

# COMMITTEE REPORT

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## MADAM PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 211, 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:

- 1 Delete the title and insert the following:  
2 A BILL FOR AN ACT to amend the Indiana Code concerning  
3 public safety.  
4 Delete everything after the enacting clause and insert the  
5 following:  
6 SECTION 1. IC 12-17.2-3.5-5 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. A provider shall  
8 have:  
9 (1) working smoke detectors that meet the standards adopted by  
10 rule for smoke detectors in licensed child care homes; ~~and~~  
11 **(2) a carbon monoxide detection system that complies with**  
12 **IC 22-11-18.5; and**  
13 ~~(2)~~ **(3) hot and cold running water;**  
14 in the area of the facility where the provider operates a child care  
15 program.  
16 SECTION 2. IC 12-17.2-5-6.5, AS AMENDED BY P.L.145-2006,  
17 SECTION 101, IS AMENDED TO READ AS FOLLOWS  
18 [EFFECTIVE JULY 1, 2011]: Sec. 6.5. (a) To qualify for a license to  
19 operate a class II child care home under this chapter, a person must do  
20 the following:  
21 (1) Provide all child care services on the first story of the child  
22 care home unless the class II child care home meets the  
23 exceptions to the first story requirements contained in the  
24 Indiana building code adopted by the fire prevention and  
25 building safety commission in effect at the time the class II child  
26 care home provider applies for licensure.  
27 (2) Provide a smoke detection system that is:

- 1 (A) hard wired to the building's electrical system; and  
 2 (B) wired in a manner that activates all of the detector  
 3 devices in the building when one (1) detector device is  
 4 activated.

5 **(3) Provide a carbon monoxide detection system that**  
 6 **complies with IC 22-11-18.5.**

7 ~~(3)~~ (4) Provide a fire extinguisher in each room that is used to  
 8 provide child care services.

9 ~~(4)~~ (5) Meet:

10 (A) the exit requirements for an E-3 building occupancy  
 11 classification under the Indiana building code adopted by  
 12 the fire prevention and building safety commission, except  
 13 for any illumination requirements, in effect at the time the  
 14 class II child care home provider initially applies for  
 15 licensure; and

16 (B) the illumination requirements established in section  
 17 6.3(b)(2)(D) of this chapter.

18 ~~(5)~~ (6) Provide a minimum of thirty-five (35) square feet for each  
 19 child.

20 ~~(6)~~ (7) Conduct fire drills required under article 37 of the Indiana  
 21 fire prevention code adopted by the fire prevention and building  
 22 safety commission in effect at the time the class II child care  
 23 home provider applies for licensure.

24 ~~(7)~~ (8) Apply for a license before July 1, 1996, or after June 30,  
 25 2001.

26 ~~(8)~~ (9) Comply with rules adopted by the division of family  
 27 resources for class II child care homes.

28 ~~(9)~~ (10) Complete the training course taught or approved by the  
 29 division concerning safe sleeping practices for a child within the  
 30 person's care as described in IC 12-17.2-2-1(10).

31 (b) To qualify for a license to operate a class II child care home  
 32 under this chapter, a person, before applying for the license, must have:

- 33 (1) a class I child care home license; or  
 34 (2) at least one (1) year of experience as a caregiver in a child  
 35 care home or child care center.

36 SECTION 3. IC 12-17.2-6-5, AS AMENDED BY P.L.1-2006,  
 37 SECTION 194, IS AMENDED TO READ AS FOLLOWS  
 38 [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) As used in this section,  
 39 "primary use of the building" means the occupancy classification that  
 40 is:

- 41 (1) most closely related to the intended use of the building; and  
 42 (2) determined by the rules of the fire prevention and building  
 43 safety commission in effect at the time that the child care  
 44 ministry is first registered.

45 (b) The state fire marshal shall inspect a child care ministry  
 46 registered under section 2 of this chapter to ensure that the child care  
 47 ministry complies with the requirements of subsection (c).

