



February 1, 2002

SENATE BILL No. 488

DIGEST OF SB 488 (Updated January 29, 2002 2:52 PM - DI 71)

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

Effective: July 1, 2002.

Alting, Blade, Harrison, Broden

January 14, 2002, read first time and referred to Committee on Public Policy.
January 31, 2002, amended, reported favorably — Do Pass.

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SB 488—LS 7194/DI 96+



February 1, 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.

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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**

SB 488—LS 7194/DI 96+



- 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 25-41-3-1.**
- 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 22-13-2-2 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) The commission
 27 shall adopt rules under IC 4-22-2 and IC 22-13-2.5 to adopt a statewide
 28 code of fire safety laws and building laws.
- 29 (b) **Before December 1, 2003, the commission shall adopt the**
 30 **most recent edition, including addenda, of the following national**
 31 **codes by rules under IC 4-22-2 and IC 22-13-2.5:**
- 32 (1) **ANSI A10.4 (Safety Requirements for Personnel Hoists).**
- 33 (2) **ASME A17.1 (Safety Code for Elevators and Escalators,**
 34 **an American National Standard).**
- 35 (3) **ASME A18.1 (Safety Standard for Platform Lifts and**
 36 **Stairway Chairlifts, American National Standard).**
- 37 (4) **ASME QEI-1 (Standard for the Qualification of Elevator**
 38 **Inspectors, an American National Standard).**
- 39 (5) **The American Society of Civil Engineers (ASCE)**
 40 **Automated People Mover Standard 21.**
- 41 (6) **ANSI A90.1 Safety Code for Manlifts.**
- 42 (c) **Before July 1, 2006, the commission shall adopt the most**

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1 recent edition, including addenda, of ASME A17.3 (Safety Code for
2 Existing Elevators and Escalators, an American National
3 Standard) by rules under IC 4-22-2 and IC 22-13-2.5.

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

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

10 SECTION 5. IC 22-13-2-9 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9. Except as provided
12 in section 10 of this chapter, political subdivisions do not have the
13 power to regulate regulated:

- 14 (1) amusement devices;
- 15 (2) boilers;
- 16 (3) lifting devices; and
- 17 (4) pressure vessels.

18 SECTION 6. IC 22-13-4-4 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. The commission may
20 adopt building rules that exempt minor construction (as defined in the
21 rules adopted by the commission) from the design release requirement
22 under IC 22-15-3 and the regulated lifting device **erection,**
23 **construction,** installation, or alteration permit requirement under
24 IC 22-15-5.

25 SECTION 7. IC 22-15-2-3 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) The state
27 building commissioner shall organize the office into the following
28 divisions:

- 29 (1) A division of code enforcement to carry out section 7 of this
30 chapter and IC 22-15-4 and to encourage the development of
31 building law enforcement programs in other state agencies and in
32 every political subdivision.
- 33 (2) A division of plan review to carry out IC 22-15-3.
- 34 (3) A division of elevator safety, ~~to carry out~~ **which duties**
35 **include inspections of regulated lifting devices as required**
36 **under IC 22-15-5 and regulated amusement devices under**
37 **IC 22-15-7.**
- 38 (4) A division of boiler and pressure vessel safety to carry out
39 IC 22-15-6.

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

42 (c) The state building commissioner may assign duties that are not

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1 described in subsection (a) to any division within the office.

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

4 (e) The state building commissioner shall appoint a chief deputy
5 state building commissioner. The appointee must be approved by the
6 executive director of the department. The chief deputy may exercise
7 any of the state building commissioner's responsibilities in the
8 commissioner's absence.

9 SECTION 8. IC 22-15-2-7 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. (a) The office shall
11 carry out a program to enforce all laws described by one (1) or more of
12 the following:

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

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

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

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

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

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

27 SECTION 9. IC 22-15-5-1 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) The office shall
29 issue a regulated lifting device **construction, erection**, installation, or
30 alteration permit to an applicant who qualifies under this section.

