

SENATE BILL No. 409

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-6-6-39; IC 3-11.5-4-23; IC 9-24-2-1; IC 20-23-18-3; IC 20-24-8-5; IC 20-30-2-2.2; IC 20-33; IC 20-37-2-8; IC 22-1-1; IC 22-2-18; IC 22-3.

Synopsis: Employment of minors. Moves provisions on employment of students from Title 20 (Education) to Title 22 (Labor and Safety). Replaces the term "child" with "minor". Renames the bureau of child labor to the "bureau of youth employment". Replaces the term "child labor" throughout the Indiana Code. Provides that a minor who is at least 14 years of age and less than 16 years of age: (1) may not work before 7 a.m. or after 7 p.m.; and (2) may work until 9 p.m. from June 1 through Labor Day. (Current law provides that a child who is at least 14 years of age and less than 16 years of age may not work before 7 a.m. or after 7 p.m. on a day that precedes a school day or after 10 p.m. on a day that does not precede a school day.) Provides that a minor who is at least 16 years of age and less than 18 years of age: (1) may not work for more than nine hours in any one day, 40 hours in a school week, 48 hours in a nonschool week, and six days in any one week; (2) may not begin a work day before 6 a.m.; (3) may work in certain occupations until 10 p.m. on nights that are followed by a school day; and (4) may work until 11 p.m. on a night followed by a school day with written permission from the minor's parent. (Current law: (1) provides that a child who is at least 16 years of age and less than 17 years of age: (A) may not work for more than eight hours in any one day, 30 hours in any one week, and six days in any one week; (B) may not begin a work day before 6 a.m.; and (C) may work until 11 p.m. on a night followed by a school day with written permission from the child's parent; (2) provides that a child who is at least 17 years of age and less than 18 years of age: (A) may not work for more than eight hours in any one day, 30 hours in any one week, and six days in any one week; (B) may not begin a work day before 6 a.m.; and (C) may work until 11 p.m. on a night followed by a school day with written permission from the child's parent.) (Continued next page)

Effective: Upon passage; May 1, 2020.

Messmer

January 14, 2020, read first time and referred to Committee on Pensions and Labor.



one week; (B) may not begin a work day before 6 a.m. on a school day; and (C) may work until 11:30 p.m. on nights that are followed by a school day and 1 a.m. on a following day with written permission from the child's parent; and (3) allows a child who is at least 16 years of age and less than 18 years of age to be employed for up to 40 hours during a school week, not exceeding nine hours in any one day, and a total of 48 hours in any one nonschool week with written permission from the child's parent.) Provides that an employer may notify the issuing officer if the minor's employment terminates. (Current law provides that an employer must notify the issuing officer.) Removes provisions: (1) requiring rest breaks for a child who is less than 18 years of age; (2) prohibiting employment of a child who is less than 18 years of age from 7:30 a.m. to 3:30 p.m. unless the child presents a written exception from the child's school; (3) prohibiting a child who is less than 18 years of age from working after 10 p.m. or before 6 a.m. in an establishment that is open to the public unless another employee at least 18 years of age works in the establishment during the same hours as the child; (4) requiring a child less 18 years of age who is not a resident of Indiana or a minor who is a resident but attends a nonpublic school that employs less than one employee to obtain an employment certificate; (5) exempting minors who act as news carriers from the requirements of obtaining an employment certificate; (6) allowing a minor who is less than 14 years of age to act as a news carrier; (7) allowing the state board of education the ability to revoke a employment certificate; and (8) providing that the state board of education adopt rules and approve forms related to employment certificates. Provides that a principal of a school may send notice to the bureau of youth employment and the bureau of motor vehicles to revoke the student's employment certificate and driver's license or learner's permit. (Current law provides that the principal must send notice.) Requires the Indiana department of labor to prepare a report outlining a plan to develop and maintain a centralized electronic permitting system for employment certificates by August 1, 2020, and develop the system by July 1, 2021. Makes conforming changes.



Introduced

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 409

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 3-6-6-39, AS AMENDED BY P.L.76-2014,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 MAY 1, 2020]: Sec. 39. (a) The county election board by unanimous
4 vote of the entire membership of the board may permit an individual
5 who is not a voter to serve as any precinct election officer (other than
6 inspector), or to assist a precinct election officer, if the individual
7 satisfies all the following:
8 (1) The individual is at least sixteen (16) years of age but not
9 eighteen (18) years of age or older.
10 (2) The individual is a citizen of the United States.
11 (3) The individual is a resident of the county.
12 (4) The individual has a cumulative grade point average
13 equivalent to not less than 3.0 on a 4.0 scale.
14 (5) The individual has the written approval of the principal of the
15 school the individual attends at the time of the appointment or, if



1 the student is educated in the home, the approval of the individual
2 responsible for the education of the student.

3 (6) The individual has the approval of the individual's parent or
4 legal guardian.

5 (7) The individual has satisfactorily completed any training
6 required by the county election board.

7 (8) The individual otherwise is eligible to serve as a precinct
8 election officer under this chapter but is not required to be a
9 registered voter of the county.

10 (b) An individual appointed to a precinct election office or assistant
11 under this section, while serving as a precinct election officer or
12 assistant:

13 (1) is not required to obtain an employment certificate under
14 ~~IC 20-33-3~~; **IC 22-2-18**; and

15 (2) is not subject to the limitations on time and duration of
16 employment under ~~IC 20-33-3~~. **IC 22-2-18**.

17 SECTION 2. IC 3-11.5-4-23, AS AMENDED BY P.L.201-2017,
18 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 MAY 1, 2020]: Sec. 23. (a) Not later than noon fifty (50) days before
20 election day, each county election board shall notify the county
21 chairmen of the two (2) political parties that have appointed members
22 on the county election board of the number of:

23 (1) absentee voter boards;

24 (2) teams of absentee ballot counters; and

25 (3) teams of couriers;

26 to be appointed under section 22 of this chapter.

