2 to commit an offense listed**  
4           **in clauses (1) through (8).**
- 5           **(10) Attempt under IC 35-41-5-1 to commit an offense listed**  
6           **in clauses (1) through (9).**
- 7           **(11) An offense in any other jurisdiction in which the elements**  
8           **of the offense for which the conviction was entered are**  
9           **substantially similar to the elements of an offense described**  
10           **under clauses (1) through (10).**
- 11           **(12) A violation of any federal or state drug law or rule**  
12           **related to wholesale legend drug distributors licensed under**  
13           **IC 25-26-14.**
- 14           **(i) A decision of the department under subsections (b) through**  
15           **(h) may be appealed to the commission under IC 4-21.5-3-7.**
- 16           **(j) The department may temporarily suspend a practitioner's**  
17           **license under IC 4-21-5-4 before a final adjudication or during the**  
18           **appeals process if the department finds that a practitioner**  
19           **represents a clear and immediate danger to the public's health,**  
20           **safety, or property if the practitioner is allowed to continue to**  
21           **practice.**
- 22           **(k) On receipt of a complaint or an information alleging that a**  
23           **person licensed under this chapter has engaged in or is engaging in**  
24           **a practice that jeopardizes the public health, safety, or welfare, the**  
25           **department shall initiate an investigation against the person.**
- 26           **(l) Any complaint filed with the office of the attorney general**  
27           **alleging a violation of this licensing program shall be referred to**  
28           **the department for summary review and for its general**  
29           **information and any authorized action at the time of the filing.**
- 30           **(m) The department shall conduct a fact finding investigation as**  
31           **the department considers proper in relation to the complaint.**
- 32           **(n) The department may reinstate a license that has been**  
33           **suspended under this section if, after a hearing, the department is**  
34           **satisfied that the applicant is able to practice with reasonable skill,**  
35           **safety, and competency to the public. As a condition of**  
36           **reinstatement, the department may impose disciplinary or**  
37           **corrective measures authorized under this chapter.**
- 38           **(o) The department may not reinstate a license that has been**  
39           **revoked under this chapter. An individual whose license has been**  
40           **revoked under this chapter may not apply for a new license until**  
41           **seven (7) years after the date of revocation.**
- 42           **(p) The department shall seek to achieve consistency in the**

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1 application of sanctions authorized in this chapter. Significant  
 2 departures from prior decisions involving similar conduct must be  
 3 explained in the department's findings or orders.

4 (q) A practitioner may petition the department to accept the  
 5 surrender of the practitioner's license instead of having a hearing  
 6 before the commission. The practitioner may not surrender the  
 7 practitioner's license without the written approval of the  
 8 department, and the department may impose any conditions  
 9 appropriate to the surrender or reinstatement of a surrendered  
 10 license.

11 (r) A practitioner who has been subjected to disciplinary  
 12 sanctions may be required by the commission to pay the costs of  
 13 the proceeding. The practitioner's ability to pay shall be considered  
 14 when costs are assessed. If the practitioner fails to pay the costs, a  
 15 suspension may not be imposed solely upon the practitioner's  
 16 inability to pay the amount assessed. The costs are limited to costs  
 17 for the following:

- 18 (1) Court reporters.
- 19 (2) Transcripts.
- 20 (3) Certification of documents.
- 21 (4) Photo duplication.
- 22 (5) Witness attendance and mileage fees.
- 23 (6) Postage.
- 24 (7) Expert witnesses.
- 25 (8) Depositions.
- 26 (9) Notarizations.

27 SECTION 29. IC 22-15-6-2 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE APRIL 1, 2003]: Sec. 2. (a) The office shall  
 29 conduct a program of periodic inspections of regulated boilers and  
 30 pressure vessels. The office or a boiler and pressure vessel inspector  
 31 acting under section 4 of this chapter shall issue a regulated boiler and  
 32 pressure vessel operating permit to an applicant who qualifies under  
 33 this section.

34 (b) Except as provided in subsection (d), a permit issued under this  
 35 section expires one (1) year after it is issued. The permit terminates if  
 36 it was issued by an insurance company acting under section 4 of this  
 37 chapter and the applicant ceases to insure the boiler or pressure vessel  
 38 covered by the permit against loss by explosion with an insurance  
 39 company authorized to do business in Indiana.

40 (c) To qualify for a permit under this section, an applicant must:

- 41 (1) demonstrate through an inspection that the regulated boiler or  
 42 pressure vessel covered by the application complies with the rules