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

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

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

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

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

42 (D) **a specification of all materials employed and loads to**

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- 1 **be supported or conveyed;**
 2 that the installation or alteration covered by the application will
 3 comply with all applicable equipment laws. **and All plans and**
 4 **specifications must be sufficiently complete to illustrate all**
 5 **details of construction and design.**
 6 (2) Pay the fee set under IC 22-12-6-9.
 7 (3) **Be the holder of a current elevator contractor license, as**
 8 **set forth under IC 25-41-3.**
 9 (c) **A copy of the permit shall be kept at the construction site at**
 10 **all times while the work is in progress.**
 11 (d) **The regulated lifting device must be installed or altered in**
 12 **compliance with:**
 13 (1) **applicable codes; and**
 14 (2) **the details of the application, plans, specifications, and**
 15 **conditions of the permit.**
 16 (e) The responsibilities of the office under this section may be
 17 carried out by a political subdivision that is approved by the
 18 commission under IC 22-13-2-10.
 19 SECTION 10. IC 22-15-5-1.3 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2002]: **Sec. 1.3. A permit issued under section**
 22 **1 of this chapter is subject to sanctions as provided in IC 22-12-7-7**
 23 **for any of the following reasons:**
 24 (1) **A false statement or misrepresentation of the material fact**
 25 **in the application, plan, or specification on which the permit**
 26 **was based.**
 27 (2) **The work being performed is not in compliance with the**
 28 **applicable code.**
 29 (3) **The work is not being performed in accordance with the**
 30 **details of the application, plans, specifications, or conditions**
 31 **of the permit.**
 32 (4) **The elevator contractor to whom the permit was issued is**
 33 **the subject of an order issued under IC 22-12-7-4 and**
 34 **IC 22-12-7-6.**
 35 SECTION 11. IC 22-15-5-1.5 IS ADDED TO THE INDIANA
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2002]: **Sec. 1.5. A permit granted under**
 38 **section 1 of this chapter expires for the following reasons:**
 39 (1) **The work authorized by the permit has not begun within**
 40 **one (1) year after the date of issuance or within a shorter**
 41 **period if specified at the time of issuance of the permit.**
 42 (2) **The work authorized by the permit has been suspended or**

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1 **abandoned for at least one hundred eighty (180) days or a**
 2 **shorter period if specified at the time of the issuance of the**
 3 **permit.**

4 SECTION 12. IC 22-15-5-2 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) This section does
 6 not apply to minor construction that is exempted from this section
 7 under IC 22-13-4.

8 (b) This section applies to the following:

9 (1) Each person who **erects, constructs**, installs, or alters a
 10 regulated lifting device, **whether or not required to be licensed**
 11 **under IC 25-41-3, IC 25-41-4, or IC 25-41-5. However, the**
 12 **erection, construction, installation, alteration, or maintenance**
 13 **of a regulated lifting device to which ASME A18.1 applies is**
 14 **not required to be performed by a mechanic licensed under**
 15 **IC 25-41-5.**

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

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

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

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

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

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

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

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

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

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

40 SECTION 14. IC 22-15-5-4 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) The office shall
 42 carry out a program for the periodic inspection of regulated lifting



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1 devices being operated in Indiana. ~~The office shall issue~~ A regulated
 2 lifting device operating permit to an applicant who qualifies under this
 3 section: **may not be operated without an operating certificate that**
 4 **covers the operation of the regulated lifting device.**

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

7 (1) **one (1) year after issuance; or**

8 (2) **when the regulated lifting device is altered.**

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

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

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

19 ~~(2) pay (B) that the applicant has paid~~ **the fee set under**
 20 **IC 22-12-6-9; and**

21 (2) **the office verifies, through an inspection, that the**
 22 **regulated lifting device complies with the laws governing the**
 23 **construction, repair, maintenance, and operation of the**
 24 **regulated lifting device.**

25 (d) **The office shall issue a renewal operating certificate if the**
 26 **applicant:**

27 (1) **demonstrates through the completion of applicable safety**
 28 **tests that the regulated lifting device complies with the laws**
 29 **governing the construction, repair, maintenance, and**
 30 **operation of the regulated lifting device; and**

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

32 ~~(d) (e)~~ **The office may issue a temporary operating permit to an**
 33 **applicant under this section who does not comply with subsection**
 34 **(c)(1)(A) for a new or altered regulated lifting device or**
 35 **subsection (d)(1) for an existing unaltered regulated lifting device.**
 36 **The applicant must pay the fee set under IC 22-12-6-9 to qualify for the**
 37 **temporary operating permit. Except as provided in subsection (e); (f),**
 38 **the permit, including all renewal periods, is limited to sixty (60) days.**

39 ~~(e) (f)~~ **The state building commissioner may renew a temporary**
 40 **operating permit issued under subsection (d) (e) for thirty (30) day**
 41 **periods during the construction of a building if the regulated lifting**
 42 **device is used for the transportation of construction personnel, tools,**



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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.