27 (b) The county chairmen shall make written recommendations for
28 the appointments to the county election board not later than forty-six
29 (46) days before election day. The county election board shall make the
30 appointments as recommended.

31 (c) If a county chairman fails to make any recommendations, then
32 the county election board may appoint any voters of the county who
33 comply with section 22 of this chapter.

34 (d) The county election board may permit an individual who is not
35 a voter to serve as an absentee ballot counter or courier if the
36 individual:

37 (1) satisfies the requirements under IC 3-6-6-39; and

38 (2) is approved by the unanimous vote of the entire membership
39 of the county election board.

40 (e) An individual appointed to serve as an absentee ballot counter
41 or courier under subsection (d), while serving as an absentee ballot
42 counter or courier:



1 (1) is not required to obtain an employment certificate under
2 ~~IC 20-33-3~~; **IC 22-2-18**; and

3 (2) is not subject to the limitations on time and duration of
4 employment under ~~IC 20-33-3~~; **IC 22-2-18**.

5 SECTION 3. IC 9-24-2-1, AS AMENDED BY P.L.125-2012,
6 SECTION 166, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE MAY 1, 2020]: Sec. 1. (a) The bureau shall suspend the
8 driving privileges or invalidate the learner's permit of an individual less
9 than eighteen (18) years of age who meets any of the following
10 conditions:

11 (1) Is a habitual truant under IC 20-33-2-11.

12 (2) Is under at least a second suspension from school for the
13 school year under IC 20-33-8-14 or IC 20-33-8-15.

14 (3) Is under an expulsion from school under IC 20-33-8-14,
15 IC 20-33-8-15, or IC 20-33-8-16.

16 (4) Is considered a dropout under IC 20-33-2-28.5.

17 (b) At least five (5) days before holding an exit interview under
18 IC 20-33-2-28.5, the school corporation shall give notice by certified
19 mail or personal delivery to the student, the student's parent, or the
20 student's guardian that the student's failure to attend an exit interview
21 under IC 20-33-2-28.5 or return to school if the student does not meet
22 the requirements to withdraw from school under IC 20-33-2-28.5 ~~will~~
23 **may** result in the revocation or denial of the student's:

24 (1) driver's license or learner's permit; and

25 (2) employment certificate **issued under IC 22-2-18**.

26 SECTION 4. IC 20-23-18-3, AS ADDED BY P.L.213-2018(ss),
27 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 MAY 1, 2020]: Sec. 3. (a) Except as provided in subsection (c), the
29 Muncie Community school corporation is subject to all applicable
30 federal and state laws.

31 (b) If a provision of this chapter conflicts with any other law,
32 including IC 20-23-4, the provision in this chapter controls.

33 (c) Notwithstanding subsection (a), to provide all administrative and
34 academic flexibility to implement innovative strategies, the Muncie
35 Community school corporation is subject only to the following IC 20
36 provisions:

37 (1) IC 20-26-5-10 (criminal history).

38 (2) IC 20-28-5-8 (conviction of certain felonies; notice and
39 hearing; permanent revocation of license; data base of school
40 employees who have been reported).

41 (3) IC 20-28-10-17 (school counselor immunity).

42 (4) IC 20-29 (collective bargaining) to the extent required by



- 1 subsection (e).
 2 (5) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative
 3 observances).
 4 (6) The following:
 5 (A) IC 20-30-5-0.5 (display of the United States flag; Pledge
 6 of Allegiance).
 7 (B) IC 20-30-5-1, IC 20-30-5-2, and IC 20-30-5-3 (the
 8 constitutions of Indiana and the United States; writings,
 9 documents, and records of American history or heritage).
 10 (C) IC 20-30-5-4 (system of government; American history).
 11 (D) IC 20-30-5-5 (morals instruction).
 12 (E) IC 20-30-5-6 (good citizenship instruction).
 13 (7) IC 20-32-4, concerning graduation requirements.
 14 (8) IC 20-32-5.1, concerning the Indiana's Learning Evaluation
 15 Assessment Readiness Network (ILEARN) program.
 16 (9) IC 20-32-8.5 (IRead3).
 17 (10) IC 20-33-2 (compulsory school attendance).
 18 ~~(11) IC 20-33-3 (limitations on employment of students).~~
 19 ~~(12)~~ **(11)** IC 20-33-8-16 (firearms and deadly weapons).
 20 ~~(13)~~ **(12)** IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22
 21 (student due process and judicial review).
 22 ~~(14)~~ **(13)** IC 20-33-7 (parental access to education records).
 23 ~~(15)~~ **(14)** IC 20-33-9 (reporting of student violations of law).
 24 ~~(16)~~ **(15)** IC 20-34-3 (health and safety measures).
 25 ~~(17)~~ **(16)** IC 20-35 (concerning special education).
 26 ~~(18)~~ **(17)** IC 20-39 (accounting and financial reporting
 27 procedures).
 28 ~~(19)~~ **(18)** IC 20-40 (government funds and accounts).
 29 ~~(20)~~ **(19)** IC 20-41 (extracurricular funds and accounts).
 30 ~~(21)~~ **(20)** IC 20-42 (fiduciary funds and accounts).
 31 ~~(22)~~ **(21)** IC 20-42.5 (allocation of expenditures to student
 32 instruction and learning).
 33 ~~(23)~~ **(22)** IC 20-43 (state tuition support).
 34 ~~(24)~~ **(23)** IC 20-44 (property tax levies).
 35 ~~(25)~~ **(24)** IC 20-46 (levies other than general fund levies).
 36 ~~(26)~~ **(25)** IC 20-47 (related entities; holding companies; lease
 37 agreements).
 38 ~~(27)~~ **(26)** IC 20-48 (borrowing and bonds).
 39 ~~(28)~~ **(27)** IC 20-49 (state management of common school funds;
 40 state advances and loans).
 41 ~~(29)~~ **(28)** IC 20-50 (concerning homeless children and foster care
 42 children).