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1           adopted by the rules board; and  
2           (2) pay the fee set under ~~IC 22-12-6-10~~ and ~~IC 22-12-6-11~~.  
3           **IC 22-12-6-6(a)(8).**  
4           (d) The rules board may, by rule adopted under IC 4-22-2, specify  
5 a period between inspections of more than one (1) year. However, the  
6 rules board may not set an inspection period of greater than five (5)  
7 years for regulated pressure vessels or steam generating equipment that  
8 is an integral part of a continuous processing unit.  
9           (e) The office may inspect a device listed under IC 22-12-1-20(b)  
10 if the owner or operator of the device requests that the office make an  
11 inspection.  
12           SECTION 30. IC 22-15-6-5 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE APRIL 1, 2003]: Sec. 5. (a) The office shall  
14 issue a boiler and pressure vessel inspector license to an applicant who  
15 qualifies under this section.  
16           (b) To qualify for a license under this section an applicant must:  
17           (1) meet the qualifications set by the rules board in its rules;  
18           (2) pass an examination approved by the rules board and  
19           conducted, supervised, and graded as prescribed by the rules  
20           board; and  
21           (3) pay the fee set under ~~IC 22-12-6-13~~. **IC 22-15-6-6(a)(9).**  
22           (c) The rules board may exempt an applicant from any part of the  
23 examination required by subsection (b) if the applicant has:  
24           (1) a boiler and pressure vessel inspector's license issued by  
25           another state with qualifications substantially equal to the  
26           qualifications for a license under this section; or  
27           (2) a commission as a boiler and pressure vessel inspector issued  
28           by the National Board of Boiler and Pressure Vessel Inspectors.  
29           SECTION 31. IC 22-15-6-6 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE APRIL 1, 2003]: Sec. 6. (a) The office shall  
31 issue a license to act as an owner or user boiler and pressure vessel  
32 inspection agency who qualifies under this section.  
33           (b) A license issued under this section expires if the bond required  
34 by subsection (c)(3) becomes invalid.  
35           (c) To qualify for a license under this section an applicant must:  
36           (1) submit the name and address of the applicant;  
37           (2) submit proof that inspections will be supervised by one (1) or  
38           more professional engineers licensed under IC 25-31 and  
39           regularly employed by the applicant;  
40           (3) provide a surety bond issued by a surety qualified to do  
41           business in Indiana for five thousand dollars (\$5,000), made  
42           payable to the office and conditioned upon compliance with the

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1 equipment laws applicable to inspections and the true accounting  
 2 for all funds due to the office; and  
 3 (4) pay the fee set under ~~IC 22-12-6-14~~. **IC 22-12-6-6(a)(9)**.  
 4 (d) A licensee under this section shall maintain with the office the  
 5 most current name and address of the licensee and the name of the  
 6 professional engineer supervising the licensee's inspections and notify  
 7 the office of any changes within thirty (30) days after the change  
 8 occurs. An inspection agency that violates this subsection is subject to  
 9 a disciplinary action under IC 22-12-7.  
 10 SECTION 32. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 11 APRIL 1, 2003]: IC 22-12-6-9; IC 22-12-6-10; IC 22-12-6-11;  
 12 IC 22-12-6-12; IC 22-12-6-13; IC 22-12-6-14.  
 13 SECTION 33. [EFFECTIVE JULY 1, 2002] **(a) Notwithstanding**  
 14 **IC 22-15-5-7(a), as added by this act, the requirement that a person**  
 15 **may not act as an elevator contractor unless the person holds an**  
 16 **elevator contractor license does not apply to a person before**  
 17 **March 1, 2003.**  
 18 **(b) Notwithstanding IC 22-15-5-8(a), as added by this act, the**  
 19 **requirement that an individual may not act as an elevator**  
 20 **inspector unless the individual holds an elevator inspector license**  
 21 **does not apply to an individual before March 1, 2003.**  
 22 **(c) Notwithstanding IC 22-15-5-12(a), as added by this act, the**  
 23 **requirement that an individual may not act as an elevator**  
 24 **mechanic unless the individual holds an elevator mechanic license**  
 25 **does not apply to an individual before March 1, 2003.**  
 26 **(d) This SECTION expires June 30, 2003.**

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 488, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 18, reset in roman "Any lifting device in a private residence."

Page 3, line 18, before "A" begin a new line block indented and insert:

**"(13)"**.

Page 3, line 22, strike "(13)" and insert **"(14)"**.

Page 3, line 23, delete "(14)" and insert **"(15)"**.

Page 3, delete lines 25 through 42.

Page 4, delete lines 1 through 30.

Page 4, line 35, delete "July" and insert **"December"**.

Page 5, between lines 4 and 5, begin a new line block indented and insert:

**"(6) ANSI A90.1 Safety Code for Manlifts."**

Page 5, delete lines 9 through 10.

Page 5, line 11, delete "(e)" and insert **"(d)"**.

Page 5, line 13, delete "one (1) year" and insert **"eighteen (18) months"**.

Page 5, delete lines 15 through 28, begin a new paragraph and insert:

**"(e) The commission may amend the national codes as a condition of the adoption under subsections (b), (c), and (d)."**

Page 5, line 32, after "regulate regulated" insert ":

**(1)"**.

Page 5, line 32, after "devices" insert ";

**(2)"**.

Page 5, line 32, delete "and regulated" and insert ";

**(3)"**.

Page 5, line 33, after "devices" insert ";

Page 5, line 33, after "and" begin a new line block indented and insert:

**"(4)"**.

Page 7, between lines 26 and 27, begin a new paragraph and insert:

**"(d) The regulated lifting device must be installed or altered in compliance with:**

**(1) applicable codes; and**

**(2) the details of the application, plans, specifications, and**



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**conditions of the permit."**

Page 7, line 27, delete "(d)" and insert "(e)".

Page 8, line 9, delete "six (6) months" and insert "**one (1) year**".

Page 8, line 12, delete "sixty (60)" and insert "**one hundred eighty (180)**".

Page 8, line 21, after "IC 25-41-5." insert "**However, the erection, construction, installation, alteration, or maintenance of a regulated lifting device to which ASME A18.1 applies is not required to be performed by a mechanic licensed under IC 25-41-5.**".

Page 8, line 41, strike "commission," and insert "**office,**".