SECTION 15. IC 25-1-2-2.1, AS AMENDED BY P.L.54-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2.1. Rather than being issued annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

- (1) Certified public accountants, public accountants, and accounting practitioners.
- (2) Architects and landscape architects.
- (3) Dry cleaners.
- (4) Professional engineers.
- (5) Land surveyors.
- (6) Real estate brokers.
- (7) Real estate agents.
- (8) Security dealers' licenses issued by the securities commissioner.
- (9) Dental hygienists.
- (10) Dentists.
- (11) Veterinarians.
- (12) Physicians.
- (13) Chiropractors.
- (14) Physical therapists.
- (15) Optometrists.
- (16) Pharmacists and assistants, drugstores or pharmacies.
- (17) Motels and mobile home park licenses.
- (18) Nurses.
- (19) Podiatrists.
- (20) Occupational therapists and occupational therapy assistants.
- (21) Respiratory care practitioners.
- (22) Social workers, marriage and family therapists, and mental health counselors.
- (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
- (24) Wholesale legend drug distributors.

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- 1 (25) Physician assistants.
 2 (26) Dietitians.
 3 (27) Hypnotists.
 4 (28) Athlete agents.
 5 **(29) Elevator contractors, elevator mechanics, and elevator**
 6 **inspectors.**
 7 SECTION 16. IC 25-1-2-6, AS AMENDED BY P.L.54-2001,
 8 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2002]: Sec. 6. (a) As used in this section, "license" includes
 10 all occupational and professional licenses, registrations, permits, and
 11 certificates issued under the Indiana Code, and "licensee" includes all
 12 occupational and professional licensees, registrants, permittees, and
 13 certificate holders regulated under the Indiana Code.
 14 (b) This section applies to the following entities that regulate
 15 occupations or professions under the Indiana Code:
 16 (1) Indiana board of accountancy.
 17 (2) Indiana grain buyers and warehouse licensing agency.
 18 (3) Indiana auctioneer commission.
 19 (4) Board of registration for architects and landscape architects.
 20 (5) State board of barber examiners.
 21 (6) State board of cosmetology examiners.
 22 (7) Medical licensing board of Indiana.
 23 (8) Secretary of state.
 24 (9) State board of dentistry.
 25 (10) State board of funeral and cemetery service.
 26 (11) Worker's compensation board of Indiana.
 27 (12) Indiana state board of health facility administrators.
 28 (13) Committee of hearing aid dealer examiners.
 29 (14) Indiana state board of nursing.
 30 (15) Indiana optometry board.
 31 (16) Indiana board of pharmacy.
 32 (17) Indiana plumbing commission.
 33 (18) Board of podiatric medicine.
 34 (19) Private detectives licensing board.
 35 (20) State board of registration for professional engineers.
 36 (21) Board of environmental health specialists.
 37 (22) State psychology board.
 38 (23) Indiana real estate commission.
 39 (24) Speech-language pathology and audiology board.
 40 (25) Department of natural resources.
 41 (26) State boxing commission.
 42 (27) Board of chiropractic examiners.



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- 1 (28) Mining board.
 2 (29) Indiana board of veterinary medical examiners.
 3 (30) State department of health.
 4 (31) Indiana physical therapy committee.
 5 (32) Respiratory care committee.
 6 (33) Occupational therapy committee.
 7 (34) Social worker, marriage and family therapist, and mental
 8 health counselor board.
 9 (35) Real estate appraiser licensure and certification board.
 10 (36) State board of registration for land surveyors.
 11 (37) Physician assistant committee.
 12 (38) Indiana dietitians certification board.
 13 (39) Indiana hypnotist committee.
 14 (40) Attorney general (only for the regulation of athlete agents).
 15 (41) **Fire prevention and building safety commission for**
 16 **occupations related to elevators.**
 17 (42) Any other occupational or professional agency created after
 18 June 30, 1981.

19 (c) Notwithstanding any other law, the entities included in
 20 subsection (b) shall send a notice of the upcoming expiration of a
 21 license to each licensee at least sixty (60) days prior to the expiration
 22 of the license. The notice must inform the licensee of the need to renew
 23 and the requirement of payment of the renewal fee. If this notice of
 24 expiration is not sent by the entity, the licensee is not subject to a
 25 sanction for failure to renew if, once notice is received from the entity,
 26 the license is renewed within forty-five (45) days of the receipt of the
 27 notice.

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

- 35 (1) Indiana board of accountancy (IC 25-2.1-2-1).
 36 (2) Board of registration for architects and landscape architects
 37 (IC 25-4-1-2).
 38 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
 39 (4) State board of barber examiners (IC 25-7-5-1).
 40 (5) State boxing commission (IC 25-9-1).
 41 (6) State board of cosmetology examiners (IC 25-8-3-1).
 42 (7) State board of funeral and cemetery service (IC 25-15-9).



