

SENATE BILL No. 488

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-12; IC 22-13; IC 22-15; IC 25-1; IC 25-41.

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. Requires the fire prevention and building safety commission to adopt rules to set fees for the operation of regulated lifting devices. Makes conforming amendments.

Effective: July 1, 2002.

Alting, Blade, Harrison, Broden

January 14, 2002, read first time and referred to Committee on Public Policy.

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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.

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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**



- 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.~~ **A line jack, false**
 19 **car, shafter, moving platform, or similar equipment used for**
 20 **installing an elevator by an elevator contractor licensed under**
 21 **IC 25-41-3-1.**
- 22 (13) A materials conveyor with a platform.
- 23 **(14) A powered platform and equipment for exterior and**
 24 **interior maintenance within the scope of ANSI 120.1.**
- 25 SECTION 4. IC 22-12-6-9 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9. (a) **The commission**
 27 **shall adopt rules under IC 4-22-2 to set fees for the regulation of**
 28 **the erection, construction, installation, operation, inspection, or**
 29 **alteration of a regulated lifting device.**
- 30 (b) The office of the state building commissioner shall ~~charge~~
 31 ~~collect the following schedule of fees set by rules adopted by the~~
 32 ~~commission under subsection (a).~~
- 33 ~~(1) Installation permits for new passenger elevators, freight~~
 34 ~~elevators, material lifts with automatic transfer devices, or~~
 35 ~~dumbwaiters with automatic transfer devices, one hundred dollars~~
 36 ~~(\$100); plus ten dollars (\$10) per opening.~~
- 37 ~~(2) Installation permits for new manlifts, sewer lift station~~
 38 ~~personnel hoists, special purpose personnel elevators, or~~
 39 ~~dumbwaiters, fifty dollars (\$50); plus seven dollars (\$7) per~~
 40 ~~opening.~~
- 41 ~~(3) Installation permits for new moving stairways or moving~~
 42 ~~walks, one hundred dollars (\$100).~~

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1 (4) Installation permits for lifting devices for persons with
2 physical disabilities; fifty dollars (\$50):

3 (5) Initial inspection and periodic inspections of regulated lifting
4 devices; thirty dollars (\$30) for all equipment plus five dollars
5 (\$5) for each landing:

6 (6) Permit processing fees in connection with the initial and
7 periodic inspection of regulated lifting devices; twelve dollars
8 (\$12). This fee supplements any other fee provided by this
9 section:

10 (7) Permit to alter any installation; fifty dollars (\$50); plus ten
11 dollars (\$10) per opening:

12 (8) Installation permit for a new personnel hoist; one hundred fifty
13 dollars (\$150); plus seven dollars (\$7) for each landing:

14 (9) A permit to raise a personnel hoist; fifty dollars (\$50); plus
15 seven dollars (\$7) per landing that is added to a previously
16 approved installation:

17 (10) Subsequent inspections to complete an initial inspection of
18 a regulated lifting device; one hundred dollars (\$100) per visit
19 collectible only if there is improper previous notice from the
20 owner or user that the installation is ready for inspection:

21 (11) Follow-up inspections on new installations caused by
22 noncompliance; twenty-five dollars (\$25):

23 (12) Special services; requested consultations; or surveys;
24 twenty-five dollars (\$25) per hour for travel and consultation; not
25 to exceed one hundred fifty dollars (\$150) in any eight (8) hour
26 period:

27 (13) Temporary certificate of operation; fifteen dollars (\$15):

28 (b) Fees not described by subsection (a) may not be charged for
29 additional inspections required to enforce this article concerning
30 regulated lifting devices:

31 SECTION 5. IC 22-13-2-2 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) The commission
33 shall adopt rules under IC 4-22-2 and IC 22-13-2.5 to adopt a statewide
34 code of fire safety laws and building laws.

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

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

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

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



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

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

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

9 (d) The commission may amend the national codes as a
10 condition of the adoption under subsections (b) and (c).

11 (e) The commission shall adopt the subsequent edition of each
12 national code, including addenda, to be adopted as provided under
13 subsections (b) and (c) within one (1) year after the effective date
14 of the subsequent edition.

15 SECTION 6. IC 22-13-2-8 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 8. (a) The commission
17 shall adopt rules under IC 4-22-2 to create equipment laws applicable
18 to regulated lifting devices. **The rules must require the display of a**
19 **certificate in or on each regulated lifting device or in an associated**
20 **machine room, stating that a permit has been issued under**
21 **IC 22-15-5-4 for the regulated lifting device.**

22 (b) Subject to the approval of the commission, the rules board shall
23 adopt rules under IC 4-22-2 to create equipment laws applicable to
24 regulated boilers and pressure vessels.

25 (c) Subject to the approval of the commission, the regulated
26 amusement device safety board established under IC 22-12-4.5 shall
27 adopt rules under IC 4-22-2 to create equipment laws applicable to
28 regulated amusement devices.

29 SECTION 7. IC 22-13-2-9 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9. Except as provided
31 in section 10 of this chapter, political subdivisions do not have the
32 power to regulate regulated amusement devices boilers **and regulated**
33 **lifting devices and pressure vessels.**

34 SECTION 8. IC 22-13-4-4 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. The commission may
36 adopt building rules that exempt minor construction (as defined in the
37 rules adopted by the commission) from the design release requirement
38 under IC 22-15-3 and the regulated lifting device **erection,**
39 **construction,** installation, or alteration permit requirement under
40 IC 22-15-5.