Page 9, delete lines 4 through 37, begin a new paragraph and insert:

"SECTION 15. IC 22-15-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) The office shall carry out a program for the periodic inspection of regulated lifting devices being operated in Indiana. ~~The office shall issue~~ **A regulated lifting device operating permit to an applicant who qualifies under this section: 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 ~~date set in the rules adopted by the commission:~~ **earlier of:**

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

(c) ~~To qualify for a permit under this section—~~ **After a regulated lifting device has been installed or altered, an applicant shall apply for an initial operating certificate. The office shall issue an initial operating certificate for a regulated lifting device if:**

- (1) ~~the applicant must (1) demonstrate:~~ **demonstrates:**
  - (A) **through an acceptance inspection made by an elevator inspector licensed under IC 25-41-4-1** that the regulated lifting device covered by the application complies with the laws governing its construction, repair, maintenance, and operation; and
  - (2) ~~pay~~ **(B) that the applicant has paid** the fee set under IC 22-12-6-9; and
- (2) **the office 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 office 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**

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**governing the construction, repair, maintenance, and operation of the regulated lifting device; and**

**(2) has paid the fee set under IC 22-12-6-9.**

~~(d)~~ **(e)** The office may issue a temporary operating permit to an applicant under this section who does not comply with subsection ~~(c)(1)~~: **(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 22-12-6-9 to qualify for the temporary operating permit. Except as provided in subsection ~~(e)~~; **(f)**, the permit, including all renewal periods, is limited to sixty (60) days.

~~(e)~~ **(f)** The state building commissioner may renew a temporary operating permit issued under subsection ~~(d)~~ **(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.

~~(f)~~ **(g)** The responsibilities of the office 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."**

Page 16, after line 42, begin a new paragraph and insert:

**"Sec. 2. "Agency" refers to the Indiana professional licensing agency established by IC 25-1-6-3(a)."**

Page 17, line 1, delete "2." and insert "3."

Page 17, line 3, delete "3." and insert "4."

Page 17, line 4, delete "department" and insert "agency".

Page 17, delete lines 7 through 8.

Page 17, line 10, delete "department" and insert "commission".

Page 17, line 24, delete "department" and insert "commission".

Page 17, line 32, delete "department" and insert "commission".

Page 19, line 1, after "prepared" insert "by the commission".

Page 19, line 1, delete "department" and insert "agency".

Page 19, line 8, delete "department" and insert "commission".

Page 19, line 10, delete "department" and insert "agency".

Page 19, line 21, delete "department." and insert "agency.".

Page 19, line 23, delete "department" and insert "agency".

Page 19, line 28, delete "department" and insert "commission".

Page 19, line 37, delete "department" and insert "commission".

Page 19, line 41, delete "department" and insert "commission".

Page 20, line 13, delete "department" and insert "commission".

Page 20, line 28, delete "department" and insert "agency".

Page 20, line 39, delete "department." and insert "agency.".

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- Page 21, line 4, delete "department" and insert "**commission**".
- Page 21, line 8, delete "department" and insert "**commission**".
- Page 21, line 23, delete "department" and insert "**commission**".
- Page 21, line 25, after "Indiana" insert ", **including current employment in Indiana,**".
- Page 21, line 30, delete "licensed as contractors under IC 25-41-3".
- Page 21, line 32, after "prepared" insert "**by the commission**".
- Page 21, line 32, delete "department;" and insert "**agency;**".
- Page 21, between lines 32 and 33, begin a new line block indented and insert:
- "(3) furnish proof of at least:**
- (A) eighteen (18) months experience in the elevator industry; and**
- (B) three (3) years experience in a related field that is certified by an elevator contractor licensed under IC 25-41-3;**
- and successfully complete a written competency examination prepared by the commission and administered by the agency;**".
- Page 21, line 33, delete "(3)" and insert "(4)".
- Page 21, line 34, delete "nationally recognized".
- Page 21, line 35, delete ", including the" and insert "**approved by the commission;**".
- Page 21, delete lines 36 through 37.
- Page 21, line 38, delete "(4)" and insert "(5)".
- Page 22, line 3, delete "(5)" and insert "(6)".
- Page 22, line 12, delete "department and" and insert "**agency and**".
- Page 22, line 12, delete "department issue" and insert "**agency issue**".
- Page 22, line 21, delete "department;" and insert "**agency;**".
- Page 22, line 35, delete "department" and insert "**agency**".
- Page 22, line 36, delete "department" and insert "**agency**".
- Page 23, line 7, delete "department" and insert "**agency**".
- Page 23, line 17, delete "department." and insert "**commission.**".
- Page 23, line 28, delete "department." and insert "**agency.**".
- Page 23, line 37, delete "of" and insert "**sponsored by**".
- Page 23, line 37, delete "department;" and insert "**commission;**".
- Page 24, line 6, delete "department" and insert "**agency**".
- Page 24, line 11, delete "department," and insert "**agency,**".
- Page 24, line 18, delete "department." and insert "**agency.**".
- Page 24, line 19, delete "department" and insert "**agency**".
- Page 24, line 25, delete "department" and insert "**agency**".

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Page 24, line 30, delete "department" and insert "agency".  
Page 24, line 38, delete "division" and insert "**commission**".  
Page 24, line 41, delete "department." and insert "**commission.**".  
Page 25, line 6, delete "department" and insert "**commission**".  
Page 25, line 16, delete "department" and insert "**commission**".  
Page 25, delete lines 26 through 35.  
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 488 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 7, Nays 2.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 488, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 21, delete "IC 25-41-3-1." and insert "**IC 22-15-5-7.**".