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- 1 (8) State board of registration for professional engineers
2 (IC 25-31-1-3).
- 3 (9) Indiana plumbing commission (IC 25-28.5-1-3).
- 4 (10) Indiana real estate commission (IC 25-34.1).
- 5 (11) Real estate appraiser licensure and certification board
6 (IC 25-34.1-8-1).
- 7 (12) Private detectives licensing board (IC 25-30-1-5.1).
- 8 (13) State board of registration for land surveyors
9 (IC 25-21.5-2-1).
- 10 **(14) Fire prevention and building safety commission for**
11 **occupations related to elevators (IC 25-41-1-2).**
- 12 (b) Except for appeals of denials of license renewals to the
13 executive director authorized by section 5.5 of this chapter, nothing in
14 this chapter may be construed to give the licensing agency policy
15 making authority, which remains with each board.
- 16 SECTION 18. IC 25-1-7-1, AS AMENDED BY P.L.82-2000,
17 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2002]: Sec. 1. As used in this chapter:
- 19 "Board" means the appropriate agency listed in the definition of
20 regulated occupation in this section.
- 21 "Director" refers to the director of the division of consumer
22 protection.
- 23 "Division" refers to the division of consumer protection, office of
24 the attorney general.
- 25 "Licensee" means a person who is:
- 26 (1) licensed, certified, or registered by a board listed in this
27 section; and
- 28 (2) the subject of a complaint filed with the division.
- 29 "Person" means an individual, a partnership, a limited liability
30 company, or a corporation.
- 31 "Regulated occupation" means an occupation in which a person is
32 licensed, certified, or registered by one (1) of the following:
- 33 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 34 (2) Board of registration for architects and landscape architects
35 (IC 25-4-1-2).
- 36 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 37 (4) State board of barber examiners (IC 25-7-5-1).
- 38 (5) State boxing commission (IC 25-9-1).
- 39 (6) Board of chiropractic examiners (IC 25-10-1).
- 40 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 41 (8) State board of dentistry (IC 25-14-1).
- 42 (9) State board of funeral and cemetery service (IC 25-15-9).

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- 1 (10) State board of registration for professional engineers
2 (IC 25-31-1-3).
3 (11) Indiana state board of health facility administrators
4 (IC 25-19-1).
5 (12) Medical licensing board of Indiana (IC 25-22.5-2).
6 (13) Indiana state board of nursing (IC 25-23-1).
7 (14) Indiana optometry board (IC 25-24).
8 (15) Indiana board of pharmacy (IC 25-26).
9 (16) Indiana plumbing commission (IC 25-28.5-1-3).
10 (17) Board of podiatric medicine (IC 25-29-2-1).
11 (18) Board of environmental health specialists (IC 25-32-1).
12 (19) State psychology board (IC 25-33).
13 (20) Speech-language pathology and audiology board
14 (IC 25-35.6-2).
15 (21) Indiana real estate commission (IC 25-34.1-2).
16 (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
17 (23) Department of natural resources for purposes of licensing
18 water well drillers under IC 25-39-3.
19 (24) Respiratory care committee (IC 25-34.5).
20 (25) Private detectives licensing board (IC 25-30-1-5.1).
21 (26) Occupational therapy committee (IC 25-23.5).
22 (27) Social worker, marriage and family therapist, and mental
23 health counselor board (IC 25-23.6).
24 (28) Real estate appraiser licensure and certification board
25 (IC 25-34.1-8).
26 (29) State board of registration for land surveyors
27 (IC 25-21.5-2-1).
28 (30) Physician assistant committee (IC 25-27.5).
29 (31) Indiana athletic trainers board (IC 25-5.1-2-1).
30 (32) Indiana dietitians certification board (IC 25-14.5-2-1).
31 (33) Indiana hypnotist committee (IC 25-20.5-1-7).
32 (34) Indiana physical therapy committee (IC 25-27).
33 (35) **Fire prevention and building safety commission for**
34 **purposes of licensing occupations related to elevators**
35 **(IC 25-41).**
36 (36) Any other occupational or professional agency created after
37 June 30, 1981.
38 SECTION 19. IC 25-1-8-1, AS AMENDED BY P.L.82-2000,
39 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2002]: Sec. 1. As used in this chapter, "board" means any of
41 the following:
42 (1) Indiana board of accountancy (IC 25-2.1-2-1).



