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**TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION**

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**Final Rule**

LSA Document #05-108(F)

**DIGEST**

Amends [675 IAC 12](#) to make changes necessitated by the enactment of SEA 56-2005, to update the availability statement for the article, and to add [675 IAC 25](#), the Indiana Fuel Gas Code and [675 IAC 26](#), the Indiana Explosive Materials Code, to the list of commission rules in [675 IAC 12-1.1-5](#). Amends [675 IAC 12-3](#) to amend fee schedules. Amends [675 IAC 12-5](#) to revise the rules for variances. Amends [675 IAC 12-6](#) to amend and clarify the filing process for plans, exemptions from filing, and the duration of a construction design release. Amends [675 IAC 12-8](#) to revise the Indiana Building Rehabilitation Standard. Amends [675 IAC 12-13](#) to amend the scope of projects to which [675 IAC 12-13](#) may be applied. Repeals [675 IAC 12-11-7](#). Effective 30 days after filing with the Publisher.

[675 IAC 12-1.1-1](#); [675 IAC 12-1.1-2](#); [675 IAC 12-1.1-3](#); [675 IAC 12-1.1-4](#); [675 IAC 12-1.1-5](#); [675 IAC 12-3-2](#); [675 IAC 12-3-6](#); [675 IAC 12-3-8](#); [675 IAC 12-3-11](#); [675 IAC 12-3-13](#); [675 IAC 12-3-14](#); [675 IAC 12-3-15](#); [675 IAC 12-4-4](#); [675 IAC 12-4-5](#); [675 IAC 12-4-7](#); [675 IAC 12-4-11](#); [675 IAC 12-5-2](#); [675 IAC 12-5-4](#); [675 IAC 12-5-5](#); [675 IAC 12-5-6](#); [675 IAC 12-5-9](#); [675 IAC 12-6-2](#); [675 IAC 12-6-3](#); [675 IAC 12-6-4](#); [675 IAC 12-6-6](#); [675 IAC 12-6-7](#); [675 IAC 12-6-8](#); [675 IAC 12-6-9](#); [675 IAC 12-6-10](#); [675 IAC 12-6-11](#); [675 IAC 12-6-12](#); [675 IAC 12-6-14](#); [675 IAC 12-6-15](#); [675 IAC 12-6-16](#); [675 IAC 12-6-18](#); [675 IAC 12-6-19](#); [675 IAC 12-6-20](#); [675 IAC 12-6-21](#); [675 IAC 12-6-23](#); [675 IAC 12-7-1](#); [675 IAC 12-7-2](#); [675 IAC 12-7-3](#); [675 IAC 12-7-4](#); [675 IAC 12-7-5](#); [675 IAC 12-8-1](#); [675 IAC 12-8-3](#); [675 IAC 12-8-4](#); [675 IAC 12-8-5](#); [675 IAC 12-8-6](#); [675 IAC 12-8-7](#); [675 IAC 12-8-8](#); [675 IAC 12-8-9](#); [675 IAC 12-8-10](#); [675 IAC 12-8-11](#); [675 IAC 12-8-12](#); [675 IAC 12-8-13](#); [675 IAC 12-8-14](#); [675 IAC 12-8-15](#); [675 IAC 12-8-17](#); [675 IAC 12-8-18](#); [675 IAC 12-8-19](#); [675 IAC 12-8-20](#); [675 IAC 12-8-21](#); [675 IAC 12-9-1](#); [675 IAC 12-9-2](#); [675 IAC 12-9-3](#); [675 IAC 12-9-4](#); [675 IAC 12-9-5](#); [675 IAC 12-9-6](#); [675 IAC 12-9-7](#); [675 IAC 12-9-9](#); [675 IAC 12-10-8](#); [675 IAC 12-10-9](#); [675 IAC 12-11-1](#); [675 IAC 12-11-2](#); [675 IAC 12-11-3](#); [675 IAC 12-11-4](#); [675 IAC 12-11-5](#); [675 IAC 12-11-6](#); [675 IAC 12-11-7](#); [675 IAC 12-11-8](#); [675 IAC 12-11-9](#); [675 IAC 12-12-1](#); [675 IAC 12-12-2](#); [675 IAC 12-12-3](#); [675 IAC 12-12-4](#); [675 IAC 12-12-5](#); [675 IAC 12-12-6](#); [675 IAC 12-12-7](#); [675 IAC 12-13-2](#); [675 IAC 12-13-3](#); [675 IAC 12-13-4](#); [675 IAC 12-14-1](#)

SECTION 1. [675 IAC 12-1.1-1](#) IS AMENDED TO READ AS FOLLOWS:

[675 IAC 12-1.1-1](#) Title; availability

Authority: [IC 22-13-2-13](#)

Affected: [IC 22-11](#); [IC 22-12](#); [IC 22-13](#); [IC 22-14](#); [IC 22-15](#)

Sec. 1. (a) This article shall be known as the general administrative rules for **the following**:

(1) The Indiana fire and building services department: **commission**.

(2) The **division**.

(b) This article is available for purchase from ~~at the Division of Fire and Building Services Department, 402 Safety, 302 West Washington Street, Room 243, W246, Indianapolis, Indiana 46204.~~

*(Fire Prevention and Building Safety Commission; [675 IAC 12-1.1-1](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2681, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2081; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 2. [675 IAC 12-1.1-2](#) IS AMENDED TO READ AS FOLLOWS:

[675 IAC 12-1.1-2](#) Purpose

Authority: [IC 22-13-2-13](#)

Affected: [IC 22-11](#); [IC 22-12](#); [IC 22-13](#); [IC 22-14](#); [IC 22-15](#)

Sec. 2. The purpose of this article (~~[675 IAC 12](#)~~) is to provide for administrative procedures and general

provisions for **the following:**

- ~~(1) The Fire Prevention and Building Safety commission. and~~
- ~~(2) The Fire and Building Services Department and its various offices and divisions.~~ **division.**

*(Fire Prevention and Building Safety Commission; [675 IAC 12-1.1-2](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2681, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 3. [675 IAC 12-1.1-3](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-1.1-3](#) Statutory authority**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 22-11](#); [IC 22-12](#); [IC 22-13](#); [IC 22-14](#); [IC 22-15](#)

Sec. 3. ~~Indiana Code Articles IC 22-11 22-12, 22-13, 22-14 and through IC 22-15~~ establish the authority, power, and duties of **the following:**

- ~~(1) The Fire Prevention and Building Safety commission. and~~
- ~~(2) The Fire and Building Services Department and its various offices and divisions.~~ **division.**

*(Fire Prevention and Building Safety Commission; [675 IAC 12-1.1-3](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2681, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 4. [675 IAC 12-1.1-4](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-1.1-4](#) Definitions**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 10-19-7](#); [IC 22-11](#); [IC 22-12-1](#); [IC 22-12-2-1](#); [IC 22-13](#); [IC 22-14](#); [IC 22-15](#)

Sec. 4. (a) The definitions in this section apply throughout ~~all rules of the Commission (675 IAC).~~ **this title.**

(b) "Commission" refers to the fire prevention and building safety commission as established by [IC 22-12-2-1](#).

(c) "Department" refers to the ~~Fire and Building Services~~ **Indiana** department **of homeland security** as established by ~~[IC 22-12-5-1](#).~~ [IC 10-19-7](#).

**(d) "Division" refers to the division of fire and building safety of the department established under [IC 10-19-7](#).**

~~(d)~~ **(e)** "Executive director" refers to the executive director of the department. ~~appointed pursuant to [IC 22-12-5-4](#).~~

~~(e)~~ **(f)** "Rules of the commission" means all rules, including documents incorporated by reference, ~~which that:~~

**(1) have been adopted by the commission; and**

**(2) are found in 675 IAC. this title.**

As appropriate by the context, the term "rule of the commission" means any applicable section or sections of a rule.

~~(f)~~ "Secretary" refers to the ~~Executive Director of the Department serving as secretary of the Commission pursuant to [IC 22-12-5-4](#)(e).~~

(g) All definitions found in [IC 22-12-1](#) apply to all rules of the commission except where the context requires

otherwise.

(Fire Prevention and Building Safety Commission; [675 IAC 12-1.1-4](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2681, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))

SECTION 5. [675 IAC 12-1.1-5](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-1.1-5](#) Organization of the rules of the commission**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 22-11](#); [IC 22-12](#); [IC 22-13](#); [IC 22-14](#); [IC 22-15](#)

Sec. 5. The rules of the commission are organized in ~~Title 675 of the Indiana Administrative Code~~ **this title** as follows:

- (1) ~~Articles 675 IAC 1 through 675 IAC 11: Repealed.~~
- (2) ~~This article: 42 Administration.~~
- (3) ~~Article 675 IAC 13: Building Codes.~~
- (4) ~~Article 675 IAC 14: One and Two Family Dwelling Codes. Code.~~
- (5) ~~Article 675 IAC 15: Industrialized Building Systems.~~
- (6) ~~Article 675 IAC 16: Plumbing Codes. Code.~~
- (7) ~~Article 675 IAC 17: Electrical Codes.~~
- (8) ~~Article 675 IAC 18: Mechanical Codes. Code.~~
- (9) ~~Article 675 IAC 19: Energy Conservation Codes.~~
- (10) ~~Article 675 IAC 20: Swimming Pool Codes. Code.~~
- (11) ~~Article 675 IAC 21: Safety Code Codes for Elevators, Escalators, Manlifts and Hoists.~~
- (12) ~~Article 675 IAC 22: Fire Prevention Codes.~~
- (13) ~~Article 675 IAC 23: Amusement Devices. Recreational Facilities.~~
- (14) ~~Article 675 IAC 24: Supplementary Fire Safety Rules.~~
- (15) [675 IAC 25: Fuel Gas Code.](#)
- (16) [675 IAC 26: Regulated Explosives; Use and Licensure.](#)
- (17) [675 IAC 27: Indiana Visitability Rule for One and Two Family Dwellings and Townhouses.](#)

(Fire Prevention and Building Safety Commission; [675 IAC 12-1.1-5](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2682, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2081; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))

SECTION 6. [675 IAC 12-3-2](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-3-2](#) Schedule of fees for site built construction**

**Authority:** [IC 22-12-6-6](#)

**Affected:** [IC 22-12-6-4](#); [IC 22-15-3-2](#)

Sec. 2. (a) Every application for construction design release (ACDR) required by [675 IAC 12-6](#) shall be accompanied by payment to the fire and building services fund in an amount prescribed in this section.

(b) The design release fees shall be as follows:

All Projects	Amount
Filing Fee	\$69 <del>\$75</del>
	plus
Processing Fee	\$69 <del>\$75</del> minimum*
TOTAL	<del>\$138</del> <b>\$150</b> minimum*

\*The minimum processing fee only applies where the categorical processing fee is less than ~~\$69~~. **\$75.**

(c) The categorical processing fees shall be as follows:

Category A (Normal Occupancy): All buildings and structures not specifically listed in Categories B, C, D, and E, **G, H, and I**. The fee is ~~\$0.040~~ **\$0.050** times the gross square feet of floor area.

Category B (Minimal Occupancy—Area related): ~~Generating plants, Livestock sales, hangars, open parking structures, truck freight terminals, warehouses, refrigerated storage, bulk product processing plants, and similar uses.~~ The fee is ~~\$0.020~~ **\$0.030** times the gross square feet of floor area.

Category C (Cost related): Remodeling and renovation (no additions). The fee is ~~\$0.0020~~ **\$0.0030** times the construction cost. ~~Not to exceed fees as specified for Categories A and B, calculated on the basis of the floor area of each affected story.~~ **total square footage of the remodeling and renovation.**

Category D (Minimal Occupancy—Cost related): Control towers, ~~monuments,~~ **generating plants,** dust collectors, ~~smoke stacks, towers, mausoleums, memorials, and similar uses,~~ grain elevators, concrete or asphalt plants, ~~bulk product processing plants,~~ and other occupied high volume low area structures. The fee is ~~\$0.0004~~ **\$0.0002** times the construction cost.

Category E (~~Minimal Occupancy—Volume related~~): Swimming pools. The fee is ~~\$0.010~~ **\$0.020** times the gross cubic feet.

Category F (Flammable Liquid or Gas Facilities): Each initial installation of one (1) or more bulk storage tanks, piping or dispensing equipment for ~~Class~~ **Classes** I, II, IIIA, and IIIB liquids, liquefied petroleum (LP) gas, or liquefied natural gas (LNG) or replacement of such tanks or piping at the same location. The fee is ~~\$40~~ **eighty dollars (\$80)** for each tank.

Category G (Replicated floor plan buildings, such as apartment buildings, hotels, or motels): If a project consists of one (1) or more buildings with replicated floor plans, the filing fee shall be **\$0.040** per square foot for one (1) example of each replicated floor plan, plus sixty-nine dollars (\$69) per building.

Category H (Shell building<sup>5</sup> and initial tenant build-out): The fee for the shell building is **\$0.040** times the gross square feet of floor area. The fee for the initial tenant build-out is **\$0.020** times the gross square feet of floor area that is the subject of the build-out.

Category I (Expedited plan review): Expedited plan review is available for the following occupancies: B, F, M, S, and U. All required drawings, applications, and fees shall be received by plan review not later than 9:00 a.m. on the day that the project is submitted. If the project qualifies for expedited plan review and the issuance of a design release, the project will be released not later than 4:30 p.m. on the next following business day that the division is open. The fee for expedited submittal is five thousand dollars (\$5,000), plus the applicable fee or fees from Categories A through H.

(d) The special processing fees shall be as follows:

	Special Processing Fees	Amount
(1)	Each additional submission for a partially filed project	<del>\$145</del> <b>\$250</b>
(2)	Surcharge for late filing of plans and specifications in accordance with <a href="#">675 IAC 12-6-8(c)</a> <sup>2</sup>	<del>\$69</del> <b>\$300</b>
(3)	Foundation release	<del>\$145</del> <b>\$80</b>
(4)	Addenda and revisions, each system modified per submission (other than compliance corrections) <sup>3</sup>	\$35
(5)	Master plans, each series or structure	\$173
(6)	Incomplete project filing (mailed submissions only) <sup>4</sup>	\$12
(7)	Returned checks	\$35
(8)	Reinstatement or time extension of design release	<del>\$23</del> <b>\$50</b>

Notes:

<sup>1</sup>The regular filing and processing fees are paid with the initial submission of the ACDR.

<sup>2</sup>The surcharge fee, if not collected at the time the ACDR is filed, ~~must~~ **shall** be paid ~~prior to~~ **before** issuance of any design release.

<sup>3</sup>Systems are architectural, structural, electrical, plumbing, mechanical (HVAC), and fire protection. ~~alarm, and fire suppression.~~

<sup>4</sup>Payable when missing documents are subsequently filed.

<sup>5</sup>"Shell building" means a Class 1 structure for which a design release is required before further

**construction is performed to accommodate the occupancy of one (1) or more initial tenants.**

(e) The explanation of terms shall be as follows:

(1) Square footage (floor area) shall be determined by the outside dimensions of the building or structure. This shall include usable area under the horizontal projection of the roof or floor above such as **the following**:

(A) Porches.

(B) Canopies. ~~and~~

(C) Balconies.

(2) Cubic footage (volume) shall be the gross volume of the building or structure as determined by the outside dimensions of the building or structure.

(3) Costs (construction) shall be the cost of the labor and materials required to perform the stated scope of construction. It need not include the cost of the **following**:

(A) Land.

(B) Interior furnishings. ~~or~~

(C) Processing equipment.

(f) The state **fire marshal or the building commissioner law compliance officer** may authorize the refunding of any fee specified in this section ~~which that~~ was paid or collected in error.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-3-2](#); filed Jan 29, 1986, 3:00 p.m.: 9 IR 1363, eff Mar 1, 1986; filed Feb 17, 1987, 3:15 p.m.: 10 IR 1386, eff Mar 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #86-152 was filed Feb 17, 1987.]; filed Jul 17, 1987, 2:45 p.m.: 10 IR 2700, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-54 was filed Jul 17, 1987.]; filed Jun 3, 1988, 2:15 p.m.: 11 IR 3555, eff Aug 1, 1988; filed Sep 27, 1989, 4:30 p.m.: 13 IR 294; filed Apr 22, 1996, 3:00 p.m.: 19 IR 2285; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Apr 16, 2002, 9:05 a.m.: 25 IR 2731; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 7. [675 IAC 12-3-6](#) IS AMENDED TO READ AS FOLLOWS:

#### **[675 IAC 12-3-6](#) Construction inspection fees**

**Authority:** [IC 22-12-6-6](#); [IC 22-13-2-13](#)

**Affected:** [IC 22-15-2-6](#)

Sec. 6. (a) This section applies to any Class 1 building or structure:

(1) for which a design release is required under [675 IAC 12-6](#); and

(2) ~~that~~ is located within the jurisdiction of a political subdivision that has not established a program to periodically inspect, or cause to be inspected, construction as determined under [675 IAC 12-10-9](#).

(b) The fees collected under section 2 of this rule for a design release shall be increased by ~~one (1) the greater~~ of the following amounts: ~~whichever is greater~~:

(1) ~~Eighty Two hundred dollars (\$80): (\$200).~~

(2) ~~One half (½) of the categorical processing fee, \$0.10 per square foot, but not more than seven thousand five hundred fifty dollars (\$750): (\$7,500).~~

*(Fire Prevention and Building Safety Commission; [675 IAC 12-3-6](#); filed Feb 1, 1988, 2:18 p.m.: 11 IR 1795, eff Apr 1, 1988; filed Apr 22, 1996, 3:00 p.m.: 19 IR 2287; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2081; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Apr 16, 2002, 9:05 a.m.: 25 IR 2733; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 8. [675 IAC 12-3-8](#) IS AMENDED TO READ AS FOLLOWS:

#### **[675 IAC 12-3-8](#) Amusement and entertainment permit and inspection fees**

**Authority:** [IC 22-12-6-7](#)

**Affected:** [IC 22-12-6](#); [IC 22-14-3-4](#)



Sec. 8. (a) An application for issuance of a permit for a regulated place of amusement or entertainment shall be accompanied by payment to the fire and building services fund in an amount as follows:

(1) Category A: Places where the occupant load is based entirely on fixed seating capacity, and all planned amusement or entertainment activity utilizes a single floor plan described in [675 IAC 12-9-3](#)(a)(2). Examples are theaters and auditoriums.

Occupant Load	Fee
1–99	<del>\$69</del> <b>\$99</b>
100–499	<del>\$104</del> <b>\$134</b>
500–999	<del>\$138</del> <b>\$168</b>
1,000–4,999	<del>\$173</del> <b>\$203</b>
5,000–9,999	<del>\$207</del> <b>\$237</b>
10,000 or more	<del>\$242</del> <b>\$272</b>

(2) Category B: Places where the maximum occupant load is calculated under the method prescribed in the Indiana Building Code, [675 IAC 13](#). The occupant load may include persons seated in moveable seats or bleachers, fixed seating, persons standing, and combinations thereof. Examples include **the following**:

- (A) Indoor stadiums.
- (B) Arenas.
- (C) Gymnasiums.
- (D) Halls.
- (E) Nightclubs. ~~and~~
- (F) Other assembly type buildings or portions thereof.

The application fee is calculated from the same schedule as Category A plus an additional ~~sixty-nine~~ **ninety-nine** dollars (~~\$69~~) (**\$99**) for each seating configuration or arrangement described in the floor or site plans submitted with the application under [675 IAC 12-9-3](#)(a).

(b) An application for issuance of a special event endorsement under [IC 22-14-3-4](#) shall be accompanied by payment to the fire and building services fund in an amount of ~~sixty-nine~~ **ninety-nine** dollars (~~\$69~~) (**\$99**) for inspection of the place of amusement or entertainment.

(Fire Prevention and Building Safety Commission; [675 IAC 12-3-8](#); filed Jul 15, 1991, 5:30 p.m.: 14 IR 2235; filed Apr 22, 1996, 3:00 p.m.: 19 IR 2287; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Apr 16, 2002, 9:05 a.m.: 25 IR 2733; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))

SECTION 9. [675 IAC 12-3-11](#) IS AMENDED TO READ AS FOLLOWS:

#### **[675 IAC 12-3-11](#) Inspection fee for existing buildings**

Authority: [IC 22-12-6-6](#)

Affected: [IC 22-12-6-1](#); [IC 22-13-4-5](#)

Sec. 11. If a design release for rehabilitation work to **or conversion of** an existing building, issued under [675 IAC 12-8-3\(a\)](#) **or** [675 IAC 12-13-2\(a\)](#), requires passing an on-site inspection conducted by the ~~department,~~ **division**, an inspection fee in the amount of ~~seventy-five~~ **one hundred fifty** dollars (~~\$75~~) (**\$150**) shall be paid by the applicant for the design release. The fee shall be paid to the fire and building services fund.

(Fire Prevention and Building Safety Commission; [675 IAC 12-3-11](#); filed Jul 15, 1991, 5:30 p.m.: 14 IR 2236; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))

SECTION 10. [675 IAC 12-3-13](#) IS AMENDED TO READ AS FOLLOWS:

#### **[675 IAC 12-3-13](#) Boiler and pressure vessel inspection, permitting, and licensing fees**

Authority: [IC 22-12-6-6](#); [IC 22-13-2-13](#)

Affected: [IC 22-12-7-5](#); [IC 22-15-6](#)

Sec. 13. (a) The ~~office of the state building commissioner~~ **division** may not charge an owner or user more

than two (2) of the fees described in subsections (b) through (e) for inspections of regulated boilers and pressure vessels during a particular calendar year. However, a fee of twenty-five dollars (\$25) shall be paid by an owner or user who has failed to **do either of the following**:

- (1) Prepare a boiler or pressure vessel for the required inspection on the date specified by the inspector. ~~or~~
- (2) Make repairs or otherwise correct conditions of noncompliance applicable to regulated equipment within the time frame specified in a correction order ~~pursuant to~~ **under IC 22-12-7-5.**

Verification of the conditions noted in either subdivision (1) or (2) shall be documented on the inspection report form mandated by the ~~division of boiler and pressure vessel safety (division)~~ **section (BPVSS)** to report inspection activities relating to equipment regulated by ~~the division~~ **BPVSS.**

(b) The fees for the internal inspection of regulated boilers shall be as follows:

Heating Surface Area (in square feet)	Amount
0–100	\$24
101–500	\$36
501–1,000	\$48
1,001–10,000	\$90

Fees for internal inspection of regulated boilers exceeding ten thousand (10,000) square feet of heating surface shall be charged at the rates specified in subsection (i).

