

## **IC 22-14-2**

### **Chapter 2. Office of the State Fire Marshal; Board of Firefighting Personnel Standards and Education**

#### **IC 22-14-2-1**

##### **Repealed**

*(Repealed by P.L.22-2005, SEC.56.)*

#### **IC 22-14-2-2**

##### **State fire marshal; appointment; qualifications**

Sec. 2. (a) The governor shall appoint a state fire marshal to direct the division. The state fire marshal serves at the pleasure of the governor.

(b) The state fire marshal must have:

- (1) a recognized interest and knowledge in the areas of fire prevention and fire protection; and
- (2) experience as an administrator.

(c) The state fire marshal shall serve as a full-time employee of the division.

*As added by P.L.245-1987, SEC.3. Amended by P.L.1-2006, SEC.363.*

#### **IC 22-14-2-3**

##### **Repealed**

*(Repealed by P.L.22-2005, SEC.56.)*

#### **IC 22-14-2-4**

##### **Powers of the division and the state fire marshal**

Sec. 4. (a) To carry out its responsibilities, the division may:

- (1) enter and inspect any property, at a reasonable hour;
- (2) issue and enforce administrative orders under IC 22-12-7 and apply for judicial orders under IC 22-12-7-13;
- (3) direct a fire department to assist the division;
- (4) cooperate with law enforcement officers; and
- (5) provide hazardous materials and counterterrorism:
  - (A) training;
  - (B) support; and
  - (C) response assistance.

(b) To carry out the state fire marshal's responsibility to conduct an investigation into the causes and circumstances surrounding a fire or an explosion, the state fire marshal or a division fire investigator authorized by the state fire marshal may:

- (1) exercise the powers of a law enforcement officer to prevent fires and conduct arson investigations;
- (2) direct a fire department to assist the state fire marshal or division fire investigator; and
- (3) cooperate with law enforcement officers.

*As added by P.L.245-1987, SEC.3. Amended by P.L.63-2003, SEC.1; P.L.1-2006, SEC.364.*

#### **IC 22-14-2-5**

##### **Public information on fire prevention; copies of fire safety rules**

Sec. 5. (a) The division shall carry out a program to provide public information concerning fire prevention and maintain data and statistics concerning fires and fire prevention activities.

(b) The division shall provide a copy of the fire safety rules adopted by the commission to the chief of each fire department. The division may exclude, from the rules distributed under this subsection, any text that is incorporated by reference into the rules published in the Indiana Administrative Code.

*As added by P.L.245-1987, SEC.3. Amended by P.L.1-2006, SEC.365.*

#### **IC 22-14-2-6**

##### **Training programs for fire department personnel**

Sec. 6. (a) The division shall develop programs to train fire department personnel and volunteers. The division may develop these training programs in cooperation with any accredited educational institution or fire fighting association. The division or the institution may conduct the programs.

(b) The programs under this section must cover the areas of fire prevention and firefighting.

(c) The division shall establish inspection training requirements for members of volunteer fire companies and certify individuals who meet these requirements.

(d) The division shall provide staff and meeting facilities to the education board to carry out section 7 of this chapter.

*As added by P.L.245-1987, SEC.3. Amended by P.L.1-2006, SEC.366.*

#### **IC 22-14-2-7**

##### **Firefighting training and education programs; certification; fee**

Sec. 7. (a) This section does not limit the powers, rights, duties, and other responsibilities of municipal or county governments or impose requirements affecting pension laws or any other laws.

(b) This section does not require a member of a fire department to be certified.

(c) The education board may:

- (1) certify firefighting training and education programs that meet the standards set by the education board;
- (2) certify fire department instructors who meet the qualifications set by the education board;
- (3) direct research in the field of firefighting and fire prevention and accept gifts and grants to direct this research;
- (4) recommend curricula for advanced training courses and seminars in fire science or fire engineering training to public and private postsecondary educational institutions;
- (5) certify fire service personnel and nonfire service personnel who meet the qualifications set by the education board;
- (6) require fire service personnel certified at any level to fulfill

continuing education requirements in order to maintain certification;

(7) contract or cooperate with any person and adopt rules under IC 4-22-2, including emergency rules in the manner provided under IC 4-22-2-37.1 and as authorized under IC 36-8-10.5-7, to carry out its responsibilities under this section; or

(8) grant a variance to a rule the education board has adopted.