Page 3, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 4. IC 22-12-2-2, AS AMENDED BY P.L.1-1999, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) The commission consists of ~~eighteen (18)~~ **nineteen (19)** voting members and two (2) nonvoting members. The governor shall appoint ~~sixteen (16)~~ **seventeen (17)** voting members to the commission, each to serve a term of four (4) years. The state health commissioner or the commissioner's designee shall serve as a voting member of the commission, and the commissioner of labor or the commissioner's designee shall serve as a voting member of the commission. The state fire marshal and the state building commissioner shall serve as nonvoting members of the commission.

(b) Each appointed member of the commission must have a recognized interest, knowledge, and experience in the field of fire prevention, fire protection, building safety, or other related matters.

(c) The appointed members of the commission must include the following:

- (1) One (1) member of a ~~professional~~, paid fire department.
- (2) One (1) member of a volunteer fire department.
- (3) One (1) individual in the field of fire insurance.
- (4) One (1) individual in the fire service industry.
- (5) One (1) individual in the manufactured housing industry.
- (6) One (1) individual in the field of fire protection engineering.
- (7) One (1) professional engineer.
- (8) One (1) building contractor.
- (9) One (1) individual in the field of building one (1) and two (2) family dwellings.
- (10) One (1) registered architect.
- (11) One (1) individual engaged in the design or construction of heating, ventilating, air conditioning, or plumbing systems.
- (12) One (1) individual engaged in the design or construction of regulated lifting devices.
- (13) One (1) building commissioner of a city, town, or county.
- (14) One (1) individual in an industry that operates regulated amusement devices.
- (15) One (1) individual who is knowledgeable in accessibility

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requirements and who has personal experience with a disability.  
 (16) One (1) individual who represents owners, operators, and installers of underground and aboveground motor fuel storage tanks and dispensing systems.

**(17) One (1) individual in the masonry trades.**

(d) Not more than ~~nine (9)~~ **ten (10)** of the appointed members of the commission may be affiliated with the same political party.

(e) An appointed member of the commission may not serve more than two (2) consecutive terms. However, any part of an unexpired term served by a member filling a vacancy does not count toward this limitation.

SECTION 5. IC 22-12-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) The commission shall meet at least quarterly.

(b) A quorum of the commission consists of ten (10) voting members. IC 4-21.5-3-3 applies to a commission action governed by IC 4-21.5. The commission may take other actions by an affirmative vote of:

(1) nine (9) members, if less than ~~eighteen (18)~~ **nineteen (19)** voting members are present and voting on the action; or

(2) ten (10) members, if ~~eighteen (18)~~ **nineteen (19)** members are present and voting on the action.

(c) In the case of a tie vote on an action of the commission, the deciding vote shall be cast by the:

(1) state fire marshal, in even-numbered years; or

(2) state building commissioner, in odd-numbered years.

SECTION 6. IC 22-12-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: 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 22-14-4.

(3) Design releases issued under IC 22-15-3.

(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) 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.**

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**(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 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."

Page 4, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 6. IC 22-13-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2003]: Sec. 10. (a) A county, city, or town may regulate regulated lifting devices if the unit's regulatory program is approved by the commission.

(b) A unit must submit its ordinances and other regulations that regulate lifting devices to the commission for approval. The ordinance or other regulation is not effective until it is approved by the commission. If any of these ordinances or regulations conflict with the commission's rules, the commission's rules supersede the local ordinance or other regulation.

(c) A unit may issue permits only to applicants who qualify under IC 22-15-5. However, the unit may specify a lesser fee than that set in ~~IC 22-12-6-9~~ **under IC 22-12-6-6(a)(7).**

(d) A unit must inspect regulated lifting devices with inspectors who possess the qualifications necessary to be employed by the office of the state building commissioner as a regulated lifting device inspector."

Page 4, delete lines 18 through 24.



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Page 5, line 29, delete "construction, erection,".

Page 5, line 29, after "installation" delete ",".

Page 6, line 6, strike "IC 22-12-6-9." and insert "**IC 22-12-6-6(a)(7).**"

Page 6, line 8, delete "IC 25-41-3." and insert "**IC 22-15-5-7.**"

Page 6, between lines 15 and 16, begin a new paragraph and insert:

**"(e) The regulated lifting device must be installed or altered under the direction and control of a licensed contractor. The elevator contractor does not have to be present at the site."**

Page 6, line 16, delete "(e)" and insert "**(f)**".

Page 7, line 9, delete "erects, constructs,".

Page 7, line 9, after "installs" delete ",".

Page 7, line 11, delete "IC 25-41-3, IC 25-41-4, or IC 25-41-5." and insert "**IC 22-15-5-7, IC 22-15-5-8, IC 22-15-5-9, IC 22-15-5-10, IC 22-15-5-11, or IC 22-15-5-12.**"

Page 7, line 15, delete "IC 25-41-5." and insert "**IC 22-15-5-12.**"

Page 7, line 19, delete "erected, constructed,".

Page 7, line 19, after "installed" delete ",".

Page 7, line 23, delete "erected, constructed,".

Page 7, line 23, after "installed" delete ",".

Page 7, line 25, delete "erection, construction,".

Page 8, line 20, strike "IC 22-12-6-9;" and insert "**IC 22-12-6-6(a)(7);**".

Page 8, line 31, delete "IC 22-12-6-9." and insert "**IC 22-12-6-6(a)(7).**"

Page 8, line 36, strike "IC 22-12-6-9" and insert "**IC 22-12-6-6(a)(7)**".