(c) The fees for the external inspection of regulated boilers shall be as follows:

Heating Surface Area (in square feet)	Amount
0–50	\$18
51–150	\$24
151 or more	\$40

(d) The fees for the internal or external inspection of regulated pressure vessels shall be based on the sectional area of the vessel (overall length head to head times the width or outside diameter) expressed in square feet as follows:

Area (in square feet)	Amount
0–50	\$15
51–150	\$30
Greater than 150	\$60

(e) The fee for internal or external inspection of a service water heater shall be ten dollars (\$10).

(f) The operating permit processing fee for all certificates of inspection (operating permits) issued by the ~~office~~ **division** shall be twenty-five dollars (\$25). In all cases, this fee is in addition to fees for inspection activities.

(g) A request to recreate an operating permit that has been lost shall be accompanied by a payment of fifteen dollars (\$15).

(h) An application for a variance from a rule adopted by the boiler and pressure vessel rules board shall be accompanied by a fee of two hundred dollars (\$200). An additional five hundred dollars (\$500) shall accompany the application when engineering calculations are included for review.

(i) The fees for inspection ~~and/or~~ **or** audit, **or both**, activities requested that are not otherwise listed in this section shall be either of the following:

- (1) Three hundred dollars (\$300) per day, not to exceed four (4) regular working hours.
- (2) Six hundred dollars (\$600) per day exceeding four (4) regular working hours, plus seventy-five dollars (\$75) per hour exceeding eight (8) regular working hours in a particular day, plus actual expenses incurred, such as:
  - (A) travel;
  - (B) lodging; and
  - (C) dining;

expenses.

A fee computed under this subsection must cover the period from the time the inspector leaves the inspector's regular work schedule to the time the inspector returns to the inspector's regular work schedule and is payable upon receipt of an invoice.

(j) A payment of twenty dollars (\$20) per object inspected shall accompany the annual report of inspection of owner or user inspection agencies.

(k) An application for an owner or user inspection agency certificate shall be accompanied by payment of five hundred dollars (\$500).

(l) An application to sit for an inspector examination shall be accompanied by payment of one hundred dollars (\$100).

(m) The annual renewal of an inspector license shall be accompanied by payment of twenty-five dollars (\$25).

(n) All payments to the office are payable to the fire and building services fund. The state **fire marshal or the building commissioner law compliance officer** may authorize the refunding of any fee specified in this section that was paid or collected in error.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-3-13](#); filed Dec 9, 2002, 11:15 a.m.: 26 IR 1556, eff Apr 1, 2003; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 11. [675 IAC 12-3-14](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-3-14](#) Regulated lifting device permitting and certification fees**

**Authority:** [IC 22-12-6-6](#); [IC 22-13-2-13](#)

**Affected:** [IC 22-15-5](#)

Sec. 14. (a) An application for an installation or alteration permit for a regulated lifting device shall be accompanied by payment as follows:

Type of Device	Amount
(1) Vertical wheelchair lift, incline wheelchair lift, and incline chair lift	\$250
(2) Any other regulated lifting device, including elevator, escalator, belt manlift, personnel hoist, sewage lift station personnel hoist, or dumbwaiter	\$500

(b) An application for an initial or renewal operating certificate for a regulated lifting device shall be accompanied by payment of one hundred twenty dollars (\$120).

(c) An application for a temporary operating permit for a regulated lifting device shall be accompanied by a payment of one hundred dollars (\$100).

**(d) Subsequent inspections to complete an initial inspection of a new or altered regulated lifting device installation shall be at a cost of one thousand dollars (\$1,000) per inspection where the inspection results from erroneous information to the division from the operator or owner that the installation is ready for inspection.**

**(e) Follow-up inspections on a new installation of a regulated lifting device, where the initial inspection revealed noncompliance with the rules of the commission, shall be at a cost of seven hundred fifty dollars (\$750) for each such inspection.**

~~(d)~~ **(f)** All payments to the office are payable to the fire and building services fund. The state **fire marshal or the building commissioner law compliance officer** may authorize the refunding of any fee specified in this section which was paid or collected in error.



(Fire Prevention and Building Safety Commission; [675 IAC 12-3-14](#); filed Dec 9, 2002, 11:15 a.m.: 26 IR 1557, eff Apr 1, 2003; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))

SECTION 12. [675 IAC 12-3-15](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-3-15](#) Regulated lifting device professional licensing fees**

**Authority:** [IC 22-12-6-6](#); [IC 22-13-2-13](#)

**Affected:** [IC 22-15-5](#)

Sec. 15. (a) An application for an initial or renewal license as an elevator contractor, elevator inspector, or elevator mechanic shall be accompanied by payment as follows:

Type of License	Amount
(1) Elevator contractor	\$500
(2) Elevator inspector	\$100
(3) Elevator mechanic	\$100
(4) Temporary elevator mechanic	\$100
(5) Emergency elevator mechanic	\$25

(b) All payments to the office are payable to the fire and building services fund. The state **fire marshal or the building commissioner law compliance officer** may authorize the refunding of any fee specified in this section which was paid or collected in error.

(Fire Prevention and Building Safety Commission; [675 IAC 12-3-15](#); filed Dec 9, 2002, 11:15 a.m.: 26 IR 1558; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))

SECTION 13. [675 IAC 12-4-4](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-4-4](#) Statutory authority**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 22-12-6-6](#); [IC 22-13-2](#); [IC 22-13-5](#); [IC 36-8-17-13](#)

Sec. 4. (a) The commission has statutory authority to adopt rules in various provisions in the Indiana Code including [IC 12-3-2-3.5](#); [IC 22-12-6-6](#); [IC 22-13-2-2](#); [IC 22-13-2-8](#); [IC 22-13-2-13](#), and [IC 36-8-17-13](#).

(b) ~~The office of the state building commissioner~~ **law compliance officer** has the statutory authority to issue a written interpretation of a building law ~~following the provisions of~~ **in accordance with** [IC 22-13-5](#).

(Fire Prevention and Building Safety Commission; [675 IAC 12-4-4](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2682, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; errata, 11 IR 97; filed Nov 20, 2000, 3:25 p.m.: 24 IR 998; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))

SECTION 14. [675 IAC 12-4-5](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-4-5](#) Rule adoption process**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 4-22-2](#); [IC 22-12-6-6](#); [IC 22-13-2-2](#); [IC 22-13-2-8](#); [IC 36-8-17-13](#)

Sec. 5. (a) The commission's rulemaking actions shall comply with the requirements of applicable provisions of the Indiana Code, including specifically [IC 4-22-2](#).

(b) Pursuant to [IC 4-22-2-15](#), the executive director of the department serving as the secretary of the commission under [IC 22-12-5-4](#) (c) is authorized to take any rulemaking action on the commission's behalf except final adoption of a rule under [IC 4-22-2-29](#) and re-adoption of a rule subject to sections 24 through 36 of [IC 4-22-2](#) under [IC 4-22-2-40](#). The public hearing on a rule may be conducted by:

- (1) any employee of the department; or
- (2) another agent of the commission whenever authorized by the commission.

(c) The commission at its discretion may establish an advisory committee to aid it in the drafting and preparation of proposed rules. Membership on any such committee shall be at the sole discretion of the commission. ~~or the executive director.~~ The advice of any such committee is not binding on the commission, which by law retains its full rulemaking authority.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-4-5](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2682, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2082; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 15. [675 IAC 12-4-7](#) IS AMENDED TO READ AS FOLLOWS:

#### **[675 IAC 12-4-7](#) Application of changes in rules of commission to particular construction projects**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 22-12-6-6](#); [IC 22-13-2-2](#); [IC 22-13-2-8](#); [IC 36-8-17-13](#)

Sec. 7. (a) Construction projects for which design releases must be obtained under [675 IAC 12-6](#) shall be done in compliance with the applicable rules of the commission in effect on the date the plans and specifications were filed with the ~~office of the state building commissioner~~ **division** notwithstanding the repeal or amendment of any rule ~~prior to~~ **before** the date the construction work is actually done. Accordingly, any enforcement action taken by the ~~office of the state building commissioner or the office of the state fire marshal~~ **division** concerning such construction shall appropriately cite the rules of the commission in effect at the time of the filing of the plans and specifications.

(b) Notwithstanding subsection (a), ~~said~~ **the** construction work may be done in accordance with any rule of the commission that takes effect subsequent to the filing of the plans and specifications and ~~prior to~~ **before** the actual construction work being done, provided that an appropriate addenda and revision design release ~~is~~ **are** issued under [675 IAC 12-6-18](#).

(c) Construction that is exempt from the design release requirements of [675 IAC 12-6](#), but is not exempt from the application of the rules of the commission, shall be done in compliance with the rules of the commission in effect on the date the construction work is actually done. Recognizing that:

- (1) the rules may change during the course of construction on a particular project; and
- (2) uncertainty may exist as to when particular work was actually done;

there shall be a rebuttable presumption that all construction for such an exempt project is done on the date the construction begins. The scope of this subsection includes construction on Class 1 structures exempted from the design release requirements by [675 IAC 12-6-4](#) and construction on Class 2 structures.

(d) This section does not apply to applications of the rules of the commission not related to new construction.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-4-7](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2683, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2083; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 16. [675 IAC 12-4-11](#) IS AMENDED TO READ AS FOLLOWS:

#### **[675 IAC 12-4-11](#) Occupancy of existing buildings**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 12-17-2](#); [IC 22-12-6-6](#); [IC 22-13-2-2](#); [IC 22-13-2-8](#); [IC 36-8-17-13](#)

Sec. 11. (a) Any building or structure lawfully in existence at the time of the adoption of any rule of the commission for new construction may have its existing use or occupancy continued without having to be altered to comply with such a rule.

(b) No change in the character or use of any building or structure shall be permitted that shall cause the building or structure to be classified within a different occupancy group or within a different division of the same occupancy group, unless ~~such~~ **the** building or structure complies with, or is made to comply with **the**:

- (1) ~~the~~ current rules of the commission for new construction for the proposed revised use of the building; **or**
- (2) ~~the~~ provisions of:

(A) [675 IAC 12-8](#); or

(3) ~~the provisions of~~ (B) [675 IAC 12-13](#).

Exception: Buildings constructed ~~prior to~~ **before** the **April 30, 1998**, effective date of the 1998 Indiana Building Code (~~[675 IAC 13](#)~~) ([675 IAC 13-2.3](#)) that change occupancy classification shall not be considered as a change in occupancy as outlined as follows:

Previous Classification	1998 IBC Classifications
B-1	S-3
B-2	B, F-1, M, S-1, and S-2
B-3	S-4 and S-5
B-4	F-2 and S-2
Open Parking Garage	S-4
M	U

(c) Occupancies or rooms, in which the use is changed to include the consumption of alcoholic beverages, and unseparated accessory uses to those occupancies or rooms, where the total area of such unseparated rooms and accessory uses exceeds five thousand (5,000) square feet, shall be made to comply with the sprinkler requirements of [675 IAC 13](#). For the use to be considered as separated, the separation shall not be less than as required for a one (1) hour occupancy separation in accordance with [675 IAC 13](#).

(d) ~~The office of the state building commissioner~~ **division** may conduct an inspection to determine that:

- (1) a building or structure may be exempted from the rules for new construction under [675 IAC 12-8](#) or [675 IAC 12-13](#); or
- (2) a proposed change in character or use of any Class 1 building or structure will not cause noncompliance with subsection (b).

(e) Subsection (b) shall not prohibit the following accessory uses within Class 2 structures provided they are in one (1) room that does not exceed five hundred (500) square feet in floor area:

- (1) Wholesale and retail sales.
- (2) Offices.
- (3) Craft or hobby workshops.
- (4) Storage and sales rooms for other than hazardous materials.
- (5) Instructional ~~classroom~~ **classrooms** for ~~less~~ **fewer** than twenty (20) adults or children when used not more than twelve (12) hours per week or four (4) hours in any one (1) day.

(f) Subsection (b) shall not prohibit the following accessory uses within Class 2 structures:

- (1) Class I child care homes. ~~and~~
- (2) Class II child care homes licensed in accordance with [IC 12-17-2](#).

(g) Subsection (b) shall not prohibit the use of a Class 1 structure for residential occupancy not to exceed thirty (30) days in a calendar year, if all of the following conditions are met:

- (1) The portion of the Class 1 structure being used for the residential occupancy is classified as A, B, E, or M occupancy.
- (2) All existing exit signs shall be fully operational at all times.
- (3) All means of egress shall be completely clear and unobstructed. All rooms used for sleeping shall exit to a

corridor or exterior exit door.

(4) All emergency lighting shall be fully operational at all times. If emergency lighting is not installed in the building, it shall be installed in accordance with the current Indiana building code.

(5) All fire alarm systems, including manual pull stations, smoke detectors, horns, and strobes shall:

(A) be fully operational; and ~~shall~~

(B) have been tested in accordance with the rules of the commission within the preceding twelve (12) months.

Test documentation shall be maintained on the premises for inspection by the fire official.

(6) For buildings without an automatic alarm system, battery-operated smoke alarms shall be located in each room or space in which people will be sleeping. These alarms shall be:

(A) tested at least monthly; and ~~shall be~~

(B) kept fully operational at all times.

Test documentation shall be maintained on the premises for inspection by the fire official.

(7) No extension cords shall be used. Power strips with circuit breakers are permitted.

(8) Smoking within the building or buildings shall be prohibited at all times. "No Smoking" signs shall be posted in all areas used for residential purposes.

(9) Emergency evacuation plans shall be established in writing, including **the following**:

(A) Procedures to be followed in case of emergencies. ~~location~~

(B) **The locations** of exits. ~~and~~

(C) Gathering ~~place~~ **places** outside for assembly after evacuation in the event of a fire or other emergency.

All individuals using the building shall be trained in the emergency evacuation procedures.

(10) There shall be telephone access at all times for notification of emergencies.

(11) The officer on duty at the nearest responding fire station shall be notified that the building is being used for a residential occupancy, and a calendar shall be provided to the fire station:

(A) showing the dates that people will be using the building for a residential occupancy; and

(B) listing a contact phone number for a representative of the organization that uses the structure for residential purposes.

(12) All of the members, volunteers, and employees of the following who are present when the building is used for residential occupancy shall be trained in emergency procedures and shall be equipped with flashlights:

(A) The entity that operates the facility for nonresidential purposes. ~~and~~

(B) The organization that uses the structure for residential purposes.

(13) At least one (1) adult member, volunteer, or employee of **the**:

(A) ~~the~~ entity that operates the facility for nonresidential purposes; or

(B) ~~the~~ organization that uses the structure for residential purposes;

shall be awake and on duty at all times that people are sleeping in the building.

(14) There shall be at least one (1) adult member, volunteer, or employee of **the**:

(A) ~~the~~ entity that operates the facility for nonresidential purposes; or

(B) ~~the~~ organization that uses the structure for residential purposes;

on site for each fifteen (15) people who will be sleeping in the building.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-4-11](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2684, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jul 23, 1992, 1:00 p.m.: 15 IR 2585, eff Jun 1, 1992 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #92-11 was filed Jul 23, 1992.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2084; errata filed Apr 15, 1998, 10:30 a.m.: 21 IR 3367; filed Nov 20, 2000, 3:25 p.m.: 24 IR 998; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Jun 25, 2004, 11:00 a.m.: 27 IR 3505; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 17. [675 IAC 12-5-2](#) IS AMENDED TO READ AS FOLLOWS:

### [675 IAC 12-5-2](#) Definitions

Authority: [IC 22-13-2-13](#)

Affected: [IC 22-12-7-3](#); [IC 22-13-2-11](#); [IC 25-4](#); [IC 25-31](#)

Sec. 2. (a) The definitions in this section apply throughout this rule.

(b) "Applicant" or "applicant for a variance" means the person who would be in violation of a rule of the

commission if he or she:

- (1) maintained the conditions sought to be legalized by a variance; and
- (2) did not obtain the variance.

This person is usually the owner of the premises in question.

(c) "Architecturally significant" means the same as historically significant.

**(d) "Completed application" means an application for variance that contains all of the information and documentation required under section 5 of this rule.**

~~(d)~~ **(e)** "Design professional" means a registered architect or professional engineer who is registered under [IC 25-4](#) or [IC 25-31](#).

~~(e)~~ **(f)** "Historically significant" means any structure ~~which~~ **that** is important to the:

- (1) general;
- (2) archaeological;
- (3) agricultural;
- (4) economic;
- (5) social;
- (6) political;
- (7) architectural;
- (8) industrial; or
- (9) cultural;

history of the United States or of Indiana.

~~(f)~~ **(g)** "Staff" or "commission's staff" means personnel of the ~~division of technical services and research of the department and any other employees of the department working in conjunction with the division's personnel.~~ **who serve as staff for the commission.**

~~(g)~~ **(h)** "Undue hardship" means unusual difficulty in meeting the requirements of the rules of the commission because of **any of the following**:

- (1) Physical limitations of a construction site or its utility services.
- (2) Major operational problems in the use of a building or structure. ~~or~~
- (3) Excessive costs of additional or altered construction elements.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-5-2](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2685, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2085; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 18. [675 IAC 12-5-4](#) IS AMENDED TO READ AS FOLLOWS:

#### **[675 IAC 12-5-4](#) Application process**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 22-12-7-3](#); [IC 22-13-2-11](#)

Sec. 4. (a) A variance from the rules of the commission may be applied for at any time.

(b) An applicant for a variance shall **do the following**:

- (1) Submit an application to the ~~secretary~~ **commission** on a:
  - (A) form provided by the ~~secretary~~ **commission staff**; or on a
  - (B) reasonable facsimile;

the information required by section 5 of this rule.

- (2) Pay the fee required under [675 IAC 12-3-4](#) by a check or money order payable to the ~~State~~ **fire and building Commissioner services** fund.

(c) An application may be submitted:

(1) by the applicant; or

(2) on the applicant's behalf by a representative.

*(Fire Prevention and Building Safety Commission; 675 IAC 12-5-4; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2686, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2086; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1000; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA)*

SECTION 19. [675 IAC 12-5-5](#) IS AMENDED TO READ AS FOLLOWS:

### **[675 IAC 12-5-5](#) Application**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 22-12-7-3](#); [IC 22-13-2-11](#)

Sec. 5. An **A completed** application for a variance shall include the following information either on the application form or, if appropriate, as an attachment:

(1) The name and address of **the following**:

(A) The applicant. ~~and the name and address of~~

(B) The person submitting the application if it is not submitted by the applicant.

(2) The address and county of the premises for which the variance is being sought.

(3) If the variance involves a project for which plans and specifications have been filed for a design release under [675 IAC 12-6](#), the ~~state building commissioner's~~ **division's** project number.

(4) Identification (by specific citation) of the rule of the commission from which the applicant requests a variance.

(5) Specific description of the rooms, equipment, etc., involved.

(6) A specific description of **either of the following**:

(A) The undue hardship that compliance with this rule will impose on the applicant. ~~or~~

(B) How compliance with the rule will prevent the preservation of an architecturally significant part of a building or other structure and the information required by section 7 of this rule.

(7) A statement:

(A) that noncompliance with the rule will not be adverse to the public health, safety, or welfare and a specific explanation as to why that is so; or

(B) alternative actions that the applicant would be willing to undertake ~~in lieu~~ **instead** of compliance with the rule to ensure that the granting of the variance will not be adverse to the public health, safety, or welfare and a specific explanation as to why it or they would be adequate.

(8) ~~Three (3) sets~~ **One (1) set** of plans or drawings (**eleven (11) inches x seventeen (17) inches or smaller**) and supporting data that describe the area affected by the requested variance and any alternatives proposed by the applicant.

(9) Any information that the applicant believes may be helpful to the commission and its staff in evaluating a variance request, such as photographs.

(10) ~~If the requested variance concerns a fire safety rule,~~ Written documentation that the:

(A) local fire department; ~~is aware of the nature of the variance. and~~

~~(11) If the requested variance involves a project for which plans and specifications have been, or must be, filed for a design release under [675 IAC 12-6](#) or if it involves a one (1) or two (2) family dwelling, written documentation that the~~ (B) local building official; is

**are aware of the nature of the variance.**

(11) **Written documentation that each of the local fire official and local building official is aware of the variance shall consist of one (1) or more of the following:**

(A) A letter from each of the local fire official and the local building official on their respective official stationery stating that a copy of the variance application has been received.

(B) A copy of any of the following:

(i) A certified mail return receipt from each of the local fire official and the local building official, together with a copy of the variance application, signed by the local fire official or local building official, as applicable, or their respective authorized representatives.

(ii) Any one (1) of the following stating that a copy of the variance application has been received:



(AA) An electronic mail communication from an authorized representative of the local fire official or local building official.

(BB) A facsimile communication, on the local fire official's or local building official's letterhead, from the local fire official or local building official.

(CC) A letter from the applicant to each of the local fire official and local building official, signed by the local fire or building official, as applicable, showing receipt of a copy of the variance application.

(12) If the requested variance involves a project for which plans and specifications have been, or must be, filed for a design release under [675 IAC 12-6](#), a signed statement by the design professional (if there is one) that the information contained in the application is accurate.

(13) If the application is submitted on the applicant's behalf, a signed statement **under penalty of perjury** by the applicant **of the following**:

(A) That he or she is aware of the variance request. ~~and~~

(B) That it is made on his or her behalf.