41 SECTION 9. IC 22-15-2-3 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) The state

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1 building commissioner shall organize the office into the following
2 divisions:

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

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

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

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

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

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

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

20 (e) The state building commissioner shall appoint a chief deputy
21 state building commissioner. The appointee must be approved by the
22 executive director of the department. The chief deputy may exercise
23 any of the state building commissioner's responsibilities in the
24 commissioner's absence.

25 SECTION 10. IC 22-15-2-7 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. (a) The office shall
27 carry out a program to enforce all laws described by one (1) or more of
28 the following:

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

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

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

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

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

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



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1 SECTION 11. IC 22-15-5-1 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) The office shall
 3 issue a regulated lifting device **construction, erection,** installation, or
 4 alteration permit to an applicant who qualifies under this section.

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

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

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

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

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

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

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

22 (2) Pay the fee set under IC 22-12-6-9.

23 (3) **Be the holder of a current elevator contractor license, as**
 24 **set forth under IC 25-41-3.**

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

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

30 SECTION 12. IC 22-15-5-1.3 IS ADDED TO THE INDIANA
 31 CODE AS A NEW SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2002]: **Sec. 1.3. A permit issued under section**
 33 **1 of this chapter is subject to sanctions as provided in IC 22-12-7-7**
 34 **for any of the following reasons:**

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

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

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



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

4 SECTION 13. IC 22-15-5-1.5 IS ADDED TO THE INDIANA
 5 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2002]: **Sec. 1.5. A permit granted under**
 7 **section 1 of this chapter expires for the following reasons:**

8 **(1) The work authorized by the permit has not begun within**
 9 **six (6) months after the date of issuance or within a shorter**
 10 **period if specified at the time of issuance of the permit.**

11 **(2) The work authorized by the permit has been suspended or**
 12 **abandoned for at least sixty (60) days or a shorter period if**
 13 **specified at the time of the issuance of the permit.**

14 SECTION 14. IC 22-15-5-2 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 2. (a)** This section does
 16 not apply to minor construction that is exempted from this section
 17 under IC 22-13-4.

18 **(b)** This section applies to the following:

19 **(1)** Each person who **erects, constructs,** installs, or alters a
 20 regulated lifting device, **whether or not required to be licensed**
 21 **under IC 25-41-3, IC 25-41-4, or IC 25-41-5.**

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

24 **(3)** Each person who has control over the place where the
 25 regulated lifting device is **erected, constructed,** installed, or
 26 altered.

27 **(c)** A person described in subsection (b) commits a Class C
 28 infraction if:

29 **(1)** a regulated lifting device is **erected, constructed,** installed, or
 30 altered; and

31 **(2)** no regulated lifting device **erection, construction,** installation
 32 or alteration permit issued under section 1 of this chapter covers
 33 the installation or alteration.

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

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

39 **(c)** ~~To qualify for registration~~ **register a regulated lifting device**
 40 under this section, an applicant must submit, on a form approved by the
 41 commission, the following information:

42 **(1)** Type, ~~contract~~ **rated load and** speed, name of manufacturer,

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1 location, and the nature of the use of the regulated lifting device.

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

4 SECTION 16. IC 22-15-5-4 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) **This section does
6 not apply to a regulated lifting device located in a private
7 residence.**

8 (b) The office shall carry out a program for the periodic inspection
9 of regulated lifting devices being operated in Indiana. The office shall
10 issue a regulated lifting device operating **permit certificate** to an
11 applicant who qualifies under this section.

12 ~~(b) (c)~~ (c) A **permit certificate** issued under this section expires ~~on the~~
13 ~~date set in the rules adopted by the commission: one (1) year after~~
14 **issuance.**

15 ~~(c) (d)~~ (d) To qualify for a **permit certificate** under this section, an
16 applicant must:

17 (1) demonstrate through an inspection **made by an elevator**
18 **inspector licensed under IC 25-41-4-1** that the regulated lifting
19 device covered by the application complies with the laws
20 governing its construction, repair, maintenance, and operation;
21 and

22 (2) pay the **applicable** fee set under IC 22-12-6-9.

23 ~~(d) (e)~~ (e) The office may issue a temporary operating **permit**
24 **certificate** to an applicant under this section who does not comply with
25 subsection (c)(1). The applicant must pay the fee set under
26 IC 22-12-6-9 to qualify for the temporary operating **permit certificate**.
27 Except as provided in subsection (e), the ~~permit certificate~~, including
28 all renewal periods, is limited to sixty (60) days.

29 ~~(e) (f)~~ (f) The ~~state building commissioner office~~ may renew a
30 temporary operating **permit certificate** issued under subsection (d) for
31 thirty (30) day periods during the construction of a building if the
32 regulated lifting device is used for the transportation of construction
33 personnel, tools, and materials **and is under the control of the**
34 **installing licensed contractor.**

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

38 SECTION 17. IC 25-1-2-2.1, AS AMENDED BY P.L.54-2001,
39 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2002]: Sec. 2.1. Rather than being issued annually, the
41 following permits, licenses, certificates of registration, or evidences of
42 authority granted by a state agency must be issued for a period of two

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1 (2) years or for the period specified in the article under which the
 2 permit, license, certificate of registration, or evidence of authority is
 3 issued if the period specified in the article is longer than two (2) years:

4 (1) Certified public accountants, public accountants, and
 5 accounting practitioners.

6 (2) Architects and landscape architects.

7 (3) Dry cleaners.

8 (4) Professional engineers.

9 (5) Land surveyors.

10 (6) Real estate brokers.