48 (c) Except as provided in the following, a registered child care  
 49 ministry shall comply with all rules of the fire prevention and building  
 50 safety commission applicable to the primary use of the building:

- 1 (1) A registered child care ministry with an occupant load of at  
 2 least fifty (50) shall do either of the following:  
 3 (A) Install and maintain a fire alarm system in compliance  
 4 with the rules of the fire prevention and building safety  
 5 commission **and install and maintain a carbon monoxide**  
 6 **detection system that complies with IC 22-11-18.5.**  
 7 (B) Provide a notice on a form prescribed by the division of  
 8 fire and building safety to the parents of each child who  
 9 attends the ministry stating that the ministry does not have  
 10 the same level of fire safety protection as a licensed child  
 11 care center.
- 12 (2) Each registered child care ministry with an occupant load of  
 13 less than fifty (50) shall do either of the following:  
 14 (A) Install and maintain in good operating condition at least  
 15 one (1) battery operated smoke detector in each room and  
 16 corridor used by the ministry **and install and maintain a**  
 17 **carbon monoxide detection system that complies with**  
 18 **IC 22-11-18.5.**  
 19 (B) Provide a notice on a form prescribed by the division of  
 20 fire and building safety to the parents of each child who  
 21 attends the ministry stating that the ministry does not have  
 22 the same level of fire safety protection as a licensed child  
 23 care center.
- 24 (3) Each registered child care ministry shall comply with the  
 25 rules of the fire prevention and building safety commission  
 26 concerning fire drills.
- 27 For purposes of this subsection, occupant load is determined by  
 28 dividing the total square footage of the area used by the child care  
 29 ministry by thirty-five (35) and rounding any result that is not a whole  
 30 number up to the next whole number.
- 31 (d) The state fire marshal shall make an inspection of a child care  
 32 ministry registered under section 2 of this chapter at least annually.
- 33 (e) During an inspection, the state fire marshal shall inspect the  
 34 structure in which the child care ministry is conducted for fire safety  
 35 and life safety with respect to the structure's primary use.
- 36 SECTION 4. IC 16-28-11-5, AS ADDED BY P.L.73-2007,  
 37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2011]: Sec. 5. (a) This section does not apply to the Indiana  
 39 Veterans' Home.
- 40 (b) A health facility licensed under IC 16-28 as a comprehensive  
 41 care facility must do the following:  
 42 (1) Have an automatic fire sprinkler system installed throughout  
 43 the facility before July 1, 2012.  
 44 (2) If an automatic fire sprinkler system is not installed  
 45 throughout the health facility before July 1, 2010, submit before  
 46 July 1, 2010, a plan to the state department for completing the  
 47 installation of the automatic fire sprinkler system before July 1,  
 48 2012.  
 49 (3) Have a battery operated or hard wired smoke detector in each  
 50 resident's room before July 1, 2012.

1           **(4) Install and maintain a carbon monoxide detection system**  
 2           **that complies with IC 22-11-18.5.**

3           (c) The state department shall adopt rules under IC 4-22-2 to  
 4           implement this section.

5           SECTION 5. IC 16-28-11-7, AS ADDED BY P.L.73-2007,  
 6           SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7           JULY 1, 2011]: Sec. 7. The state department shall disclose the  
 8           following information in the state department's consumer guide to  
 9           nursing homes:

10           (1) Until July 1, 2012, whether each health facility has:

11                   (A) a battery operated;

12                   (B) a hard wired; or

13                   (C) no;

14           smoke detector **and a carbon monoxide detector** in each  
 15           resident's room.

16           (2) After June 30, 2012, whether a health facility has:

17                   (A) a battery operated; or

18                   (B) a hard wired;

19           smoke detector **and a carbon monoxide detector** in each  
 20           resident's room.

21           (3) If a health facility has a **carbon monoxide detector and a**  
 22           hard wired or wireless smoke detector in each resident's room,  
 23           whether the **carbon monoxide detector and** smoke detector:

24                   (A) ~~provides~~ **provide** a visual and audible signal at the  
 25                   nurses' stations that attend each room;

26                   (B) ~~transmits~~ **transmit** to a central station service; and

27                   (C) ~~connects~~ **connect** to the health facility's fire alarm  
 28                   system.

29           SECTION 6. IC 16-41-27-16.6, AS ADDED BY P.L.31-2007,  
 30           SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31           JULY 1, 2011]: Sec. 16.6. (a) Each year during National Fire  
 32           Prevention Week, the operator of a mobile home community is  
 33           encouraged to provide a written reminder to the owners of all  
 34           manufactured homes in the mobile home community to replace the  
 35           batteries in all weather radios, ~~and~~ smoke detectors, **and carbon**  
 36           **monoxide detectors** contained in their manufactured homes.