- 1 **(29) IC 22-2-18 (limitation on employment of minors).**
 2 (d) The Muncie Community school corporation is subject to
 3 required audits by the state board of accounts under IC 5-11-1-9.
 4 (e) Except to the extent required under a collective bargaining
 5 agreement entered into before July 1, 2018, the Muncie Community
 6 school corporation is not subject to IC 20-29 unless the school
 7 corporation voluntarily recognizes an exclusive representative under
 8 IC 20-29-5-2. If the school corporation voluntarily recognizes an
 9 exclusive representative under IC 20-29-5-2, the school corporation
 10 may authorize a school within the corporation to opt out of bargaining
 11 allowable subjects or discussing discussion items by specifying the
 12 excluded items on the notice required under IC 20-29-5-2(b). The
 13 notice must be provided to the education employment relations board
 14 at the time the notice is posted.
- 15 SECTION 5. IC 20-24-8-5, AS AMENDED BY P.L.242-2017,
 16 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 MAY 1, 2020]: Sec. 5. The following statutes and rules and guidelines
 18 adopted under the following statutes apply to a charter school:
- 19 (1) IC 5-11-1-9 (required audits by the state board of accounts).
 20 (2) IC 20-39-1-1 (unified accounting system).
 21 (3) IC 20-35 (special education).
 22 (4) IC 20-26-5-10 (criminal history).
 23 (5) IC 20-26-5-6 (subject to laws requiring regulation by state
 24 agencies).
 25 (6) IC 20-28-10-12 (nondiscrimination for teacher marital status).
 26 (7) IC 20-28-10-14 (teacher freedom of association).
 27 (8) IC 20-28-10-17 (school counselor immunity).
 28 (9) For conversion charter schools only if the conversion charter
 29 school elects to collectively bargain under IC 20-24-6-3(b),
 30 IC 20-28-6, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and
 31 IC 20-28-10.
 32 (10) IC 20-33-2 (compulsory school attendance).
 33 ~~(11) IC 20-33-3 (limitations on employment of children):~~
 34 ~~(12)~~ **(11)** IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22
 35 (student due process and judicial review).
 36 ~~(13)~~ **(12)** IC 20-33-8-16 (firearms and deadly weapons).
 37 ~~(14)~~ **(13)** IC 20-34-3 (health and safety measures).
 38 ~~(15)~~ **(14)** IC 20-33-9 (reporting of student violations of law).
 39 ~~(16)~~ **(15)** IC 20-30-3-2 and IC 20-30-3-4 (patriotic
 40 commemorative observances).
 41 ~~(17)~~ **(16)** IC 20-31-3, IC 20-32-4, IC 20-32-5 (for a school year
 42 ending before July 1, 2018), IC 20-32-5.1 (for a school year



1 beginning after June 30, 2018), IC 20-32-8, and IC 20-32-8.5, as
 2 provided in IC 20-32-8.5-2(b) (academic standards, accreditation,
 3 assessment, and remediation).

4 ~~(18)~~ **(17)** IC 20-33-7 (parental access to education records).

5 ~~(19)~~ **(18)** IC 20-31 (accountability for school performance and
 6 improvement).

7 ~~(20)~~ **(19)** IC 20-30-5-19 (personal financial responsibility
 8 instruction).

9 ~~(21)~~ **(20)** IC 20-26-5-37.3, before its expiration (career and
 10 technical education reporting).

11 **(21) IC 22-2-18 (limitations on employment of minors).**

12 SECTION 6. IC 20-30-2-2.2, AS AMENDED BY P.L.192-2018,
 13 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 MAY 1, 2020]: Sec. 2.2. (a) As used in this section, "eligible student"
 15 means a student in grade 11 or 12 who has:

16 (1) failed the graduation exam (before July 1, 2022) or is not on
 17 track to complete a postsecondary readiness competency;

18 (2) been determined to be chronically absent, by missing ten
 19 percent (10%) or more of a school year for any reason;

20 (3) been determined to be a habitual truant, as identified under
 21 IC 20-33-2-11;

22 (4) been significantly behind in credits for graduation, as
 23 identified by an individual's school principal;

24 (5) previously undergone at least a second suspension from school
 25 for the school year under IC 20-33-8-14 or IC 20-33-8-15;

26 (6) previously undergone an expulsion from school under
 27 IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16; or

28 (7) been determined by the individual's principal and the
 29 individual's parent or guardian to benefit by participating in the
 30 school flex program.

31 (b) An eligible student who participates in a school flex program
 32 must:

33 (1) attend school for at least three (3) hours of instructional time
 34 per school day;

35 (2) pursue a timely graduation;

36 (3) provide evidence of college or technical career education
 37 enrollment and attendance or proof of employment and labor that
 38 is aligned with the student's career academic sequence under rules
 39 established by the Indiana bureau of ~~child labor~~; **youth**
 40 **employment**;

41 (4) not be suspended or expelled while participating in a school
 42 flex program;