11 (7) Real estate agents.

12 (8) Security dealers' licenses issued by the securities
 13 commissioner.

14 (9) Dental hygienists.

15 (10) Dentists.

16 (11) Veterinarians.

17 (12) Physicians.

18 (13) Chiropractors.

19 (14) Physical therapists.

20 (15) Optometrists.

21 (16) Pharmacists and assistants, drugstores or pharmacies.

22 (17) Motels and mobile home park licenses.

23 (18) Nurses.

24 (19) Podiatrists.

25 (20) Occupational therapists and occupational therapy assistants.

26 (21) Respiratory care practitioners.

27 (22) Social workers, marriage and family therapists, and mental
 28 health counselors.

29 (23) Real estate appraiser licenses and certificates issued by the
 30 real estate appraiser licensure and certification board.

31 (24) Wholesale legend drug distributors.

32 (25) Physician assistants.

33 (26) Dietitians.

34 (27) Hypnotists.

35 (28) Athlete agents.

36 **(29) Elevator contractors, elevator mechanics, and elevator**
 37 **inspectors.**

38 SECTION 18. IC 25-1-2-6, AS AMENDED BY P.L.54-2001,
 39 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2002]: Sec. 6. (a) As used in this section, "license" includes
 41 all occupational and professional licenses, registrations, permits, and
 42 certificates issued under the Indiana Code, and "licensee" includes all

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1 occupational and professional licensees, registrants, permittees, and
2 certificate holders regulated under the Indiana Code.

3 (b) This section applies to the following entities that regulate
4 occupations or professions under the Indiana Code:

- 5 (1) Indiana board of accountancy.
- 6 (2) Indiana grain buyers and warehouse licensing agency.
- 7 (3) Indiana auctioneer commission.
- 8 (4) Board of registration for architects and landscape architects.
- 9 (5) State board of barber examiners.
- 10 (6) State board of cosmetology examiners.
- 11 (7) Medical licensing board of Indiana.
- 12 (8) Secretary of state.
- 13 (9) State board of dentistry.
- 14 (10) State board of funeral and cemetery service.
- 15 (11) Worker's compensation board of Indiana.
- 16 (12) Indiana state board of health facility administrators.
- 17 (13) Committee of hearing aid dealer examiners.
- 18 (14) Indiana state board of nursing.
- 19 (15) Indiana optometry board.
- 20 (16) Indiana board of pharmacy.
- 21 (17) Indiana plumbing commission.
- 22 (18) Board of podiatric medicine.
- 23 (19) Private detectives licensing board.
- 24 (20) State board of registration for professional engineers.
- 25 (21) Board of environmental health specialists.
- 26 (22) State psychology board.
- 27 (23) Indiana real estate commission.
- 28 (24) Speech-language pathology and audiology board.
- 29 (25) Department of natural resources.
- 30 (26) State boxing commission.
- 31 (27) Board of chiropractic examiners.
- 32 (28) Mining board.
- 33 (29) Indiana board of veterinary medical examiners.
- 34 (30) State department of health.
- 35 (31) Indiana physical therapy committee.
- 36 (32) Respiratory care committee.
- 37 (33) Occupational therapy committee.
- 38 (34) Social worker, marriage and family therapist, and mental
39 health counselor board.
- 40 (35) Real estate appraiser licensure and certification board.
- 41 (36) State board of registration for land surveyors.
- 42 (37) Physician assistant committee.

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1 (38) Indiana dietitians certification board.

2 (39) Indiana hypnotist committee.

3 (40) Attorney general (only for the regulation of athlete agents).

4 (41) **Fire prevention and building safety commission for**
5 **occupations related to elevators.**

6 (42) Any other occupational or professional agency created after
7 June 30, 1981.

8 (c) Notwithstanding any other law, the entities included in
9 subsection (b) shall send a notice of the upcoming expiration of a
10 license to each licensee at least sixty (60) days prior to the expiration
11 of the license. The notice must inform the licensee of the need to renew
12 and the requirement of payment of the renewal fee. If this notice of
13 expiration is not sent by the entity, the licensee is not subject to a
14 sanction for failure to renew if, once notice is received from the entity,
15 the license is renewed within forty-five (45) days of the receipt of the
16 notice.

17 SECTION 19. IC 25-1-6-3, AS AMENDED BY P.L.227-2001,
18 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2002]: Sec. 3. (a) There is established the Indiana professional
20 licensing agency. The licensing agency shall perform all administrative
21 functions, duties, and responsibilities assigned by law or rule to the
22 executive director, secretary, or other statutory administrator of the
23 following:

24 (1) Indiana board of accountancy (IC 25-2.1-2-1).

25 (2) Board of registration for architects and landscape architects
26 (IC 25-4-1-2).

27 (3) Indiana auctioneer commission (IC 25-6.1-2-1).

28 (4) State board of barber examiners (IC 25-7-5-1).

29 (5) State boxing commission (IC 25-9-1).

30 (6) State board of cosmetology examiners (IC 25-8-3-1).

31 (7) State board of funeral and cemetery service (IC 25-15-9).

32 (8) State board of registration for professional engineers
33 (IC 25-31-1-3).

34 (9) Indiana plumbing commission (IC 25-28.5-1-3).

35 (10) Indiana real estate commission (IC 25-34.1).

36 (11) Real estate appraiser licensure and certification board
37 (IC 25-34.1-8-1).

38 (12) Private detectives licensing board (IC 25-30-1-5.1).

39 (13) State board of registration for land surveyors
40 (IC 25-21.5-2-1).