(14) A signed statement **under penalty of perjury** by the:

(A) person submitting the application; or ~~the~~

(B) applicant;

that the information contained in the application is accurate.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-5-5](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2686, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; errata, 11 IR 97; filed Aug 10, 1994, 10:40 a.m.: 17 IR 2859; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2086; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1000; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 20. [675 IAC 12-5-6](#) IS AMENDED TO READ AS FOLLOWS:

#### [675 IAC 12-5-6](#) Consideration of applications

Authority: [IC 22-13-2-13](#)

Affected: [IC 4-21.5-3-4](#); [IC 4-21.5-3-7](#); [IC 22-12-7-3](#); [IC 22-13-2-11](#)

Sec. 6. (a) A **completed** variance application may be reviewed by the commission's staff ~~prior to~~ **before** its consideration by the commission. Accordingly, and to allow for mailing of the application to commission members for their review, no variance request shall be placed on the commission's agenda for any meeting of the commission scheduled for a date less than twenty-eight (28) calendar days subsequent to the receipt of the variance request, except where the applicant would be prejudiced by having to wait for a later meeting because of excessive loss of time or unreasonable cost. Otherwise, a **completed** variance ~~request~~ **application** shall be placed on the agenda for the first meeting scheduled later than twenty-eight (28) calendar days subsequent to the receipt of the **completed** variance ~~request~~ **application**. **If an application is not properly completed within thirty (30) days of its receipt by the commission's staff, the application shall be placed on the agenda for the next scheduled meeting of the commission with a notation that the application is not complete.**

(b) The commission's staff may hold informal meetings with the applicant ~~and/or~~ **or** representatives, **or both**, in the course of its review of a variance application.

(c) At its discretion, the commission's staff may make a recommendation to the commission concerning a variance request.

(d) The applicant may submit additional information or materials ~~prior to~~ **before** the **mailing date on which meeting information is mailed by staff to members of the commission before the** commission's meeting at which the variance will be considered in order to ~~come into compliance with sections 4 and 5 of this rule or for other appropriate reasons~~ **clarify either of the following**:

(1) The nature of the hardship or difficulty of compliance.

(2) The equal alternative or alternatives being offered.

(e) At the commission's meeting at which the variance is on the agenda, participation by the applicant or representative is at the discretion of the commission.

(f) If any additional factors, not considered by the commission's staff in its review of the variance application, ~~come up in~~ **arise during consideration of the variance application** at the meeting, the commission may table the variance until its next meeting to allow for further review.

(g) If the commission grants the variance, it may, if appropriate, impose requirements other than those suggested by the applicant.

(h) Any application for variance, pending or tabled for lack of information requested by the staff or the commission, after three (3) consecutive months, may be placed on the commission's agenda for determination. The commission shall base its determination on the written information provided by the applicant.

(i) The commission shall not grant a variance to any application that has been applied for, for which there is no violation of the commission's rules.

(j) An order granting or not granting a variance shall be issued following the requirements of [IC 4-21.5-3-4](#). If a petition for review is subsequently granted under [IC 4-21.5-3-7](#), that order shall be deemed merely to have been a preliminary determination.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-5-6](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2687, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2087; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1001; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 21. [675 IAC 12-5-9](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-5-9](#) Sanctions imposed on previously issued variances**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 4-21.5-3-6](#); [IC 4-21.5-3-7](#); [IC 4-21.5-4](#); [IC 22-12-7-6](#); [IC 22-12-7-7](#); [IC 22-13-2-11](#)

Sec. 9. (a) The commission may impose a sanction concerning a variance it has previously issued under [IC 22-12-7-7](#). Available sanctions are **as follows**:

- (1) Revocation.
- (2) Suspension.
- (3) Censure.
- (4) Reprimand. ~~and~~
- (5) Probation.

(b) The: ~~state building commissioner, state fire marshal,~~

- (1) **division**;
- (2) local fire department;
- (3) local building ~~officials~~, **official**; and
- (4) individuals affected by the variance;

may submit information to the commission concerning the desirability of the imposition of such a sanction. At the commission's meeting at which the sanction is on the agenda, participation by the interested party or representative of the interested party is at the discretion of the commission.

(c) The commission may impose an appropriate sanction whenever one (1) or more of the following ~~exist~~: **exists**:

- (1) ~~It determines that~~ The variance was obtained by the applicant by fraudulent or misleading statements or information.
- (2) Notification of the required local officials required by ~~[675 IAC 12-5-5\(10\)](#)~~ and ~~[675 IAC 12-5-5\(11\)](#)~~ **section 5(10) of this rule** was not given.
- (3) ~~That~~ There has not been compliance with an alternative requirement contained in the variance.
- (4) ~~That~~ Circumstances have materially changed since a variance was granted so that, if the sanction is not

imposed, public health, safety, or welfare will be adversely affected.

(d) The order imposing a sanction shall be issued under the requirements of [IC 4-21.5-3-6](#). If a petition for review is subsequently granted under [IC 4-21.5-3-7](#), that order shall be deemed to have been merely a preliminary determination.

(e) Sanctions under this section may be imposed under [IC 22-12-7-6](#) and [IC 4-21.5-4](#) where appropriate.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-5-9](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2687, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; errata, 11 IR 97; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2088; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1001; errata filed Jan 31, 2001, 9:22 a.m.: 24 IR 1670; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 22. [675 IAC 12-6-2](#) IS AMENDED TO READ AS FOLLOWS:

### [675 IAC 12-6-2](#) Definitions

Authority: [IC 22-13-2-13](#)

Affected: [IC 22-12-1-5](#); [IC 22-12-1-17](#); [IC 22-15-3](#); [IC 25-4](#); [IC 25-31](#); [IC 32-25-2-9](#)

Sec. 2. (a) The definitions in this section apply throughout this rule.

(b) "Class 1 structure" means the following:

(1) Any part of the following:

(A) A building or structure that is intended to be or is occupied or otherwise used in any part by any of the following:

(i) The public.

(ii) Three (3) or more tenants.

(iii) One (1) or more persons who act as the employees of another.

(B) A site improvement affecting access by persons with physical disabilities to a building or structure described in this subdivision.

(C) Storage facilities, tanks, and dispensing equipment for flammable and combustible liquids or gases.

(2) Subdivision (1) includes a structure that contains three (3) or more condominium units (as defined in [IC 32-1-6-2](#) [IC 32-25-2-9](#)) or other units that **are as follows**:

(A) ~~are~~ Intended to be or are used or leased by the owner of the units. ~~and~~

(B) ~~are~~ Not completely separated from each other by an unimproved space.

(3) Subdivision (1) does not include **the following**:

**(A) A building or structure that is as follows:**

~~(A) is (i)~~ Intended to be or is used only for an agricultural purpose on the land where it is located. ~~and~~

~~(B) is (ii)~~ Not used for retail trade or is a stand used for retail sales of farm produce for eight (8) or fewer consecutive months in a calendar year.

~~(4) Subdivision (1) does not include (B)~~ A Class 2 structure as defined by [IC 22-12-1-5](#).

~~(5) Subdivision (1) does not include (C)~~ A vehicular bridge.

**(D) A structure that is intended to be or is occupied solely to provide periodic maintenance or repair of either of the following:**

**(i) The structure.**

**(ii) Mechanical or electrical equipment located within and affixed to the structure.**

(c) "Construction" means any of the following:

**(1) Fabrication of any part of an industrialized building system or mobile structure for use at another site.**

~~(1) (2)~~ Erection or assembly of any part of a Class 1 **or Class 2** structure at the site where it will be used.

~~(2) (3)~~ Installation of any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems for a Class 1 **or Class 2** structure at the site where it will be used.

~~(3) (4)~~ Work undertaken to alter, remodel, rehabilitate, or add to any part of a Class 1 **or Class 2** structure.

~~(4) (5)~~ Work undertaken to relocate any part of a Class 1 **or Class 2** structure, except a mobile structure.

(d) "Design professional" means a registered architect or professional engineer who is registered under [IC 25-4](#) or [IC 25-31](#).

(e) "Structural safety" means the continued capability of **either of the following**:

- (1) Load-bearing members of a building or structure to transmit actual and design live and dead loads to a foundation. ~~or~~
- (2) Other load-bearing members within the allowable working stresses of the materials or assembly of materials involved.

(f) "Temporary structure" means **any of the following**:

- (1) A Class 1 structure that is erected or installed for a period of not more than ninety (90) days after which it will be demolished or relocated.
- (2) Portable structures on construction job sites for use by persons involved in the construction process. ~~or~~
- (3) Mobile structures as set forth at [IC 22-12-1-17](#).

*(Fire Prevention and Building Safety Commission; [675 IAC 12-6-2](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2688, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; errata, 11 IR 97; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2089; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 23. [675 IAC 12-6-3](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-6-3](#) Design release; requirement**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 22-15-3](#)

Sec. 3. (a) No construction shall be done on a Class 1 structure until a design release has been issued by the ~~office of the state building commissioner~~ **division** unless the construction is of a type specifically exempted from the design release requirements by section 4 of this rule. (~~[675 IAC 12-6-4](#)~~). Design releases may be issued by the ~~office of the state building commissioner only with the approval of the state fire marshal.~~ **division**.

(b) If a foundation release is obtained under section 14 of this rule, (~~[675 IAC 12-6-14](#)~~), construction may:

- (1) be done to the grade level only as provided for by section 14(c) of this rule; (~~[675 IAC 12-6-14\(e\)](#)~~) and may
- (2) not go beyond that point without the issuance of a design release or a partial design release authorizing the further construction.

(c) If a partial design release is obtained under section 15 of this rule, (~~[675 IAC 12-6-15](#)~~), construction may be done to the extent of the partial design release but it may not exceed that scope without the issuance of a design release or another partial design release authorizing the further construction.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-6-3](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2689, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 24. [675 IAC 12-6-4](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-6-4](#) Exemptions from design release requirement**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 4-21-5](#); [IC 12-13-4-3](#); [IC 22-15-3](#)

Sec. 4. (a) Design releases are necessary for construction on all Class 1 structures, except the following:

- 
- (1) Class 1 structures that will never be occupied or otherwise used in any part by the public and ~~which that~~ will not normally be occupied or otherwise used in any part by a person who is acting as an employee of another, of the following types:
- (A) Oil derricks.
  - (B) Pipelines, including related physical support structures.
  - (C) Tanks for storage of products, other than flammable or combustible liquids or gases, ~~which that~~ are factory fabricated and assembled.
  - (D) Electrical power cable transmission towers and substations.
  - (E) Structures used for communication purposes, except for:
    - (i) satellite dishes exceeding ten (10) feet in diameter; and
    - (ii) antennas exceeding thirty (30) feet in length;when mounted on the roof of a Class 1 structure.
  - (F) Structures appurtenant to:
    - (i) industrial plants;
    - (ii) power generating plants;
    - (iii) gas plants;
    - (iv) bulk storage facilities; and
    - (v) shipping terminals;where the functions of ~~such the~~ structures are primarily the support of related equipment.
  - (G) Structures of:
    - (i) sewage;
    - (ii) water;
    - (iii) gas; and
    - (iv) electric;utilities.
  - (H) Signs, except those mounted on the roof of a Class 1 structure, ~~which that~~ exceed one hundred (100) square feet of surface area.
- (2) Temporary structures.
- (3) Class 1 structures either:
- (A) owned by the federal government; or
  - (B) located on land over which exclusive jurisdiction has been ceded to the federal government. (See 40 U.S.C. 255 and [IC 4-21.5](#).)
- (4) One (1) story detached accessory Class 1 structures in Group B, F, R, S, U, or M Occupancy classifications that:
- (A) do not exceed five hundred (500) square feet; and
  - (B) are used as:
    - (i) equipment shelters;
    - (ii) tool and storage sheds (not used for the storage or handling of hazardous materials);
    - (iii) freezers; or
    - (iv) coolers; or
    - (v) other similar uses.
- (5) One (1) story attached additions to Class 1 structures in Group B, F, R, S, U, or M Occupancy classifications that:
- (A) do not:
    - (i) exceed three hundred (300) square feet; **and**
    - ~~(B) do not~~ (ii) impose an excessive structural load onto the existing structure; and
  - ~~(C)~~ (B) are used as:
    - (i) equipment shelters;
    - (ii) tool and storage sheds (not used for the storage or handling of hazardous materials);
    - (iii) freezers;
    - (iv) coolers; or
    - (v) other similar uses.
- (6) One (1) story detached Class 1 structures that:
- (A) do not exceed five hundred (500) square feet in floor area;
  - (B) have at least one (1) unenclosed side; and
  - (C) are used for personnel shelters, such as:
    - (i) bus stops;
    - (ii) picnic shelters; and
    - (iii) gazebos.
- (7) One (1) story detached Class 1 structures that:
- (A) do not exceed two hundred (200) square feet in floor area; and



(B) are used as guard houses or retail sales outlets, such as:

- (i) kiosks;
- (ii) drive-up facilities; and
- (iii) roadside fruit and vegetable stands.

(8) Fences, except for those enclosing:

- (A) public swimming pools; or
- (B) liquified petroleum gas storage facilities.

(9) Retaining or enclosure walls, except for those surrounding flammable or combustible liquids or gases storage facilities.

(10) Installation or replacement of tanks and dispensing equipment for flammable and combustible liquids or gases if the scope of the work is limited to the following:

(A) Liquid petroleum gas (LPG) storage facilities having a total capacity of not more than four thousand

(4,000) gallons and no single tank having a capacity of more than two thousand (2,000) gallons measured as gallons of water.

(B) Storage tanks for Class I, II, IIIA, or IIIB liquids:

- (i) having a capacity of six hundred sixty (660) gallons or less; and
- (ii) that are portable; and
- (iii) that are for temporary use only.

(11) Structures to be used primarily for the display of agricultural products and not used for assembly purposes where ~~such~~ the structures are located within a political subdivision qualified under [675 IAC 12-10-9](#).

**(12) Structures to be built in accordance with the requirements applicable to their eventual use as Class 2 structures that will initially be used as models or offices for the sale of Class 2 structures where the initial use does not cause any of the building systems to become noncompliant with current rules of the commission for that use. "Systems" are architectural, structural, electrical, plumbing, mechanical (HVAC), fire alarm, and fire suppression.**

(b) Design releases are necessary for the remodeling or altering of all Class 1 structures, except work limited to one (1) or more of the following:

(1) Any of the buildings or structures the new construction of which is exempted by subsection (a).

(2) Plumbing work as follows:

(A) Replacement of piping, valves, or fixtures, provided that ~~such~~ the replacement does not involve relocation of fixtures.

(B) Installation of plumbing fixtures, provided that the drainage fixture unit count does not exceed five (5).

(C) Replacement of water heaters with a similar type and capacity in the same location.

(D) Installation of water heaters with a capacity of one hundred (100) gallons or less.

(3) Electrical work as follows:

(A) Replacement in the same location of electrical equipment or devices of a similar type and rating, including an increase in current capacity in nonhazardous areas where there is no change in voltage or phases.

(B) Portable or temporary equipment and devices energized by means of cord and plug.

(C) Temporary installation of wiring and devices.

(D) Installation of branch circuits not exceeding the capacity of the electrical distribution system within the existing building.

(E) Low-energy power, control, and signal circuits of Classes II and III as defined in the Indiana Electrical Code except circuits for fire detection or fire alarm systems.

(F) Electrical wiring, apparatus, or equipment installed by a public or private utility in the exercise of its function as a serving utility:

- (i) for the generation, transmission, distribution, or metering of electrical energy; or
- (ii) in the operation of signals or the transmission of intelligence.

(G) Except for fire detection or fire alarm systems, electrical wiring, devices, appliances, apparatus, or equipment:

- (i) operating at less than twenty-five (25) volts; and
- (ii) not capable of supplying more than fifty (50) watts of energy.

(4) Mechanical work as follows:

(A) Installation of any portable heating, ventilating, and air conditioning appliance or equipment.

(B) Replacement of mechanical appliances and equipment with a similar type and rating in the same location.

(C) Installation of **any of the following**:

- (i) A heating system having an output not in excess of four hundred thousand (400,000) British thermal units per hour.



(ii) A cooling system having an output ~~not~~ **not** greater than fifteen (15) tons (one hundred eighty thousand (180,000)) British thermal units per hour). ~~or~~

(iii) A combination of the two (2) having an air-handling capacity not in excess of nine thousand (9,000) cubic feet per minute.

(D) Installation of heating or cooling equipment to be used for commercial processing work or activities where comfort of personnel is not of primary concern.

(5) Miscellaneous work as follows:

(A) Painting, papering, and replacement of coverings on:

- (i) walls;
- (ii) ceilings;
- (iii) roofs; or
- (iv) floors;

and similar finish work, including replacement or reglazing of glass.

(B) Cases, counters, and partitions not over six (6) feet in height.

(C) Penetrations of nonfire-rated exterior walls where the width of the opening:

- (i) does not exceed six (6) feet; and
- (ii) is not for a required exit.

(D) Installation of one (1) or more nonload-bearing partitions not to exceed a total of one hundred (100) lineal feet in length provided it is not part of a corridor or a partition that is required to be of fire-resistive construction.

(6) Fire sprinkler systems as follows:

~~(A) Fire sprinkler system additions and alterations described in this subdivision shall be permitted providing the scope of work performed does not exceed the limitations listed in either clause (D) or (E) or (F).~~

~~(B) All additions or alterations permitted by this subdivision shall be documented by the installer and kept on file with the maintenance and testing records required by [675 IAC 22](#).~~

~~(C)~~ **(A)** Replacement of components of existing wet fire sprinkler systems of light hazard or ordinary hazard classification as defined in [675 IAC 13](#), including:

- (i) replacement of sprinkler heads;
- (ii) replacement of equipment; or
- (iii) replacement of piping to restore a system to its original condition and configuration.

~~(D)~~ **(B)** Alteration of existing light hazard or ordinary hazard fire sprinkler systems, including:

- ~~(i) relocating up to fifty (50) exposed or concealed sprinkler heads of a wet type system to accommodate new partitions or ceiling locations without increasing the design occupancy hazard or commodity classification;~~

**(i) the addition or alteration of up to an aggregate of twenty (20) sprinkler heads in a wet pipe system for light or ordinary hazard design;**

- (ii) conversion of a dry type system to a wet or antifreeze type system not exceeding ten (10) sprinkler heads; or
- (iii) conversion of a wet or antifreeze type system not exceeding ten (10) sprinkler heads to a dry type system.

~~(E) The addition of sprinkler heads to an existing wet type fire sprinkler system of:~~

- ~~(i) twenty (20) or fewer sprinkler heads added to a light hazard system; or~~
- ~~(ii) ten (10) or fewer sprinkler heads added to an ordinary hazard system.~~

~~(F) Alterations allowed by clause (D) and additions allowed by clause (E) where the total number of sprinkler heads is fifty (50) or less for wet systems and ten (10) or less for dry systems including preaction systems.~~

**(c) All additions or alterations permitted by this subdivision [sic.] shall be documented by the installer and kept on file with the maintenance and testing records required by [675 IAC 22](#) and [675 IAC 28](#), specifically the applicable editions of NFPA 13 and NFPA 25.**

~~(e)~~ **(d)** The design release requirements including filing of plans and specifications shall apply for any work otherwise exempted by subsection (b) when a part of, supplemental to, or an accessory of a construction project that otherwise requires a design release.

~~(d)~~ **(e)** Construction work on a Class 1 structure exempted from the design release requirements under this section is not exempt from compliance with other rules of the commission.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-6-4](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2689, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; errata, 11 IR 97; filed Oct 17, 1989, 11:05*

SECTION 25. [675 IAC 12-6-6](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-6-6](#) Application for construction design release**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 22-12-1-3](#); [IC 22-15-3](#)

Sec. 6. (a) The application for construction design release (ACDR) form:

- (1) shall be available from the ~~office of the state building commissioner~~ **division**; and
- (2) may be available from building departments of local units of government.

(b) The ~~application~~ **ACDR** shall be filed:

- (1) by the owner; or
- (2) on the owner's behalf by the design professional for the project.

(c) The ACDR shall contain the following items:

(1) The:

- (A) name and address of the owner; and ~~the~~
- (B) name, address, and registration number of the design professional for the project, if there is one.

(2) ~~Describe~~ **A description of** the land on which the proposed work is to be done by:

- (A) legal description;
- (B) street address; or
- (C) similar description;

that will readily identify and definitely locate the proposed building or work.

(3) ~~Identify~~ **An identification** and ~~describe~~ **a description of** the work for which the application for a design release is being made.

(4) ~~Indicate~~ **An indication of** the use or occupancy for which the proposed work is intended.

(5) ~~State~~ **A statement of** the total gross square feet of **all floors of the following**:

- (A) ~~all floors of~~ Any Class 1 structure.
- (B) ~~all floors of~~ Any addition to an existing Class 1 structure. ~~and all floors of~~

(C) The existing portion of the Class 1 structure. ~~and~~

~~(C) all floors of~~ (D) Class 1 structures that are undergoing remodeling or alteration (including both floors that are and are not undergoing remodeling or alteration).

(6) ~~State~~ **A statement of** whether or not the plans and specifications are being submitted under [675 IAC 12-8](#).

(7) ~~State~~ **A statement of** the estimated costs of all construction work included in the project for which application for design release is being made.

(8) ~~Give such~~ Other reasonable data and information concerning compliance with the rules of the commission that the ~~state building commissioner~~ **division** may require.

(9) ~~Be signed~~ **A signature** by the owner or an authorized agent ~~who shall certify~~ **certifying** that the project will:

- (A) be constructed in compliance with all applicable rules of the commission; and ~~will~~
- (B) not be changed (unless permitted under section 18 of this rule) from the design specified in the plans and specifications submitted with the application and released by the ~~office of the state building commissioner~~ **division**.

Any person purporting to be an agent of the owner may be required to submit written authorization of ~~such~~ **the** fact.

(10) If a design professional is required by section 9 of this rule, the application shall include a certificate by the design professional sworn or affirmed under penalty of perjury stating **the following**:

- (A) That the information required by subdivisions (1) through (8) is true and accurate.
- (B) That the plans and specifications submitted for the application:
  - (i) were prepared either by or under the immediate supervision of the person making the statement; **and**
  - (C) ~~That the plans and specifications submitted for the application~~ (ii) provide for construction that will meet all building laws as that term is defined by [IC 22-12-1-3](#), including all building rules of the commission.
- ~~(D)~~ (C) That the construction covered by the application will be subject to inspection at intervals appropriate

to the stage of the construction by a design professional identified in the statement for the purpose of determining in general if work is proceeding in accordance with the released plans and specifications.

