

20071031-IR-675070388RFA)

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 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 division should be sent.

(2) The:

(A) names of all inspectors appointed to enforce the local building code; and

(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 division within thirty (30) days of the date of change.

(c) If the division determines that the requirements of this section are no longer being met by a political subdivision, the 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 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; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA)*

Rule 11. Statewide Fire and Building Safety Education Fund

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.

(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.

(c) "Building official" means the local government official who administers a local building department education plan.

(d) "Department" means the department of homeland security established by IC 10-19-2.

(e) "Division" means the division of fire and building safety established by IC 10-19-7.

(f) "Fire official" means the local government official who administers a fire code enforcement or prevention program.

(g) "Fund" means the statewide fire and building safety education fund established by IC 22-12-6-3.

(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.

(i) As used in this rule, "provider" means a person or organization that provides a course or program 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)*

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)

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-time or part-time:
 - (i) inspector in an approved building department; or
 - (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. *(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)*

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 department on or before the submission date printed on the application form.

(c) The department shall evaluate all applications for completeness, timeliness, and conformance with published instructions. Each application shall be further evaluated with consideration of the local building or fire department education plan. 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.

(d) The department shall maintain a list of the following:

- (1) Applicants selected for payment of enrollment fees.
- (2) The amount of each payment.
- (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 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)*

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 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)*

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. Each approved building department or fire department that desires to enroll inspectors with financial assistance from the fund must have on file with the department an education plan. The plan should identify all eligible inspectors and their:

- (1) duties;
- (2) records of prior training; and
- (3) educational backgrounds;

and other information that the building or fire official deems appropriate. *(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)*

675 IAC 12-11-7 Budget (Repealed)

Sec. 7. *(Repealed by Fire Prevention and Building Safety Commission; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA)*

675 IAC 12-11-8 Reports

Authority: IC 22-12-6-3

Affected: IC 22-12-6-6

Sec. 8. 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.

(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 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)

675 IAC 12-11-9 Records

Authority: IC 22-12-6-3
Affected: IC 22-12-6-6

Sec. 9. (a) The department shall maintain a record of all receipts and expenditures of the fund.

(b) The department shall maintain performance and attendance records of inspectors enrolled in departmental programs that may be used in any voluntary accreditation program of the department or a provider. *(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) 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)*

Rule 12. Underground Storage Tank Certification Program

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 division.
- (2) "Decommissioning" means the removal or closure of an underground storage tank.
- (3) "Owner" has the meaning 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 meaning set forth in 675 IAC 22.

(6) "Underground storage tank" has the meaning 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)

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