- 1 (2) Board of registration for architects and landscape architects
- 2 (IC 25-4-1-2).
- 3 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 4 (4) State board of barber examiners (IC 25-7-5-1).
- 5 (5) State boxing commission (IC 25-9-1).
- 6 (6) Board of chiropractic examiners (IC 25-10-1).
- 7 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 8 (8) State board of dentistry (IC 25-14-1).
- 9 (9) State board of funeral and cemetery service (IC 25-15).
- 10 (10) State board of registration for professional engineers
- 11 (IC 25-31-1-3).
- 12 (11) Indiana state board of health facility administrators
- 13 (IC 25-19-1).
- 14 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 15 (13) Mining board (IC 22-10-1.5-2).
- 16 (14) Indiana state board of nursing (IC 25-23-1).
- 17 (15) Indiana optometry board (IC 25-24).
- 18 (16) Indiana board of pharmacy (IC 25-26).
- 19 (17) Indiana plumbing commission (IC 25-28.5-1-3).
- 20 (18) Board of environmental health specialists (IC 25-32-1).
- 21 (19) State psychology board (IC 25-33).
- 22 (20) Speech-language pathology and audiology board
- 23 (IC 25-35.6-2).
- 24 (21) Indiana real estate commission (IC 25-34.1-2-1).
- 25 (22) Indiana board of veterinary medical examiners
- 26 (IC 15-5-1.1-3).
- 27 (23) Department of insurance (IC 27-1).
- 28 (24) State police department (IC 10-1-1-1), for purposes of
- 29 certifying polygraph examiners under IC 25-30-2.
- 30 (25) Department of natural resources for purposes of licensing
- 31 water well drillers under IC 25-39-3.
- 32 (26) Private detectives licensing board (IC 25-30-1-5.1).
- 33 (27) Occupational therapy committee (IC 25-23.5-2-1).
- 34 (28) Social worker, marriage and family therapist, and mental
- 35 health counselor board (IC 25-23.6-2-1).
- 36 (29) Real estate appraiser licensure and certification board
- 37 (IC 25-34.1-8).
- 38 (30) State board of registration for land surveyors
- 39 (IC 25-21.5-2-1).
- 40 (31) Physician assistant committee (IC 25-27.5).
- 41 (32) Indiana athletic trainers board (IC 25-5.1-2-1).
- 42 (33) Board of podiatric medicine (IC 25-29-2-1).

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- 1 (34) Indiana dietitians certification board (IC 25-14.5-2-1).
- 2 (35) Indiana physical therapy committee (IC 25-27).
- 3 (36) **Fire prevention and building safety commission for**
- 4 **purposes of licensing elevator contractors under IC 25-41-3,**
- 5 **elevator inspectors under IC 25-41-4, and elevator mechanics**
- 6 **under IC 25-41-5.**
- 7 (37) Any other occupational or professional agency created after
- 8 June 30, 1981.

9 SECTION 20. IC 25-1-11-1, AS AMENDED BY P.L.82-2000,
 10 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2002]: Sec. 1. As used in this chapter, "board" means any of
 12 the following:

- 13 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 14 (2) Board of registration for architects and landscape architects
- 15 (IC 25-4-1-2).
- 16 (3) Indiana auctioneer commission (IC 25-6.1-2).
- 17 (4) State board of barber examiners (IC 25-7-5-1).
- 18 (5) State boxing commission (IC 25-9-1).
- 19 (6) State board of cosmetology examiners (IC 25-8-3-1).
- 20 (7) State board of registration of land surveyors (IC 25-21.5-2-1).
- 21 (8) State board of funeral and cemetery service (IC 25-15-9).
- 22 (9) State board of registration for professional engineers
- 23 (IC 25-31-1-3).
- 24 (10) Indiana plumbing commission (IC 25-28.5-1-3).
- 25 (11) Indiana real estate commission (IC 25-34.1-2-1).
- 26 ~~(12) Until July 1, 1996, Indiana State board of television and~~
- 27 ~~radio service examiners (IC 25-36-1-4).~~
- 28 ~~(13)~~ (12) Real estate appraiser licensure certification board
- 29 (IC 25-34.1-8).
- 30 ~~(14)~~ (13) Private detectives licensing board (IC 25-30-1-5.1).
- 31 (14) **Fire prevention and building safety commission for**
- 32 **purposes of licensing occupations related to (IC 25-41)**
- 33 **elevators.**

34 SECTION 21. IC 25-41 IS ADDED TO THE INDIANA CODE AS
 35 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 36 2002]:

37 **ARTICLE 41. OCCUPATIONS RELATED TO ELEVATORS**
 38 **Chapter 1. Miscellaneous**

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

- 41 (1) **elevator contractor;**
- 42 (2) **elevator inspector; or**

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1 (3) elevator mechanic;
2 is a regulated occupation (as defined in IC 25-1-7-1).

