



February 28, 2014

ENGROSSED HOUSE BILL No. 1083

DIGEST OF HB 1083 (Updated February 26, 2014 12:13 pm - DI 102)

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. 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

(SENATE SPONSOR — BOOTS)

January 9, 2014, read first time and referred to Committee on Employment, Labor and Pensions.

January 28, 2014, amended, reported — Do Pass.

January 30, 2014, read second time, ordered engrossed. Engrossed.

February 3, 2014, read third time, passed. Yeas 66, nays 27.

SENATE ACTION

February 10, 2014, read first time and referred to Committee on Pensions and Labor.

February 27, 2014, amended, reported favorably — Do Pass.

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February 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.

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

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

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

33 SECTION 5. **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.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred House Bill No. 1083, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 6 through 24.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1083 as printed January 28, 2014.)

BOOTS, Chairperson

Committee Vote: Yeas 8, Nays 1.

