
HOUSE BILL No. 1095

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-12; IC 22-13-2; IC 22-15-8.

Synopsis: Regulation of outdoor stage equipment. Prohibits the use of outdoor stage equipment for an outdoor performance without a permit issued by the division of fire and building safety or a county, city, or town acting under a regulatory program approved by the fire prevention and building safety commission. Provides for the establishment of standards for, and the inspection of, outdoor stage equipment by the fire prevention and building safety commission.

Effective: Upon passage.

Niezgodski

January 9, 2012, read first time and referred to Committee on Veterans Affairs and Public Safety.

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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 2011 Regular Session of the General Assembly.

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HOUSE BILL No. 1095



A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

1 SECTION 1. IC 22-12-1-2.4 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 2.4. "Approved unit", for the purposes of**
4 **IC 22-15-8, refers to a county, city, or town that has a program to**
5 **regulate outdoor stage equipment under IC 36-8-2-14 that is**
6 **approved by the commission.**

7 SECTION 2. IC 22-12-1-11 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11. "Equipment**
9 **law" means a statute or rule under this article, IC 22-13, or IC 22-15**
10 **that applies to the design, manufacture, fabrication, assembly,**
11 **installation, alteration, repair, maintenance, operation, or inspection of**
12 **a regulated amusement device, a boiler, a lifting device, outdoor stage**
13 **equipment, or a pressure vessel.**

14 SECTION 3. IC 22-12-1-14.5 IS ADDED TO THE INDIANA
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
16 [EFFECTIVE UPON PASSAGE]: **Sec. 14.5. "Installation", as the**
17 **term applies to outdoor stage equipment, means the following:**



1 (1) **Erection or assembly of outdoor stage equipment at an**
 2 **outdoor location where the outdoor stage equipment is**
 3 **intended to be or is used for an outdoor performance.**

4 (2) **Work undertaken to alter outdoor stage equipment or add**
 5 **outdoor stage equipment at an outdoor location where the**
 6 **outdoor stage equipment is intended to be or is used for an**
 7 **outdoor performance.**

8 (3) **Work undertaken to relocate any part of an assembly of**
 9 **outdoor stage equipment at an outdoor location where the**
 10 **outdoor stage equipment is intended to be or is used for an**
 11 **outdoor performance.**

12 SECTION 4. IC 22-12-1-17.5 IS ADDED TO THE INDIANA
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE UPON PASSAGE]: **Sec. 17.5. "Outdoor**
 15 **performance", as the term applies to outdoor stage equipment,**
 16 **means:**

17 (1) **a movie or show;**

18 (2) **an exhibit;**

19 (3) **a concert;**

20 (4) **a performance of dance;**

21 (5) **a musical, dramatic, or comedy performance;**

22 (6) **a sporting or athletic match, exhibition, or contest; or**

23 (7) **another amusement or entertainment;**

24 **conducted outside a permanent Class 1 structure or Class 2**
 25 **structure that provides reasonable protection from severe weather,**
 26 **as determined under the rules adopted by the commission.**

27 SECTION 5. IC 22-12-1-17.7 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE UPON PASSAGE]: **Sec. 17.7. (a) "Outdoor stage**
 30 **equipment" means any:**

31 (1) **stage; and**

32 (2) **auxiliary towers, booms, ramps, platforms, or other**
 33 **structures, including ancillary rigging;**

34 **that are used or are intended to be used in connection with an**
 35 **outdoor performance.**

36 (b) **The term does not include:**

37 (1) **any part of a Class 1 structure, regulated amusement**
 38 **device, or regulated lifting device that is otherwise regulated**
 39 **under this article, IC 22-13, IC 22-14, or IC 22-15 for load**
 40 **bearing capacity or wind resistance, or both, as determined**
 41 **under the rules of the commission; or**

42 (2) **a small structure or an assembly of structures that does**

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1 **not exceed the maximum size or weight limits (after the**
 2 **addition of all supported equipment) established by the**
 3 **commission.**

4 SECTION 6. IC 22-12-6-6 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The
 6 commission may adopt rules under IC 4-22-2 setting a fee schedule for
 7 the following:

- 8 (1) Fireworks display permits issued under IC 22-11-14-2.
 9 (2) Explosives magazine permits issued under IC 35-47.5-4.
 10 (3) Design releases issued under IC 22-15-3.
 11 (4) Certification of industrialized building systems and mobile
 12 structures under IC 22-15-4.
 13 (5) Inspection of regulated amusement devices under IC 22-15-7.
 14 (6) Application fees for variance requests under IC 22-13-2-11
 15 and inspection fees for exemptions under IC 22-13-4-5.
 16 (7) Permitting and inspection of regulated lifting devices under
 17 IC 22-15-5.
 18 (8) Permitting and inspection of regulated boiler and pressure
 19 vessels under IC 22-15-6.
 20 (9) Licensing of:
 21 (A) boiler and pressure vessel inspectors under IC 22-15-6-5;
 22 and
 23 (B) an owner or user boiler and pressure vessel inspection
 24 agency under IC 22-15-6-6.
 25 (10) Licensing of elevator contractors, elevator inspectors, and
 26 elevator mechanics under IC 22-15-5-6 through IC 22-15-5-16.
 27 **(11) Permitting and inspecting outdoor stage equipment**
 28 **under IC 22-15-8.**

29 (b) Fee schedules set under this section must be sufficient to pay all
 30 of the costs, direct and indirect, that are payable from the fund into
 31 which the fee must be deposited, after deducting other money deposited
 32 in the fund. In setting these fee schedules, the commission may
 33 consider differences in the degree or complexity of the activity being
 34 performed for each fee.

35 (c) The fee schedule set for design releases issued under subsection
 36 (a)(3) may not be changed more than one (1) time each year. The
 37 commission may include in this fee schedule a fee for the review of
 38 plans and specifications and, if a political subdivision does not have a
 39 program to periodically inspect the construction covered by the design
 40 release, a fee for inspecting the construction.

41 (d) The fee schedule set under subsection (a) for design releases
 42 may provide that a portion of the fees collected shall be deposited in

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1 the statewide fire and building safety education fund established under
2 section 3 of this chapter.

3 SECTION 7. IC 22-13-2-8.5 IS ADDED TO THE INDIANA CODE
4 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
5 **UPON PASSAGE]: Sec. 8.5. (a) The commission shall adopt rules**
6 **under IC 4-22-2 to establish equipment laws for outdoor stage**
7 **equipment to protect the safety of performers and the audience at**
8 **an outdoor performance.**

9 (b) The commission may adopt temporary rules in the manner
10 provided for the adoption of emergency rules under IC 4-22-2-37.1
11 to carry out subsection (a). A temporary rule adopted under this
12 subsection expires on the earliest of the following:

- 13 (1) The date specified in the temporary rule.
- 14 (2) The date another temporary rule adopted under this
- 15 subsection or a rule adopted under IC 4-22-2 supersedes or
- 16 repeals the previously adopted temporary rule.
- 17 (3) January 1, 2014.

18 **This subsection expires January 1, 2014.**

19 SECTION 8. IC 22-13-2-9 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. Except as
21 provided in section 10 of this chapter, political subdivisions do not
22 have the power to regulate regulated:

- 23 (1) amusement devices;
- 24 (2) boilers;
- 25 (3) lifting devices; ~~and~~
- 26 (4) pressure vessels; **and**
- 27 (5) **outdoor stage equipment.**

28 SECTION 9. IC 22-13-2-10, AS AMENDED BY P.L.22-2005,
29 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 UPON PASSAGE]: Sec. 10. (a) A county, city, or town may regulate
31 regulated lifting devices **or outdoor stage equipment**, if the unit's
32 regulatory program is approved by the commission.

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

39 (c) A unit may issue permits **for lifting devices** only to applicants
40 who qualify under IC 22-15-5. However, the unit may specify a lesser
41 fee than that set under IC 22-12-6-6(a)(7).

42 (d) A unit must inspect regulated lifting devices with inspectors who

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1 possess the qualifications necessary to be employed by the division of
 2 fire and building safety of the department of homeland security as a
 3 regulated lifting device inspector.