3 Sec. 2. For purposes of licensing an:

- 4 (1) elevator contractor;
- 5 (2) elevator inspector; or
- 6 (3) elevator mechanic;

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

9 Chapter 2. Definitions

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

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

14 Sec. 3. "Commission" refers to the fire prevention and building
15 safety commission established by IC 22-12-2-1.

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

20 Sec. 5. "Emergency elevator mechanic license" means a license
21 issued by the commission under IC 25-41-5-5 that allows an
22 individual who has not qualified for an elevator mechanic license
23 to work for a period of an emergency as an elevator mechanic.

24 Sec. 6. (a) "Person", except as provided in subsection (b), means
25 an individual.

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

- 28 (1) the partners or members of a:
 - 29 (A) partnership;
 - 30 (B) limited partnership; or
- 31 (2) with respect to a corporation, the:
 - 32 (A) corporate entity; or
 - 33 (B) the officers or directors and employees.

34 Sec. 7. "Temporary elevator mechanic license" means a license
35 issued by the commission under IC 25-41-5-4 that allows an
36 individual who has not qualified for an elevator mechanic license
37 to work for a specified period as an elevator mechanic.

38 Chapter 3. Elevator Contractor License

39 Sec. 1. (a) A person may not act as an elevator contractor unless
40 the person or the partnership or corporation by which the person
41 is employed holds an elevator contractor license issued under this
42 chapter.

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- 1 (b) The commission shall issue a license to each person who
- 2 applies and qualifies for a license under this chapter.
- 3 (c) An elevator contractor license issued under this chapter
- 4 expires on the second December 31 after it was issued.
- 5 (d) A renewal of an elevator contractor license is valid for two
- 6 (2) years.
- 7 Sec. 2. (a) If a corporation acts as an elevator contractor, at
- 8 least one (1) officer or employee of the corporation must hold a
- 9 valid elevator contractor license as provided by this chapter.
- 10 (b) To act as an elevator contractor, a corporation must:
- 11 (1) file an application for an elevator contractor license as
- 12 provided in section 4 of this chapter, which must include the
- 13 name of any officer or employee of the corporation who holds
- 14 a valid elevator contractor license; and
- 15 (2) receive a license to act as an elevator contractor.
- 16 (c) A license granted to a corporation to act as an elevator
- 17 contractor under this chapter becomes invalid when no officer or
- 18 employee of the corporation holds a valid elevator contractor
- 19 license as provided by this chapter.
- 20 Sec. 3. (a) At least one (1) member of a partnership who acts as
- 21 an elevator contractor must hold a license as an elevator
- 22 contractor.
- 23 (b) If a limited partnership acts as an elevator contractor, only
- 24 the general partner must hold a license as an elevator contractor.
- 25 (c) A license granted to a partnership to act as an elevator
- 26 contractor under this chapter becomes invalid when the general
- 27 partner of a limited partnership or a partner of a partnership no
- 28 longer holds a valid elevator contractor license as provided by this
- 29 chapter.
- 30 Sec. 4. (a) An application for an elevator contractor license must
- 31 be made on a form prescribed by the commission. The commission
- 32 shall adopt rules under IC 4-22-2 to prescribe the application form
- 33 and shall prescribe a form that identifies the applicant and obtains
- 34 information to determine if the applicant is qualified to be licensed.
- 35 (b) When application is made for a partnership or corporation,
- 36 the application shall designate the:
- 37 (1) partner;
- 38 (2) officer of the corporation; or
- 39 (3) employee of the corporation;
- 40 who holds an elevator contractor license as provided in section 1(b)
- 41 of this chapter.
- 42 (c) An application for a license or a license renewal must be

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

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

- 7 (1) furnish proof of a current or previous elevator contractor
- 8 license issued by another state or at least five (5) years work
- 9 experience in the elevator industry in construction,
- 10 maintenance, and service or repair in Indiana; or
- 11 (2) successfully complete a written competency examination
- 12 prepared by the commission and administered by the agency.

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

- 15 (1) the individual's license; or
- 16 (2) a facsimile of the license of the partnership or corporation
- 17 by which the individual is employed;

18 and present the license for inspection by a representative of the
19 commission upon request.

