



Reprinted
February 23, 2024

ENGROSSED HOUSE BILL No. 1231

DIGEST OF HB 1231 (Updated February 22, 2024 4:05 pm - DI 106)

Citations Affected: IC 22-8.

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.

Goodrich, VanNatter, Hostettler

(SENATE SPONSORS — ROGERS, DORIOT)

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

January 18, 2024, reported — Do Pass.

January 22, 2024, read second time, ordered engrossed. Engrossed.

January 23, 2024, read third time, passed. Yeas 93, nays 0.

SENATE ACTION

February 5, 2024, read first time and referred to Committee on Pensions and Labor.

February 15, 2024, reported favorably — Do Pass.

February 19, 2024, read second time, ordered engrossed. Engrossed.

February 20, 2024, returned to second reading.

February 22, 2024, re-read second time, amended, ordered engrossed.

EH 1231—LS 6350/DI 153



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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.

ENGROSSED 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

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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~~ **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 **A safety order or penalty assessment served by electronic mail**
29 **under subdivision (2) shall be transmitted with a read receipt or**
30 **another form of electronic confirmation to ensure that the**
31 **recipient has received the electronic mail. If the commissioner or**
32 **commissioner's representative does not receive a receipt or**
33 **electronic confirmation within five (5) days of transmission, the**
34 **commissioner or commissioner's representative shall, as soon as**
35 **practicable, mail a physical copy of the order or assessment by**
36 **registered or certified mail.** The commissioner or the commissioner's
37 representative shall give notice of safety orders and penalty
38 assessments under IC 4-21.5-3-6. No safety order may be issued after
39 the expiration of six (6) months following the occurrence of any
40 violation.

41 ~~(d)~~ (e) The commissioner may prescribe procedures for the issuance
42 of a notice of de minimis violations, in lieu of a safety order, which



- 1 have no direct or immediate relationship to safety or health.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1231, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1231 as introduced.)

VANNATTER

Committee Vote: Yeas 11, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred House Bill No. 1231, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1231 as printed January 18, 2024.)

ROGERS, Chairperson

Committee Vote: Yeas 9, Nays 1

SENATE MOTION

Madam President: I move that Engrossed House Bill 1231, which is eligible for third reading, be returned to second reading for purposes of amendment.

ROGERS

SENATE MOTION

Madam President: I move that Engrossed House Bill 1231 be amended to read as follows:

Page 2, line 28, before "The commissioner" insert "**A safety order or penalty assessment served by electronic mail under subdivision (2) shall be transmitted with a read receipt or another form of**

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electronic confirmation to ensure that the recipient has received the electronic mail. If the commissioner or commissioner's representative does not receive a receipt or electronic confirmation within five (5) days of transmission, the commissioner or commissioner's representative shall, as soon as practicable, mail a physical copy of the order or assessment by registered or certified mail."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1231 as printed February 16, 2024.)

ROGERS