*(Fire Prevention and Building Safety Commission; 675 IAC 12-6-6; filed Jul 17, 1987, 2:30 p.m.: 10 IR 2691, eff Aug 1, 1987 [IC 4-22-2-36 suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; errata, 11 IR 97; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2092; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA)*

SECTION 26. [675 IAC 12-6-7](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-6-7](#) Plans and specifications**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 22-15-3](#); [IC 25-4](#); [IC 25-31](#)

Sec. 7. (a) Plans and specifications filed with an application for a design release shall comply with this section.

(b) All plans and specifications and any supporting data filed shall be **as follows**:

(1) Sufficiently clear and complete to show in detail that the proposed work will comply with the rules of the commission. ~~They shall be~~

(2) In the English language and dimensions ~~shall be~~ in the English units of measurement (yards, feet, or inches).

(c) One (1) complete set of plans and specifications required by this section shall:

(1) be filed for review; and ~~shall~~

(2) not be returned to the applicant.

(d) No additional copies of the plans and specifications filed with the application for design release may be filed; however, additional copies may be made by the applicant and utilized:

(1) on the construction job site as required by section 19 of this rule; and

(2) to meet requirements of local units of government.

(e) If a design professional is required by section 9 of this rule:

(1) the plans and specifications shall be prepared by a design professional who is:

(A) competent to design the construction covered by the application; and ~~is~~

(B) registered under [IC 25-4](#) or [IC 25-31](#);

(2) each page of all drawings (plans) and the title page of all specifications shall include the legible signature and the seal of the:

(A) design professional described in subdivision (1); or ~~the~~

(B) person's technical or professional staff; and

(3) the plans and specifications shall be filed by the:

(A) design professional described in subdivision (1); or ~~the~~

(B) person's technical or professional staff.

(f) If a design professional is not required by section 9 of this rule, but the plans and specifications are nonetheless prepared and filed by a design professional, ~~such the~~ filing shall not be required to comply with **the following**:

(1) Subsection (e). ~~and~~

(2) Section 6(c)(10) of this rule.

~~(g) If a design professional is not required by section 9 of this rule and the plans and specifications are not prepared and filed by a design professional, the owner shall sign and date all documents, on the first page of all drawings (plans) and the title page of all specifications.~~

~~(h)~~ (g) Plans and specifications filed under this section shall include all of the following as applicable:

(1) A site plan drawn to scale, showing dimensioned location of building property lines, and to all adjacent

buildings on the property, as well as width of any street or easements bordering the property.

(2) Foundation and basement plans and details.

(3) Detailed dimensioned floor plans drawn to scale for all floors showing such items as **the following**:

- (A) Wall configuration. ~~and~~
- (B) Fire rating.
- (C) Exit ways.
- (D) Doors.
- (E) Windows.
- (F) Location of plumbing fixtures.
- (G) Chairlifts.
- (H) Elevators. ~~and~~
- (I) Room designation.

(4) Fire and life safety plans showing graphically or by legend the location and rating of building elements, such as **the following**:

- (A) Area separation walls.
- (B) Occupancy separation walls.
- (C) Smoke barriers.
- (D) Fire-rated corridor walls.
- (E) Stair enclosures.
- (F) Shaft enclosures. ~~and~~
- (G) Horizontal exits.

(5) Wall elevations of all exterior walls.

(6) Sections and details of walls, floors, and roofs showing **the following**:

- (A) Dimensions.
- (B) Materials. ~~and~~
- (C) Heat transfer ratings.

(7) Structural plans and elevations showing size and location of all members, truss designs showing all connection details, and all stress calculations if specifically requested.

(8) Details indicating how required structural and fire-resistive integrity will be maintained where wall, floor, and ceiling penetrations will be made for:

- (A) electrical;
- (B) mechanical;
- (C) plumbing; and
- (D) communication;

conduit, pipes, and similar systems.

(9) Room finish schedules showing finishes for walls, ceilings, and floors in all rooms, stairways, and corridors.

(10) Door schedules showing:

- (A) material;
- (B) size;
- (C) thickness; and
- (D) fire resistance rating;

for all doors, frames, and hardware.

(11) Construction specifications, which for small projects may be on the plans.

(12) Electrical plans showing:

- (A) the electrical distribution system;
- (B) **the** service equipment;
- (C) **the** grounding methods;
- (D) **the** emergency and standby power systems; and
- (E) any power or lighting information;

required for compliance with the Indiana Energy Conservation Code under [675 IAC 19](#).

(13) Plumbing plans showing **the following**:

- (A) Fixture location.
- (B) Risers.
- (C) Drains. ~~and~~
- (D) Piping isometrics.

(14) Mechanical plans showing location and size of:

- (A) ductwork;
- (B) equipment;
- (C) fire dampers; and
- (D) smoke dampers;

and equipment schedules showing capacity.

- (15) Energy conservation details to include **the following**:
- (A) Design criteria.
  - (B) Exterior envelope component materials.
  - (C) U values of the envelope system.
  - (D) R values of insulating materials.
  - (E) Size and type of equipment. ~~and~~
  - (F) Systems controls.
- (16) Accessibility details to include **the following**:
- (A) Access to buildings.
  - (B) Ramps and walks with slope.
  - (C) Dimensioned restroom plans and clearances.
  - (D) Grab bars.
  - (E) Door swing and size. ~~and~~
  - (F) Special seating accommodations.
- (17) Plans for automatic fire-extinguishing systems showing **the following**:
- (A) Automatic sprinkler piping size and spacing.
  - (B) Standpipes.
  - (C) Fire pumps.
  - (D) Water supply data.
  - (E) Rating of sprinkler heads. ~~and~~
  - (F) Other specific requirements contained in NFPA Standards 11, 12, 13, 13R, 14, 20, and 2001 as adopted in [675 IAC 13](#).
- (18) Plans for fire detection and alarm systems showing location and type of **the following**:
- (A) Detection activation devices (automatic or manual).
  - (B) Control panels.
  - (C) Annunciator panels and zones.
  - (D) Water flow devices. ~~and~~
  - (E) Other specific requirements contained in NFPA Standard 72 as adopted in [675 IAC 22](#).
- (19) Plans for public swimming pools showing **the following**:
- (A) Area and volume.
  - (B) Enclosure for pool area.
  - (C) Turnover rate.
  - (D) Filtration and circulation system.
  - (E) Swimmer load.
  - (F) Materials.
  - (G) Shape and depth of pool.
  - (H) Deck design.
  - (I) Ladders.
  - (J) Steps.
  - (K) Drainage system.
  - (L) Water supply system. ~~and~~
  - (M) Electrical system.
- (20) Additional information as may be needed to substantiate claims that the proposed construction will comply with the rules of the commission.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-6-7](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2691, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; filed Oct 17, 1989, 11:05 a.m.: 13 IR 390; filed Aug 10, 1994, 10:40 a.m.: 17 IR 2860; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2093; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1004; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 27. [675 IAC 12-6-8](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-6-8](#) Fees**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 22-15-3](#)

Sec. 8. (a) An application for a design release shall be accompanied by payment of the appropriate plan

review fee as set forth in [675 IAC 12-3](#).

(b) Additional special processing fees shall be paid as required by [675 IAC 12-3](#).

(c) The surcharge for late filing of plans and specifications shall apply when **the construction:**

(1) ~~construction~~ is begun on a Class 1 structure where a design release is required before the design release has been issued by the ~~office of the state building commissioner;~~ **division;** and

(2) ~~the construction job site has been inspected by any representative of the office of the state building commissioner.~~ **division.**

*(Fire Prevention and Building Safety Commission; [675 IAC 12-6-8](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2693, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2094; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 28. [675 IAC 12-6-9](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-6-9](#) Design professionals**

**Authority:** [IC 22-13-2-13](#); [IC 22-15-3-3](#)

**Affected:** [IC 22-15-3](#)

Sec. 9. (a) Design professionals are required for the construction of Class 1 structures where a design release is required, except any of the following:

- (1) Class 1 structures with thirty thousand (30,000) or fewer cubic feet of space.
- (2) Additions to Class 1 structures if the addition adds thirty thousand (30,000) or fewer cubic feet of space.
- (3) Alteration to a Class 1 structure if the alteration does not involve changes affecting the structural safety of the Class 1 structure.
- (4) Installation or alteration of an automatic fire sprinkler system in a Class 1 structure designed by persons as described in subsection (b).

(b) The design for the installation or alteration of an automatic fire sprinkler system shall be prepared by a qualified person with **who is currently any of the following: requirements:**

**(1) Has been Registered as a design professional as defined in section 2(d) of this rule.**

**(2) Has been Certified as a Level III or Level IV automatic sprinkler layout technician by the National Institute for Certification in Engineering Technologies.**

**(3) Has been Certified by an agency substantially similar to that of subdivision (2) and approved by the fire prevention and building safety commission. Such The certification shall include the following:**

**(A) Not less than five (5) years of experience laying out fire sprinkler systems.**

**(B) Having done independent engineering technician work with little or no supervision on jobs covered by standards and complete plans, specifications, or instructions.**

**(C) A demonstration of knowledge regarding the following topics:**

- (i) The relationship between plans, specifications, and contracts.
- (ii) Preparation of simple designs.
- (iii) The basic application of NFPA Standards.
- (iv) Basics of sprinkler systems.
- (v) Basic materials and components.
- (vi) Fundamentals of mathematics.
- (vii) Fundamentals of physical science.
- (viii) Construction plans.
- (ix) Fire protection plans and symbols.
- (x) Basics of system layout.
- (xi) Classification of occupancies.
- (xii) Water supply requirements.
- (xiii) System connections.
- (xiv) System piping configurations, schedules, and sizes.
- (xv) Requirements of spacing.
- (xvi) Sprinkler location and position.



- (xvii) Pipe joining techniques and fittings.
- (xviii) Pipe hangers and hanging.
- (xix) Wet and dry systems.
- (xx) Hydraulic calculations of systems.
- (xxi) Underground piping.
- (xxii) Special sprinklers, such as residential, quick response, and extended coverage sprinklers.
- (xxiii) Water flow tests.
- (xxiv) Fundamentals of hydraulics.
- (xxv) Dwelling sprinklers.
- (xxvi) Advanced hydraulic calculations.
- (xxvii) Hydraulic design area.
- (D) A demonstration of knowledge regarding the following:
  - (i) Any two (2) of the following three (3) topics:
    - (AA) Basic communication skills.
    - (BB) Basic metric units and conversions.
    - (CC) Basic principles of combustion.
  - (ii) Any three (3) of the following seven (7) topics:
    - (AA) Specifications and cost estimates.
    - (BB) Contracts.
    - (CC) Building codes.
    - (DD) Insurance authorities and their requirements.
    - (EE) Common material specifications.
    - (FF) System components and limitations.
    - (GG) Special piping materials.
  - (iii) Any ten (10) of the following thirteen (13) topics:
    - (AA) Exposure protection systems.
    - (BB) Selection of fire pumps.
    - (CC) Pump flow tests.
    - (DD) High piled storage.
    - (EE) Rack storage.
    - (FF) Sprinkler system maintenance.
    - (GG) Standpipe systems.
    - (HH) Fire pumps and systems.
    - (II) Storage tanks.
    - (JJ) Alarms and system supervision.
    - (KK) Fundamentals of fire extinguishment.
    - (LL) Seismic bracing.
    - (MM) Surveys for fire protection.
  - (iv) Any six (6) of the following eleven (11) topics:
    - (AA) Project scheduling and coordination.
    - (BB) Bid invitation package and bid proposal.
    - (CC) Contractual requirements and interpretations.
    - (DD) Shop and erection drawings.
    - (EE) System acceptance tests.
    - (FF) Antifreeze systems.
    - (GG) Water cooling towers.
    - (HH) Aircraft hangars.
    - (II) Internal and external corrosion.
    - (JJ) Meters and backflow protection.
    - (KK) Land surveying.
  - (v) Any three (3) of the following ten (10) topics:
    - (AA) Multipurpose piping.
    - (BB) Water spray systems.
    - (CC) Foam systems.
    - (DD) Halon systems.
    - (EE) Carbon dioxide systems.
    - (FF) Alarm and supervisory systems.
    - (GG) Dry chemical systems.
    - (HH) Foam-water systems.
    - (II) Sprinklers and valves.
    - (JJ) Large drop sprinkler systems.

A copy of the qualified person's certification or registration pocket card shall be submitted with the application for construction design release.

(c) The requirements for design professionals apply to all types of design releases provided for in this rule. If a construction project originally required a design professional, then a design professional is required for all partial design releases and addenda and revision design releases for that project.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-6-9](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2693, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jul 2, 1993, 3:30 p.m.: 16 IR 2554; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2094; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1005; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 29. [675 IAC 12-6-10](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-6-10](#) Predesign conferences**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 22-15-3](#)

Sec. 10. An applicant may request in writing consultation with representatives of the ~~offices of the state building commissioner and the state fire marshal~~ **division** for the purpose of resolving questions on the application of the rules of the commission to a specific project. The results of any ~~such~~ consultations shall:

- (1) not be binding on ~~said offices~~ **the division** in the consideration of an application for a design release; and
- (2) in no way ~~shall~~ serve as a substitute for the authority of the commission to grant or deny variances under [675 IAC 12-5](#).

*(Fire Prevention and Building Safety Commission; [675 IAC 12-6-10](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2693, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1006; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 30. [675 IAC 12-6-11](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-6-11](#) Alternative materials, methods, and design**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 22-15-3](#)

Sec. 11. (a) This section does not authorize a variance from any rule adopted by the commission.

(b) The rules adopted by the commission do not prevent the use of:

- (1) materials;
- (2) methods of construction; or
- (3) design procedures;

if they are not specifically prohibited in the rules and if they are approved under subsection (c) or (e).

(c) The ~~state fire marshal and the state building commissioner~~ **division** may, in the review of an application for a design release, consider as evidence of compliance with the rules adopted by the commission any evaluation report that:

- (1) contains limitations, conditions, or standards for:
  - (A) alternative materials;
  - (B) method of construction; or
  - (C) design procedures; and
- (2) is:
  - (A) published by an independent, nationally recognized testing laboratory; or
  - (B) ~~other~~ **another** organization listed in subsection (d).

(d) The following laboratories or organizations, with their applicable evaluation reports, are approved:

(1) Factory Mutual Loss Prevention Data Sheets and test reports (FM).

(2) International Organization for Standardization (ISO) (ISO standards listed by the American National Standards Institute).

(3) International Electrotechnical Commission (IEC) (IEC standards listed by the American National Standards Institute).

(4) Japan Industrial Standards (JIS) (which are found to be equivalent to ANSI standards).

(5) German Institute for Standards (Deutsches Institut für Normung) (DIN) (standards which are found to be equivalent to ANSI standards).

(6) French Standards Association (AFNOR) (standards which are found to be equivalent to ANSI standards).

(7) Canadian Standards Association (CSA) (which are found to be equivalent to ANSI standards).

(8) BOCA Evaluation Services, Inc., Building Officials and Code Administrators International (BOCA) (research reports).

(9) Council of American Building Officials (CABO) (National Evaluation Services (NES) evaluation reports).

(10) ICBO Evaluation Services Inc. International Conference of Building Officials (ICBO) (ICBO Evaluation Service Inc. evaluation reports).

(11) SBCCI Public Safety Testing and Evaluation Services, Inc., Southern Building Code Congress International (SBCCI) (compliance reports).

(12) International Association of Plumbing and Mechanical Officials (IAPMO) (Directory of Research Recommendations).

(e) The ~~state building commissioner~~ **division** may, in the review of an application for a design release, accept as evidence of compliance with provisions of the Indiana Building Code under [675 IAC 13](#), similar provisions of the ADA Accessibility Guidelines for Buildings and Facilities included as Appendix A, Standards for Accessible Design, Part 36 Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities (28 CFR 36) as published in 56 FR 144 on July 26, 1991, on pages 35544 through 35691.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-6-11](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2693, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; filed Oct 17, 1989, 11:05 a.m.: 13 IR 391; filed Sep 21, 1992, 9:00 a.m.: 16 IR 715; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2095; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 31. [675 IAC 12-6-12](#) IS AMENDED TO READ AS FOLLOWS:

#### [675 IAC 12-6-12](#) Consideration of applications for design releases

Authority: [IC 22-13-2-13](#)

Affected: [IC 4-21.5-3-4](#); [IC 4-21.5-3-7](#); [IC 22-15-3](#)

Sec. 12. (a) The ~~office of the state building commissioner~~ **division** shall consider applications for design releases and plans and specifications filed under this rule. ~~in conjunction with the office of the state fire marshal.~~ No design release shall be issued unless:

(1) section 5 of this rule has been complied with by the applicant; **and**

(2) the plans and specifications submitted with the application have been reviewed by the ~~office of the state building commissioner for compliance with the rules of the commission; and~~ **division**.

(3) ~~the plans and specifications submitted with the application have been presented to the office of the state fire marshal and approved in writing by the office of the state fire marshal.~~

(b) Subsequent to the filing of an application, the applicant may be requested to **do one (1) of the following**:

(1) Submit additional information or documents to place the application in compliance with section 5 of this rule. ~~or to~~

(2) Modify the plans and specifications in order to place them in compliance with the rules of the commission. If the applicant has not done so within thirty (30) days following the date of request, the design release shall be subject to denial by the ~~state building commissioner.~~ **division**.

(c) The order granting or denying the design release shall be issued by the ~~office of the state building~~

~~commissioner~~ **division** following the requirements of [IC 4-21.5-3-4](#). If a petition for review is subsequently granted under [IC 4-21.5-3-7](#), the resulting administrative proceeding shall be conducted by the commission.

~~(d) Prior to the issuance of an order by the office of the state building commissioner under subsection (c), a meeting between the executive director of the department, the state building commissioner, and the state fire marshal may be called by the executive director of the department:~~

- ~~(1) upon request of the state building commissioner or the state fire marshal, if the state building commissioner and the state fire marshal cannot agree on the issuance of a design release; or~~
- ~~(2) upon request of the applicant for the design release, if the office of the state building commissioner and the office of the state fire marshal have not acted to issue or deny the design release within a reasonable time after the application is submitted to the office.~~

~~(e) At a meeting called under subsection (d), the executive director of the department, the state building commissioner, and the state fire marshal shall review the application for a design release and shall, by majority vote, issue a final decision. Said order shall be issued following the requirements of [IC 4-21.5-3-4](#) and shall eliminate the need for an order to be issued under subsection (e). If a petition for review is subsequently granted under [IC 4-21.5-3-7](#), the resulting administrative proceeding shall be conducted by the commission.~~

*(Fire Prevention and Building Safety Commission; [675 IAC 12-6-12](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2694, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2097; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 32. [675 IAC 12-6-14](#) IS AMENDED TO READ AS FOLLOWS:

#### **[675 IAC 12-6-14](#) Foundation releases**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 22-15-3](#)

Sec. 14. (a) A foundation release may be issued by the ~~office of the state building commissioner, with the approval of the office of the state fire marshal,~~ **division** upon the request of an applicant for a design release to allow for construction work to the extent stated in subsection (c) to be undertaken ~~prior to~~ **before** plan review and consideration of the issuance of a design release if ~~the:~~

- ~~(1) the documents and fees required under section 5 of this rule have been submitted; and~~
- ~~(2) the applicant:~~
  - ~~(A) submits an application on a form provided by the office of the state building commissioner~~ **division:**
    - ~~(i) stating the name and address of the construction project; and~~
    - ~~(ii) agreeing to comply with the provisions of subsections (c) and (e); and~~
- ~~(3) the applicant~~ **(B)** pays the fee for a foundation release set by [675 IAC 12-3](#).

(b) A foundation release may not be issued for a construction project unless requested at the time of the filing of the documents and payment of the fees required by section 5 of this rule.

(c) A foundation release shall allow work to grade level only which may include slab on grade and underground mechanical, electrical, and plumbing work, but does not allow work on more than one (1) floor below grade level. As an exception, any continuous structural member, such as a pole, may extend from its footing below grade to its intended height above grade.

(d) Any corrective work found to be necessary as a result of the project plan review conducted subsequent to the issuance of the foundation release shall be done at the applicant's expense.

(e) The issuance of a foundation release upon receipt of the documents and fees required by section 5 of this rule does not limit the ability of the ~~office of the state building commissioner~~ **division** to require additional information or fees required by this rule if subsequent plan review shows that such is necessary.

(f) Any construction work beyond foundation or grade level done under a foundation release shall be

prohibited until an appropriate design release is issued.

(g) Requests for foundation releases shall be subject to the provisions of section 12 of this rule.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-6-14](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2695, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; errata, 11 IR 97; filed Sep 21, 1992, 9:00 a.m.: 16 IR 717; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 33. [675 IAC 12-6-15](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-6-15](#) Partial design releases**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 22-15-3](#)

Sec. 15. (a) A partial design release may be issued by the ~~office of the state building commissioner with the approval of the office of the state fire marshal.~~ **division.**

(b) Applicants for design releases may request partial design releases:

- (1) in order to facilitate project designing, bidding, and construction; or
- (2) for other valid reasons.

Requests for partial design releases shall be filed with all of the documents and fees required under section 5 of this rule (~~[675 IAC 12-6-5](#)~~) except ~~to the extent the~~ **that** plans and specifications outside the scope of the partial design release request need not be filed.

(c) Requests for partial design releases shall be submitted on a form provided by the ~~state building commissioner~~ **division** with the following information:

- (1) The name and address of the construction project.
- (2) The ~~state building commissioner's~~ **division's** project number.
- (3) The scope of the work involved in the desired partial design release.
- (4) ~~Such~~ Other reasonable data and information concerning compliance with the rules of the commission that the ~~state building commissioner~~ **division** requires.

(d) The document required by subsection (c) ~~of this section~~ shall be signed by the:

- (1) owner; and
- (2) design professional if one is required for the construction project.

(e) Each separate part of plans and specifications filed for partial design releases, **such as:**

- (1) foundation;
- (2) structure;
- (3) plumbing;
- (4) electrical; **and**
- (5) fire protection systems; ~~etc.~~

shall be submitted in sufficient detail to assure that its proposed portion complies with the rules of the commission.

(f) Any construction beyond the scope of a partial design release shall be prohibited until an appropriate design release is issued for the further construction work.