- 1 (5) pursue course and credit requirements for an Indiana diploma
 2 with a general designation; and
 3 (6) maintain a ninety-five percent (95%) attendance rate.
 4 (c) A school may allow an eligible student in grade 11 or 12 to
 5 complete an instructional day that consists of three (3) hours of
 6 instructional time if the student participates in the school flex program.
- 7 SECTION 7. IC 20-33-2-28.5, AS AMENDED BY P.L.185-2006,
 8 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 MAY 1, 2020]: Sec. 28.5. (a) This section applies to an individual:
 10 (1) who:
 11 (A) attends or last attended a public school;
 12 (B) is at least sixteen (16) years of age but less than eighteen
 13 (18) years of age; and
 14 (C) has not completed the requirements for graduation;
 15 (2) who:
 16 (A) wishes to withdraw from school before graduation;
 17 (B) fails to return at the beginning of a semester; or
 18 (C) stops attending school during a semester; and
 19 (3) who has no record of transfer to another school.
 20 (b) An individual to whom this section applies may withdraw from
 21 school only if all of the following conditions are met:
 22 (1) An exit interview is conducted.
 23 (2) The individual's parent consents to the withdrawal.
 24 (3) The school principal approves of the withdrawal.
 25 (4) The withdrawal is due to:
 26 (A) financial hardship and the individual must be employed to
 27 support the individual's family or a dependent;
 28 (B) illness; or
 29 (C) an order by a court that has jurisdiction over the child.
 30 During the exit interview, the school principal shall provide to the
 31 student and the student's parent a copy of statistics compiled by the
 32 department concerning the likely consequences of life without a high
 33 school diploma. The school principal shall advise the student and the
 34 student's parent that the student's withdrawal from school may prevent
 35 the student from receiving or result in the revocation of the student's
 36 employment certificate and driver's license or learner's permit.
 37 (c) For purposes of this section, the following must be in written
 38 form:
 39 (1) An individual's request to withdraw from school.
 40 (2) A parent's consent to a withdrawal.
 41 (3) A principal's consent to a withdrawal.
 42 (d) If the individual's principal does not consent to the individual's



1 withdrawal under this section, the individual's parent may appeal the
 2 denial of consent to the governing body of the public school that the
 3 individual last attended.

4 (e) Each public school, including each school corporation and each
 5 charter school (as defined in IC 20-24-1-4), shall provide an annual
 6 report to the department setting forth the following information:

7 (1) The total number of individuals:

8 (A) who withdrew from school under this section; and

9 (B) who either:

10 (i) failed to return to school at the beginning of a semester;

11 or

12 (ii) stopped attending school during a semester;

13 and for whom there is no record of transfer to another school.

14 (2) The number of individuals who withdrew from school
 15 following an exit interview.

16 (f) If an individual to which this section applies:

17 (1) has not received consent to withdraw from school under this
 18 section; and

19 (2) fails to return to school at the beginning of a semester or
 20 during the semester;

21 the principal of the school that the individual last attended ~~shall~~ **may**
 22 deliver by certified mail or personal delivery to the bureau of ~~child~~
 23 **labor youth employment** a record of the individual's failure to return
 24 to school so that the bureau of ~~child labor~~ **youth employment** revokes
 25 any employment certificates issued to the individual and does not issue
 26 any additional employment certificates to the individual. For purposes
 27 of ~~IC 20-33-3-13~~, **IC 22-2-18-21**, the individual shall be considered a
 28 dropout.

29 (g) At the same time that a school principal delivers the record
 30 under subsection (f), the principal ~~shall~~ **may** deliver by certified mail
 31 or personal delivery to the bureau of motor vehicles a record of the
 32 individual's failure to return to school so that the bureau of motor
 33 vehicles revokes any driver's license or learner's permit issued to the
 34 individual and does not issue any additional driver's licenses or
 35 learner's permits to the individual before the individual is at least
 36 eighteen (18) years of age. For purposes of IC 9-24-2-1, the individual
 37 shall be considered a dropout.

38 (h) If:

39 (1) a principal has delivered the record required under subsection
 40 (f) or (g), or both; and

41 (2) the school subsequently gives consent to the individual to
 42 withdraw from school under this section;



1 the principal of the school shall send a notice of withdrawal to the
 2 bureau of ~~child labor~~ **youth employment** and the bureau of motor
 3 vehicles by certified mail or personal delivery and, for purposes of
 4 ~~IC 20-33-3-13~~ **IC 22-2-18-21** and IC 9-24-2-1, the individual shall no
 5 longer be considered a dropout.

6 SECTION 8. IC 20-33-2-28.6, AS ADDED BY P.L.268-2013,
 7 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 MAY 1, 2020]: Sec. 28.6. (a) This section applies to a high school
 9 student who is transferring to a nonaccredited nonpublic school.

10 (b) Before a student withdraws from a public school, the principal
 11 of the student's school shall provide to the student and to the student's
 12 parent information on a form developed by the department and
 13 approved by the state board that explains the legal requirements of
 14 attending a nonaccredited nonpublic school located in Indiana. The
 15 principal and a parent of the student shall both sign the form to
 16 acknowledge that the parent understands the content of the form.

17 (c) If the parent of the student refuses to sign the form provided by
 18 the principal under subsection (b), the student is considered a dropout
 19 and the principal ~~shall~~ **may** report the student to the bureau of motor
 20 vehicles for action under section 28.5(g) of this chapter. The student is
 21 considered a dropout for purposes of calculating a high school's
 22 graduation rate under IC 20-26-13-10.

23 SECTION 9. IC 20-33-3 IS REPEALED [EFFECTIVE MAY 1,
 24 2020]. (Limitations on the Employment of Students).

25 SECTION 10. IC 20-37-2-8, AS AMENDED BY P.L.234-2007,
 26 SECTION 129, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE MAY 1, 2020]: Sec. 8. (a) A student in career and
 28 technical education and employed under section 7 of this chapter:

29 (1) is entitled to the rights of recovery of a worker of at least
 30 seventeen (17) years of age under the worker's compensation and
 31 occupational diseases laws (IC 22-3-2 through IC 22-3-7); and

32 (2) may not recover any additional benefit otherwise payable as
 33 a result of being less than seventeen (17) years of age under the
 34 definition of a minor in IC 22-3-6-1.

35 The student is considered the employee of the employer while
 36 performing services for the employer under section 7 of this chapter.