20 **Sec. 7. (a) Before an elevator contractor license may be issued,**
21 **a person must submit to the agency proof of insurance issued by an**
22 **insurance company authorized to conduct business in Indiana**
23 **providing general liability coverage of:**

- 24 (1) at least one million dollars (\$1,000,000) for the injury or
- 25 death of any number of persons in any one (1) occurrence;
- 26 and
- 27 (2) at least five hundred thousand dollars (\$500,000) for
- 28 property damage in any one (1) occurrence.

29 **An insurance policy required under this section must provide by**
30 **the policy's original terms or endorsement that the insurer may not**
31 **cancel or materially alter the terms of the policy without at least**
32 **ten (10) days notice to the agency.**

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

36 **Sec. 8. If an elevator contractor is unable to secure licensed**
37 **elevator mechanics to perform construction, maintenance, or**
38 **service and repair of elevators, the elevator contractor may notify**
39 **the commission to seek the issuance of a temporary elevator**
40 **mechanic license, as provided in IC 25-41-5-4, or an emergency**
41 **elevator mechanic license, as provided in IC 25-41-5-5.**

42 **Sec. 9. The commission may adopt and enforce rules under**



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IC 4-22-2 that are necessary to carry out this chapter.

Chapter 4. Elevator Inspector License

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

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

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

(d) An elevator inspector license issued under this chapter expires on the second December 31 after it is issued.

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

Sec. 2. (a) An application for an elevator inspector 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 will identify the applicant and obtain information to determine if the applicant is qualified to be licensed.

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

Sec. 3. (a) To qualify for an elevator inspector license, an individual must prove to the commission that the individual meets 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 approved by the commission.

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

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

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

- (1) the state;**
- (2) a county; or**
- (3) a municipality.**

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

- (1) at least one million dollars (\$1,000,000) for the injury or**

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- 1 death of any number of persons in any one (1) occurrence;
- 2 and
- 3 (2) at least five hundred thousand dollars (\$500,000) for
- 4 property damage in any one (1) occurrence.

5 An insurance policy required under this section must provide by
 6 the policy's original terms or endorsement that the insurer may not
 7 cancel or materially alter the terms of the policy without at least
 8 ten (10) days notice to the agency.

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

11 Chapter 5. Elevator Mechanic License

12 Sec. 1. (a) An individual may not act as an elevator mechanic
 13 unless the individual holds an elevator mechanic license issued
 14 under this chapter.

15 (b) The commission shall issue a license to each individual who
 16 applies and qualifies for a license under this chapter.

17 (c) An individual engaged in the business of an elevator
 18 mechanic shall carry the individual's license and present the license
 19 for inspection by a representative of the commission upon request.

20 (d) An elevator mechanic license issued under this chapter
 21 expires on the second December 31 after it was issued.

22 (e) A renewal of an elevator mechanic license is valid for two (2)
 23 years.

24 Sec. 2. (a) An application for an elevator mechanic license must
 25 be made on a form prescribed by the commission. The commission
 26 shall adopt rules under IC 4-22-2 to prescribe the application form
 27 and shall prescribe a form that will identify the applicant and
 28 obtain information to determine if the applicant is qualified to be
 29 licensed.

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

32 Sec. 3. (a) To qualify for an elevator mechanic license, an
 33 individual must:

34 (1) furnish proof acceptable to the commission of not less than
 35 three (3) years work experience performing the duties of an
 36 elevator mechanic in Indiana, including current employment
 37 in Indiana, without direct supervision and make application
 38 for the license before January 1, 2003;

39 (2) furnish proof of at least three (3) years work experience in
 40 the elevator industry in construction, maintenance, and
 41 service or repair, as verified by current and previous
 42 employers, and successfully complete a written competency

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1 examination prepared by the commission and administered by
2 the agency;

3 (3) furnish proof of at least:

4 (A) eighteen (18) months experience in the elevator
5 industry; and

6 (B) three (3) years experience in a related field that is
7 certified by an elevator contractor licensed under
8 IC 25-41-3;

9 and successfully complete a written competency examination
10 prepared by the commission and administered by the agency;

11 (4) submit a certificate of completion and a passing score on
12 the mechanic's examination portion of a training program for
13 the elevator industry approved by the commission;

14 (5) submit certificates of completion of an apprenticeship
15 program for elevator mechanics that:

16 (A) has standards substantially the same as those of this
17 chapter; and

18 (B) is registered with the Bureau of Apprenticeship and
19 Training of the United States Department of Labor or a
20 state apprenticeship program; or

21 (6) submit a valid license from a state that meets or exceeds
22 standards established by the commission.