Page 9, delete lines 7 through 42, begin a new paragraph and insert:

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

SECTION 15. IC 22-15-5-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 6. (a) The following definitions apply to sections 7 through 16 of this chapter:**

**(1) "Competency examination" means an examination that thoroughly tests the scope of the knowledge and skill of the applicant for the license.**

**(2) "Educational institution" has the meaning set forth in IC 20-12-0.5-1.**

**(3) "Elevator apprentice" means an individual who works under the direct supervision of a licensed elevator mechanic. The term includes an individual commonly known as an**

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elevator helper while working under the direct supervision of a licensed elevator mechanic.

(4) "Elevator contractor" means a person who by himself or herself or with other persons, constructs, repairs, alters, remodels, adds to, subtracts from, or improves a regulated lifting device and who is responsible for substantially all the regulated lifting device within the entire project, or who fabricates elevator lifting devices substantially completed and ready for installation.

(5) "Elevator inspector" means an individual who conducts the acceptance inspection of a regulated lifting device required by section 4(c)(1)(A) of this chapter.

(6) "Elevator mechanic" means an individual who engages in the construction, reconstruction, alteration, maintenance, mechanical, or electrical work or adjustments of a regulated lifting device.

(7) "License" means a certificate issued by the department that confers upon the holder the privilege to act as an elevator contractor, elevator inspector, or elevator mechanic.

(8) "Licensing program" means the program for licensing elevator contractors, elevator inspectors, and elevator mechanics established under this section and sections 7 through 13 of this chapter.

(9) "Municipality" has the meaning set forth in IC 36-1-2-11.

(10) "Person" means:

(A) a natural person;

(B) the partners or members of a partnership or a limited partnership;

(C) an educational institution; or

(D) a corporation or the officers, directors, and employees of the corporation.

(11) "Practitioner" means a person that holds:

(A) an unlimited license;

(B) a limited or probationary license;

(C) a temporary license;

(D) an emergency license; or

(E) an inactive license.

(b) The commission and the department shall establish a program to license elevator contractors, elevator mechanics, and elevator inspectors.

(c) The department shall issue licenses as elevator contractors, elevator mechanics, and elevator inspectors to a person who

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qualifies and complies with the provisions of the licensing program. A person who receives a license under this chapter is subject to the supervision and control of the department.

(d) The department may contract with public and private institutions, agencies, businesses, and organizations to implement all or part of its duties established under this chapter.

(e) The commission may adopt rules under IC 4-22-2 to implement the licensing program.

SECTION 16. IC 22-15-5-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. (a) 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 an educational institution that holds an elevator contractor license issued under this chapter.

(b) A partnership, a limited partnership, a corporation, or an 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 before March 2, 2003.

(d) A corporation or an educational institution that is an applicant for an elevator contractor license must have at least one (1) officer or employee of the corporation or an educational institution that holds a valid elevator contractor license issued under this chapter. A license granted to a corporation or an

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educational institution to act as an elevator contractor under this chapter becomes invalid when an officer or employee of the corporation or 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 17. IC 22-15-5-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 8. (a) An applicant for an initial elevator contractor license must do the following:**

- (1) Submit to the department an application on the form that the department provides.
- (2) Submit to the department any proof of eligibility the department requires.
- (3) Demonstrate proof of insurance as required by section 11 of this chapter.
- (4) Demonstrate proof of worker's compensation coverage under IC 22-3-2-5.
- (5) 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 or applies to take the examination.
- (6) Affirm under penalty of perjury that all information provided to the department is true to the best of the applicant's knowledge and belief.

(b) An applicant for a renewal elevator contractor license must do the following:

- (1) Submit an application on the form that the department provides.
- (2) Submit proof of completion of the continuing education required by section 12 of this chapter.
- (3) Demonstrate proof of insurance as required by section 14 of this chapter.
- (4) Demonstrate proof of worker's compensation coverage under IC 22-3-2-5.



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(5) 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.

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

SECTION 18. IC 22-15-5-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 9. (a) An application for an elevator contractor license must contain the following information:**

(1) If the applicant is an individual, the name, business address, telephone number, and electronic mail address of the applicant.

(2) If the applicant is a corporation or an educational institution, the following:

(A) The name and address of the corporation.

(B) The name, business address, phone number, and electronic mail address of every officer or employee in the corporation who holds a valid elevator contractor license as provided by this chapter.

(C) The name and address of the resident agent of the corporation.

(3) If the applicant is a partnership or limited partnership, the following:

(A) The name and address of the partnership or limited partnership.

(B) The name, business address, phone number, and electronic mail address of every partner, for a partnership, or every general partner, for a limited partnership, who holds a valid elevator contractor license as provided by this chapter.

(4) Any other information the department requires.

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

(c) A renewal of an elevator contractor license is valid for two (2) years.

SECTION 19. IC 22-15-5-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 10. An individual engaged in the business of an elevator contractor shall carry:**

(1) the individual's license; or

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(2) a facsimile of the license of the partnership, corporation, or educational institution by which the individual is employed;  
and present the license for inspection by a representative of the department upon request.

SECTION 20. IC 22-15-5-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. (a) 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.