37 (b) A student performing services for an employer under section 7
 38 of this chapter is considered a full-time employee in computing
 39 compensation for permanent impairment under the worker's
 40 compensation law (IC 22-3-2 through IC 22-3-6).

41 (c) Employers and students under section 7 of this chapter are
 42 exempt from ~~IC 20-33-3-35~~. **IC 22-2-18-41.**



1 SECTION 11. IC 22-1-1-4 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE MAY 1, 2020]: Sec. 4. The following
 3 bureaus are created within the department of labor:

- 4 (1) The bureau of mines and mine safety.
 5 (2) The bureau of ~~child labor~~ **youth employment**.

6 SECTION 12. IC 22-1-1-5, AS AMENDED BY P.L.35-2007,
 7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 MAY 1, 2020]: Sec. 5. (a) The bureau of mines and mining safety shall
 9 do the following:

- 10 (1) have immediate charge of the administration of the
 11 underground mine laws of this state;
 12 (2) provide safety consultation services to any underground mine
 13 operator at the request of the operator;
 14 (3) provide mine safety and health education information to all
 15 underground mine operators; and
 16 (4) investigate all fatalities occurring in underground mine
 17 operations for the purpose of data collection; however, an
 18 investigation shall not interfere with investigations by the federal
 19 Mine Safety and Health Administration.

20 (b) The bureau of ~~child labor~~ **youth employment** shall have
 21 immediate charge of the supervision of children who are gainfully
 22 employed, including employment certificate violations under
 23 ~~IC 20-33-3-38.5, IC 20-33-3-39, and IC 20-33-3-40~~ **IC 22-2-18-44,**
 24 **IC 22-2-18-45, and IC 22-2-18-46.** A child employee under the
 25 jurisdiction of the bureau of ~~child labor~~ **youth employment** may file
 26 a complaint with the bureau of ~~child labor~~ **youth employment** if the
 27 employer of the child employee requires noncompliance by the child
 28 employee with the provisions of ~~IC 20-33-3-38.5~~ **IC 22-2-18-44.**

29 SECTION 13. IC 22-1-1-23 IS ADDED TO THE INDIANA CODE
 30 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 31 UPON PASSAGE]: **Sec. 23. (a) Before August 1, 2020, the**
 32 **department shall prepare a report outlining a plan to develop and**
 33 **maintain, before July 1, 2021, a centralized electronic permitting**
 34 **system for employment certificates to the interim study committee**
 35 **on employment and labor (established by IC 2-5-1.3-4). The report**
 36 **must be in an electronic format under IC 5-14-6.**

37 (b) Before July 1, 2021, the department shall develop a
 38 centralized electronic permitting system for employment
 39 certificates.

40 (c) **This section expires July 1, 2022.**

41 SECTION 14. IC 22-2-18 IS ADDED TO THE INDIANA CODE
 42 AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE



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MAY 1, 2020]:

Chapter 18. Limitations on the Employment of Minors

Sec. 1. This chapter does not apply to:

- (1) a parent who employs the parent's own child;**
- (2) a person standing in place of a parent who employs a child in the person's custody; or**
- (3) a legal entity whose ownership is limited to the parents of the employed child or persons standing in place of the parent of the employed child;**

except in the instances of underage employment (as set forth in section 36 of this chapter) and employment in hazardous occupations designated by federal law (as set forth in section 41 of this chapter).

Sec. 2. As used in this chapter, "department" refers to the department of labor created by IC 22-1-1-1.

Sec. 3. As used in this chapter, "high school" has the meaning set forth in IC 20-18-2-7.

Sec. 4. As used in this chapter, "nonpublic school" has the meaning set forth in IC 20-18-2-12.

Sec. 5. As used in this chapter, "nonschool week" refers to a week that contains two (2) or fewer school days.

Sec. 6. As used in this chapter, "parent" has the meaning set forth in IC 20-18-2-13.

Sec. 7. As used in this chapter, "principal" has the meaning set forth in IC 20-18-2-14.

Sec. 8. As used in this chapter, "public school" has the meaning set forth in IC 20-18-2-15.

Sec. 9. As used in this chapter, "school corporation" has the meaning set forth in IC 20-18-2-16.

Sec. 10. As used in this chapter, "school day" refers to a day that contains more than four (4) hours of classroom instruction.

Sec. 11. As used in this chapter, "school week" refers to a week that contains at least three (3) school days.

Sec. 12. As used in this chapter, "school year" has the meaning set forth in IC 20-18-2-17.

Sec. 13. It is unlawful for a person, firm, limited liability company, or corporation to hire, employ, or permit a minor who is:

- (1) at least fourteen (14) years of age; and**
- (2) less than eighteen (18) years of age;**

to work in a gainful occupation until the person, firm, limited liability company, or corporation has secured and placed on file in



1 its office an employment certificate issued by the proper issuing
2 officer under this chapter.

3 **Sec. 14. (a) An employment certificate is not required for a**
4 **minor who is at least fourteen (14) years of age but less than**
5 **eighteen (18) years of age to:**

6 (1) perform:

7 (A) farm labor; or

8 (B) domestic service; or

9 (2) act as a caddie for a person playing the game of golf.

10 (b) An employment certificate is not required for a minor who
11 is:

12 (1) at least twelve (12) years of age but less than eighteen (18)
13 years of age; and

14 (2) employed or works as a youth athletic program referee,
15 umpire, or official under section 37 of this chapter.

16 (c) An exemption under subsection (a) or (b) applies only when
17 a minor is engaged in an occupation listed in this section during the
18 hours when the minor is not required to be in school.

19 (d) An employment certificate is not required for a minor less
20 than eighteen (18) years of age who:

21 (1) works as an actor or performer if the provisions of section
22 38 of this chapter are met; or

23 (2) has graduated from high school.

