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

**Notice of First Public Comment Period**

LSA Document #24-260

**CIVIL PENALTIES**

**PURPOSE OF NOTICE**

The Fire Prevention and Building Safety Commission (FPBSC) is soliciting public comment on adding a rule at [675 IAC 12-3-16](#) concerning civil penalties imposed by the Department of Homeland Security (DHS) under [IC 22-12-7-7](#). The FPBSC seeks comment on the affected citations listed and any other provisions of Title 675 that may be affected by this rulemaking.

**ADDITIONAL DOCUMENTS**

Regulatory Analysis: [20240731-IR-675240260RAA](#)

Notice of Public Hearing: [20240731-IR-675240260PHA](#)

**CITATIONS AFFECTED:** [675 IAC 12-3-16](#)

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

**OVERVIEW**

**Basic Purpose and Background**

The proposed rule establishes the framework the DHS must follow when imposing civil penalties under [IC 22-12-7-7](#). The proposed rule identifies: (1) the civil penalty amounts that may be imposed; (2) the circumstances under which civil penalties are issued; (3) the deadline to pay civil penalties; and (4) the requirement to satisfy outstanding penalties before renewing or obtaining any authorizations from the DHS. This rule is being promulgated following the passage of House Enrolled Act (HEA) 1623-2023, which requires each fee, fine, or civil penalty imposed by an agency not set as a specific amount in state law to be included in a rule describing the circumstances for which the fee, fine, or civil penalty would be imposed, and to set forth the specific amount of the fee, fine, or civil penalty. The purpose of this rule is to carry forward, to the greatest extent possible, the civil penalty program that was in place before the passage of HEA 1623-2023. The proposed rule generally applies to the DHS, however, it also impacts those individuals and entities that violate the building, fire safety, and equipment laws adopted by the FPBSC.

For purposes of [IC 4-22-2-28.1](#), small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Alyssa Schroeder  
Legislative Director  
Indiana Department of Homeland Security  
302 West Washington Street, Room E208  
Indianapolis, IN 46204  
(317) 775-2607  
aschroeder1@dhs.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-6](#) is:

Matthew Jaworowski  
Small Business Ombudsman  
Indiana Economic Development Corporation  
One North Capitol, Suite 700  
Indianapolis, IN 46204  
(317) 650-0126  
majaworowski@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-6](#), specifically [IC 5-28-17-6\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

**REQUEST FOR PUBLIC COMMENT**

The FPBSC is soliciting public comment on the proposed rule. Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:

LSA Document #24-260 Civil Penalties  
Fire Prevention and Building Safety Commission  
C/O Legal  
Indiana Government Center South, Room E208  
302 West Washington Street  
Indianapolis, IN 46204

(2) By email to [legal@dhs.in.gov](mailto:legal@dhs.in.gov). To confirm timely delivery of submitted comments, please request a document receipt when sending the email and include the following subject line: Public Comment on LSA Doc #24-260. PLEASE NOTE: Email comments will not be considered part of the official written comment period unless they are sent to the address indicated in this notice.

(3) Attend scheduled public hearing.

### COMMENT PERIOD DEADLINE

All comments must be postmarked or time stamped not later than August 30, 2024.

The rule, Regulatory Analysis, appendices referenced in the Regulatory Analysis, and materials incorporated by reference (if applicable) are on file at the Department of Homeland Security, 302 West Washington Street, Room E208, Indianapolis, Indiana and are available for public inspection. Copies of the rule, Regulatory Analysis, and appendices referenced in the Regulatory Analysis are available at the Department of Homeland Security office.

If the FPBSC does not receive substantive comments during the public comment period or public hearing, the rule may be adopted with text that is the same as or does not substantially differ from the text of the proposed rule published in this notice.

### PROPOSED RULE

SECTION 1. [675 IAC 12-3-16](#) IS ADDED TO READ AS FOLLOWS:

#### [675 IAC 12-3-16](#) Civil penalties

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

Affected: [IC 22-12-7-7](#)

**Sec. 16. (a) Except for penalties subject to administrative review by the board of firefighting personnel standards and education, this section applies to civil penalties issued under [IC 22-12-7-7\(5\)](#).**

**(b) The department shall impose civil penalties for failure to correct violations by the date ordered as follows:**

**(1) An initial two hundred fifty dollar (\$250) penalty is issued for each violation not corrected by the date ordered.**

**(2) After issuing a civil penalty and until each violations is corrected, additional two hundred fifty dollar (\$250) penalties are issued for each violation not corrected within thirty (30) days after issuing a previously issued civil penalty.**

The department may extend the dates identified in this subsection for good cause shown, if a request for extension is received before the date to be extended.

**(c) The department shall impose civil penalties without first providing an opportunity to correct violations as follows:**

**(1) A two hundred fifty dollar (\$250) penalty is issued for each violation that represents intentional misconduct or fraud by a responsible person. Previous violations of the same or similar requirements within the past year is prima facie evidence of intentional misconduct.**

**(2) A two hundred fifty dollar (\$250) penalty is issued for continuing an activity required to be permitted, licensed, or otherwise authorized by the department or commission after the permit, license, or other authorization has expired.**

**(3) A two hundred fifty dollar (\$250) penalty is issued for conducting an activity required to be permitted, licensed, or otherwise authorized by the department or commission if the activity is found to clearly require a prior permit, license, or authorization by the department or commission.**

**Additional penalties for those identified in this subsection proceed as set forth in subsection (b)(2).**

**(d) Penalties are due within thirty (30) days after issuance. Failure to satisfy the judgment within this**

period may result in civil collection proceedings.

(e) Nothing in this section shall be construed as limiting the department's authority to take other actions authorized under [IC 22-12-7-7](#).

(f) Outstanding penalties must be satisfied before renewing or obtaining any permit, license, registration, certification, or other similar authorization from the department or commission.

*(Fire Prevention and Building Safety Commission; [675 IAC 12-3-16](#))*

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An [html](#) version of this document.