(g) Requests for partial design releases shall be subject to the provisions of section 12 of this rule.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-6-15](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2696, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1006; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 34. [675 IAC 12-6-16](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-6-16](#) Master plan design release**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 4-21.5-3-6](#); [IC 4-21.5-3-7](#); [IC 22-15-3](#)

Sec. 16. (a) Master plan design releases may be issued by the ~~office of the state building commissioner with the approval of the office of the state fire marshal.~~ **division.**

(b) As used in this section, "master plan" means a set of plans and specifications for Class 1 structures the scope of which includes only the structural framing and shell enclosures and does not include any:

- (1) mechanical;
  - (2) plumbing;
  - (3) electrical;
  - (4) energy conservation; and
  - (5) accessibility;
- systems or components.

(c) The purpose of a master plan design release is to simplify the use of the same design for more than one (1) Class 1 structure by eliminating repetitive filing and review of plans and specifications within the scope of a master plan.

(d) To apply for a master plan design release, the applicant shall submit **the following** to the ~~office of the state building commissioner.~~ **division:**

- (1) An application for construction design release as provided for by section 6 of this rule.
- (2) The fee set for master plan filing in [675 IAC 12-3-4](#).
- (3) Plans and specifications as provided for by section 7 of this rule, except that plans and specifications normally required by section 7 **of this rule** but outside the scope of the desired master plan design need not be filed.

(e) The issuance of a master plan design release does not:

- (1) authorize any specific construction project; ~~and therefore does not or~~
- (2) eliminate the requirement for a separate design release **to be** applied for under section 5 of this rule.

All applications for design releases that utilize a master plan design shall reference the master plan design release number assigned by the ~~office of the state building commissioner.~~ **division.**

(f) Requests for master plan design releases shall be subject to the provisions of section 12 of this rule.

(g) A master plan design release shall expire when the ~~state building commissioner.~~ **division does the following:**

- (1) Determines that, because of changes in the Indiana Building Code, the plans and specifications may no longer comply with the rules of the commission. ~~and~~
- (2) Issues an order following the requirements of [IC 4-21.5-3-6](#).

(h) If a petition for review of the ~~state building commissioner's~~ **division's** order under subsection (g) ~~of this section~~ is subsequently granted under [IC 4-21.5-3-7](#), the resulting administrative proceeding shall be conducted by the commission.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-6-16](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2696, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2098; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1007; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 35. [675 IAC 12-6-18](#) IS AMENDED TO READ AS FOLLOWS:



**675 IAC 12-6-18 Addenda or revised design releases**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 22-15-3](#)

Sec. 18. (a) No design changes or additions to the scope of work shall be made on a construction project subsequent to the issuance of an applicable design release unless an ~~addenda~~ **addendum** or revised design release is issued by the ~~office of the state building commissioner with the approval of the office of the state fire marshal.~~ **division**.

(b) Such design changes shall not include increases in project height or area.

(c) An applicant for an ~~addenda~~ **addendum** or revised design release shall submit the following to the ~~office of the state building commissioner.~~ **division**:

(1) On a form provided by the ~~state building commissioner,~~ **division**, which shall be signed by the owner and design professional, if one is required for the construction project, the following information:

(A) The name and address of the construction project.

(B) The ~~state building commissioner's~~ **division's** project number.

(C) The scope of the work involved in the design changes or additions.

(D) By page or sheet number, the portions of the original plans and specifications being changed.

(E) ~~Such~~ Other reasonable data and information concerning compliance with the rules of the commission that the ~~state building commissioner~~ **division** may require.

(2) One (1) copy of all changed plans and specifications.

(3) The fee established in [675 IAC 12-3](#).

(d) Requests for addenda or revised design releases shall be subject to the provisions of section 12 of this rule.

(e) Subsequent to the issuance of an ~~addenda~~ **addendum** or revised design release, the original design release remains in effect as modified by the ~~addenda~~ **addendum** or revision design release.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-6-18](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2697, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2098; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1007; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 36. [675 IAC 12-6-19](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-6-19](#) Copy of the design release; posting; maintenance of plans and specifications**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 22-15-3](#)

Sec. 19. (a) A copy of the design release shall be posted by the applicant **as follows**:

(1) In a conspicuous place on the premises.

(2) Protected from the weather. ~~and~~

(3) Located in such a position so it can be conveniently seen by inspectors.

(b) A complete set of plans and specifications that conform exactly to the design that was released by the ~~office of the state building commissioner~~ **division** shall be maintained on the construction job site.

(c) A copy of the design release shall remain posted, and plans and specifications maintained, on the construction job site until occupancy of the Class 1 structure.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-6-19](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2697, eff*

Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1008; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))

SECTION 37. [675 IAC 12-6-20](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-6-20](#) Expiration of design releases**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 4-21.5-3-4](#); [IC 4-21.5-3-7](#); [IC 22-15-3](#)

Sec. 20. (a) All design releases (except master plan releases) expire if the construction work on all buildings within the scope of the design release is not commenced within one (1) year of the date of ~~such~~ **the** release. However, an owner holding **a** ~~an~~ **unexpired** design release who is unable to commence construction work within one (1) year of the issuance of the design release for good and satisfactory reasons may apply for an extension of time within which he or she may commence work under that design release. ~~The office of the state building commissioner~~ **division** may extend the design release one (1) time for a period not exceeding one hundred eighty (180) days if:

- (1) no changes have been made in the plans and specifications filed with the original application for a design release;
- (2) no changes to the rules of the commission applicable to the scope of the design release have been made;
- (3) the extension is requested in writing by the applicant verifying ~~subsection (a)(1); and~~ **subdivision (1)**;
- (4) the release extension fee established by [675 IAC 12-3](#) has been paid; **and**
- (5) the extension of time will not adversely affect the public health, safety, or welfare.**

(b) If the construction work authorized by a design release is suspended or abandoned at any time after construction work is commenced for a period of one hundred eighty (180) days, ~~such~~ **the** construction work may be recommenced only after the issuance of a design release reinstatement by the ~~office of the state building commissioner~~ **division**. ~~Such~~ **The** reinstatement may be issued by the ~~state building commissioner~~ **division** if:

- (1) the construction work has been suspended or abandoned for more than one hundred eighty (180) days but less than one (1) year;
- (2) no changes have been made in the plans and specifications filed with the original application for a design release;
- (3) no changes to the rules of the commission applicable to the scope of the design release have been made;
- (4) the reinstatement is requested in writing by the applicant verifying ~~subsection (b)(1)~~ **subdivisions (1) and (2)**; **(2)**; and
- (5) the release reinstatement fee established by [675 IAC 12-3](#) has been paid.

(c) The order granting or denying a reinstatement or extension shall be issued by the ~~office of the state building commissioner~~ **division** following the requirements of [IC 4-21.5-3-4](#). If a petition for review is subsequently granted under [IC 4-21.5-3-7](#), the resulting administrative proceeding shall be conducted by the commission.

(Fire Prevention and Building Safety Commission; [675 IAC 12-6-20](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2697, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2099; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))

SECTION 38. [675 IAC 12-6-21](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-6-21](#) Compliance with rules**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 22-15-3](#)

Sec. 21. The issuance of a design release does not relieve the owner from compliance with all applicable rules of the commission even if items contrary to the rules of the commission are shown in plans and specifications that

have been filed with the office of the state building commissioner. **division.**

*(Fire Prevention and Building Safety Commission; [675 IAC 12-6-21](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2698, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 39. [675 IAC 12-6-23](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-6-23](#) Design release revocations**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 4-21.5-3-6](#); [IC 4-21.5-3-7](#); [IC 22-12-7-7](#); [IC 22-15-3](#)

Sec. 23. (a) Under [IC 22-12-7-7](#), the ~~state building commissioner~~ **division** may impose a sanction concerning any type of design release previously issued. Available sanctions are **as follows:**

- (1) Revocation.
- (2) Suspension.
- (3) Censure.
- (4) Reprimand. ~~and~~
- (5) Probation.

(b) The ~~state building commissioner~~ **division** may impose an appropriate sanction whenever one (1) or more of the following ~~exist~~: **exists:**

- (1) If a determination is made that the design release was obtained by fraudulent or misleading statements or information, including plans and specifications.
- (2) Circumstances have materially changed since a design release was granted so that if the sanction is not imposed, public health, safety, or welfare will be adversely affected.
- (3) The construction done subsequent to the issuance of the design release is contrary to the rules of the commission.
- (4) A check paying an applicable fee is returned.
- (5) The design release was issued:
  - (A) in error;
  - (B) on the basis of incorrect information; or
  - (C) in violation of:
    - (i) a rule of the commission;
    - (ii) **fire safety law**; or
    - (iii) a building law.

(c) The order imposing a sanction shall be issued under the requirements of [IC 4-21.5-3-6](#). If a petition for review is subsequently granted under [IC 4-21.5-3-7](#), the resulting administrative proceeding shall be conducted by the commission.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-6-23](#); filed Jul 17, 1987, 2:30 p.m.: 10 IR 2698, eff Aug 1, 1987 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for 30 days after filing with the Secretary of State. LSA Document #87-53 was filed Jul 17, 1987.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2100; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 40. [675 IAC 12-7-1](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-7-1](#) Purpose and scope**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 22-15-3-1](#)

Sec. 1. (a) The purpose of this rule is to:

- (1) establish administrative procedures for the review of plans and specifications by certified cities, towns, or

counties under ~~IC 22-15-3-1(e)~~, [IC 22-15-3-1](#); and thereby

(2) reduce the time needed by the office of the state building commissioner **division** to issue a design release under [675 IAC 12-6](#).

(b) This rule pertains to the review of plans and specifications for Class 1 structures by a city, town, or county ~~prior to~~ **before** the granting or denying of a design release by the office of the ~~state building commissioner~~ **division** under [IC 22-15-3](#) and [675 IAC 12-6](#).

(c) This rule does not apply to, or permit, plan review by a city, town, or county for **the following**:

- (1) Industrialized building systems.
- (2) Automatic fire-extinguishing or standpipe systems.
- (3) Regulated lifting devices. ~~and~~
- (4) Boilers and pressure vessels.

(Fire Prevention and Building Safety Commission; [675 IAC 12-7-1](#); filed Feb 1, 1988, 2:15 p.m.: 11 IR 1787; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2100; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))

SECTION 41. [675 IAC 12-7-2](#) IS AMENDED TO READ AS FOLLOWS:

#### [675 IAC 12-7-2](#) Certification; application

Authority: [IC 22-13-2-13](#)

Affected: [IC 4-21.5-3-4](#); [IC 4-21.5-3-7](#); [IC 22-13-2-3](#); [IC 22-15-3-1](#)

Sec. 2. (a) A city, town, or county that has in its employ a person qualified under this rule whose duties include the review of construction plans and specifications for conformance with applicable rules of the commission may apply for certification under ~~[IC 22-15-3-1\(e\)](#)~~ [IC 22-15-3-1](#).

(b) Application may be made in letter form by the executive **officer or** officers of a city, town, or county. An application shall include the following:

- (1) The name and title of each qualified plan reviewer.
- (2) Documents that show that each plan reviewer has successfully passed the competency test designated in this rule.
- (3) A signature card completed by each qualified plan reviewer.
- (4) A statement by the applicant that prompt notification shall be given to the ~~office of the state building commissioner~~ **division** upon the termination of employment or assignment to other duties of any qualified plan reviewer.
- (5) A statement that the city, town, or county has adopted the rules of the commission under [IC 22-13-2-3](#).

(c) The ~~state building commissioner~~ **division** shall, upon receipt of an application under this section, determine if the applicant city, town, or county is competent to perform plan review for Class 1 structures. The order granting or denying the certification shall be issued following the requirements of [IC 4-21.5-3-4](#). If a petition for review is subsequently granted under [IC 4-21.5-3-7](#), the resulting administrative proceeding shall be conducted by the commission.

(Fire Prevention and Building Safety Commission; [675 IAC 12-7-2](#); filed Feb 1, 1988, 2:15 p.m.: 11 IR 1787; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2100; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))

SECTION 42. [675 IAC 12-7-3](#) IS AMENDED TO READ AS FOLLOWS:

#### [675 IAC 12-7-3](#) Certification; sanctions

Authority: [IC 22-13-2-13](#)

Affected: [IC 4-21.5-3-6](#); [IC 4-21.5-3-7](#); [IC 22-12-7-7](#); [IC 22-15-3-1](#)

Sec. 3. (a) Under [IC 22-12-7-7](#), the ~~state building commissioner~~ **division** may impose a sanction concerning any certification of a city, town, or county. Available sanctions are **as follows**:

- (1) Revocation.
- (2) Suspension.
- (3) Censure.
- (4) Reprimand. ~~and~~
- (5) Probation.

(b) The ~~state building commissioner~~ **division** may impose an appropriate sanction whenever one (1) or more of the following ~~exist~~: **exists**:

- (1) It is determined that substantial and frequent failure to detect and report errors or omissions in plans and specifications that could result in noncompliance with applicable rules of the commission.
- (2) Failure to **do the following**:
  - (A) Comply with the procedural requirements of this rule.
  - (3) ~~Failure to~~ (B) Retain in employment at least one (1) qualified plan reviewer assigned to plan review duties.

(c) The order imposing a sanction shall be issued under the requirements of [IC 4-21.5-3-6](#). If a petition for review is subsequently granted under [IC 4-21.5-3-7](#), the resulting administrative proceeding shall be conducted by the commission.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-7-3](#); filed Feb 1, 1988, 2:15 p.m.: 11 IR 1788; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2101; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 43. [675 IAC 12-7-4](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-7-4](#) Competency testing; written examinations**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 22-15-3-1](#)

Sec. 4. (a) A written test shall be administered to determine if a person is a qualified plan reviewer for the purposes of this rule. The test shall be administered by the division. ~~of education and information of the fire and building services department.~~ The test shall be in **the following** two (2) parts:

- (1) The plans examiner test prepared by the International Conference of Building Officials (ICBO); and **Code Council (ICC).**
- (2) The state plan review test prepared by the ~~office of the state building commissioner.~~ **division.**

(b) The test shall be administered not ~~less~~ **fewer** than two (2) times each year at the ~~department~~ **division** offices in Indianapolis, Indiana.

(c) The test shall be based on **the following**:

- (1) The editions of the ~~Uniform ICC Building Code Uniform Building Code Standards, Uniform Fire Code and Uniform ICC Fire Code Standards~~ adopted by reference in [675 IAC 13](#) and [675 IAC 22](#).
- (2) Those portions of:
  - (A) the Indiana Building Code that are substantially different than the ~~Uniform ICC Building Code~~; and ~~those portions of~~
  - (B) [675 IAC 22](#) that are substantially different than the ~~Uniform ICC Fire Code~~.
- (3) The commission's rules:
  - (A) covering design releases in [675 IAC 12-6](#); and
  - (4) ~~the commission's rules~~ (B) found in [675 IAC 12-4](#).

(d) A person may make application to take the written test on forms provided by the division.

(e) The passing score for each part of the test is seventy-five (75).

(f) ~~The office of the state building commissioner~~ **division** shall revise the state plan review portion of the test as necessary to be consistent with **the following**:

- (1) The Indiana Building Code.
- (2) The Indiana Fire ~~prevention~~ Code. and
- (3) Other commission rules in effect.

Any revised test shall be submitted to the commission for approval.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-7-4](#); filed Feb 1, 1988, 2:15 p.m.: 11 IR 1788; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2101; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 44. [675 IAC 12-7-5](#) IS AMENDED TO READ AS FOLLOWS:

#### **[675 IAC 12-7-5](#) Local plan review; procedures; seals**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 22-15-3](#)

Sec. 5. (a) A city, town, or county certified to perform plan review of Class 1 structures shall adhere to the following procedures:

- (1) Plans and specifications shall be checked for compliance with [675 IAC 12-6](#), Design Releases.
- (2) A report of errors and omissions shall be prepared for each construction project covered by submitted plans and specifications.
- (3) The report of errors and omissions shall include a citation reference to the exact section of a rule of the commission for each error or omission noted by the plan reviewer.
- (4) Upon preparation, the report of errors and omissions shall be mailed directly to the ~~office of the state building commissioner~~ **division** on the same working day. A copy may be furnished to the applicant for the design release.
- (5) The local qualified plan reviewer shall stamp each set of submitted plans and specifications with a seal provided by the ~~office of the state building commissioner.~~ **division**.
- (6) The **local** plan reviewer will affix his or her signature over the seal to identify those sets to be subsequently submitted to the ~~office of the state building commissioner~~ **division** in accordance with [675 IAC 12-6](#).
- (7) The stamped set of plans and specifications shall be returned to the applicant with an instruction to submit them, with a completed application for construction design release, to the ~~office of the state building commissioner~~ **division** in accordance with [675 IAC 12-6](#).

(b) The seal provided by the ~~office of the state building commissioner~~ **division** shall remain the property of the ~~office of the state building commissioner.~~ **division**.

(c) The certified city, town, or county may obtain a supply of application for construction document release forms from the ~~office of the state building commissioner~~ **division** for the convenience of plan review applicants.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-7-5](#); filed Feb 1, 1988, 2:15 p.m.: 11 IR 1788; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2101; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 45. [675 IAC 12-8-1](#) IS AMENDED TO READ AS FOLLOWS:

#### **[675 IAC 12-8-1](#) Definitions**

**Authority:** [IC 22-13-4-5](#)

**Affected:** [IC 22-11](#); [IC 22-12](#); [IC 22-13](#); [IC 22-14](#); [IC 22-15](#)

Sec. 1. The following definitions apply throughout this rule:

- (1) "Building code" means the Indiana Building Code under ~~[675 IAC 13-2-1](#)~~ [675 IAC 13-2.4](#).
- (2) "Existing building" means a building or structure that has been:
  - (A) issued a certificate of occupancy; or ~~has been~~



(B) legally occupied.

(3) "Historic building" means any structure that is important to the:

(A) general;

(B) archaeological;

(C) agricultural;

(D) economic;

(E) social;

(F) political;

(G) architectural;

(H) industrial; or

(I) cultural;

history of the United States or Indiana.

(4) "Protected opening" means an opening in a ~~fire-resistive area or occupancy separation~~ **fire barrier or fire wall** meeting the requirements of the Indiana Building Code.

(5) "Rehabilitation" means returning or upgrading a building or structure to a state of utility through **any of the following:**

(A) Additions.

(B) Alterations. ~~or~~

(C) Repairs.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-8-1](#); filed Dec 2, 1987, 2:22 p.m.: 11 IR 1275, eff Mar 1, 1988; filed Oct 19, 1990, 2:38 p.m.: 14 IR 442; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2102; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 46. [675 IAC 12-8-3](#) IS AMENDED TO READ AS FOLLOWS:

#### **[675 IAC 12-8-3](#) Application and scope**

**Authority:** [IC 22-13-4-5](#)

**Affected:** [IC 22-11](#); [IC 22-12](#); [IC 22-13](#); [IC 22-14](#); [IC 22-15](#)

Sec. 3. (a) This rule applies to existing buildings when specifically requested by the building owner or owner's agent at the time of an application for design release under [675 IAC 12-6](#). Upon receipt of such a request, the ~~offices of the state building commissioner and the state fire marshal~~ **division** shall have the plans for rehabilitation reviewed against the requirements of this rule to determine whether or not the existing building, with proposed work incorporated, is in compliance. The ~~office of the state building commissioner~~ **division** may require an on-site inspection by a ~~department~~ **division** employee, **together with payment of the fee required under [675 IAC 12-3-11](#)**, to assist in the determination. If compliance with this rule has been achieved, a design release for that rehabilitation shall be issued. Full compliance with all the rules of the commission shall be required for all construction work done in the rehabilitation. The minimum number of exits **and egress width** required by the building code shall be provided before this rule may be used.

(b) This rule may be applied to existing buildings that will continue to be, or are proposed to be, Building Types 1 through 11 of Table 3, as follows:

(1) If an existing building is to be changed in use, occupancy, or location, this rule regarding that new use, occupancy, or location shall apply.

(2) If a portion of an existing building is to be changed in use, occupancy, or location, this rule regarding that new use, occupancy, or location shall apply to the entire building.

(3) Additions to existing buildings shall comply with the rules for new construction. The combined height or area of any existing building with its additions shall not exceed the values prescribed in the building code.

(4) An existing building or portion thereof shall not be altered or repaired so as to make it less safe than it was before ~~such the~~ alteration or repair.

(5) When there is a change of use, only those elements of the existing building proposed for alteration of, or addition to, must conform to the accessibility requirements for new construction. ~~Exceptions shall be as follows:~~ **The following are not required to conform to the accessibility requirements for new**

**construction under the building code where there is a change of use under this rule:**

(A) Type 9 buildings (see Table 3) less than four (4) stories on floors or levels where accessibility is not existing.

(B) Type 6 and Type 7 buildings less than four (4) stories on floors or levels, other than grade, where

accessibility is not existing.

(C) Type 10 and Type 11 buildings on floors or levels, other than grade, where accessibility is not existing.

(6) Where a conflict between provisions of this rule occurs, those provisions that secure the greatest public safety shall apply.

### INTENDED USE OF EXISTING BUILDINGS TABLE 3

Building Types	Description
1	Theaters
2	Nightclubs, dance halls, and similar uses that serve over fifty (50) persons
3	Lecture halls, auditoriums, terminals, recreation centers, and restaurants other than nightclubs that serve over fifty (50) persons
4	Churches and other religious facilities, including "Sunday schools", but excluding <b>Building Type 5 structures</b>
5	School buildings <b>and day care centers that are not classified as I-4 occupancies</b>
6	Office buildings, other buildings where income is based upon service provided, and assembly areas for <del>less</del> <b>fewer</b> than fifty (50) persons
7	Factories and industrial buildings other than those involving flammable, combustible, or explosive products or materials
8	Wholesale and retail stores, other than buildings where income is based upon goods provided
9	Hotels, motels, apartments, condominiums, barracks, dormitories, bed and breakfast establishments, and attached one (1) and two (2) family dwellings
10	Moderate hazard storage <b>and</b> automotive and aircraft storage and repair
11	Low hazard storage, including automotive and aircraft storage without repair

(7) For institutional occupancies, ~~Appendix A of National Fire Protection Association Standard Number 404-1998~~ **101A, 2001 Edition**, shall be recognized as an alternative means of evaluation for conversion to and for existing buildings of ~~Group I occupancy~~ **I-1, I-2, and I-4 occupancies**.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-8-3](#); filed Dec 3, 1987, 2:22 p.m.: 11 IR 1275, eff Mar 1, 1988; filed Apr 26, 1988, 2:45 p.m.: 11 IR 3042; filed Oct 19, 1990, 2:38 p.m.: 14 IR 443; errata, 14 IR 761; errata filed Dec 12, 1990, 1:45 p.m.: 14 IR 1070; filed Jul 15, 1991, 5:30 p.m.: 14 IR 2236; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2102; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1008; errata filed Jan 31, 2001, 9:22 a.m.: 24 IR 1670; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 47. [675 IAC 12-8-4](#) IS AMENDED TO READ AS FOLLOWS:

#### [675 IAC 12-8-4](#) Implementation

**Authority:** [IC 22-13-4-5](#)

**Affected:** [IC 22-11](#); [IC 22-12](#); [IC 22-13](#); [IC 22-14](#); [IC 22-15](#)

Sec. 4. (a) For any proposed work to be governed by this rule, the owner or owner's agent shall cause the existing building to be investigated and evaluated in accordance with this rule.