24 (e) An employment certificate is not required for a minor less
25 than eighteen (18) years of age, who would otherwise be required
26 to obtain an employment certificate under this chapter if the minor
27 is:

28 (1) not a resident of Indiana; or

29 (2) is a resident of Indiana but attends a nonpublic school that
30 employs less than one (1) employee.

31 **Sec. 15. (a) This chapter applies to a minor less than eighteen**
32 **(18) years of age who is employed or is seeking employment in**
33 **Indiana.**

34 (b) A minor less than eighteen (18) years of age who requires an
35 employment certificate shall obtain the employment certificate
36 from the issuing officer of the:

37 (1) accredited school (as described in IC 20-19-2-8(a)(4)) that
38 the minor attends; or

39 (2) school corporation in which the minor resides.

40 (c) The judge of a court with juvenile jurisdiction may suspend
41 the application of this chapter in cases involving juvenile
42 delinquents or incorrigibles whenever, in the opinion of the judge,



1 the welfare of a minor warrants this action.

2 **Sec. 16. (a) The issuing officer in each accredited school (as**
3 **described in IC 20-19-2-8(a)(4)) shall be an individual who is:**

4 **(1) a guidance counselor;**

5 **(2) a school social worker; or**

6 **(3) an attendance officer for the school corporation and a**
7 **teacher licensed by the division of professional standards of**
8 **the department of education under IC 20-28-4 or IC 20-28-5;**
9 **and designated in writing by the principal.**

10 **(b) During the times in which the individual described in**
11 **subsection (a) is not employed by the school or when school is not**
12 **in session, there shall be an issuing officer available:**

13 **(1) who is a teacher licensed by the division of professional**
14 **standards of the department of education under IC 20-28-4 or**
15 **IC 20-28-5; and**

16 **(2) whose identity and hours of work shall be determined by**
17 **the principal.**

18 **Sec. 17. When an employer wants to employ an individual who**
19 **represents the individual's age to be at least eighteen (18) years of**
20 **age but less than twenty-one (21) years of age, the employer may**
21 **request the issuing officer to issue an employment certificate for**
22 **the prospective employee. It is the duty of the issuing officer to**
23 **issue an employment certificate when an employer makes a request**
24 **under this section.**

25 **Sec. 18. (a) Except as provided in subsection (b), an issuing**
26 **officer may issue an employment certificate only to a minor whose**
27 **employment is necessary and only after receipt of the following two**
28 **(2) documents:**

29 **(1) Proof of age as set forth under section 19 of this chapter.**

30 **(2) Proof of prospective employment as set forth under section**
31 **20 of this chapter.**

32 **(b) This subsection applies to a student who attends a**
33 **nonaccredited nonpublic school. An issuing officer shall issue an**
34 **employment certificate only after receipt of the following two (2)**
35 **documents:**

36 **(1) Proof of age as set forth under section 19 of this chapter.**

37 **(2) Proof of prospective employment as set forth under section**
38 **20 of this chapter.**

39 **Sec. 19. (a) As proof of age, the issuing officer shall require one**
40 **(1) of the following documents:**

41 **(1) A birth certificate or duly attested transcript of a birth**
42 **certificate issued by the registrar of vital statistics or any**



1 other officer charged with the duty of recording births. The
 2 registrar may not charge a fee for a certificate or transcript
 3 as provided by IC 16-37-1-9(c)(2). School records of age that
 4 have been verified by a birth certificate may be substituted by
 5 the issuing officer for a birth certificate.

6 (2) A baptismal certificate or a certified transcript of the
 7 record of baptism showing the minor's date of birth and place
 8 of baptism.

9 (3) Other documentation, including:

10 (A) a bona fide contemporary record of the minor's birth,
 11 comprising a part of the family record of births in the
 12 Bible;

13 (B) other documentary evidence satisfactory to the
 14 department, including a certificate of arrival in the United
 15 States issued by United States immigration officers and
 16 showing the minor's age; or

17 (C) a life insurance policy.

18 Documentary evidence under this subdivision must have been
 19 in existence for at least one (1) year.

20 (4) A sworn statement by a public health physician, a public
 21 school physician, or the superintendent that states, in the
 22 opinion of the signatory, the minor's physical age. This
 23 statement shall show the minor's height and weight and other
 24 facts upon which the signatory's opinion is based. The
 25 physician's or superintendent's statement shall be
 26 accompanied by a statement of the minor's age signed by the
 27 minor's parent and by available school records.

28 (b) The documents that may constitute proof of age under this
 29 section are listed in preferential order. The issuing officer shall
 30 require the document of age under subsection (a)(1) in preference
 31 to a document under subsection (a)(2), (a)(3), or (a)(4). To avoid
 32 delay, the documents under subsection (a)(2), (a)(3), or (a)(4) may
 33 be accepted if the issuing officer files a written statement that
 34 verification of date of birth has been requested from the
 35 appropriate governmental agency but has not been received.

36 Sec. 20. (a) As proof of prospective employment, the issuing
 37 officer shall require a written statement that:

38 (1) is signed by the person for whom the minor is to work;

39 (2) sets forth the nature of work that the minor is to perform;
 40 and

41 (3) specifies the maximum number of hours per week that the
 42 minor will work for the employer.



1 (b) When a minor's employment terminates, the employer may
2 notify the issuing officer in writing of the:

- 3 (1) termination; and
4 (2) date on which it occurred.

5 This notice shall be on a blank form attached to the minor's
6 employment certificate.

7 (c) An employment certificate may be used at not more than two
8 (2) locations within the same enterprise if the enterprise complies
9 with the hour restrictions prescribed in sections 31 through 34 of
10 this chapter.

11 Sec. 21. (a) Upon presentation to the issuing officer of the
12 documents required by section 18 of this chapter, an employment
13 certificate shall be issued immediately to the minor. The
14 employment certificate shall state the maximum number of hours
15 that the minor may be employed by the employer. However, an
16 issuing officer may deny an employment certificate to a minor:

- 17 (1) whose attendance is not in good standing; or
18 (2) whose academic performance does not meet the school
19 corporation's standard.