41 (14) **Fire prevention and building safety commission for**
42 **occupations related to elevators (IC 25-41-1-2).**



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1 (b) Except for appeals of denials of license renewals to the
 2 executive director authorized by section 5.5 of this chapter, nothing in
 3 this chapter may be construed to give the licensing agency policy
 4 making authority, which remains with each board.

5 SECTION 20. IC 25-1-7-1, AS AMENDED BY P.L.82-2000,
 6 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2002]: Sec. 1. As used in this chapter:

8 "Board" means the appropriate agency listed in the definition of
 9 regulated occupation in this section.

10 "Director" refers to the director of the division of consumer
 11 protection.

12 "Division" refers to the division of consumer protection, office of
 13 the attorney general.

14 "Licensee" means a person who is:

15 (1) licensed, certified, or registered by a board listed in this
 16 section; and

17 (2) the subject of a complaint filed with the division.

18 "Person" means an individual, a partnership, a limited liability
 19 company, or a corporation.

20 "Regulated occupation" means an occupation in which a person is
 21 licensed, certified, or registered by one (1) of the following:

22 (1) Indiana board of accountancy (IC 25-2.1-2-1).

23 (2) Board of registration for architects and landscape architects
 24 (IC 25-4-1-2).

25 (3) Indiana auctioneer commission (IC 25-6.1-2-1).

26 (4) State board of barber examiners (IC 25-7-5-1).

27 (5) State boxing commission (IC 25-9-1).

28 (6) Board of chiropractic examiners (IC 25-10-1).

29 (7) State board of cosmetology examiners (IC 25-8-3-1).

30 (8) State board of dentistry (IC 25-14-1).

31 (9) State board of funeral and cemetery service (IC 25-15-9).

32 (10) State board of registration for professional engineers
 33 (IC 25-31-1-3).

34 (11) Indiana state board of health facility administrators
 35 (IC 25-19-1).

36 (12) Medical licensing board of Indiana (IC 25-22.5-2).

37 (13) Indiana state board of nursing (IC 25-23-1).

38 (14) Indiana optometry board (IC 25-24).

39 (15) Indiana board of pharmacy (IC 25-26).

40 (16) Indiana plumbing commission (IC 25-28.5-1-3).

41 (17) Board of podiatric medicine (IC 25-29-2-1).

42 (18) Board of environmental health specialists (IC 25-32-1).

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- 1 (19) State psychology board (IC 25-33).
 2 (20) Speech-language pathology and audiology board
 3 (IC 25-35.6-2).
 4 (21) Indiana real estate commission (IC 25-34.1-2).
 5 (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
 6 (23) Department of natural resources for purposes of licensing
 7 water well drillers under IC 25-39-3.
 8 (24) Respiratory care committee (IC 25-34.5).
 9 (25) Private detectives licensing board (IC 25-30-1-5.1).
 10 (26) Occupational therapy committee (IC 25-23.5).
 11 (27) Social worker, marriage and family therapist, and mental
 12 health counselor board (IC 25-23.6).
 13 (28) Real estate appraiser licensure and certification board
 14 (IC 25-34.1-8).
 15 (29) State board of registration for land surveyors
 16 (IC 25-21.5-2-1).
 17 (30) Physician assistant committee (IC 25-27.5).
 18 (31) Indiana athletic trainers board (IC 25-5.1-2-1).
 19 (32) Indiana dietitians certification board (IC 25-14.5-2-1).
 20 (33) Indiana hypnotist committee (IC 25-20.5-1-7).
 21 (34) Indiana physical therapy committee (IC 25-27).
 22 (35) **Fire prevention and building safety commission for**
 23 **purposes of licensing occupations related to elevators**
 24 **(IC 25-41).**
 25 (36) Any other occupational or professional agency created after
 26 June 30, 1981.
- 27 SECTION 21. IC 25-1-8-1, AS AMENDED BY P.L.82-2000,
 28 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2002]: Sec. 1. As used in this chapter, "board" means any of
 30 the following:
- 31 (1) Indiana board of accountancy (IC 25-2.1-2-1).
 32 (2) Board of registration for architects and landscape architects
 33 (IC 25-4-1-2).
 34 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
 35 (4) State board of barber examiners (IC 25-7-5-1).
 36 (5) State boxing commission (IC 25-9-1).
 37 (6) Board of chiropractic examiners (IC 25-10-1).
 38 (7) State board of cosmetology examiners (IC 25-8-3-1).
 39 (8) State board of dentistry (IC 25-14-1).
 40 (9) State board of funeral and cemetery service (IC 25-15).
 41 (10) State board of registration for professional engineers
 42 (IC 25-31-1-3).