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**(3) Demonstrate proof of insurance as required by section 11 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 21. IC 22-15-5-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 12. (a) 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 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**

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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 March 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:

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**(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.**

SECTION 22. IC 22-15-5-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 13. (a) A temporary elevator mechanic license may be issued by the department upon receipt of the following:**

**(1) A certification by a licensed elevator contractor that the contractor is unable to secure, despite the contractor's best efforts, licensed elevator mechanics to perform construction, maintenance, or service and repair of elevators.**

**(2) An application on the form that the department provides.**

**(3) A certification by the licensed elevator contractor that the individual to receive the temporary license possesses sufficient documented experience and education to perform elevator construction, maintenance, or service and repair.**

**(4) A temporary mechanic 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) An affirmation under penalty of perjury made by both the individual who would receive the temporary license and the licensed elevator contractor that all information provided to the department is true to the best of their knowledge and belief.**

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**(b) A temporary elevator mechanic license is valid for sixty (60) days after the date of issuance and is valid only for work performed for the licensed elevator contractor that has made the certifications under subsection (a).**

**(c) A temporary elevator mechanic license issued under this section may be renewed for two (2) subsequent sixty (60) day periods. To renew the license, the license holder must submit:**

**(1) A certification by a licensed elevator contractor that the contractor is unable to secure, despite the contractor's best efforts, licensed elevator mechanics to perform construction, maintenance, or service and repair of elevators.**

**(2) An application on the form that the department provides.**

**(3) A temporary mechanic license renewal fee established under IC 22-12-6-6. The license fee is nonrefundable and must be paid each time an applicant submits an application.**

**(4) An affirmation by both the individual that would receive the temporary license and the licensed elevator contractor under penalty for perjury that all information provided to the department is true to the best of their knowledge and belief.**

**(d) An emergency elevator mechanic license may be issued by the department upon receipt of the following:**

**(1) A certification by a licensed elevator contractor that the contractor is unable to secure, despite the contractor's best efforts, licensed elevator mechanics to perform construction, maintenance, or service and repair of elevators due to a disaster (as defined in IC 10-4-1-3).**

**(2) An application on the form that the department provides.**

**(3) A certification by the licensed elevator contractor that the individual to receive the temporary license possesses sufficient documented experience and education to perform elevator construction, maintenance, or service and repair.**

**(4) An emergency mechanic 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) An affirmation by both the individual that would receive the temporary license and the licensed elevator contractor under penalty for perjury that all information provided to the department is true to the best of their knowledge and belief.**

**(e) An emergency elevator mechanic license is valid for sixty (60) days after the date of issuance and is valid only for work performed for the licensed elevator contractor that has made the certifications under subsection (d).**

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(f) An emergency elevator mechanic license issued under this section may be renewed for two (2) subsequent sixty (60) day periods. To renew the license, the license holder must submit the following:

- (1) A certification by a licensed elevator contractor that the contractor is unable to secure, despite the contractor’s best efforts, licensed elevator mechanics to perform construction, maintenance, or service and repair of elevators.
- (2) An application on the form that the department provides.
- (3) An emergency mechanic license renewal fee established under IC 22-12-6-6. The license fee is nonrefundable and must be paid each time an applicant submits an application.
- (4) An affirmation by both the individual who would receive the emergency license and the licensed elevator contractor under penalty for perjury that all information provided to the department is true to the best of their knowledge and belief.

SECTION 23. IC 22-15-5-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 14. (a) This section does not apply to the following:

- (1) An individual employed by the following:
  - (A) The state.
  - (B) A county.
  - (C) A municipality.
  - (D) An educational institution.
- (2) An educational institution.

(b) The department may not issue an elevator inspector or elevator contractor license until the applicant has filed with the department a certificate of insurance indicating that the applicant has liability insurance:

- (1) in effect with an insurer that is authorized to write insurance in Indiana; and
- (2) that provides general liability coverage to a limit of at least:
  - (A) one million dollars (\$1,000,000) for the injury or death of any number of persons in any one (1) occurrence; and
  - (B) five hundred thousand dollars (\$500,000) for property damage in any one (1) occurrence.

(c) An insurance policy required under this section may include a deductible clause if the clause provides that any settlement made by the insurance company with an injured person or a personal representative must be paid as though the deductible clause did not

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apply.

(d) An insurance policy required under this section must provide by the policy's original terms or an endorsement that the insurer may not cancel the policy without:

- (1) thirty (30) days written notice; and
- (2) a complete report of the reasons for the cancellation to the office.

(e) An insurance policy required under this section must provide by the policy's original terms or an endorsement that the insurer shall report to the department within twenty-four (24) hours after the insurer pays a claim or reserves any amount to pay an anticipated claim that reduces the liability coverage below the amounts established in this section.

(f) If an insurance policy required under this section:

- (1) is canceled during the policy's term;
  - (2) lapses for any reason; or
  - (3) has the policy's coverage fall below the required amount;
- the license holder shall replace the policy with another policy that complies with this section.

(g) If a license holder fails to file a certificate of insurance for new or replacement insurance, the license holder:

- (1) must cease all operations under the license immediately; and
- (2) may not conduct further operations until the license holder receives the approval of the department to resume operations after the license holder complies with the requirements of this section.

SECTION 24. IC 22-15-5-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 15. (a) This section applies only to a licensed elevator contractor who is an individual.**

(b) To renew a license issued under this licensing program, the license holder must satisfy the continuing education requirement and submit a proof of completion of training to the department.

(c) The continuing education requirement is at least eight (8) hours of instruction that must be attended and completed within one (1) year before a license renewal.

(d) The continuing education courses designed to ensure the continuing education of an individual holding a license regarding new and existing provisions of the rules of the commission may include:

- (1) programs sponsored by the commission;



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- (2) trade association seminars;
- (3) labor training programs; or
- (4) joint labor management apprenticeship and journeyman upgrade training programs.