20 (b) Not more than five (5) days after issuing an employment
21 certificate, the issuing officer shall send a copy of the employment
22 certificate to the department. The issuing officer shall keep a
23 record in the issuing officer's office of each employment certificate
24 issued. The issuing officer shall keep for each student who has been
25 issued more than one (1) employment certificate a record of the
26 maximum number of hours that the student may work each week
27 for all employers.

28 (c) A student may appeal the denial of an employment
29 certificate under subsection (a) to the principal.

30 Sec. 22. (a) A minor may hold more than one (1) employment
31 certificate at a time. However, a minor who holds more than one
32 (1) employment certificate at a time is subject to the penalties set
33 forth in section 44 of this chapter for any of the following:

- 34 (1) Hour violations under sections 31 through 34 of this
35 chapter.
36 (2) A violation of section 32(4) of this chapter.

37 (b) An employer of a minor who holds more than one (1)
38 employment certificate under subsection (a) is subject to the
39 penalties set forth in sections 45 and 46 of this chapter for:

- 40 (1) hour violations under sections 31 through 34 of this
41 chapter; or
42 (2) a violation of section 32(4) of this chapter;



1 for the employment of the minor with the employer only.

2 Sec. 23. (a) The department may revoke an employment
3 certificate at any time, if, in the judgment of the department, the
4 certificate was improperly issued or if the department has
5 knowledge that the minor is or was illegally employed.

6 (b) To determine when a minor is illegally employed, the
7 department and agents of the department may:

8 (1) investigate the age of a minor who is employed;

9 (2) subpoena witnesses;

10 (3) hear evidence; and

11 (4) require the production of relevant books or documents.

12 (c) If the department revokes an employment certificate under
13 this section, the issuing officer and the minor's employer shall be
14 notified in writing. This notice may be delivered in person or by
15 registered mail. Immediately after receiving notice of revocation,
16 the employer shall return the employment certificate to the issuing
17 officer.

18 (d) A minor whose employment certificate has been revoked
19 may not be employed or allowed to work until the minor legally
20 has obtained a new employment certificate.

21 Sec. 24. (a) Each employment certificate issued for a minor must
22 state the:

23 (1) full name and the date and place of birth of the minor;

24 (2) name and address of the minor's parents;

25 (3) name and address of the employer; and

26 (4) nature of the work that the minor is to perform.

27 (b) The employment certificate must certify that the minor has:

28 (1) appeared before the issuing officer; and

29 (2) submitted the proof of age and prospective employment as
30 required under this chapter.

31 (c) The issuing officer may require the presence of the minor's
32 parents before issuing the employment certificate.

33 Sec. 25. All forms necessary to carry out this chapter shall be
34 prepared by the department and supplied to issuing officers by
35 means of electronic or printed publication.

36 Sec. 26. (a) An officer charged with enforcement of this chapter
37 may investigate the age of a minor:

38 (1) who is employed or allowed to work in an occupation; and

39 (2) for whom an employment certificate is not on file.

40 (b) If the officer finds that the age of the minor is below the age
41 authorized for an employee without an employment certificate, the:

42 (1) employment; or



1 (2) fact that the minor is allowed to work;
2 is prima facie evidence of unlawful employment.

3 **Sec. 27. (a) Except as provided in subsection (c), whenever the**
4 **department requires, a minor who is:**

5 (1) at least fourteen (14) years of age and less than eighteen
6 (18) years of age; and

7 (2) at work in an occupation for which an employment
8 certificate is required under sections 13 and 14 of this
9 chapter;

10 shall submit to a physical examination. The physical examination
11 shall be conducted by a medical inspector of the department or by
12 a physician designated by the department. A female employee is
13 entitled to have the physical examination made by a female. An
14 employer shall not require or attempt to require a female employee
15 to submit to a physical examination by a male.

16 (b) The result of a physical examination conducted under this
17 section shall be recorded on a printed form furnished by and kept
18 on file at the department.

19 (c) The department may not require a minor to undergo a
20 physical examination under this chapter when the minor's parent
21 objects on religious grounds. A religious objection:

22 (1) consists of a good faith reliance on spiritual means or
23 prayer for healing; and

24 (2) is not effective unless the objection is:

25 (A) made in writing;

26 (B) signed by the minor's parent; and

27 (C) delivered to the department.

28 **Sec. 28. (a) If:**

29 (1) a minor fails to submit to a physical examination as
30 required under section 27 of this chapter; or

31 (2) on examination, the medical inspector finds the minor to
32 be physically unfit to be employed in the work in which the
33 minor is engaged and files a report to that effect;

34 the department shall revoke the minor's employment certificate. A
35 report of physical incapacity shall be kept at the office of the
36 department.

37 (b) Written notice of a revocation under this section shall be
38 served on the issuing officer and the minor's employer in person or
39 by registered mail. Immediately after receiving notice of a
40 revocation, the employer shall deliver the revoked employment
41 certificate to the department. A minor whose employment
42 certificate has been revoked under this section may obtain a new



1 certificate if the minor is found, after physical examination, to be
 2 physically fit for the new occupation in which the minor proposes
 3 to engage.

4 **Sec. 29. (a) An employment certificate may be revoked by the**
 5 **issuing officer if the issuing officer determines that there has been**
 6 **a significant decrease in any of the following since the issuance of**
 7 **the permit:**

8 (1) The student's grade point average.

9 (2) The student's attendance at school.

10 (b) A student whose employment certificate is revoked under
 11 subsection (a) is entitled to a periodic review of the student's grade
 12 record or attendance record, or both, to determine whether the
 13 revocation should continue. A periodic review may not be
 14 conducted less than one (1) time each school year.