4 **(e) A unit may elect to regulate outdoor state equipment under**
 5 **a regulatory program approved by the commission. The regulatory**
 6 **program must comply with IC 36-8-2-14.**

7 SECTION 10. IC 22-15-8 IS ADDED TO THE INDIANA CODE
 8 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 9 UPON PASSAGE]:

10 **Chapter 8. Outdoor Stage Equipment Permits; Inspection**

11 **Sec. 1. The division shall carry out a program to issue permits**
 12 **for the installation of outdoor stage equipment in accordance with**
 13 **applicable equipment laws. An approved unit may issue permits**
 14 **for the division under IC 36-8-2-14 to the extent authorized by the**
 15 **commission.**

16 **Sec. 2. To qualify for a permit to install outdoor stage**
 17 **equipment under this chapter, an applicant must meet the**
 18 **following requirements:**

19 **(1) Be a person with control over the installation of the**
 20 **outdoor stage equipment.**

21 **(2) Apply to the division on the forms and in the manner**
 22 **specified by the division.**

23 **(3) Demonstrate through the submission of specifications,**
 24 **drawings, and other information that the installation will**
 25 **comply with applicable equipment laws, including any**
 26 **equipment laws specifying the minimum qualifications for**
 27 **persons installing the outdoor stage equipment.**

28 **(4) Submit a certificate that is prepared on a form provided**
 29 **by the division and signed under oath or affirmed subject to**
 30 **the penalty for perjury by the applicant or (if section 3 of this**
 31 **chapter applies) the professional engineer described in section**
 32 **3 of this chapter and that:**

33 **(A) describes the outdoor place where the outdoor stage**
 34 **equipment will be installed;**

35 **(B) provides an estimate of the cost of the installation**
 36 **covered by the application, its square footage, and any**
 37 **other information required under the rules of the**
 38 **commission;**

39 **(C) states that the plans and specifications submitted for**
 40 **the application were prepared either by or under the**
 41 **immediate supervision of the person making the statement;**

42 **(D) states that the plans and specifications submitted for**

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the application provide for an installation that will meet all applicable equipment laws;

(E) states the period of time during which the outdoor stage equipment will be installed at the outdoor place where the outdoor stage equipment will be used for an outdoor performance; and

(F) states that the installation covered by the application will be subject to inspection at intervals appropriate to the stage of the installation by a professional engineer identified in the statement for the purpose of determining in general if work is proceeding in accordance with the plans and specifications approved by the division.

(5) Provide any other information specified in the rules adopted by the commission.

(6) Pay the fee specified under IC 22-12-6-6.

Sec. 3. The commission may require that plans and specifications submitted under section 2(3) of this chapter for installation of one (1) or more sizes or other classes of outdoor stage equipment:

(1) be prepared by a professional engineer who is:

(A) competent to design the installation covered by the application as determined by the division; and

(B) registered under IC 25-31;

(2) include on each page of all drawings and on the title page of all specifications the seal of the professional engineer described by subdivision (1) or the professional engineer's technical or professional staff; and

(3) be filed by the professional engineer described by subdivision (1) or the professional engineer's technical or professional staff.

Sec. 4. Pending completion of the review of an application, the division may issue a provisional installation permit subject to the terms and conditions specified by the division.

Sec. 5. A permit issued under this chapter must specify the terms and conditions under which the outdoor stage equipment may be installed and used for a performance, including the maximum load bearing and wind conditions under which the outdoor stage equipment may be used.

Sec. 6. A permit issued under this chapter expires on the date specified in the rules adopted by the commission.

Sec. 7. A copy of a permit issued under this chapter must be prominently posted at the location where the outdoor stage

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1 equipment is intended to be used or is used for an outdoor
 2 performance, in accordance with the rules adopted by the
 3 commission.

4 **Sec. 8.** The division shall carry out a program of inspection to
 5 verify that outdoor stage equipment is installed at the outdoor
 6 place where it will be used for an outdoor performance only in
 7 accordance with the applicable equipment laws and the terms and
 8 conditions of a permit issued by the division under this chapter or
 9 by an approved unit under IC 36-8-2-14. An approved unit may
 10 carry out an inspection for the division under IC 36-8-2-14 to the
 11 extent authorized by the commission. An inspector for the division
 12 shall be allowed entry and access to every outdoor place where
 13 outdoor stage equipment is installed, including outdoor stage
 14 equipment installed under a permit issued by a county, city, or
 15 town under a regulatory program approved by the commission.

16 **Sec. 9. (a)** This section applies to the following:

17 (1) Each person that engages in installation of outdoor stage
 18 equipment at an outdoor location where the outdoor stage
 19 equipment is intended to be or is used for an outdoor
 20 performance.

