

COMMITTEE REPORT

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 .

LONG, Chairperson