For an individual's completion of a continuing education course to satisfy the individual's continuing education requirement under this chapter, the continuing education provider, instructor and the curriculum must have been approved by the department.

(e) All instructors of continuing education courses must be approved by the department. If an instructor is approved by the department, has worked as an instructor teaching a curriculum approved by the department at any time within the year preceding the expiration date of the license, and submits proof of this work to the department, the instructor is exempt from the requirements of subsection (c).

(f) Continuing education providers shall keep uniform records of attendance at approved continuing education courses for at least ten (10) years on forms designed and distributed by the department.

(g) A license holder who is unable to complete the continuing education required under this chapter before the expiration of the individual's license due to temporary physical or mental disability may apply for a waiver from the department in accordance with the following:

- (1) A waiver application must be submitted to the department on a form established by the department.
- (2) A waiver application must be signed and accompanied by an affidavit signed by the physician of the applicant attesting to the applicant's temporary disability.

(h) After the cessation of the temporary disability, the applicant must submit to the department a certification from the same physician, if the physician is still the treating physician of the applicant, or from a subsequent treating physician attesting to the termination of the temporary disability.

(i) Upon the submission of the certification under subsection (h), the department shall issue a temporary waiver of the continuing education requirement. A temporary waiver is valid for ninety (90) days after the date of issue and allows the individual to work as an elevator contractor, elevator inspector, or elevator mechanic without the completion of the continuing education requirement for ninety (90) days.

(j) A temporary waiver of the continuing education requirement

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may not be renewed.

SECTION 25. IC 22-15-5-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 16. (a) A practitioner shall comply with the standards established under this licensing program. A practitioner is subject to the exercise of the disciplinary sanctions under subsection (b) if the department finds that a practitioner has:**

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;**
- (2) engaged in fraud or material deception in the course of professional services or activities;**
- (3) advertised services or goods in a false or misleading manner;**
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses provided under this chapter.**
- (5) been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;**
- (6) knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;**
- (7) continued to practice although the practitioner has become unfit to practice due to:**
  - (A) professional incompetence;**
  - (B) failure to keep abreast of current professional theory or practice;**
  - (C) physical or mental disability; or**
  - (D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;**
- (8) engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;**
- (9) allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;**
- (10) had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;**
- (11) assisted another person in committing an act that would**

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constitute a ground for disciplinary sanction under this chapter; or

(12) allowed a license issued by the department to be:

(A) used by another person; or

(B) displayed to the public when the license has expired, is inactive, is invalid, or has been revoked or suspended.

For purposes of subdivision (10), a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction.

(b) The department may impose one (1) or more of the following sanctions if the department finds that a practitioner is subject to disciplinary sanctions under subsection (a):

(1) Permanent revocation of a practitioner's license.

(2) Suspension of a practitioner's license.

(3) Censure of a practitioner.

(4) Issuance of a letter of reprimand.

(5) Assess a civil penalty against the practitioner in accordance with the following:

(A) The civil penalty may not be more than one thousand dollars (\$1,000) for each violation listed in subsection (a), except for a finding of incompetency due to a physical or mental disability.

(B) When imposing a civil penalty, the department shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the department, the department may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(6) Place a practitioner on probation status and require the practitioner to:

(A) report regularly to the department upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the department;

(C) continue or renew professional education approved by the department until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without

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compensation, that the department considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

The department may withdraw or modify this probation if the department finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the department may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the department.

(d) The department may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department may order a practitioner to submit to a reasonable physical or mental examination if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department order to submit to a physical or mental examination makes a practitioner liable to temporary suspension under subsection (h).

(f) Except as provided under subsection (g) or (h), a license may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(g) The department may deny, suspend, or revoke a license issued under this chapter if the individual who holds the license is convicted of any of the following:

- (1) Possession of cocaine, a narcotic drug, or methamphetamine under IC 35-48-4-6.
- (2) Possession of a controlled substance under IC 35-48-4-7(a).
- (3) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- (4) Manufacture of paraphernalia as a Class D felony under

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**IC 35-48-4-8.1(b).**

**(5) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).**

**(6) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).**

**(7) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.**

**(8) Maintaining a common nuisance under IC 35-48-4-13.**

**(9) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.**

**(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in clauses (1) through (9).**

**(11) Attempt under IC 35-41-5-1 to commit an offense listed in clauses (1) through (10).**

**(12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under clauses (1) through (11).**

**(h) The department shall deny, revoke or suspend a license or certificate issued under this chapter if the individual who holds the license or certificate is convicted of any of the following:**

**(1) Dealing in cocaine, a narcotic drug, or methamphetamine under IC 35-48-4-1.**

**(2) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.**

**(3) Dealing in a schedule IV controlled substance under IC 35-48-4-3.**

**(4) Dealing in a schedule V controlled substance under IC 35-48-4-4.**

**(5) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.**

**(6) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.**

**(7) Dealing in a counterfeit substance under IC 35-48-4-5.**

**(8) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).**

**(9) Conspiracy under IC 35-41-5-2 to commit an offense listed in clauses (1) through (8).**

**(10) Attempt under IC 35-41-5-1 to commit an offense listed in clauses (1) through (9).**

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(11) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under clauses (1) through (10).

(12) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

(i) A decision of the department under subsections (b) through (h) may be appealed to the commission under IC 4-21.5-3-7.