37           (b) Any reminder, assistance, or instructions provided by an  
 38           operator of a mobile home community concerning the function of a  
 39           weather radio or smoke detector contained in a manufactured home  
 40           shall not subject the operator or an owner or employee of the mobile  
 41           home community to liability for the functionality of that weather radio,  
 42           ~~or~~ smoke detector, **or carbon monoxide detector.**

43           SECTION 7. IC 22-11-18.5 IS ADDED TO THE INDIANA  
 44           CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS  
 45           [EFFECTIVE JULY 1, 2011]:

46           **Chapter 18.5. Carbon Monoxide Detection Devices**

47           **Sec. 1. As used in this chapter, "carbon monoxide detector"**  
 48           **means a device that:**

49                   **(1) detects carbon monoxide and, if combined with a smoke**  
 50                   **detector, identifies the carbon monoxide hazard with a**

1 distinct sound; and  
 2 (2) is listed by a nationally recognized, independent,  
 3 nonprofit product safety testing certification laboratory as  
 4 conforming to the most current Underwriters Laboratories  
 5 Standards or its equivalent.

6 Sec. 2. As used in this chapter, "commission" has the meaning  
 7 set forth in IC 22-12-1-6.

8 Sec. 3. As used in this chapter, "dwelling" means an area for  
 9 living or sleeping by individuals. The term includes hotels and  
 10 motels (as defined in IC 22-11-18-1).

11 Sec. 4. As used in this chapter, "landlord" has the meaning set  
 12 forth in IC 32-31-3-3.

13 Sec. 5. As used in this chapter, "rental unit" has the meaning  
 14 set forth in IC 32-31-3-8.

15 Sec. 6. As used in this chapter, "tenant" has the meaning set  
 16 forth in IC 32-31-3-10.

17 Sec. 7. (a) Beginning July 1, 2012, a dwelling must have at least  
 18 one (1) carbon monoxide detector installed if the dwelling:

19 (1) contains a source of, or equipment capable of producing,  
 20 carbon monoxide; or

21 (2) has an attached garage.

22 (b) A carbon monoxide detector must be installed as follows:

23 (1) According to the manufacturer's instructions.

24 (2) Not more than ten (10) feet from each sleeping area and  
 25 must be audible to the occupants of the sleeping area.

26 (3) In accordance with the most current rules adopted by the  
 27 commission.

28 (c) If the dwelling has a centralized alarm system, a carbon  
 29 monoxide detector may be installed not more than twenty-five (25)  
 30 feet from a source of, or equipment capable of producing, carbon  
 31 monoxide. The carbon monoxide detector must provide an audible  
 32 signal to the person that monitors the centralized alarm system.

33 Sec. 8. (a) A landlord shall:

34 (1) provide and install a carbon monoxide detector in  
 35 accordance with section 9 of this chapter;

36 (2) ensure that all carbon monoxide detectors are functional  
 37 at the time a new tenant occupies a dwelling; and

38 (3) replace and repair a carbon monoxide detector within  
 39 seven (7) working days after receiving written notice of a  
 40 malfunctioning device.

41 (b) A tenant shall:

42 (1) replace batteries if needed and maintain all carbon  
 43 monoxide detectors in good repair;

44 (2) test every six (6) months all carbon monoxide detectors to  
 45 ensure that they remain functional;

46 (3) not obstruct, tamper with, or remove a carbon monoxide  
 47 detector except for maintenance purposes; and

48 (4) notify the landlord in writing of a malfunctioning carbon  
 49 monoxide detector.

50 Sec. 9. (a) Except as provided in subsections (b) and (c), a

1 person who violates this chapter commits a Class D infraction.

2 (b) A landlord who violates section 8(a) of this chapter  
3 commits a Class B infraction. The offense is a Class A infraction if  
4 the landlord has been found by a court to have committed a prior  
5 unrelated violation under this section.

6 (c) An owner of a hotel or motel who violates this chapter  
7 commits a Class A infraction. The offense is a Class D felony if:

8 (1) the owner knowingly or intentionally violates this  
9 chapter; and

10 (2) bodily injury or loss of life occurs as a result of the  
11 violation.