(d) The education board may impose a reasonable fee for the issuance of a certification described in subsection (c). The board shall deposit the fee in the fire and building services fund established by IC 22-12-6-1.

*As added by P.L.245-1987, SEC.3. Amended by P.L.170-1996, SEC.1; P.L.30-2001, SEC.1; P.L.22-2005, SEC.41; P.L.101-2006, SEC.35; P.L.2-2007, SEC.308; P.L.78-2013, SEC.9.*

### **IC 22-14-2-8**

#### **Investigations; powers of office; subpoenas; discovery orders; per diem and mileage allowance**

Sec. 8. (a) Regardless of the extent of the investigation conducted by a fire department under IC 36-8-17-7, the state fire marshal or a division fire investigator authorized by the state fire marshal may conduct an investigation into the causes and circumstances surrounding any fire or explosion.

(b) To carry out this section, the state fire marshal or a division fire investigator authorized by the state fire marshal may:

- (1) exercise its powers under section 4 of this chapter;
- (2) assist a prosecuting attorney with any criminal investigation;
- (3) subpoena witnesses and order the production of books, documents, and other evidence;
- (4) give oaths and affirmations;
- (5) take depositions and conduct hearings;
- (6) separate witnesses and otherwise regulate the course of proceedings; and
- (7) obtain and secure evidence.

(c) Subpoenas, discovery orders, and protective orders issued under this section shall be enforced under IC 4-21.5-6-2.

(d) A person who is summoned and testifies under this section is entitled to receive a minimum salary per diem and a mileage allowance from the fire and building services fund. The budget agency shall set the amount of the per diem and mileage allowance.

(e) The state fire marshal and the division fire investigators authorized by the state fire marshal have law enforcement authority at all times while discharging their duties under this section as employees of the department.

(f) The executive director of the department of homeland security has law enforcement authority at all times while discharging the duties of the executive director under this section.

*As added by P.L.245-1987, SEC.3. Amended by P.L.5-1988, SEC.120; P.L.38-1990, SEC.5; P.L.13-1994, SEC.10; P.L.167-1997, SEC.5; P.L.30-1998, SEC.2; P.L.1-2006, SEC.367.*

#### **IC 22-14-2-9**

##### **Plans and specifications for design release; review and approval**

Sec. 9. The division shall review and may approve plans and specifications presented to the division for a design release under IC 22-15-3 for compliance with the fire safety laws.

*As added by P.L.245-1987, SEC.3. Amended by P.L.1-2006, SEC.368.*

#### **IC 22-14-2-10**

##### **Fire safety enforcement program and complaint investigation program**

Sec. 10. (a) The division shall carry out a program to:

- (1) enforce all fire safety laws and related variances and other orders; and
- (2) protect the public from fire hazards.

(b) The division shall carry out a program to investigate complaints.

*As added by P.L.245-1987, SEC.3. Amended by P.L.1-2006, SEC.369.*

#### **IC 22-14-2-11**

##### **Inspection programs**

Sec. 11. The division shall carry out a program to periodically inspect structures and other property that are used by the state, a county, a city, a town, or a school corporation, including institutions where inmates are involuntarily detained. Inspections shall be conducted under the schedule specified by the division. The division may exclude a class of buildings or other property from inspection under this section, if the division determines that the public interest will be served without inspection.

*As added by P.L.245-1987, SEC.3. Amended by P.L.1-2006, SEC.370.*

#### **IC 22-14-2-12**

##### **Fire investigator retirement**

Sec. 12. Whenever a division fire investigator retires after at least twenty (20) years of service, the division shall, in recognition of the investigator's service to the division, do the following:

- (1) Allow the investigator to retain the service weapon issued to the investigator by the division.
- (2) Issue the investigator a badge that indicates the investigator is a retired division fire investigator.
- (3) Issue the investigator an identification card that contains the following information:
  - (A) The name of the division.
  - (B) The name of the investigator.
  - (C) The investigator's position title before the investigator's retirement.
  - (D) A statement that the investigator is retired.
  - (E) A statement that the investigator is authorized to retain

the service weapon issued to the investigator by the division.  
*As added by P.L.140-2005, SEC.4. Amended by P.L.1-2006,  
SEC.371.*