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- 1 (11) Indiana state board of health facility administrators
 2 (IC 25-19-1).
 3 (12) Medical licensing board of Indiana (IC 25-22.5-2).
 4 (13) Mining board (IC 22-10-1.5-2).
 5 (14) Indiana state board of nursing (IC 25-23-1).
 6 (15) Indiana optometry board (IC 25-24).
 7 (16) Indiana board of pharmacy (IC 25-26).
 8 (17) Indiana plumbing commission (IC 25-28.5-1-3).
 9 (18) Board of environmental health specialists (IC 25-32-1).
 10 (19) State psychology board (IC 25-33).
 11 (20) Speech-language pathology and audiology board
 12 (IC 25-35.6-2).
 13 (21) Indiana real estate commission (IC 25-34.1-2-1).
 14 (22) Indiana board of veterinary medical examiners
 15 (IC 15-5-1.1-3).
 16 (23) Department of insurance (IC 27-1).
 17 (24) State police department (IC 10-1-1-1), for purposes of
 18 certifying polygraph examiners under IC 25-30-2.
 19 (25) Department of natural resources for purposes of licensing
 20 water well drillers under IC 25-39-3.
 21 (26) Private detectives licensing board (IC 25-30-1-5.1).
 22 (27) Occupational therapy committee (IC 25-23.5-2-1).
 23 (28) Social worker, marriage and family therapist, and mental
 24 health counselor board (IC 25-23.6-2-1).
 25 (29) Real estate appraiser licensure and certification board
 26 (IC 25-34.1-8).
 27 (30) State board of registration for land surveyors
 28 (IC 25-21.5-2-1).
 29 (31) Physician assistant committee (IC 25-27.5).
 30 (32) Indiana athletic trainers board (IC 25-5.1-2-1).
 31 (33) Board of podiatric medicine (IC 25-29-2-1).
 32 (34) Indiana dietitians certification board (IC 25-14.5-2-1).
 33 (35) Indiana physical therapy committee (IC 25-27).
 34 (36) **Fire prevention and building safety commission for**
 35 **purposes of licensing elevator contractors under IC 25-41-3,**
 36 **elevator inspectors under IC 25-41-4, and elevator mechanics**
 37 **under IC 25-41-5.**
 38 (37) Any other occupational or professional agency created after
 39 June 30, 1981.
 40 SECTION 22. IC 25-1-11-1, AS AMENDED BY P.L.82-2000,
 41 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2002]: Sec. 1. As used in this chapter, "board" means any of

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the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of registration of land surveyors (IC 25-21.5-2-1).
- (8) State board of funeral and cemetery service (IC 25-15-9).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana plumbing commission (IC 25-28.5-1-3).
- (11) Indiana real estate commission (IC 25-34.1-2-1).
- ~~(12) Until July 1, 1996, Indiana State board of television and radio service examiners (IC 25-36-1-4).~~
- ~~(13)~~ **(12)** Real estate appraiser licensure certification board (IC 25-34.1-8).
- ~~(14)~~ **(13)** Private detectives licensing board (IC 25-30-1-5.1).
- (14) Fire prevention and building safety commission for purposes of licensing occupations related to (IC 25-41) elevators.**

SECTION 23. IC 25-41 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

ARTICLE 41. OCCUPATIONS RELATED TO ELEVATORS

Chapter 1. Miscellaneous

Sec. 1. For purposes of this article and IC 25-1-7, the occupation of an:

- (1) elevator contractor;**
- (2) elevator inspector; or**
- (3) elevator mechanic;**

is a regulated occupation (as defined in IC 25-1-7-1).

Sec. 2. For purposes of licensing an:

- (1) elevator contractor;**
- (2) elevator inspector; or**
- (3) elevator mechanic;**

under this article, the fire prevention and building safety commission is a "board" under IC 25-1-8-1.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

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1 **Sec. 2. "Commission"** refers to the fire prevention and building
2 safety commission established by IC 22-12-2-1.

3 **Sec. 3. "Competency examination"** means the competency
4 examination that is administered by the department and required
5 as a prerequisite to the issuance of an elevator contractor license
6 to certain persons under IC 25-41-3-5.

7 **Sec. 4. "Department"** means the fire and building services
8 department established by IC 22-12-5-1.

9 **Sec. 5. "Emergency elevator mechanic license"** means a license
10 issued by the department under IC 25-41-5-5 that allows an
11 individual who has not qualified for an elevator mechanic license
12 to work for a period of an emergency as an elevator mechanic.

13 **Sec. 6. (a) "Person",** except as provided in subsection (b), means
14 an individual.

15 **(b)** In addition to subsection (a), as used in IC 25-41-3, "person"
16 means:

- 17 **(1)** the partners or members of a:
 - 18 **(A)** partnership;
 - 19 **(B)** limited partnership; or
- 20 **(2)** with respect to a corporation, the:
 - 21 **(A)** corporate entity; or
 - 22 **(B)** the officers or directors and employees.

23 **Sec. 7. "Temporary elevator mechanic license"** means a license
24 issued by the department under IC 25-41-5-4 that allows an
25 individual who has not qualified for an elevator mechanic license
26 to work for a specified period as an elevator mechanic.

27 **Chapter 3. Elevator Contractor License**

28 **Sec. 1. (a)** A person may not act as an elevator contractor unless
29 the person or the partnership or corporation by which the person
30 is employed holds an elevator contractor license issued under this
31 chapter.

32 **(b)** The department shall issue a license to each person who
33 applies and qualifies for a license under this chapter.

34 **(c)** An elevator contractor license issued under this chapter
35 expires on the second December 31 after it was issued.

36 **(d)** A renewal of an elevator contractor license is valid for two
37 (2) years.

38 **Sec. 2. (a)** If a corporation acts as an elevator contractor, at
39 least one **(1)** officer or employee of the corporation must hold a
40 valid elevator contractor license as provided by this chapter.

41 **(b)** To act as an elevator contractor, a corporation must:
42 **(1)** file an application for an elevator contractor license as

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provided in section 4 of this chapter, which must include the name of any officer or employee of the corporation who holds a valid elevator contractor license; and

(2) receive a license to act as an elevator contractor.

(c) A license granted to a corporation to act as an elevator contractor under this chapter becomes invalid when no officer or employee of the corporation holds a valid elevator contractor license as provided by this chapter.