12 (d) A violation of this chapter does not constitute grounds for  
13 a reduction or denial of a claim under an insurance policy even if  
14 the policy contains terms to the contrary.

15 **Sec. 10. A rule or an ordinance is not voided or limited by this**  
16 **chapter if the rule or ordinance:**

17 (1) applies to occupied dwellings; and

18 (2) is at least as stringent as the requirements of this chapter.

19 SECTION 8. IC 22-12-1-13 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. "Fire safety law"  
21 means any building law, equipment law, or other law safeguarding life  
22 or property from the hazards of fire, ~~or~~ explosion, **or hydrocarbon**  
23 **gases.**

24 SECTION 9. IC 22-13-2-5 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) The commission  
26 shall carry out a program to review the fire safety laws and the building  
27 laws adopted in the ordinances and other regulations of political  
28 subdivisions.

29 (b) An ordinance or other regulation adopted by a political  
30 subdivision that qualifies as a fire safety law or a building law is not  
31 effective until it is approved by the commission. However, an  
32 ordinance that:

33 (1) is adopted by a city, town, or county; and

34 (2) governs the installations, repair, and maintenance of smoke  
35 detectors **and carbon monoxide detectors** in residential  
36 structures that are not required to have smoke detectors **and**  
37 **carbon monoxide detectors** under the rules of the commission;

38 is effective without approval by the commission.

39 SECTION 10. IC 22-13-3-3 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The commission  
41 shall adopt fire safety rules that prohibit the occupancy or use of Class  
42 1 structures that do not comply with the commission's rules governing  
43 the number, type, location, identification, repair, and maintenance of  
44 emergency exits, smoke detection devices, and other emergency  
45 communication devices.

46 SECTION 11. IC 32-31-5-7, AS ADDED BY P.L.17-2008,  
47 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
48 JULY 1, 2011]: Sec. 7. (a) At the time a landlord delivers a rental unit  
49 to a tenant, the landlord shall require the tenant to acknowledge in  
50 writing that the rental unit is equipped with a functional smoke detector

1 **and carbon monoxide detector.**

2 (b) A landlord and a tenant may not waive, in a rental agreement  
3 or a separate writing, the requirements under IC 22-11-18-3.5  
4 concerning smoke detectors **and carbon monoxide detectors.**

5 SECTION 12. IC 32-31-7-5, AS AMENDED BY P.L.17-2008,  
6 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2011]: Sec. 5. A tenant shall do the following:

8 (1) Comply with all obligations imposed primarily on a tenant by  
9 applicable provisions of health and housing codes.

10 (2) Keep the areas of the rental premises occupied or used by the  
11 tenant reasonably clean.

12 (3) Use the following in a reasonable manner:

13 (A) Electrical systems.

14 (B) Plumbing.

15 (C) Sanitary systems.

16 (D) Heating, ventilating, and air conditioning systems.

17 (E) Elevators, if provided.

18 (F) Facilities and appliances of the rental premises.

19 (4) Refrain from defacing, damaging, destroying, impairing, or  
20 removing any part of the rental premises.

21 (5) Comply with all reasonable rules and regulations in existence  
22 at the time a rental agreement is entered into. A tenant shall also  
23 comply with amended rules and regulations as provided in the  
24 rental agreement.

25 (6) Ensure that each smoke detector **and carbon monoxide**  
26 **detector** installed in the tenant's rental unit remains functional  
27 and is not disabled. If the smoke detector is battery operated, the  
28 tenant shall replace batteries in the smoke detector as necessary.  
29 If the smoke detector ~~is~~ **and carbon monoxide detector are**  
30 hard wired into the rental unit's electrical system, and the tenant  
31 believes that the smoke detector ~~is~~ **and carbon monoxide**  
32 **detector are** not functional, the tenant shall provide notice to the  
33 landlord under IC 22-11-18-3.5(e)(2).

34 This section may not be construed to limit a landlord's obligations  
35 under this chapter or IC 32-31-8.

36 SECTION 13. IC 36-8-17-3 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. As used in this  
38 chapter, "fire safety law" means any law, including rules and orders of  
39 the commission, safeguarding life or property from the hazards of fire,  
40 ~~or~~ explosion, **or hydrocarbon gases.**

(Reference is to SB 211 as introduced.)

**and when so amended that said bill be reassigned to the Senate Committee on Public Policy .**

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LONG, Chairperson