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

27 Sec. 4. (a) If an elevator contractor is unable to secure licensed
28 elevator mechanics to perform construction, maintenance, or
29 service and repair of elevators, the elevator contractor may notify
30 the agency and request that the agency issue a temporary elevator
31 mechanic license to an individual certified by the elevator
32 contractor as possessing sufficient documented experience and
33 education to perform elevator construction, maintenance, or
34 service and repair.

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

38 (1) apply for a temporary elevator mechanic license from the
39 agency; and

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

41 (c) The temporary elevator mechanic license is valid for thirty
42 (30) days after the date of issuance and is valid only for work

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performed by the applicant for the elevator contractor that has made the certification under subsection (a).

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

Sec. 5. (a) If an elevator contractor is unable to secure 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), the elevator contractor may notify the agency and request that the agency issue an emergency elevator mechanic license to an individual certified by the elevator contractor as possessing sufficient documented experience and education to perform elevator construction, maintenance, or service and repair.

(b) The request for the emergency elevator mechanic license must be made within five (5) business days after the 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 agency 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 commission.

(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,

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1 or IC 25-41-5, the license holder must satisfy the continuing
2 education requirement and submit a certificate of completion of
3 training to the agency.

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

8 **Sec. 4.** The continuing education courses designed to ensure the
9 continuing education of an individual holding a license regarding
10 new and existing provisions of the rules of the commission may
11 include, but are not limited to:

- 12 (1) programs sponsored by the commission;
13 (2) trade association seminars;
14 (3) labor training programs; or
15 (4) joint labor management apprenticeship and journeyman
16 upgrade training programs.

17 In order for an individual's completion of a continuing education
18 course to satisfy the individual's continuing education requirement
19 under this chapter, the provider of the course and the curriculum
20 must have been approved by the commission.

21 **Sec. 5.** Upon submission of a certificate of training of approved
22 curriculum from an approved continuing education provider, the
23 agency may renew a license.

24 **Sec. 6.** All instructors of continuing education courses must be
25 approved by the commission. If an instructor is approved by the
26 commission and if the instructor has worked as an instructor at
27 any time less than one (1) year before the scheduled date for
28 renewal and shows proof of this work to the agency, the instructor
29 is exempt from the requirements of section 1 of this chapter.

30 **Sec. 7. (a)** An individual licensed under IC 25-41-3, IC 25-41-4,
31 or IC 25-41-5 who is unable to complete the continuing education
32 required under this chapter before the expiration of the
33 individual's license due to temporary physical or mental disability
34 may apply for a waiver from the agency.

35 (b) A waiver application must be submitted to the agency on a
36 form established by rule under IC 4-22-2.

37 (c) A waiver application must be signed and accompanied by an
38 affidavit signed by the physician of the applicant attesting to the
39 applicant's temporary disability.

40 (d) After the cessation of the temporary disability, the applicant
41 must submit to the agency a certification from the same physician,
42 if the physician is still the treating physician of the applicant, or

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1 from a subsequent treating physician attesting to the termination
2 of the temporary disability.

3 (e) Upon the submission of the certification under subsection
4 (d), the agency shall issue a temporary waiver of the continuing
5 education requirement. A temporary waiver is valid for ninety (90)
6 days after the date of issue and allows the individual to work as an
7 elevator contractor, elevator inspector, or elevator mechanic
8 without the completion of the continuing education requirement
9 for ninety (90) days.

10 (f) A temporary waiver of the continuing education requirement
11 may not be renewed.

12 Sec. 8. Continuing education providers approved by the
13 commission shall keep uniform records of attendance at continuing
14 education courses for at least ten (10) years on forms designed and
15 distributed by the commission.

16 Sec. 9. Falsifying or knowingly allowing another person to
17 falsify attendance records or certificates of completion of
18 continuing education courses provided under this chapter is
19 grounds for suspension or revocation of the license renewed under
20 section 4 of this chapter.

21 Chapter 7. Violations

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

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

32 (b) The commission may refuse under IC 4-21.5-3-5 to grant,
33 renew, or restore a license to a person who has done any of the
34 following:

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

42 SECTION 22. [EFFECTIVE JULY 1, 2002] (a) Notwithstanding

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1 **IC 25-41-3-1, as added by this act, the requirement that an**
2 **individual may not act as an elevator contractor unless the**
3 **individual holds an elevator contractor license does not apply to an**
4 **individual before January 1, 2003.**

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

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

13 **(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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