

# HOUSE BILL No. 1231

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-8-1.1-25.1.

**Synopsis:** Service of safety orders and penalty assessments. Permits the commissioner of labor or the commissioner's representative to serve safety orders or penalty assessments by electronic mail. Expands where the commissioner of labor or the commissioner's representative may serve physical copies of safety orders or penalty assessments.

**Effective:** July 1, 2024.

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**Goodrich, VanNatter, Hostettler**

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January 9, 2024, read first time and referred to Committee on Employment, Labor and Pensions.

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Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

# HOUSE BILL No. 1231

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

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

1 SECTION 1. IC 22-8-1.1-25.1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 25.1. (a) **As used in**  
3 **this section, "employer's representative" means:**  
4 (1) **any employee of the employer with whom the**  
5 **commissioner or the commissioner's representative opens an**  
6 **inspection; or**  
7 (2) **an individual who identifies themselves as an authorized**  
8 **employer representative to the commissioner or the**  
9 **commissioner's representative.**  
10 (b) If, as a result of the inspection, the commissioner or ~~his~~ **the**  
11 **commissioner's** designated representative determines there is a  
12 violation of this chapter, or any standard promulgated under it, the  
13 commissioner shall issue a safety order. Such safety order shall:  
14 (1) be in writing;  
15 (2) describe with particularity the nature of the violation with  
16 reference to the provision of this chapter, or the standard alleged  
17 to have been violated; and



- 1 (3) fix a reasonable time for the abatement of the violation.
- 2 ~~(b)~~ (c) Except as provided under section 51 of this chapter, either at
- 3 the time the safety order is issued, or within five (5) working days
- 4 thereafter, the commissioner shall notify the employer of the penalty,
- 5 if any, being assessed.
- 6 ~~(c)~~ (d) Notwithstanding IC 4-21.5-3-1, all safety orders and penalty
- 7 assessments shall be served **on the employer:**
- 8 (1) ~~personally or sent by certified mail:~~ **personal service or** registered or
- 9 certified mail: **to the employer**
- 10 (A) at the place where an alleged violation of this chapter or
- 11 an alleged violation of a standard set by a rule adopted under
- 12 this chapter exists;
- 13 (B) **at the employer's address registered with the secretary**
- 14 **of state;**
- 15 (C) **at the address of the employer's registered agent; or**
- 16 (D) ~~unless another at an address is provided to the~~
- 17 ~~commissioner or the commissioner's representative:~~
- 18 (i) by the employer **or the employer's representative;**
- 19 (ii) during an inspection; **and**
- 20 (iii) **on a form supplied by the commissioner's**
- 21 **representative; or**
- 22 (2) **to an electronic mail address provided to the**
- 23 **commissioner's representative:**
- 24 (A) **by the employer or the employer's representative;**
- 25 (B) **during an inspection; and**
- 26 (C) **on a form supplied by the commissioner's**
- 27 **representative.**
- 28 The commissioner or the commissioner's representative shall give
- 29 notice of safety orders and penalty assessments under IC 4-21.5-3-6.
- 30 No safety order may be issued after the expiration of six (6) months
- 31 following the occurrence of any violation.
- 32 ~~(d)~~ (e) The commissioner may prescribe procedures for the issuance
- 33 of a notice of de minimis violations, in lieu of a safety order, which
- 34 have no direct or immediate relationship to safety or health.