Sec. 3. (a) At least one (1) member of a partnership who acts as an elevator contractor must hold a license as an elevator contractor.

(b) If a limited partnership acts as an elevator contractor, only the general partner must hold a license as an elevator contractor.

(c) A license granted to a partnership to act as an elevator contractor under this chapter becomes invalid when the general partner of a limited partnership or a partner of a partnership no longer holds a valid elevator contractor license as provided by this chapter.

Sec. 4. (a) An application for an elevator contractor license must be made on a form prescribed by the commission. The commission shall adopt rules under IC 4-22-2 to prescribe the application form and shall prescribe a form that identifies the applicant and obtains information to determine if the applicant is qualified to be licensed.

(b) When application is made for a partnership or corporation, the application shall designate the:

- (1) partner;
- (2) officer of the corporation; or
- (3) employee of the corporation;

who holds an elevator contractor license as provided in section 1(b) of this chapter.

(c) An application for a license or a license renewal must be accompanied by a license fee established under IC 25-1-8-2(a). The license fee is nonrefundable and must be paid each time an applicant completes an application or applies to take the examination.

Sec. 5. To qualify for an elevator contractor license, an individual must:

- (1) furnish proof of a current or previous elevator contractor license issued by another state or at least five (5) years work experience in the elevator industry in construction, maintenance, and service or repair in Indiana; or
- (2) successfully complete a written competency examination

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1 prepared and administered by the department.

2 **Sec. 6. An individual engaged in the business of an elevator**
3 **contractor shall carry:**

4 (1) the individual's license; or

5 (2) a facsimile of the license of the partnership or corporation
6 by which the individual is employed;

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

9 **Sec. 7. (a) Before an elevator contractor license may be issued,**
10 **a person must submit to the department proof of insurance issued**
11 **by an insurance company authorized to conduct business in**
12 **Indiana providing general liability coverage of:**

13 (1) at least one million dollars (\$1,000,000) for the injury or
14 death of any number of persons in any one (1) occurrence;
15 and

16 (2) at least five hundred thousand dollars (\$500,000) for
17 property damage in any one (1) occurrence.

18 An insurance policy required under this section must provide by
19 the policy's original terms or endorsement that the insurer may not
20 cancel or materially alter the terms of the policy without at least
21 ten (10) days notice to the department.

22 (b) Before an elevator contractor license may be issued to a
23 person, the person must submit to the department proof of
24 worker's compensation coverage under IC 22-3-2-5.

25 **Sec. 8. If an elevator contractor is unable to secure licensed**
26 **elevator mechanics to perform construction, maintenance, or**
27 **service and repair of elevators, the elevator contractor may notify**
28 **the department to seek the issuance of a temporary elevator**
29 **mechanic license, as provided in IC 25-41-5-4, or an emergency**
30 **elevator mechanic license, as provided in IC 25-41-5-5.**

31 **Sec. 9. The commission may adopt and enforce rules under**
32 **IC 4-22-2 that are necessary to carry out this chapter.**

33 **Chapter 4. Elevator Inspector License**

34 **Sec. 1. (a) An individual may not act as an elevator inspector**
35 **unless the individual holds an elevator inspector license issued**
36 **under this chapter.**

37 (b) The department shall issue a license to each individual who
38 applies and qualifies for a license under this chapter.

39 (c) An individual engaging in the business of an elevator
40 inspector shall carry the individual's license and present the license
41 for inspection by a representative of the department upon request.

42 (d) An elevator inspector license issued under this chapter

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1 expires on the second December 31 after it is issued.

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

4 Sec. 2. (a) An application for an elevator inspector license must
5 be made on a form prescribed by the commission. The commission
6 shall adopt rules under IC 4-22-2 to prescribe the application form
7 and shall prescribe a form that will identify the applicant and
8 obtain information to determine if the applicant is qualified to be
9 licensed.

10 (b) An application for a license or a license renewal must be
11 accompanied by a license fee established under IC 25-1-8-2(a).

12 Sec. 3. (a) To qualify for an elevator inspector license, an
13 individual must prove to the department that the individual meets
14 the standards set forth in American Society of Mechanical
15 Engineers (ASME) American National Standard QEI-1 (Standard
16 for the Qualification of Elevator Inspectors) or other nationally
17 accepted standard qualifying authority approved by the
18 commission.

19 (b) The fee for issuance of the license shall be set under
20 IC 25-1-8-2.

21 Sec. 4. (a) As used in this section, "municipality" has the
22 meaning set forth in IC 36-1-2-11.

23 (b) This section does not apply to an individual employed by:

- 24 (1) the state;
- 25 (2) a county; or
- 26 (3) a municipality.

27 (c) Before an elevator inspector license may be issued to an
28 individual, the individual must submit to the department proof of
29 insurance issued by an insurance company authorized to conduct
30 business in Indiana, providing general liability coverage of:

- 31 (1) at least one million dollars (\$1,000,000) for the injury or
32 death of any number of persons in any one (1) occurrence;
33 and
- 34 (2) at least five hundred thousand dollars (\$500,000) for
35 property damage in any one (1) occurrence.

36 An insurance policy required under this section must provide by
37 the policy's original terms or endorsement that the insurer may not
38 cancel or materially alter the terms of the policy without at least
39 ten (10) days notice to the department.