(b) The owner or owner's agent shall have a structural evaluation of the existing building made to determine the adequacy of all structural systems for the proposed:

- (1) alterations;
- (2) addition;
- (3) change of use;
- (4) occupancy; or
- (5) location.

The results of this investigation and evaluation, along with any proposed compliance alternatives, shall be submitted to the ~~office of the state building commissioner~~ **division** under the seal and signature of an architect or engineer licensed to practice in Indiana. Work shall not commence unless the existing building meets or can be made to sustain the design loads for new construction.

(c) The owner or owner's agent shall have an evaluation of the existing building made regarding the fire safety of the building. In conducting this evaluation, the worst case condition shall be used to establish values for

tabulation. This investigation and evaluation shall be divided into the following three (3) categories as represented by the three (3) columns on the building score sheet in section 23 of this rule:

(1) Fire safety includes:

- (A) structural fire-resistance;
- (B) detection;
- (C) alarm; and
- (D) extinguishing;

features of the building.

(2) Means of egress includes the:

- (A) configuration;
- (B) characteristics; and
- (C) support features;

for the means of egress.

(3) General safety includes the fire safety and means of egress parameters.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-8-4](#); filed Dec 2, 1987, 2:22 p.m.: 11 IR 1276, eff Mar 1, 1988; filed Oct 19, 1990, 2:38 p.m.: 14 IR 444; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2103; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 48. [675 IAC 12-8-5](#) IS AMENDED TO READ AS FOLLOWS:

#### **[675 IAC 12-8-5](#) Fire safety tabulation**

**Authority:** [IC 22-13-4-5](#)

**Affected:** [IC 22-11](#); [IC 22-12](#); [IC 22-13](#); [IC 22-14](#); [IC 22-15](#)

Sec. 5. A building score sheet conforming to section 23 of this rule shall be used for tabulation of existing building values for each building, or portion thereof, to be considered for rehabilitation, change of use, occupancy, or location. The:

(1) completed building score (sheet) of the existing building; ~~along with~~ **and**

(2) plans and specifications for any proposed compliance alternatives;

shall be submitted to the ~~office of the state building commissioner~~ **division** under the seal and signature of an architect or engineer licensed to practice in Indiana. Elements of the building shall be scored in accordance with this section and sections 6 through 22 of this rule.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-8-5](#); filed Dec 2, 1987, 2:22 p.m.: 11 IR 1277, eff Mar 1, 1988; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2103; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 49. [675 IAC 12-8-6](#) IS AMENDED TO READ AS FOLLOWS:

#### **[675 IAC 12-8-6](#) Height and area**

**Authority:** [IC 22-13-4-5](#)

**Affected:** [IC 22-11](#); [IC 22-12](#); [IC 22-13](#); [IC 22-14](#); [IC 22-15](#)

Sec. 6. (a) Determine the height of the existing building in both feet and number of stories, including proposed additions, and compare that height with the maximum allowable height under the rules for new construction.

(b) Determine the floor area of the existing building, including proposed additions, and compare the area with the maximum allowable floor area under the rules for new construction. When an area separation wall **or 2, 3, or 4-hour fire wall** conforming to the requirements of the building code is provided between the existing building and any addition, that addition shall be considered a separate building.

(c) Using subsections (a) ~~through~~ **and** (b), categorize the existing building, then use the following procedure to determine the value to be entered on the building score sheet under fire safety, means of egress, and general safety:

CATEGORY	VALUES*
a	If both height and area exceed the maximum allowable limits of the building code, multiply -2 by the construction type factor found in Table 11-B in section 11(b) of this rule
b	If either height or area, but not both, exceed the maximum allowable limits of the building code, multiply -1 by the construction type factor found in Table 11-B in section 11(b) of this rule
c	If both height and area conform to the requirements of the building code, the value is zero (0)

\*Round the value off to the closest whole number.

(Fire Prevention and Building Safety Commission; [675 IAC 12-8-6](#); filed Dec 2, 1987, 2:22 p.m.: 11 IR 1277, eff Mar 1, 1988; filed Oct 19, 1990, 2:38 p.m.: 14 IR 444; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2104; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))

SECTION 50. [675 IAC 12-8-7](#) IS AMENDED TO READ AS FOLLOWS:

### [675 IAC 12-8-7](#) Automatic fire-extinguishing systems

Authority: [IC 22-13-4-5](#)

Affected: [IC 22-11](#); [IC 22-12](#); [IC 22-13](#); [IC 22-14](#); [IC 22-15](#)

Sec. 7. (a) Determine the existence and extent, and evaluate the capacity of, sprinkler systems in the existing building, including proposed additions, alterations, and corrections to those systems. Use the categories in subsection (b) and Table 7 to:

- (1) obtain the fire-extinguishing systems value; and
- (2) enter that value on the building score sheet under fire safety, means of egress, and general safety.

(b) Fire-extinguishing systems categories shall be as follows:

- (1) Category a. Systems not provided when the building code would require them.
- (2) Category b. None, when the building code would not require them and partial systems provided in accordance with the building code.
- (3) Category c. Buildings protected with an automatic fire-extinguishing system designed and installed according to the standards listed in the building code for new construction, for the use, type of construction, and occupancy proposed.

Exception: Water supply requirements for the standpipes or hose stream need not be included in the calculations when a fire department connection is provided.

~~(4) Category d.~~ (c) Partial sprinkler systems not otherwise required by the building code may be given partial credit by the fire prevention and building safety commission.

FIRE-EXTINGUISHING SYSTEMS VALUES  
TABLE 7

Building Type (Renovation)	Categories		
	a	b	c
1	-15	0	21
2	-20	0	17
3	-15	0	21
4	-10	0	30
5	-10	0	30
6	-10	0	36
7	-15	0	29
8	-15	0	28
9	-15	0	28
10	-15	0	35
11	-10	0	35

(Fire Prevention and Building Safety Commission; [675 IAC 12-8-7](#); filed Dec 2, 1987, 2:22 p.m.: 11 IR 1277, eff Mar 1, 1988; filed Oct 19, 1990, 2:38 p.m.: 14 IR 444; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2104; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))

SECTION 51. [675 IAC 12-8-8](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-8-8](#) Fire area**

**Authority:** [IC 22-13-4-5](#)

**Affected:** [IC 22-11](#); [IC 22-12](#); [IC 22-13](#); [IC 22-14](#); [IC 22-15](#)

Sec. 8. (a) Calculate the total net square footage of the largest area within the existing building that is separated from the remainder of the building by not less than two-hour fire-resistive construction, as specified in the building code. Use Table 8 and the categories listed in subsection (b) to:

- (1) determine the compartment area value for the existing building; and
- (2) enter that value on the building score sheet under fire safety, means of egress, and general safety.

(b) Fire area categories shall be as follows:

- (1) **Category a.** Greater than fifteen thousand (15,000) square feet.
- (2) **Category b.** Ten thousand one (10,001) to fifteen thousand (15,000) square feet.
- (3) **Category c.** Seven thousand five hundred one (7,501) to ten thousand (10,000) square feet.
- (4) **Category d.** Seven thousand five hundred (7,500) square feet or less.

FIRE AREA VALUES  
TABLE 8

Building Type	Categories			
	a	b	c	d
1	-8	-2	2	3
2	-12	-6	-2	-1
3	-8	-2	2	3
4	-6	-1	4	5
5	-6	-1	4	5
6	-6	-1	4	5
7	-4	0	6	8
8	-4	0	6	8
9	-4	0	6	8
10	-4	0	6	8
11	-6	1	4	5

(Fire Prevention and Building Safety Commission; [675 IAC 12-8-8](#); filed Dec 2, 1987, 2:22 p.m.: 11 IR 1278, eff Mar 1, 1988; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2104; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))

SECTION 52. [675 IAC 12-8-9](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-8-9](#) Space division**

**Authority:** [IC 22-13-4-5](#)

**Affected:** [IC 22-11](#); [IC 22-12](#); [IC 22-13](#); [IC 22-14](#); [IC 22-15](#)

Sec. 9. (a) Evaluate the subdivision of a fire area by walls and partitions exclusive of those described in [675 IAC 12-8-8](#) sections 8 and [675 IAC 12-8-10](#) 10 of this rule using the categories listed below in subsection (b) and Table 9 then enter that value on the building score sheet under fire safety, means of egress, and general safety.

(b) Space division categories shall be as follows:

- (1) **Category a.** No partitions or partial partitions.
- (2) **Category b.** Fixed partitions to ceilings, with self-closing or automatic-closing doors.
- (3) **Category c.** Floor to deck partitions, without self-closing or automatic-closing doors.

**(4) Category d.** Floor to deck partitions, with self-closing or automatic-closing doors.SPACE DIVISION VALUES  
TABLE 9

BUILDING TYPE	CATEGORIES TYPE			
	a	b	c	d
1	0	0	0	0
2	-6	-4	-1	0
3	0	1	4	6
4	0	1	4	6
5	0	1	4	6
6	0	1	4	6
7	0	1	4	6
8	0	1	4	6
9	0	1	4	6
10	0	1	4	6
11	1	4	6	8

(Fire Prevention and Building Safety Commission; [675 IAC 12-8-9](#); filed Dec 2, 1987, 2:22 p.m.: 11 IR 1278, eff Mar 1, 1988; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))

SECTION 53. [675 IAC 12-8-10](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-8-10](#) Corridor walls/partitions**

**Authority:** [IC 22-13-4-5](#)

**Affected:** [IC 22-11](#); [IC 22-12](#); [IC 22-13](#); [IC 22-14](#); [IC 22-15](#)

Sec. 10. (a) Evaluate the corridor walls and partitions based upon their fire resistance and completeness. Using the categories listed in subsection (b) and Table 10, obtain the corridor walls/partition value, then enter that value on the building score sheet under fire safety, means of egress, and general safety.

(b) Corridor wall/partition categories shall be as follows:

- (1) **Category a.** No partitions, incomplete partitions, no doors, or doors not self-closing.
- (2) **Category b.** Less than one-hour fire-resistive or not floor to deck.
- (3) **Category c.** One-hour to less than two-hour fire-resistive, in accordance with the building code (to include exceptions).
- (4) **Category d.** Walls or partitions with a fire-resistive rating of two (2) hours or more, with protected openings.

CORRIDOR PARTITION/WALL VALUES  
TABLE 10

Building Type	Categories			
	a	b	c	d
1	-10	-4	0	2
2	-30	-12	0	2
3	-7	-3	0	2
4	-5	-2	0	5
5	-5	-2	0	5
6	-5	-2	0	5
7	-7	-3	0	2
8	-7	-3	0	2
9	-7	-3	0	2

(Fire Prevention and Building Safety Commission; [675 IAC 12-8-10](#); filed Dec 2, 1987, 2:22 p.m.: 11 IR 1279, eff



SECTION 54. [675 IAC 12-8-11](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-8-11](#) Vertical openings**

**Authority:** [IC 22-13-4-5](#)

**Affected:** [IC 22-11](#); [IC 22-12](#); [IC 22-13](#); [IC 22-14](#); [IC 22-15](#)

Sec. 11. (a) Use the formula in subsection (b), Table 11-A, and Table 11-B to determine the vertical opening value, then enter it on the building score sheet under fire safety, means of egress, and general safety. Unenclosed vertical openings conforming to the building code shall not be considered in the evaluation of vertical openings.

(b) The vertical opening formula shall be as follows:

(1)  $*VO = PV \times CF$ .

(2) VO = vertical opening value.

(3) PV = protection value from Table 11-A.

(4) CF = construction type factor from Table 11-B.

\*Round the value off to the closest whole number.

VERTICAL OPENING PROTECTION VALUES  
TABLE 11-A

Protection	Value
None (unprotected opening)	-10
Less than one-hour	-5
One to less than two-hour*	1
Two-hour or more	2

**\*Or when shafts of fire-resistive construction are not required by the building code**

CONSTRUCTION TYPE FACTOR  
TABLE 11-B

Type of Construction*	I		II		III		IV		V	
	F.R. A	F.R.	One Hour A	NB	One Hour A	N B	H.T.	One Hour A	N B	
FACTOR	1 1.2	1.2	2.2	3.5	2.5	3.5	2.3	3.3	7	

\*As defined in the building code.

(Fire Prevention and Building Safety Commission; [675 IAC 12-8-11](#); filed Dec 2, 1987, 2:22 p.m.: 11 IR 1279, eff Mar 1, 1988; filed Oct 19, 1990, 2:38 p.m.: 14 IR 445; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2105; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))

SECTION 55. [675 IAC 12-8-12](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-8-12](#) Heating, ventilating, and air-conditioning (HVAC) systems**

**Authority:** [IC 22-13-4-5](#)

**Affected:** [IC 22-11](#); [IC 22-12](#); [IC 22-13](#); [IC 22-14](#); [IC 22-15](#)

Sec. 12. (a) Determine the number of floors served by an individual HVAC system, then use the categories listed below in subsection (b) and Table 12 to obtain the HVAC system value, then record that value on the building score sheet under fire safety, means of egress, and general safety.

**(b) HVAC categories shall be as follows:**

- (1) **Category a.** Greater than five (5) floors, or combustibles in air plenums or corridors used as air plenums.  
 (2) **Category b.** Three (3) to five (5) floors.  
 (3) **Category c.** Two (2) floors.  
 (4) **Category d.** One (1) floor, or central boiler/chiller with no ductwork connecting two (2) or more floors.

HVAC SYSTEM VALUES  
TABLE 12

BUILDING TYPES	CATEGORIES			
	a	b	c	d
1	0	2	5	7
2	-10	-5	0	2
3	-5	0	2	5
4	0	2	5	7
5	0	2	5	7
6	0	2	5	7
7	-5	0	2	5
8	-5	0	2	5
9	-5	0	2	5
10	-5	0	2	5
11	0	2	5	7

(Fire Prevention and Building Safety Commission; [675 IAC 12-8-12](#); filed Dec 2, 1987, 2:22 p.m.: 11 IR 1280, eff Mar 1, 1988; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))

SECTION 56. [675 IAC 12-8-13](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-8-13](#) Automatic alarms**

**Authority:** [IC 22-13-4-5](#)

**Affected:** [IC 22-12](#); [IC 22-13](#); [IC 22-14](#); [IC 22-15](#)

Sec. 13. (a) Evaluate the ability of automatic fire alarms to detect smoke in all areas of the existing building. Using the categories listed in subsection (b) and Table 13:

- (1) determine the alarm system values; and  
 (2) enter that value on the building score sheet under fire safety, means of egress, and general safety.

**(b) Automatic alarm categories shall be as follows:**

- (1) **Category a.** None.  
 (2) **Category b.** HVAC return only.  
 (3) **Category c.** Elevator lobby only.  
 (4) **Category d.** HVAC return, elevator lobby, and single station units in Type 9 buildings.  
 (5) **Category e.** All corridors, including elevator lobby.  
 (6) **Category f.** Total space, including HVAC return, conforming to the requirements for new construction.

AUTOMATIC ALARM VALUES  
TABLE 13

Building Type	Categories					
	a	b	c	d	e	f
1	-10	-5	0	2	4	6
2	-30	-10	-5	0	2	4
3	-10	-5	0	2	4	6
4	0	2	4	6	8	12

5	0	2	4	6	8	12
6	0	2	4	6	8	12
7	-10	-5	0	2	4	6
8	-10	-5	0	2	4	6
9	-10	-5	0	2	4	6
10	-10	-5	0	2	4	6
11	0	2	4	6	8	12

(Fire Prevention and Building Safety Commission; [675 IAC 12-8-13](#); filed Dec 2, 1987, 2:22 p.m.: 11 IR 1280, eff Mar 1, 1988; filed Apr 26, 1988, 2:45 p.m.: 11 IR 3044; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2106; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))

SECTION 57. [675 IAC 12-8-14](#) IS AMENDED TO READ AS FOLLOWS:

#### [675 IAC 12-8-14](#) Communications

Authority: [IC 22-13-4-5](#)

Affected: [IC 22-11](#); [IC 22-12](#); [IC 22-13](#); [IC 22-14](#); [IC 22-15](#)

Sec. 14. (a) Evaluate the capability of building alarm systems to communicate with all building occupants in an emergency using the categories in subsection (b) and Table 14, and record that communication value on the building score sheet under fire safety, means of egress, and general safety.

(b) Communication categories shall be as follows:

- (1) Category a. None.
- (2) Category b. Manual fire alarms conforming to the ~~Indiana fire prevention~~ **building** code.
- (3) Category c. Fire alarms conforming to the ~~Indiana fire prevention~~ **building** code, with a public address or voice communication system installed throughout the building.
- (4) Category d. Central control stations conforming to the building code.

COMMUNICATION VALUES  
TABLE 14

Building Type	Categories			
	a	b	c	d
1	-10	-5	0	5
2	-10	-5	0	5
3	-10	-5	0	5
4	-10	-5	0	5
5	-10	-5	0	5
6	-5	0	5	10
7	0	5	10	15
8	-5	0	5	10
9	-5	0	5	10
10	0	5	10	15
11	0	5	10	15

(Fire Prevention and Building Safety Commission; [675 IAC 12-8-14](#); filed Dec 2, 1987, 2:22 p.m.: 11 IR 1280, eff Mar 1, 1988; errata, 11 IR 1309; filed Oct 19, 1990, 2:38 p.m.: 14 IR 446; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2106; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))

SECTION 58. [675 IAC 12-8-15](#) IS AMENDED TO READ AS FOLLOWS:

#### [675 IAC 12-8-15](#) Smoke control

Authority: [IC 22-13-4-5](#)

Affected: [IC 22-11](#); [IC 22-12](#); [IC 22-13](#); [IC 22-14](#); [IC 22-15](#)

Sec. 15. (a) Evaluate the ability to control the movement of smoke in the existing building by natural or mechanical means. Using the categories listed in subsection (b) and Table 15:

- (1) determine the smoke control value; and
- (2) record that value under means of egress and general safety on the building score sheet.

(b) Smoke control categories shall be as follows:

- (1) **Category a.** None.
- (2) **Category b.** Windows operable without special keys or tools (total building).
- (3) **Category c.** One (1) smoke-proof enclosure and building having operable windows.
- (4) **Category d.** One (1) stair having operable exterior windows and building having operable windows.
- (5) **Category e.** Smoke control systems in accordance with the building code.
- (6) **Category f.** Smoke-proof enclosures in accordance with the building code.

SMOKE CONTROL VALUES\*  
TABLE 15

Building Type	Categories					
	a	b	c	d	e	f
1	-6	-5	-4	-3	0	0
2	-6	-5	-4	-3	0	0
3	-6	-5	-4	-3	0	0
4	-3	-3	-3	-2	0	2
5	-3	-3	-3	-2	0	2
6	0	2	3	3	3	4
7	0	2	2	3	3	3
8	0	2	3	3	3	4
9	0	2	3	3	3	4
10	0	2	2	3	3	3
11	0	2	2	3	3	3

\*Any positive value shall be zero (0) if compliance with categories **Category d, e, or f** in Table 13 in section 13 of this rule has not been obtained.

(Fire Prevention and Building Safety Commission; [675 IAC 12-8-15](#); filed Dec 2, 1987, 2:22 p.m.: 11 IR 1281, eff Mar 1, 1988; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2107; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))

SECTION 59. [675 IAC 12-8-17](#) IS AMENDED TO READ AS FOLLOWS:

#### [675 IAC 12-8-17](#) Dead ends

Authority: [IC 22-13-4-5](#)

Affected: [IC 22-11](#); [IC 22-12](#); [IC 22-13](#); [IC 22-14](#); [IC 22-15](#)

Sec. 17. (a) Determine the length of any dead-end corridors. Using the categories below in subsection (b) and Table 17:

- (1) obtain the dead end value; and
- (2) enter that value under means of egress and general safety on the building score sheet.

**Dead-end corridors in excess of fifty (50) feet are prohibited.**

(b) Dead-end categories:

- (1) **Category a.** Dead-end corridors of more than twenty (20) feet, ~~(20')~~, but less than fifty (50) feet. ~~(50')~~.
- (2) **Category b.** Dead-end corridors of twenty (20) feet ~~(20')~~ or less.

DEAD END VALUES  
TABLE 17

## CATEGORIES

BUILDING TYPE	a	b
1	-5	0
2	-10	0
3	-5	0
4	-5	0
5	-5	0
6	0	5
7	0	5
8	0	5
9	-5	0
10	0	5
11	0	5

(Fire Prevention and Building Safety Commission; [675 IAC 12-8-17](#); filed Dec 2, 1987, 2:22 p.m.: 11 IR 1281, eff Mar 1, 1988; errata, 11 IR 1309; errata, 11 IR 1607; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))

SECTION 60. [675 IAC 12-8-18](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-8-18](#) Maximum travel distance**

**Authority:** [IC 22-13-4-5](#)

**Affected:** [IC 22-11](#); [IC 22-12](#); [IC 22-13](#); [IC 22-14](#); [IC 22-15](#)

Sec. 18. (a) Determine the longest length of travel to an approved exit, then, using the categories listed in subsection (b) and Table 18:

- (1) obtain the maximum travel distance value; and
- (2) enter that value under means of egress and general safety on the building score sheet.