21 (2) Each person that has control over the installation of
 22 outdoor stage equipment at an outdoor location where it is
 23 intended to be or is used for an outdoor performance.

24 (3) Each person that has control over outdoor stage
 25 equipment at an outdoor location where it is intended to be or
 26 is used for an outdoor performance.

27 (4) Each person that has control over the outdoor location
 28 where outdoor stage equipment is intended to be or is used for
 29 an outdoor performance.

30 (b) Subject to section 11 of this chapter, a person described in
 31 subsection (a) commits a Class C infraction if:

32 (1) outdoor stage equipment is installed, or installation is
 33 begun, at an outdoor location where the outdoor stage
 34 equipment is to be used or is used for a performance; and

35 (2) no permit (including a conditional permit) issued under
 36 this chapter or IC 36-8-2-14 covers the installation, or a
 37 permit issued under this chapter or IC 36-8-2-14 is not
 38 prominently posted in conformity with the rules adopted by
 39 the commission.

40 **Sec. 10. (a)** This section applies to the following:

41 (1) Each person that has control over outdoor stage
 42 equipment at an outdoor location where it is intended to be or

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1 is used for an outdoor performance.
 2 (2) Each person that has control over the outdoor location
 3 where outdoor stage equipment is intended to be or is used for
 4 an outdoor performance.
 5 (3) Each person that has control over an outdoor performance
 6 where outdoor stage equipment is intended to be used or is
 7 used.
 8 (b) Subject to section 11 of this chapter, a person described in
 9 subsection (a) commits a Class C infraction if:
 10 (1) outdoor stage equipment is used for an outdoor
 11 performance:
 12 (A) in a configuration; or
 13 (B) under conditions;
 14 that have not been approved under a permit (including a
 15 conditional permit) issued under this chapter or IC 36-8-2-14;
 16 or
 17 (2) any member of the audience for an outdoor performance
 18 is permitted to assemble at a location where the member is at
 19 risk of bodily injury from outdoor stage equipment:
 20 (A) in a configuration; or
 21 (B) under conditions;
 22 that have not been approved by the division under a permit
 23 (including a conditional permit) issued under this chapter or
 24 by an approved unit under a permit (including a conditional
 25 permit) issued under IC 36-8-2-14.
 26 Sec. 11. (a) Outdoor stage equipment may be used for an
 27 outdoor performance before July 1, 2012, without a permit
 28 (including a conditional permit) issued under this chapter or an
 29 approved unit under IC 36-8-2-14.
 30 (b) Installation of outdoor stage equipment may begin before
 31 July 1, 2012, without a permit (including a conditional permit)
 32 issued under this chapter or an approved unit under IC 36-8-2-14.
 33 However, the outdoor stage equipment may not be used for an
 34 outdoor performance after June 30, 2012, without a permit
 35 (including a conditional permit) issued by the division under this
 36 chapter or by an approved unit under IC 36-8-2-14.
 37 SECTION 11. IC 36-8-2-14 IS ADDED TO THE INDIANA CODE
 38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]: Sec. 14. (a) The following definitions apply
 40 throughout this section:
 41 (1) "Approved unit" refers to a unit that has been approved
 42 by the commission to regulate outdoor stage equipment.

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- 1 **(2) "Commission" refers to the fire prevention and building**
- 2 **safety commission.**
- 3 **(3) "Equipment law" means an equipment law (as defined in**
- 4 **IC 22-12-1-11) that applies to the installation or use of**
- 5 **outdoor stage equipment.**
- 6 **(4) "Installation" has the meaning set forth in**
- 7 **IC 22-12-1-14.5.**
- 8 **(5) "Outdoor stage equipment" has the meaning set forth in**
- 9 **IC 22-12-1-17.5.**
- 10 **(b) A unit may regulate outdoor stage equipment within the**
- 11 **boundaries of the unit after June 30, 2012, only under a program**
- 12 **approved by the commission. The legislative body of a unit that**
- 13 **becomes an approved unit shall establish the unit's regulatory**
- 14 **program by ordinance. If a unit becomes an approved unit, the**
- 15 **approved unit shall require compliance with the equipment laws.**
- 16 **SECTION 12. An emergency is declared for this act.**

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