40 Sec. 5. The commission may adopt and enforce rules under
41 IC 4-22-2 that are necessary to carry out this chapter.

42 Chapter 5. Elevator Mechanic License

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- 1 **Sec. 1. (a) An individual may not act as an elevator mechanic**
- 2 **unless the individual holds an elevator mechanic license issued**
- 3 **under this chapter.**
- 4 **(b) The department shall issue a license to each individual who**
- 5 **applies and qualifies for a license under this chapter.**
- 6 **(c) An individual engaged in the business of an elevator**
- 7 **mechanic shall carry the individual's license and present the license**
- 8 **for inspection by a representative of the department upon request.**
- 9 **(d) An elevator mechanic license issued under this chapter**
- 10 **expires on the second December 31 after it was issued.**
- 11 **(e) A renewal of an elevator mechanic license is valid for two (2)**
- 12 **years.**
- 13 **Sec. 2. (a) An application for an elevator mechanic license must**
- 14 **be made on a form prescribed by the commission. The commission**
- 15 **shall adopt rules under IC 4-22-2 to prescribe the application form**
- 16 **and shall prescribe a form that will identify the applicant and**
- 17 **obtain information to determine if the applicant is qualified to be**
- 18 **licensed.**
- 19 **(b) An application for a license or a license renewal must be**
- 20 **accompanied by a license fee established under IC 25-1-8-2(a).**
- 21 **Sec. 3. (a) To qualify for an elevator mechanic license, an**
- 22 **individual must:**
- 23 **(1) furnish proof acceptable to the department of not less than**
- 24 **three (3) years work experience performing the duties of an**
- 25 **elevator mechanic in Indiana without direct supervision and**
- 26 **make application for the license before January 1, 2003;**
- 27 **(2) furnish proof of at least three (3) years work experience in**
- 28 **the elevator industry in construction, maintenance, and**
- 29 **service or repair, as verified by current and previous**
- 30 **employers licensed as contractors under IC 25-41-3, and**
- 31 **successfully complete a written competency examination**
- 32 **prepared and administered by the department;**
- 33 **(3) submit a certificate of completion and a passing score on**
- 34 **the mechanic's examination portion of a nationally recognized**
- 35 **training program for the elevator industry, including the**
- 36 **National Elevator Industry Educational Program or a**
- 37 **comparable program;**
- 38 **(4) submit certificates of completion of an apprenticeship**
- 39 **program for elevator mechanics that:**
- 40 **(A) has standards substantially the same as those of this**
- 41 **chapter; and**
- 42 **(B) is registered with the Bureau of Apprenticeship and**

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1 **Training of the United States Department of Labor or a**
 2 **state apprenticeship program; or**

3 **(5) submit a valid license from a state that meets or exceeds**
 4 **standards established by the commission.**

5 **(b) The fee to take the competency examination shall be set by**
 6 **the commission under IC 25-1-8-2. The fee is nonrefundable and**
 7 **must be paid each time an applicant applies to take the**
 8 **examination.**

9 **Sec. 4. (a) If an elevator contractor is unable to secure licensed**
 10 **elevator mechanics to perform construction, maintenance, or**
 11 **service and repair of elevators, the elevator contractor may notify**
 12 **the department and request that the department issue a temporary**
 13 **elevator mechanic license to an individual certified by the elevator**
 14 **contractor as possessing sufficient documented experience and**
 15 **education to perform elevator construction, maintenance, or**
 16 **service and repair.**

17 **(b) The individual certified under subsection (a) as possessing**
 18 **documented experience and education to perform elevator**
 19 **construction, maintenance, or service and repair shall:**

20 **(1) apply for a temporary elevator mechanic license from the**
 21 **department; and**

22 **(2) pay a license fee established by the commission.**

23 **(c) The temporary elevator mechanic license is valid for thirty**
 24 **(30) days after the date of issuance and is valid only for work**
 25 **performed by the applicant for the elevator contractor that has**
 26 **made the certification under subsection (a).**

27 **(d) A temporary elevator mechanic license issued under this**
 28 **section may be renewed for subsequent thirty (30) day periods. To**
 29 **renew the license, the license holder must submit a renewal**
 30 **application and pay the fee established by the commission for**
 31 **renewal.**

32 **Sec. 5. (a) If an elevator contractor is unable to secure licensed**
 33 **elevator mechanics to perform construction, maintenance, or**
 34 **service and repair of elevators due to a disaster (as defined in**
 35 **IC 10-4-1-3), the elevator contractor may notify the department**
 36 **and request that the department issue an emergency elevator**
 37 **mechanic license to an individual certified by the elevator**
 38 **contractor as possessing sufficient documented experience and**
 39 **education to perform elevator construction, maintenance, or**
 40 **service and repair.**

41 **(b) The request for the emergency elevator mechanic license**
 42 **must be made within five (5) business days after the**

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commencement of work by the individual to be issued an emergency elevator mechanic license.

(c) The individual certified under subsection (a) as possessing documented experience and education to perform elevator construction, maintenance, or service and repair shall:

- (1) apply for an emergency elevator mechanic license from the department simultaneously with the request made under subsection (a); and
- (2) pay a license fee established by the commission.

(d) The emergency elevator mechanic license is valid for thirty (30) days after the date of issuance and is valid only for work performed by the applicant for the elevator contractor that has made the certification under subsection (a).

(e) A temporary elevator mechanic license issued under this section may be renewed for subsequent thirty (30) day periods during the existence of the emergency, as determined by the department.

(f) A fee shall not be charged for an emergency elevator mechanic license or renewal.

Sec. 6. The commission may adopt and enforce rules under IC 4-22-2 that are necessary to carry out this chapter.