(b) Travel distance categories shall be as follows:

- (1) **Category a.** Exceeds the limits set by the building code.
- (2) **Category b.** Complies with the limits set by the building code.
- (3) **Category c.** Is less than half one-half ( $\frac{1}{2}$ ) the limits set by the building code.

TRAVEL DISTANCE VALUES  
TABLE 18

Building Type	Categories		
	a	b	c
1	-10	0	5
2	-10	0	5
3	-10	0	5
4	-10	0	5
5	-10	0	5
6	-5	0	10
7	-5	0	10
8	-5	0	10
9	-10	0	5
10	-5	0	10
11	-5	0	10

(Fire Prevention and Building Safety Commission; [675 IAC 12-8-18](#); filed Dec 2, 1987, 2:22 p.m.: 11 IR 1282, eff Mar 1, 1988; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2108; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))

SECTION 61. [675 IAC 12-8-19](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-8-19](#) Elevator control**

**Authority:** [IC 22-13-4-5](#)

**Affected:** [IC 22-11](#); [IC 22-12](#); [IC 22-13](#); [IC 22-14](#); [IC 22-15](#)

Sec. 19. (a) Evaluate the elevator equipment and controls, then using the categories listed below in subsection (b) and Table 19:

- (1) determine the elevator control value; and
- (2) enter it on the building score sheet under fire safety, means of egress, and general safety.

(b) Elevator control categories shall be as follows:

- (1) **Category a.** None, or no elevator in buildings four (4) or more stories high.
- (2) **Category b.** Fire department control or no elevator in buildings two (2) or three (3) stories high.
- (3) **Category c.** Automatic recall.
- (4) **Category d.** Fire department control and automatic recall or buildings one (1) story high.

ELEVATOR CONTROL VALUES  
TABLE 19

BUILDING TYPE	CATEGORIES			
	a	b	c	d
1	0	3	6	9
2	0	3	6	9
3	-7	0	3	6
4	-7	0	3	6
5	-7	0	3	6
6	-7	0	3	6
7	-7	0	3	6
8	-7	0	3	6
9	-7	0	3	6
10	-10	-7	0	3
11	-10	-7	0	3

(Fire Prevention and Building Safety Commission; [675 IAC 12-8-19](#); filed Dec 2, 1987, 2:22 p.m.: 11 IR 1282, eff Mar 1, 1988; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))

SECTION 62. [675 IAC 12-8-20](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-8-20](#) Egress lighting**

**Authority:** [IC 22-13-4-5](#)

**Affected:** [IC 22-11](#); [IC 22-12](#); [IC 22-13](#); [IC 22-14](#); [IC 22-15](#)

Sec. 20. (a) Evaluate the existence and dependability of emergency lighting, then, using the categories listed in subsection (b) and Table 20:

- (1) determine the egress lighting value; and
- (2) enter it under means of egress and general safety on the building score sheet.

(b) Egress lighting categories shall be as follows:

- (1) **Category a.** None.
- (2) **Category b.** Lighting in accordance with the building code, but without separate sources of power, if required.
- (3) **Category c.** Full compliance with the building code.



EGRESS LIGHTING VALUES  
TABLE 20

Building Type	Categories		
	a	b	c
1	-20	-10	0
2	-20	-10	0
3	-20	-10	0
4	-20	-10	0
5	-20	-10	0
6	-10	0	2
7	-5	0	2
8	-10	0	2
9	-10	0	2
10	-5	0	2
11	0	2	7

(Fire Prevention and Building Safety Commission; [675 IAC 12-8-20](#); filed Dec 2, 1987, 2:22 p.m.: 11 IR 1282, eff Mar 1, 1988; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2108; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))

SECTION 63. [675 IAC 12-8-21](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-8-21](#) Mixed uses**

**Authority:** [IC 22-13-4-5](#)

**Affected:** [IC 22-11](#); [IC 22-12](#); [IC 22-13](#); [IC 22-14](#); [IC 22-15](#)

Sec. 21. (a) When an existing building is to be used by more than one (1) occupancy as defined in the building code, then the:

- (1) separation of occupancies shall be evaluated using the categories listed in subsection (b) and Table 21; and the
- (2) mixed use value obtained entered under fire safety and general safety on the building score sheet.

(b) Mixed use categories shall be as follows:

- (1) **Category a.** Not in compliance with the building code.
- (2) **Category b.** In compliance with the building code.

MIXED USE VALUES  
TABLE 21

Building Type	Categories	
	a	b
1	-10	0
2	-10	0
3	-5	0
4	-5	0
5	-5	0
6	-5	0
7	-5	0
8	-5	0
9	-10	0
10	-5	0
11	-5	0

(Fire Prevention and Building Safety Commission; [675 IAC 12-8-21](#); filed Dec 2, 1987, 2:22 p.m.: 11 IR 1283, eff Mar 1, 1988; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2108; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed

SECTION 64. [675 IAC 12-9-1](#) IS AMENDED TO READ AS FOLLOWS:

**Rule 9. State Fire Marshal; Permits**

**[675 IAC 12-9-1](#) Purpose**

**Authority:** [IC 22-13-2-2](#); [IC 22-13-2-13](#)

**Affected:** [IC 22-12](#); [IC 22-13](#); [IC 22-14](#)

Sec. 1. The purpose of this rule (~~[675 IAC 12-9](#)~~) is to establish administrative procedures for the:

- (1) application;
- (2) issuance; and
- (3) renewal;

of permits by the office of the state fire marshal.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-9-1](#); filed Feb 1, 1988, 2:17 p.m.: 11 IR 1790; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 65. [675 IAC 12-9-2](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-9-2](#) Definitions**

**Authority:** [IC 22-13-2-2](#); [IC 22-13-2-13](#)

**Affected:** [IC 22-12-1](#); [IC 22-14-2](#); [IC 22-14-3-2](#)

Sec. 2. (a) The definitions in this section apply only to this rule. (~~[675 IAC 12-9](#)~~).

(b) "Amusement" means the same as entertainment.

(c) "Entertainment" means a performance or show designed to amuse or divert an assembly of persons.

(d) "Place" means, in the context of a place of amusement or entertainment, ~~either:~~ **any of the following:**

- (1) A building primarily classified or capable of being classified as a Group A Occupancy under the Indiana Building Code ([675 IAC 13](#)). ~~or~~
- (2) A room classified or capable of being classified as a Group A Occupancy under the Indiana Building Code ([675 IAC 13](#)). ~~or~~
- (3) A structure classified or capable of being classified as a Group A-4 Occupancy under the Indiana Building Code ([675 IAC 13](#)). ~~or~~
- (4) A designated outdoor area upon which are installed or erected temporary or permanent regulated amusement devices as defined in [675 IAC 23-1-4](#).

(e) "Regulated place of amusement or entertainment" means any of the following:

(1) A:

- (A) theater;
- (B) opera house;
- (C) movie theater;
- (D) dance hall;
- (E) night club with a stage or floor show; or
- (F) another place that offers an amusement or entertainment to the public for consideration or promotional purposes.

(2) A place where a boxing exhibition is conducted under the supervision of the state boxing commission.

(3) A hall, gymnasium, or place of assembly where a:

- (A) school;

- (B) college;
- (C) university;
- (D) social or fraternal organization;
- (E) lodge;
- (F) farmers organization;
- (G) society;
- (H) labor union;
- (I) trade association; or
- (J) church;

holds any type of amusement.

(4) A public or private place where a regulated amusement device is operated.

**(f) "State fire marshal" means either of the following:**

- (1) The state fire marshal appointed under [IC 22-14-2](#).**
- (2) Any authorized employee of the state fire marshal.**

**(g) "Use"** means, in the context of [IC 22-14-3-2\(b\)](#), a specified type of amusement or entertainment event intended by a permit applicant to be conducted at or in a regulated place of amusement or entertainment.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-9-2](#); filed Feb 1, 1988, 2:17 p.m.: 11 IR 1790; errata, 11 IR 2632; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 66. [675 IAC 12-9-3](#) IS AMENDED TO READ AS FOLLOWS:

### **[675 IAC 12-9-3](#) Amusement and entertainment permits**

**Authority:** [IC 22-12-6-6](#)

**Affected:** [IC 22-12-6-7](#); [IC 22-14-3-2](#); [IC 22-14-3-3](#)

Sec. 3. (a) An applicant for an annual amusement and entertainment permit shall submit an application, with the applicable fee as set in [IC 22-12-6-7](#), to the ~~office of the state fire marshal on forms provided by that office.~~ **the division.** An application may be submitted as early as September 1 of the year preceding the calendar year for which a permit will cover. Each application shall provide the information required by [IC 22-14-3-3](#) and the following:

(1) A listing of each use, giving the:

**(A)** days and hours of operation of regularly scheduled events; and ~~the~~

**(B)** dates and inclusive times of special events planned to be conducted;

in the calendar year for which a permit is to cover.

(2) An attached floor plan or site plan showing **the following:**

**(A)** The planned arrangement of other than fixed seating. ~~and~~

**(B)** The location of **the following:**

**(i)** Aisles.

**(ii)** Exit ways.

**(iii)** Barriers.

**(iv)** Steps. ~~or~~

**(v)** Other crowd movement or control facilities, equipment, signs, or personnel.

(3) The maximum occupancy intended for both seated and standing attendees.

(4) The name, address, and telephone number of the person to be contacted to arrange for inspections by the ~~office of the state fire marshal.~~

(b) An applicant for a special event endorsement to an annual amusement and entertainment permit shall submit an application to the ~~office of the state fire marshal on forms provided by that office.~~ **the division.** Each application shall provide the following information:

(1) The permit number and address of the regulated place of amusement or entertainment for which an endorsement is sought.

(2) The name, address, and telephone number of the applicant if different than the applicant for the annual permit.

- (3) The additional use, dates, and times of a special event not covered in the annual permit.
- (4) An additional floor or site plan for the special event if different than the plans submitted with the application for the annual permit.
- (5) The maximum occupancy intended for both seated and standing attendees.

(c) A permit issued under [IC 22-14-3-2](#) and this section expires on December 31 in the year it is issued.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-9-3](#); filed Feb 1, 1988, 2:17 p.m.: 11 IR 1790; filed Jul 15, 1991, 5:30 p.m.: 14 IR 2237; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 67. [675 IAC 12-9-4](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-9-4](#) Regulated explosives magazine permits**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 22-12](#); [IC 35-47.5-4](#)

Sec. 4. (a) An applicant for an annual regulated explosives magazine permit shall submit an application to the ~~office of the state fire marshal on forms provided by that office.~~ **the division**. An application may be submitted at any time to cover a period of one (1) year from the issue date. Each application shall provide the information required by ~~[IC 22-14-4-5](#)~~ [IC 35-47.5-4](#) and the following:

(1) The name, address, and telephone number of the **following**:

**(A) The applicant.**

~~(2) The name, address and telephone number of~~ **(B) The person exercising control over the explosives magazines if not the applicant.**

~~(3) (2) Plans and specifications of the magazine construction, if necessary to perform the inspection required by [IC 22-14-4-5](#)(a)(2) [IC 35-47.5-4](#).~~

(b) ~~The office of the state fire marshal shall determine that the type and number of explosives magazines to be covered by the permit are adequate to store the types and maximum quantities of explosives stated in the permit application. The determination shall be made in accordance with the Indiana Fire prevention Code under [675 IAC 22-2](#).~~ **[675 IAC 22](#).**

(c) ~~The office of the state fire marshal shall make, or cause to be made, an inspection of explosives magazines for compliance with the Indiana Fire prevention Code under [675 IAC 22](#) prior to~~ **before** the issuance of the explosives magazine permit.

(d) Explosives magazines used in connection with analytical laboratories or laboratories operated by a college, university, school, or educational entity for the purpose of instruction or research are exempt from the permit requirements of this section. However, such laboratories must be approved by the ~~office of the state fire marshal~~ under the alternate criteria for explosive laboratory operations as established in the Indiana Fire ~~prevention~~ Code under [675 IAC 22](#).

*(Fire Prevention and Building Safety Commission; [675 IAC 12-9-4](#); filed Feb 1, 1988, 2:17 p.m.: 11 IR 1791; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2109; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 68. [675 IAC 12-9-5](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-9-5](#) Permits for supervised public display of fireworks**

**Authority:** [IC 22-11-14-2](#)

**Affected:** [IC 22-12](#); [IC 22-13](#); [IC 22-14](#)

Sec. 5. (a) An applicant for a permit to conduct a supervised public display of fireworks shall submit an application to the ~~office of the state fire marshal on forms provided by that office.~~ **the state fire marshal**.

Applications must be received by the ~~office~~ **division** not less ~~fewer~~ than fifteen (15) calendar days ~~prior to~~ **before** the date of display. Pursuant to **Under** [IC 22-11-14-2](#), the application shall be accompanied by a brief resume of the fireworks display **operator's** or operators' experience in the **following**:

- (1) Preparation of the display.
- (2) Igniting or discharging of fireworks.
- (3) Implementing emergency procedures. ~~and~~
- (4) Disposal of unfired or defective fireworks.

A fireworks display operator who has been convicted for a violation of [IC 22-11-14](#) may not be designated as an operator in a permit application within one (1) year after the date of conviction.

(b) A permit issued by the ~~office of the~~ state fire marshal shall not become effective until the chief of the fire department of the municipality in which the display is to be held has **done the following**:

- (1) Approved the operator of the display as qualified. ~~and~~
- (2) ~~has~~ Inspected the proposed site of the display to determine that the display will not be hazardous to property or persons.

(c) A person may not possess, transport, or deliver fireworks for a supervised public display unless a permit for that display has been issued by the ~~office of the~~ state fire marshal under this section.

(d) A permit issued under this section is not transferable.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-9-5](#); filed Feb 1, 1988, 2:17 p.m.: 11 IR 1791; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2109; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 69. [675 IAC 12-9-6](#) IS AMENDED TO READ AS FOLLOWS:

#### **[675 IAC 12-9-6](#) Fireworks stand retail sales permits**

**Authority:** [IC 22-11-14-7](#)

**Affected:** [IC 22-13](#); [IC 22-14](#); [IC 23-7-1.1](#)

Sec. 6. An applicant for a fireworks stand retail sales permit shall submit an application to the ~~office of the~~ state fire marshal on forms provided by ~~that office.~~ **the state fire marshal**. Each application shall provide **the following**:

- (1) The information required by [IC 22-11-14-7](#). ~~and~~
- (2) Evidence of incorporation under [IC 23-7-1.1](#) as a not-for-profit corporation if an exemption from the permit fee is claimed.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-9-6](#); filed Feb 1, 1988, 2:17 p.m.: 11 IR 1791; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 70. [675 IAC 12-9-7](#) IS AMENDED TO READ AS FOLLOWS:

#### **[675 IAC 12-9-7](#) Certificate of compliance; wholesale fireworks**

**Authority:** [IC 22-12-6-6](#)

**Affected:** [IC 22-11-14-1](#); [IC 22-11-14-5](#); [IC 22-13-2-11](#)

Sec. 7. (a) An applicant for a certificate of compliance, required by [IC 22-11-14-5](#), for the sale of fireworks shall submit **the following** to the ~~office of the~~ state fire marshal: ~~the following~~:

- (1) A complete description of each firework item proposed to be shipped into Indiana.
- (2) A written certification that the fireworks are manufactured in accordance with [IC 22-11-14-1](#).
- (3) A statement that:
  - (A) identifies the applicant as:
    - (i) a manufacturer;
    - (ii) a wholesaler;

- (iii) an importer; or
- (iv) a distributor; and
- (B) provides the location to which the shipment of fireworks is to be received within Indiana.

(b) No certificate of compliance shall be issued until the ~~office of the~~ state fire marshal determines, after inspection, that there is compliance with [IC 22-11-14](#).

*(Fire Prevention and Building Safety Commission; [675 IAC 12-9-7](#); filed Feb 1, 1988, 2:17 p.m.: 11 IR 1791; filed Jul 15, 1991, 5:30 p.m.: 14 IR 2237; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 71. [675 IAC 12-9-9](#) IS AMENDED TO READ AS FOLLOWS:

#### **[675 IAC 12-9-9](#) Administrative adjudication**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 4-21.5-3-4](#); [IC 4-21.5-3-7](#); [IC 22-12](#); [IC 22-14](#)

Sec. 9. Any order granting or denying a permit or certificate governed by this rule (~~[675 IAC 12-9](#)~~) shall be issued by the ~~office of the~~ state fire marshal following the requirements of [IC 4-21.5-3-4](#). If a petition for review is subsequently granted under [IC 4-21.5-3-7](#), the resulting administrative proceeding shall be conducted by the commission.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-9-9](#); filed Feb 1, 1988, 2:17 p.m.: 11 IR 1792; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 72. [675 IAC 12-10-8](#) IS AMENDED TO READ AS FOLLOWS:

#### **[675 IAC 12-10-8](#) Ordinance approval procedure**

**Authority:** [IC 22-13-2-13](#)

**Affected:** [IC 4-21.5-3-4](#); [IC 4-21.5-3-7](#); [IC 22-13-2-5](#)

Sec. 8. The commission's program for review of adopted ordinances of cities, towns, or counties submitted for approval by the commission under ~~[IC 22-13-4-5](#)~~, [IC 22-13-2-5](#) will be conducted ~~at the staff level by the Division of Technical Services and Research (division)~~ **commission staff** as follows:

- (1) A request may be made to the division for preliminary staff review at any time. The results of the staff review will be furnished to the requester within a reasonable time.
- (2) A submission by a political subdivision for approval of an ordinance by the commission:
  - (A) shall include two (2) copies of an adopted ordinance; and
  - (B) must be filed with the commission.

The staff will place the submission on the agenda for the first commission meeting scheduled later than five (5) working days subsequent to the receipt of the submission.

- (3) The commission's order approving the ordinance shall be issued following the requirements of [IC 4-21.5-3-4](#). If a petition for review is subsequently granted under [IC 4-21.5-3-7](#), that order shall be deemed merely to have been a preliminary determination.

- (4) One (1) copy of each approved ordinance, endorsed by the ~~chairman~~ **chairperson** of the commission, shall be returned to the submitter with the order approving the ordinance.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-10-8](#); filed Feb 1, 1988, 2:19 p.m.: 11 IR 1794; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2110; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 73. [675 IAC 12-10-9](#) IS AMENDED TO READ AS FOLLOWS:

#### **[675 IAC 12-10-9](#) Local inspection programs**

**Authority:** [IC 22-13-2-13](#)



**Affected:** [IC 22-12-6-6](#); [IC 22-15-2-6](#); [IC 36-1-7-2](#); [IC 36-7-8-7](#)

Sec. 9. (a) A political subdivision that has enacted and put into effect a local building code in accordance with this rule, or has arranged for inspection services to be performed by another political subdivision under [IC 36-7-8-7](#) or [IC 36-1-7-2](#), shall be deemed to have established a program to periodically inspect construction provided a written statement from the chief executive officer of the political subdivision furnishing inspection services is filed with the ~~office of the state building commissioner~~ **division** containing the following:

- (1) The name and address of the person or office to which design releases and other notices or orders of the ~~office of the state building commissioner~~ **division** should be sent.
- (2) The:
  - (A) names of all inspectors appointed to enforce the local building code; and ~~the~~
  - (B) assigned scope of each inspector's responsibility for the adopted building rules of the commission.
- (3) If applicable, the name of other political subdivisions for which inspection services are being provided.

(b) Any changes in the factual content of the written statement required in subsection (a) shall be submitted to the ~~office of the state building commissioner~~ **division** within thirty (30) days of the date of change.

(c) If the ~~office of the state building commissioner~~ **division** determines that the requirements of this section are no longer being met by a political subdivision, the ~~commissioner~~ **building law compliance officer or the state fire marshal** shall give written notice of the determination to the chief executive officer of that political subdivision. The construction inspection fee established in [675 IAC 12-3-6](#) shall become payable for design releases issued after the date of ~~such~~ **the** notice.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-10-9](#); filed Feb 1, 1988, 2:18 p.m.: 11 IR 1795, eff Apr 1, 1988; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2111; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 74. [675 IAC 12-11-1](#) IS AMENDED TO READ AS FOLLOWS:

#### **[675 IAC 12-11-1](#) Definitions**

**Authority:** [IC 22-12-6-3](#)

**Affected:** [IC 10-19-2](#); [IC 10-19-7](#); [IC 22-12-6-3](#); [IC 22-12-6-6](#)

Sec. 1. **(a) The definitions in this section apply throughout this rule.**

~~(a) As used in this rule, (b) "Approved building department"~~ means the building regulatory agency of a political subdivision that meets the local inspection program requirements of [675 IAC 12-10-9](#).

~~(b) As used in this rule, (c) "Building official"~~ means the local government official who administers a local building department education plan.

~~(c) As used in this rule, (d) "Department"~~ means the ~~fire and building services~~ department **of homeland security** established by ~~[IC 22-12-5-1](#)~~ [IC 10-19-2](#).

~~(d) As used in this rule, (e) "Division"~~ means the division of ~~education fire and information~~ **building safety** established by ~~[IC 22-12-5-1](#)~~ [IC 10-19-7](#).

~~(e) As used in this rule, (f) "Fire official"~~ means the local government official who administers a ~~fire~~ **code enforcement or** prevention program.

~~(f) As used in this rule, (g) "Fund"~~ means the statewide fire and building safety education fund established by [IC 22-12-6-3](#).

~~(g)~~ As used in this rule, **(h)** "Inspector" means a person employed by **the division or** a local government to perform inspections to obtain compliance with the rules of the commission.

~~(h)~~ **(i)** As used in this rule, "provider" means a person or organization that provides a course or program ~~within the scope of the division's educational and training programs as authorized under [IC 22-12-5-6](#)~~ **to educate inspectors on the content and the commission's interpretation of the current rules of the commission.**

*(Fire Prevention and Building Safety Commission; [675 IAC 12-11-1](#); filed Feb 1, 1990, 5:00 p.m.: 13 IR 1048, eff Mar 1, 1990 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #89-115 was filed Feb 1, 1990.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 75. [675 IAC 12-11-2](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-11-2](#) Purpose**

**Authority:** [IC 22-12-6-3](#)

**Affected:** [IC 22-12-6-6](#)

Sec. 2. (a) The fund is established to pay all or part of the enrollment fees charged for educational training courses, seminars, or other programs of the department on behalf of **state or** local government inspectors whose applications for financial assistance are approved.

