



January 28, 2014

HOUSE BILL No. 1083

DIGEST OF HB 1083 (Updated January 28, 2014 2:00 pm - DI 96)

Citations Affected: IC 20-33.

Synopsis: Child labor law. Provides that a legal entity whose ownership is limited to the parents of an employed child or persons standing in place of the parent of an employed child is not subject to certain provisions of the child labor law. Provides that all blank forms necessary to carry out child labor law regulation must be prepared by the department of labor and supplied to issuing officers by means of electronic or printed publication and repeals language providing that funds to pay expenses incurred by the department in printing and distributing the blank forms are appropriated annually out of any money in the state general fund that is not otherwise appropriated. Permits a child who is at least 14 years of age but less than 16 years of age to work: (1) until 9 p.m. on a night followed by a school day or until 10 p.m. on a night not followed by a school day, with parental permission on file with the employer; (2) until 11 p.m. from June 1 through Labor Day; and (3) up to four hours on a school day. Authorizes a child between the ages of 16 and 17 to work until 11 p.m. on a night followed by a school day if the employer has obtained written permission from the child's parent and placed the written permission on file in the employer's office. Authorizes a child to work in an occupation designated as hazardous by the child labor provisions of the federal FLSA when the child is working for the child's parent or a person standing in the place of the child's parent on a farm owned or operated by the parent or person.

Effective: Upon passage; July 1, 2014.

Torr, Harman

January 9, 2014, read first time and referred to Committee on Employment, Labor and Pensions.
January 28, 2014, amended, reported — Do Pass.

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January 28, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1083

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

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

1 SECTION 1. IC 20-33-3-1, AS ADDED BY P.L.1-2005, SECTION
2 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2014]: Sec. 1. This chapter does not apply to:
4 (1) a parent who employs the parent's own child; ~~or~~
5 (2) a person standing in place of a parent who employs a child in
6 the person's custody; **or**
7 (3) **a legal entity whose ownership is limited to the parents of**
8 **the employed child or persons standing in place of the parent**
9 **of the employed child;**
10 except ~~for~~: **in the instances of** (1) underage employment (section 31(a)
11 of this chapter), (2) employment during school hours (section 31(b) of
12 this chapter), and (3) employment in hazardous occupations designated
13 by federal law (**as set forth in** section 35 of this chapter).
14 SECTION 2. IC 20-33-3-16, AS ADDED BY P.L.1-2005,
15 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2014]: Sec. 16. (a) All blank forms necessary to carry out this

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1 chapter shall be prepared by the department of labor and supplied to
2 issuing officers **by means of electronic or printed publication.**

3 (b) Funds to pay expenses incurred by the department of labor in
4 printing and distributing these forms are appropriated annually out of
5 any money in the state general fund that is not otherwise appropriated:

6 SECTION 3. IC 20-33-3-22, AS ADDED BY P.L.1-2005,
7 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 UPON PASSAGE]: Sec. 22. The following apply only to a child who
9 is at least fourteen (14) years of age and less than sixteen (16) years of
10 age:

11 (1) The child may not work before 7 a.m. or after ~~7~~ **9** p.m. **on a**
12 **night followed by a school day or after 10 p.m. on a night not**
13 **followed by a school day. If a child works until 9 p.m. on a**
14 **night followed by a school day, or until 10 p.m. on a night not**
15 **followed by a school day, written parental permission**
16 **agreeing to those hours must be kept on file with the employer**
17 **at the location where the child is employed. However,**
18 **Notwithstanding the above hours of employment,** the child
19 may work until ~~9~~ **11** p.m. from June 1 through Labor Day.

20 (2) The child may not work:

- 21 (A) more than ~~three~~ ~~(3)~~ **four (4)** hours on a school day;
22 (B) more than eighteen (18) hours in a school week;
23 (C) more than eight (8) hours on a nonschool day; or
24 (D) more than forty (40) hours in a nonschool week.

25 SECTION 4. IC 20-33-3-28, AS ADDED BY P.L.1-2005,
26 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 UPON PASSAGE]: Sec. 28. **(a) A child who is at least sixteen (16)**
28 **years of age and less than seventeen (17) years of age may work**
29 **until 11 p.m. on a night followed by a school day if the employer**
30 **has obtained written permission from the child's parent and placed**
31 **the written permission on file in the employer's office.**

32 **(b)** A child who is at least seventeen (17) years of age and less than
33 eighteen (18) years of age may work until 11:30 p.m. on nights that are
34 followed by a school day if the employer has obtained written
35 permission from the child's parent and placed the written permission on
36 file in the employer's office. A child covered by this ~~section~~ **subsection**
37 may work until 1 a.m. the following day if the employer has obtained
38 written permission from the child's parent and placed the written
39 permission on file in the employer's office. However, the nights
40 followed by a school day on which a child works until 1 a.m. the
41 following day may not be consecutive and may not exceed two (2)
42 nights per week.



1 SECTION 5. IC 20-33-3-35, AS ADDED BY P.L.1-2005,
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 35. The department of labor shall prohibit a
4 child who is less than eighteen (18) years of age from working in an
5 occupation designated as hazardous by the child labor provisions of the
6 federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201
7 et seq.), **except when the child is working for the child's parent or**
8 **a person standing in the place of the child's parent on a farm**
9 **owned or operated by the parent or person.**
10 SECTION 6. **An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1083, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 25 through 42, begin a new paragraph and insert:

"SECTION 4. IC 20-33-3-28, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. **(a) A child who is at least sixteen (16) years of age and less than seventeen (17) years of age may work until 11 p.m. on a night followed by a school day if the employer has obtained written permission from the child's parent and placed the written permission on file in the employer's office.**

(b) A child who is at least seventeen (17) years of age and less than eighteen (18) years of age may work until 11:30 p.m. on nights that are followed by a school day if the employer has obtained written permission from the child's parent and placed the written permission on file in the employer's office. A child covered by this ~~section~~ **subsection** may work until 1 a.m. the following day if the employer has obtained written permission from the child's parent and placed the written permission on file in the employer's office. However, the nights followed by a school day on which a child works until 1 a.m. the following day may not be consecutive and may not exceed two (2) nights per week.

SECTION 5. IC 20-33-3-35, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 35. The department of labor shall prohibit a child who is less than eighteen (18) years of age from working in an occupation designated as hazardous by the child labor provisions of the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201



et seq.), **except when the child is working for the child's parent or a person standing in the place of the child's parent on a farm owned or operated by the parent or person."**

Delete pages 3 through 4.

Page 5, delete lines 1 through 17.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1083 as introduced.)

GUTWEIN, Chair

Committee Vote: yeas 7, nays 4.