Chapter 6. Continuing Education

Sec. 1. This chapter does not apply to the holder of an elevator contractor license under IC 25-41-3 that is not an individual.

Sec. 2. To renew a license issued under IC 25-41-3, IC 25-41-4, or IC 25-41-5, the license holder must satisfy the continuing education requirement and submit a certificate of completion of training to the department.

Sec. 3. The continuing education requirement is at least eight (8) hours of instruction, which must be attended and completed within one (1) year before a license renewal under IC 25-41-3, IC 25-41-4, or IC 25-41-5.

Sec. 4. 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, but are not limited to:

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

In order for an individual's completion of a continuing education

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1 course to satisfy the individual's continuing education requirement
2 under this chapter, the provider of the course and the curriculum
3 must have been approved by the commission.

4 **Sec. 5.** Upon submission of a certificate of training of approved
5 curriculum from an approved continuing education provider, the
6 department may renew a license.

7 **Sec. 6.** All instructors of continuing education courses must be
8 approved by the commission. If an instructor is approved by the
9 commission and if the instructor has worked as an instructor at
10 any time less than one (1) year before the scheduled date for
11 renewal and shows proof of this work to the department, the
12 instructor is exempt from the requirements of section 1 of this
13 chapter.

14 **Sec. 7. (a)** An individual licensed under IC 25-41-3, IC 25-41-4,
15 or IC 25-41-5 who is unable to complete the continuing education
16 required under this chapter before the expiration of the
17 individual's license due to temporary physical or mental disability
18 may apply for a waiver from the department.

19 **(b)** A waiver application must be submitted to the department
20 on a form established by rule under IC 4-22-2.

21 **(c)** A waiver application must be signed and accompanied by an
22 affidavit signed by the physician of the applicant attesting to the
23 applicant's temporary disability.

24 **(d)** After the cessation of the temporary disability, the applicant
25 must submit to the department a certification from the same
26 physician, if the physician is still the treating physician of the
27 applicant, or from a subsequent treating physician attesting to the
28 termination of the temporary disability.

29 **(e)** Upon the submission of the certification under subsection
30 (d), the department shall issue a temporary waiver of the
31 continuing education requirement. A temporary waiver is valid for
32 ninety (90) days after the date of issue and allows the individual to
33 work as an elevator contractor, elevator inspector, or elevator
34 mechanic without the completion of the continuing education
35 requirement for ninety (90) days.

36 **(f)** A temporary waiver of the continuing education requirement
37 may not be renewed.

38 **Sec. 8.** Continuing education providers approved by the division
39 shall keep uniform records of attendance at continuing education
40 courses for at least ten (10) years on forms designed and
41 distributed by the department.

42 **Sec. 9.** Falsifying or knowingly allowing another person to

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1 falsify attendance records or certificates of completion of
 2 continuing education courses provided under this chapter is
 3 grounds for suspension or revocation of the license renewed under
 4 section 4 of this chapter.

5 **Chapter 7. Violations**

6 **Sec. 1. (a)** The department may suspend or revoke under
 7 IC 4-21.5-3-6 the license of an elevator contractor, elevator
 8 inspector, or elevator mechanic who has done any of the following:

- 9 (1) Acted as an elevator contractor, elevator inspector, or
 10 elevator mechanic without a license, in violation of this article.
 11 (2) Secured a license through error or fraud.
 12 (3) Failed to comply with any requirement of this article.
 13 (4) Failed to notify the commission and the owner or lessee of
 14 a regulated lifting device of any condition not in compliance
 15 with IC 22-15-5-4(c)(1).

16 **(b)** The department may refuse under IC 4-21.5-3-5 to grant,
 17 renew, or restore a license to a person who has done any of the
 18 following:

- 19 (1) Acted as an elevator contractor, elevator inspector, or
 20 elevator mechanic without a license in violation of this article.
 21 (2) Secured a license through error or fraud.
 22 (3) Failed to comply with any requirement of this article.
 23 (4) Failed to notify the commission and the owner or lessee of
 24 a regulated lifting device of any condition not in compliance
 25 with IC 22-15-5-4(c)(1).

26 **SECTION 24.** [EFFECTIVE JULY 1, 2002] **(a)** Notwithstanding
 27 IC 22-12-6-9 and IC 22-13-2-8, both as amended by this act, the
 28 fire prevention and building safety commission shall carry out the
 29 duties imposed upon the commission by IC 22-12-6-9 and
 30 IC 22-13-2-8 under interim written guidelines approved by the fire
 31 prevention and building safety commission.

32 **(b)** This SECTION expires on the earlier of the following:

- 33 (1) The date rules are adopted under IC 22-12-6-9 and
 34 IC 22-13-2-8, both as amended by this act.
 35 (2) December 31, 2002.

36 **SECTION 25.** [EFFECTIVE JULY 1, 2002] **(a)** Notwithstanding
 37 IC 25-41-3-1, as added by this act, the requirement that an
 38 individual may not act as an elevator contractor unless the
 39 individual holds an elevator contractor license does not apply to an
 40 individual before January 1, 2003.

41 **(b)** Notwithstanding IC 25-41-4-1, as added by this act, the
 42 requirement that an individual may not act as an elevator

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1 **inspector unless the individual holds an elevator inspector license**
2 **does not apply to an individual before January 1, 2003.**

3 **(c) Notwithstanding IC 25-41-5-1, as added by this act, the**
4 **requirement that an individual may not act as an elevator**
5 **mechanic unless the individual holds an elevator mechanic license**
6 **does not apply to an individual before January 1, 2003.**

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

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