(b) Enrollment fees may include the following:

- (1) Tuition or course fees.
- (2) Registration fees.
- (3) Lab fees.
- (4) Cost of individual course materials, such as books or equipment.
- (5) A pro rata share of instructor honoraria, if applicable.

(c) Enrollment fees may not include the following:

- (1) Inspector travel expenses.
- (2) Lodging costs.
- (3) Cost of meals.
- (4) Parking fees.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-11-2](#); filed Feb 1, 1990, 5:00 p.m.: 13 IR 1049, eff Mar 1, 1990 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #89-115 was filed Feb 1, 1990.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2111; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 76. [675 IAC 12-11-3](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-11-3](#) Eligibility for assistance**

**Authority:** [IC 22-12-6-3](#)

**Affected:** [IC 22-12-6-6](#)

Sec. 3. (a) The eligibility requirements to qualify for payment of enrollment fees from the fund are as follows:

(1) The applicant is **any of the following**:

**(A)** ~~A full-~~ **full-time** or part-time:

**(i)** inspector in an approved building department; ~~or is a full- or part-time~~

**(ii)** paid or volunteer fire inspector in an established fire department of a political subdivision.

**(B)** **A full-time employee of the division.**

(2) The applicant has obtained approval from:

**(A)** a building or fire official;

**(B)** **the state fire marshal; or**

**(C) the building law compliance officer;**

as appropriate, including a statement, **where applicable**, that completion of a specified course or program of the department is an element of a local building or fire department education plan on file with the division, **as appropriate**.

(b) Meeting the eligibility requirements of itself does not assure that an application for assistance will be approved. The fund may not be adequate to finance all applications for specific programs. ~~within an annual budget.~~

*(Fire Prevention and Building Safety Commission; [675 IAC 12-11-3](#); filed Feb 1, 1990, 5:00 p.m.: 13 IR 1049, eff Mar 1, 1990 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #89-115 was filed Feb 1, 1990.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 77. [675 IAC 12-11-4](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-11-4](#) Application for financial assistance**

**Authority:** [IC 22-12-6-3](#)

**Affected:** [IC 4-21.5-3-4](#); [IC 4-21.5-3-7](#); [IC 22-12-6-6](#)

Sec. 4. (a) Applications for payment of enrollment fees may be made by eligible inspectors on forms provided by the division.

(b) Applications must be received by the ~~division~~ **department** on or before the submission date printed on the application form.

(c) The ~~division director~~ **department** shall evaluate all applications for completeness, timeliness, and conformance with published instructions. Each application shall be further evaluated ~~by the division director~~ with consideration of the local building or fire department education plan. ~~The director may rank the Applications may be ranked~~ in order of:

- (1) perceived need;
- (2) merit;
- (3) benefit to the local community;
- (4) amount of previous assistance; or
- (5) other factors;

~~deemed to produce a distribution of available funds for the greatest good. The director may seek impartial assistance in the evaluation process from other departmental employees.~~

(d) The ~~division director~~ **department** shall maintain a list of **the following**:

- (1) Applicants selected for payment of enrollment fees.
- (2) The amount of each payment. ~~and~~
- (3) The name of the provider to whom payment is to be made.

(e) The order granting or denying an application for financial assistance shall be issued ~~by the director of the division~~ following the requirements of [IC 4-21.5-3-4](#). If a petition for review is subsequently granted under [IC 4-21.5-3-7](#), the resulting administrative proceeding shall be conducted by the commission.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-11-4](#); filed Feb 1, 1990, 5:00 p.m.: 13 IR 1049, eff Mar 1, 1990 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #89-115 was filed Feb 1, 1990.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 78. [675 IAC 12-11-5](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-11-5](#) Revocation of financial assistance**

**Authority:** [IC 22-12-6-3](#)

**Affected:** [IC 4-21.5-3-6](#); [IC 4-21.5-3-7](#); [IC 22-12-6-6](#)

Sec. 5. (a) The ~~division director~~ **department** may withhold all or part of any payment from the fund on behalf of any inspector who fails to meet the attendance standards of the provider for a particular course or program.

(b) The order revoking an authorization for payment shall be issued under the requirements of [IC 4-21.5-3-6](#). If the petition for review is subsequently granted under [IC 4-21.5-3-7](#), the resulting administrative proceeding shall be conducted by the commission.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-11-5](#); filed Feb 1, 1990, 5:00 p.m.: 13 IR 1050, eff Mar 1, 1990 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #89-115 was filed Feb 1, 1990.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 79. [675 IAC 12-11-6](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-11-6](#) Local building or fire department education plan**

**Authority:** [IC 22-12-6-3](#)

**Affected:** [IC 22-12-6-6](#)

Sec. 6. (a) Each approved building department or fire department that desires to enroll inspectors with financial assistance from the fund must have on file with the ~~division director~~ **department** an education plan. The plan should identify all eligible inspectors and their:

- (1) duties; ~~record~~
- (2) **records** of prior training; **and**
- (3) ~~educational background;~~ **backgrounds;**

and other information that the building or fire official deems appropriate.

~~(b) The division director may provide assistance to local officials in preparation of local education plans.~~

*(Fire Prevention and Building Safety Commission; [675 IAC 12-11-6](#); filed Feb 1, 1990, 5:00 p.m.: 13 IR 1050, eff Mar 1, 1990 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #89-115 was filed Feb 1, 1990.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 80. [675 IAC 12-11-8](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-11-8](#) Reports**

**Authority:** [IC 22-12-6-3](#)

**Affected:** [IC 22-12-6-6](#)

Sec. 8. (a) ~~The division director shall prepare~~ An annual report **shall be prepared** at the end of each fiscal year covering the following:

- (1) Curricula.
- (2) Enrollment statistics.
- (3) Summary of student evaluations.
- (4) Programmed and actual expenditures.
- (5) Recommendations for program changes.

~~(b) The executive director of the department shall submit the annual report to the fire prevention and building safety commission with recommendations for changes in administrative rules or level of funding under [675 IAC 12-3-7](#).~~

*(Fire Prevention and Building Safety Commission; [675 IAC 12-11-8](#); filed Feb 1, 1990, 5:00 p.m.: 13 IR 1050, eff Mar 1, 1990 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for thirty (30) days after filing with the*

SECTION 81. [675 IAC 12-11-9](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-11-9](#) Records**

**Authority:** [IC 22-12-6-3](#)

**Affected:** [IC 22-12-6-6](#)

Sec. 9. (a) The ~~division director~~ **department** shall maintain a record of all receipts and expenditures of the fund.

(b) The ~~division director~~ **department** shall maintain performance and attendance records of inspectors enrolled in departmental programs that may be used in any voluntary accreditation program of the ~~division~~ **department** or a provider.

(c) ~~The division director shall send an attendance or performance report to the building or fire official of each political subdivision that has enrolled inspectors under the program.~~

*(Fire Prevention and Building Safety Commission; [675 IAC 12-11-9](#); filed Feb 1, 1990, 5:00 p.m.: 13 IR 1050, eff Mar 1, 1990 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for thirty (30; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#)) days after filing with the Secretary of State. LSA Document #89-115 was filed Feb 1, 1990.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530)*

SECTION 82. [675 IAC 12-12-1](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-12-1](#) Authority; definitions**

**Authority:** [IC 13-23-3-1](#); [IC 13-23-3-2](#); [IC 13-23-3-3](#); [IC 13-23-3-4](#)

**Affected:** [IC 13-11-2-241](#); [IC 13-23-3](#)

Sec. 1. (a) This section is adopted in accordance with [IC 13-23-3-1](#) through [IC 13-23-3-4](#).

(b) The following definitions apply throughout this rule:

(1) "Examination" means a written set of questions approved by the ~~office of the state fire marshal~~ **division**.

(2) "Decommissioning" means the removal or closure of an underground storage tank.

(3) "Owner" has the same meaning as set forth in [675 IAC 22](#).

(4) "Performance bond" means a document that establishes a guaranty obligation in a stated dollar amount to pay the costs of the:

(A) installation;

(B) retrofitting;

(C) testing;

(D) cathodic protection; or

(E) decommissioning;

of one (1) or more underground storage tanks.

(5) "Person" has the same meaning as set forth in [675 IAC 22](#).

(6) "Underground storage tank" has the same meaning as set forth in [IC 13-11-2-241](#).

*(Fire Prevention and Building Safety Commission; [675 IAC 12-12-1](#); filed Sep 13, 1990, 4:00 p.m.: 14 IR 286; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1006; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2111; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 83. [675 IAC 12-12-2](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-12-2](#) Purpose**

**Authority:** [IC 13-23-3-1](#); [IC 13-23-3-2](#); [IC 13-23-3-3](#); [IC 13-23-3-4](#)

**Affected:** [IC 13-23-3](#)

Sec. 2. The purpose of this rule is to establish procedures for the ~~office of the state fire marshal~~ **division** to administer a certification program for persons who supervise, manage, or direct underground storage tank:

- (1) installation or retrofitting;
- (2) testing;
- (3) cathodic protection procedures; or
- (4) decommissioning.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-12-2](#); filed Sep 13, 1990, 4:00 p.m.: 14 IR 286; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1007; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2111; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 84. [675 IAC 12-12-3](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-12-3](#) Application for certification**

**Authority:** [IC 13-23-3-1](#); [IC 13-23-3-2](#); [IC 13-23-3-3](#); [IC 13-23-3-4](#)

**Affected:** [IC 13-23-3](#)

Sec. 3. (a) A person who supervises, manages, or directs the installation, retrofitting, testing, cathodic protection, or decommissioning of underground storage tanks shall submit evidence to the ~~office of the state fire marshal~~ **division** that the person has successfully completed applicable examinations administered by **either of the following**:

- (1) The International Fire Code Institute. ~~or~~
- (2) Another independent testing agency whose examinations have been approved by the ~~office of the state fire marshal~~ as being substantially similar.

(b) Renewal procedures pertaining to the certification examinations shall be as set forth in [IC 13-23-3-4](#)(a). A certificate expires two (2) years from the date a person successfully completes the examination referenced in subsection (a).

(c) Passing scores and retest requirements for the certification examinations shall be as set forth in section 3.1 of this rule.

(d) Examination subjects are those as set forth in section 2 of this rule.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-12-3](#); filed Sep 13, 1990, 4:00 p.m.: 14 IR 286; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1007; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2112; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1009; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 85. [675 IAC 12-12-4](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-12-4](#) Issuance of certificate**

**Authority:** [IC 13-23-3-1](#); [IC 13-23-3-2](#); [IC 13-23-3-3](#); [IC 13-23-3-4](#)

**Affected:** [IC 13-23-3](#)

Sec. 4. (a) Unless grounds exist to deny a certificate under [IC 13-23-3-3](#)(b), ~~the office of the state fire marshal~~ shall issue a certificate to a person who **does the following**:

- (1) Passes one (1) or more of the certification examination subjects under section 2 of this rule. ~~and~~
- (2) Pays a certificate issuance fee of twenty-five dollars (\$25) payable to the fire and building services fund.

(b) A person who had a certificate revoked under [IC 13-23-3-3](#)(b) may obtain a certificate from the ~~office of the~~



state fire marshal only if the person files a performance bond in an amount prescribed in section 6 of this rule.

(c) A certificate:

- (1) shall identify which certification examination subjects were passed; and
- (2) is valid only for work within the scope of those subjects.

(d) A certificate issued under subsection (a) expires two (2) years from the date the person successfully completes the examination to qualify to obtain a certificate.

(e) Upon payment of the required fee, as specified in subsection (a), any person who is certified or licensed to supervise, manage, or direct underground storage tank installation, retrofitting, testing, cathodic protection, or decommissioning in another state shall, without examination, be granted a certificate, provided the following:

- (1) The person submits an application for reciprocity.
- (2) No such person shall be granted a certificate in a category the person is not certified for in another state.
- (3) The requirements for licensing in ~~such~~ **the** other state are substantially similar to the requirements in force in Indiana.

(f) ~~The division of education and information~~ **department** shall submit to the ~~office of the~~ state fire marshal documented evidence that the certification or licensing is substantially similar to Indiana's underground storage tank certification examination. The ~~office of the~~ state fire marshal shall grant or deny the certification. Application forms for reciprocity shall be provided by the ~~office of the state fire marshal~~. **division.**

*(Fire Prevention and Building Safety Commission; [675 IAC 12-12-4](#); filed Sep 13, 1990, 4:00 p.m.: 14 IR 286; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1008; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2112; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 86. [675 IAC 12-12-5](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-12-5](#) Orders; sanctions; appeals**

**Authority:** [IC 13-23-3-1](#); [IC 13-23-3-2](#); [IC 13-23-3-3](#); [IC 13-23-3-4](#)

**Affected:** [IC 4-21.5-3-7](#); [IC 22-12-7](#)

Sec. 5. (a) ~~The office of the~~ state fire marshal may issue orders under [IC 22-12-7-4](#) to require a person to cease and correct any violation of the laws and rules pertaining to the:

- (1) installation;
- (2) retrofitting;
- (3) testing;
- (4) cathodic protection; or
- (5) decommissioning;

of underground storage tanks.

(b) ~~The office of the~~ state fire marshal may impose sanctions, with respect to certificates issued under section 4 of this rule, as described in [IC 22-12-7-7](#) and [IC 13-23-3-3](#).

(c) A person who is aggrieved by an order of the ~~office of the~~ state fire marshal may **do either of the following**:

- (1) Request an informal hearing under [IC 22-12-7-12](#). ~~or may~~
- (2) Appeal by filing a petition for review of the order under [IC 4-21.5-3-7](#).

*(Fire Prevention and Building Safety Commission; [675 IAC 12-12-5](#); filed Sep 13, 1990, 4:00 p.m.: 14 IR 287; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1008; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2113; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 87. [675 IAC 12-12-6](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-12-6](#) Performance bond**

**Authority:** [IC 13-23-3-1](#); [IC 13-23-3-2](#); [IC 13-23-3-3](#); [IC 13-23-3-4](#)

**Affected:** [IC 13-23-3-3](#)

Sec. 6. If a person files a performance bond with an application for a certificate under [IC 13-23-3-3\(c\)](#), the amount of the bond shall be equal to the dollar value of a single contract awarded to the person for the installation, retrofitting, testing, cathodic protection, or decommissioning of one (1) or more underground storage tanks at a particular location. The office of the state fire marshal **division** shall:

- (1) act only as a custodian; and shall
- (2) not be obligee of the bond.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-12-6](#); filed Sep 13, 1990, 4:00 p.m.: 14 IR 287; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1009; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2113; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 88. [675 IAC 12-12-7](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-12-7](#) Display of certificate**

**Authority:** [IC 13-23-3-1](#); [IC 13-23-3-2](#); [IC 13-23-3-3](#); [IC 13-23-3-4](#)

**Affected:** [IC 13-23-3](#)

Sec. 7. The person who supervises, manages, or directs the:

- (1) installation;
- (2) retrofitting;
- (3) testing;
- (4) cathodic protection; or
- (5) decommissioning;

of an underground storage tank shall display or produce a valid certificate or copy thereof ~~which~~ **that** was issued by the ~~office of the state fire marshal~~ under this rule.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-12-7](#); filed Sep 13, 1990, 4:00 p.m.: 14 IR 287; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1009; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2114; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))*

SECTION 89. [675 IAC 12-13-2](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-13-2](#) Application**

**Authority:** [IC 22-13-4-5](#)

**Affected:** [IC 22-12](#); [IC 22-13](#); [IC 22-14](#); [IC 22-15](#)

Sec. 2. (a) This rule applies to existing buildings, when specifically requested by the building owner or his or her agent, at the time of an application for a design release under [675 IAC 12-6](#). Upon receipt of ~~such a~~ request, the ~~offices of the state building commissioner and the state fire marshal~~ **division** shall have the plans, if any, and an inspection report for conversion reviewed for conformance with the requirements of this rule. If conformance is achieved, a design release for the conversion shall be issued. Full compliance with all applicable rules of the commission shall be required for all construction work done to accomplish the conversion.

(b) An application and supporting documents for a design release under this rule must demonstrate all of the following:

- (1) The total building floor area, excluding basements, does not exceed three thousand (3,000) square feet.
- (2) The building does not exceed three (3) stories in height, excluding basements.
- (3) Basements and third floor areas shall not be used by the public.
- (4) The building occupant load shall not exceed the number permitted for new construction in the planned use group classification.
- (5) The minimum width of stairways to be used by the public shall be thirty-six (36) inches.
- (6) The restrictions in this rule:

(A) are acceptable; and

(B) shall be conditions of a design release or other order of the ~~office of the state building commissioner~~  
**division.**

(7) The new use group must meet the same requirements for:

(A) exit width;

(B) arrangement of exits;

(C) illumination of exits;

(D) exit signs; and

(E) smoke detection;

as required for new construction.

(8) Buildings converted to use **occupancy** Group R-1 or R-2 shall be in full compliance with the plumbing, mechanical, and electrical provisions of the commission's rules for the new use or occupancy.

*(Fire Prevention and Building Safety Commission; 675 IAC 12-13-2; filed Jul 23, 1992, 1:00 p.m.: 15 IR 2586, eff Jun 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #92-11 was filed Jul 23, 1992.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2114; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA)*

SECTION 90. [675 IAC 12-13-3](#) IS AMENDED TO READ AS FOLLOWS:

**[675 IAC 12-13-3](#) Permitted conversions**

**Authority:** [IC 22-13-4-5](#)

**Affected:** [IC 22-12](#); [IC 22-13](#); [IC 22-14](#); [IC 22-15](#)

Sec. 3. (a) A detached single family dwelling may be converted to use group B, F-1, M, S-1, or S-2 as **one (1) of the following:**

(1) Office **or factory** use with no floor loads in excess of thirty (30) pounds per square foot.

(2) Retail sales use with storage areas limited to floor loads not in excess of thirty (30) pounds per square foot.

~~or~~

(3) Other storage uses with no floor loads in excess of thirty (30) pounds per square foot.

(b) A detached single family dwelling may be converted to use group A-3 having:

**(1)** an occupant load of one hundred (100) or less, **based on an occupant load factor not to exceed fifteen (15)**, limited to the first floor level; and ~~having~~

**(2)** two (2) exits **directly** to a public way.

Floor loads shall not exceed thirty (30) pounds per square foot.

(c) A group B, F-1, M, S-1, or S-2 building may be converted to

~~(1) use group S-3; or~~

~~(2) use group A-3 having:~~

**(1)** an occupancy load of one hundred (100) or less, **based on an occupant load factor not to exceed fifteen (15)**; and ~~having~~

**(2)** two (2) exits **directly** to a public way.

(d) A detached one (1) or two (2) family dwelling may be converted to ~~a use an occupancy group R-1 apartment building or use group R-3 lodging house.~~ **or R-2.**

(e) A detached single family dwelling may be converted to a mixed use group ~~M/R or B/R.~~ **M/one or two family dwelling or B/one or two family dwelling.**

*(Fire Prevention and Building Safety Commission; 675 IAC 12-13-3; filed Jul 23, 1992, 1:00 p.m.: 15 IR 2587, eff Jun 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #92-11 was filed Jul 23, 1992.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2114; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1009; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA)*

SECTION 91. [675 IAC 12-13-4](#) IS AMENDED TO READ AS FOLLOWS:

## **675 IAC 12-13-4 Inspection**

**Authority:** IC 22-13-4-5

**Affected:** IC 22-14; IC 22-15

Sec. 4. (a) ~~Prior to~~ **Before** issuance of a design release for conversion of a building under this rule, the ~~state building commissioner~~ **division** shall cause the building to be inspected with regard to the existing condition and proposed construction or alterations work. The ~~same~~ inspection fee established in 675 IAC 12-3-11 ~~for inspections under 675 IAC 12-8-3(a)~~ is established for inspections under this rule. The inspection fee shall be paid to the fire and building services fund ~~prior to before~~ any inspection.

(b) Inspection of work in progress shall be performed by local units of government that require conformance with the building rules of the commission. The ~~office of the state building commissioner~~ **division** may also perform inspections for the same purpose.

*(Fire Prevention and Building Safety Commission; 675 IAC 12-13-4; filed Jul 23, 1992, 1:00 p.m.: 15 IR 2587, eff Jun 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #92-11 was filed Jul 23, 1992.]; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2114; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA)*

SECTION 92. 675 IAC 12-14-1 IS AMENDED TO READ AS FOLLOWS:

## **675 IAC 12-14-1 Definitions**

**Authority:** IC 22-13-2-2; IC 22-14-5

**Affected:** IC 22-12-1-18.7; IC 22-12-1-23.3; IC 36-8-12-2

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Office" means **either of** the ~~office of~~ **following**:

- (1)** The state fire marshal.
- (2)** **Employees of the state fire marshal.**

(c) "Personal protective equipment" means any of the following:

- (1) Protective:
  - (A) coats;
  - (B) trousers;
  - (C) coveralls;
  - (D) footwear;
  - (E) gloves; and
  - (F) hoods.
- (2) Proximity protective:
  - (A) coats;
  - (B) trousers;
  - (C) coveralls;
  - (D) footwear;
  - (E) gloves; and
  - (F) hoods.
- (3) Emergency medical:
  - (A) garments;
  - (B) face protection devices; and
  - (C) gloves.
- (4) Helmets.
- (5) Self-contained breathing apparatus.
- (6) Vapor protective suits.
- (7) Liquid splash-protective suits.
- (8) Chemical-protective clothing.

(d) "Qualified entity" means **has** the ~~term as defined~~ **meaning set forth** in [IC 22-12-1-18.7](#).

(e) "Revolving fund" means the firefighting and emergency equipment revolving loan fund established by [IC 22-14-5](#).

(Fire Prevention and Building Safety Commission; [675 IAC 12-14-1](#); filed May 29, 1997, 2:40 p.m.: 21 IR 395; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#))

SECTION 93. [675 IAC 12-11-7](#) IS REPEALED.

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