(j) The department may temporarily suspend a practitioner's license under IC 4-21-5-4 before a final adjudication or during the appeals process if the department finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice.

(k) On receipt of a complaint or an information alleging that a person licensed under this chapter has engaged in or is engaging in a practice that jeopardizes the public health, safety, or welfare, the department shall initiate an investigation against the person.

(l) Any complaint filed with the office of the attorney general alleging a violation of this licensing program shall be referred to the department for summary review and for its general information and any authorized action at the time of the filing.

(m) The department shall conduct a fact finding investigation as the department considers proper in relation to the complaint.

(n) The department may reinstate a license that has been suspended under this section if, after a hearing, the department is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the department may impose disciplinary or corrective measures authorized under this chapter.

(o) The department may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

(p) The department shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department's findings or orders.

(q) A practitioner may petition the department to accept the surrender of the practitioner's license instead of having a hearing before the commission. The practitioner may not surrender the

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practitioner's license without the written approval of the department, and the department may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

(r) A practitioner who has been subjected to disciplinary sanctions may be required by the commission to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. The costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.

SECTION 26. IC 22-15-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2003]: Sec. 2. (a) The office shall conduct a program of periodic inspections of regulated boilers and pressure vessels. The office or a boiler and pressure vessel inspector acting under section 4 of this chapter shall issue a regulated boiler and pressure vessel operating permit to an applicant who qualifies under this section.

(b) Except as provided in subsection (d), a permit issued under this section expires one (1) year after it is issued. The permit terminates if it was issued by an insurance company acting under section 4 of this chapter and the applicant ceases to insure the boiler or pressure vessel covered by the permit against loss by explosion with an insurance company authorized to do business in Indiana.

(c) To qualify for a permit under this section, an applicant must:

- (1) demonstrate through an inspection that the regulated boiler or pressure vessel covered by the application complies with the rules adopted by the rules board; and
- (2) pay the fee set under ~~IC 22-12-6-10~~ and ~~IC 22-12-6-11~~. **IC 22-12-6-6(a)(8).**

(d) The rules board may, by rule adopted under IC 4-22-2, specify a period between inspections of more than one (1) year. However, the rules board may not set an inspection period of greater than five (5)



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years for regulated pressure vessels or steam generating equipment that is an integral part of a continuous processing unit.

(e) The office may inspect a device listed under IC 22-12-1-20(b) if the owner or operator of the device requests that the office make an inspection.

SECTION 27. IC 22-15-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2003]: Sec. 5. (a) The office shall issue a boiler and pressure vessel inspector license to an applicant who qualifies under this section.

(b) To qualify for a license under this section an applicant must:

- (1) meet the qualifications set by the rules board in its rules;
- (2) pass an examination approved by the rules board and conducted, supervised, and graded as prescribed by the rules board; and
- (3) pay the fee set under ~~IC 22-12-6-13~~. **IC 22-15-6-6(a)(9)**.

(c) The rules board may exempt an applicant from any part of the examination required by subsection (b) if the applicant has:

- (1) a boiler and pressure vessel inspector's license issued by another state with qualifications substantially equal to the qualifications for a license under this section; or
- (2) a commission as a boiler and pressure vessel inspector issued by the National Board of Boiler and Pressure Vessel Inspectors.

SECTION 28. IC 22-15-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2003]: Sec. 6. (a) The office shall issue a license to act as an owner or user boiler and pressure vessel inspection agency who qualifies under this section.

(b) A license issued under this section expires if the bond required by subsection (c)(3) becomes invalid.

(c) To qualify for a license under this section an applicant must:

- (1) submit the name and address of the applicant;
- (2) submit proof that inspections will be supervised by one (1) or more professional engineers licensed under IC 25-31 and regularly employed by the applicant;
- (3) provide a surety bond issued by a surety qualified to do business in Indiana for five thousand dollars (\$5,000), made payable to the office and conditioned upon compliance with the equipment laws applicable to inspections and the true accounting for all funds due to the office; and

(4) pay the fee set under ~~IC 22-12-6-14~~. **IC 22-12-6-6(a)(9)**.

(d) A licensee under this section shall maintain with the office the most current name and address of the licensee and the name of the professional engineer supervising the licensee's inspections and notify

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the office of any changes within thirty (30) days after the change occurs. An inspection agency that violates this subsection is subject to a disciplinary action under IC 22-12-7.

SECTION 29. THE FOLLOWING ARE REPEALED [EFFECTIVE APRIL 1, 2003]: IC 22-12-6-9; IC 22-12-6-10; IC 22-12-6-11; IC 22-12-6-12; IC 22-12-6-13; IC 22-12-6-14.

SECTION 30. [EFFECTIVE JULY 1, 2002] **(a) Notwithstanding IC 22-15-5-7(a), as added by this act, the requirement that a person may not act as an elevator contractor unless the person holds an elevator contractor license does not apply to a person before March 1, 2003.**

**(b) Notwithstanding IC 22-15-5-8(a), as added by this act, the requirement that an individual may not act as an elevator inspector unless the individual holds an elevator inspector license does not apply to an individual before March 1, 2003.**

**(c) Notwithstanding IC 22-15-5-12(a), as added by this act, the requirement that an individual may not act as an elevator mechanic unless the individual holds an elevator mechanic license does not apply to an individual before March 1, 2003.**

**(d) This SECTION expires June 30, 2003."**

Delete pages 10 through 25.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 488 as printed February 1, 2002.)

BAUER, Chair

Committee Vote: yeas 22, nays 2.

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