15 (c) If upon review the issuing officer determines that the
 16 student's grade point average or attendance, or both, have
 17 improved substantially, the issuing officer may reissue an
 18 employment certificate to the student.

19 (d) A student may appeal the revocation of an employment
 20 certificate under subsection (a) or the refusal to reissue an
 21 employment certificate under subsection (c) to the school principal.

22 (e) An issuing officer who revokes an employment certificate
 23 shall immediately send written notice of the revocation to the
 24 student's employer.

25 **Sec. 30. Sections 31 through 35 of this chapter apply only to the**
 26 **following:**

27 (1) Employment for which a minor who is at least fourteen
 28 (14) years of age and less than eighteen (18) years of age must
 29 obtain an employment certificate under this chapter.

30 (2) Employment for which a minor who is at least fourteen
 31 (14) years of age and less than eighteen (18) years of age is not
 32 required to obtain an employment certificate under this
 33 chapter because of the application of section 14(e) of this
 34 chapter.

35 **Sec. 31. The following apply only to a minor who is at least**
 36 **fourteen (14) years of age and less than sixteen (16) years of age:**

37 (1) The minor may not work before 7 a.m. or after 7 p.m.
 38 However, the minor may work until 9 p.m. from June 1
 39 through Labor Day.

40 (2) The minor may not work:

41 (A) more than three (3) hours on a school day;

42 (B) more than eighteen (18) hours in a school week;



1 (C) more than eight (8) hours on a nonschool day; or

2 (D) more than forty (40) hours in a nonschool week.

3 Sec. 32. A minor who is at least sixteen (16) years of age and less
4 than eighteen (18) years of age may not:

5 (1) work for more than nine (9) hours in any one (1) day;

6 (2) work for more than forty (40) hours in a school week;

7 (3) work for more than forty-eight (48) hours in a nonschool
8 week;

9 (4) work for more than six (6) days in any one (1) week; or

10 (5) begin a work day before 6 a.m.

11 Sec. 33. A minor who is at least sixteen (16) years of age and less
12 than eighteen (18) years of age may work until 10 p.m. on nights
13 that are followed by a school day in any occupation except those
14 that the commissioner of labor determines to be:

15 (1) dangerous to life or limb; or

16 (2) injurious to health or morals.

17 Sec. 34. A minor who is at least sixteen (16) years of age and less
18 than eighteen (18) years of age may work until 11 p.m. on a night
19 followed by a school day if the employer has obtained written
20 permission from the minor's parent and placed the written
21 permission on file in the employer's office.

22 Sec. 35. A minor who is at least sixteen (16) years of age and less
23 than eighteen (18) years of age may be employed at the same daily
24 and weekly hours and at the same times of day as adults if the
25 minor is a member of any of the following categories:

26 (1) The minor is a high school graduate.

27 (2) The minor has completed an approved career and
28 technical education program or special education program.

29 (3) The minor is not enrolled in a regular school term.

30 Sec. 36. This section does not apply to a minor who is employed
31 or works as a youth athletic program referee, umpire, or official
32 under section 37 of this chapter. A minor less than:

33 (1) fourteen (14) years of age may not be employed or allowed
34 to work in any gainful occupation except as a farm laborer,
35 domestic service worker, or caddie for persons playing the
36 game of golf; and

37 (2) twelve (12) years of age may not be permitted to work at
38 farm labor except on a farm operated by the minor's parent.

39 Sec. 37. (a) If the conditions of subsections (b) and (c) are
40 satisfied, a minor who is less than eighteen (18) years of age is
41 exempt from the requirements of this chapter whenever the minor
42 is employed or works as a youth athletic program referee, umpire,



1 or official.

2 (b) A minor must satisfy all of the following:

3 (1) The minor is at least twelve (12) years of age.

4 (2) The minor is certified as a referee, umpire, or official by
5 a national certification program.

6 (3) The minor is a referee, umpire, or official for an age
7 bracket younger than the minor's own age.

8 (c) In addition to the requirements of subsection (b), one (1) of
9 the following must be satisfied:

10 (1) The minor:

11 (A) works with a person who is:

12 (i) at least eighteen (18) years of age; and

13 (ii) also working as a referee, umpire, or official at the
14 same athletic event at which the minor is working as a
15 referee, umpire, or official; and

16 (B) has on file with the person responsible for assigning the
17 minor to officiate for the youth athletic program the
18 original or a copy of a written consent to the minor's
19 employment as a referee, umpire, or official signed by the
20 minor's parent or guardian.

21 (2) A minor's parent or guardian is present during the athletic
22 event at which the minor is working as a referee, umpire, or
23 official.

24 **Sec. 38. This chapter may not prevent a minor of any age from**
25 **singing, playing, or performing in a studio, circus, theatrical, or**
26 **musical exhibition, concert, or festival, in radio and television**
27 **broadcasts, or as a live or photographic model. Employment**
28 **certificates are not required for employment or appearances set**
29 **forth in this section, but a minor less than eighteen (18) years of**
30 **age may not be employed except under the following conditions:**

31 (1) The activities described in this section must not:

32 (A) be detrimental to the life, health, safety, or welfare of
33 the minor; or

34 (B) interfere with the schooling of the minor.

35 Provision shall be made for education equivalent to full-time
36 school attendance in the public schools for minors less than
37 sixteen (16) years of age.

38 (2) A parent shall accompany a minor less than sixteen (16)
39 years of age at all rehearsals, appearances, and performances.

40 (3) The employment or appearance may not be in a cabaret,
41 dance hall, night club, tavern, or other similar place.

42 **Sec. 39. The employment of minors by the:**



1 (1) Indiana School for the Deaf; and
 2 (2) Indiana School for the Blind and Visually Impaired;
 3 is subject to the general restrictions imposed on the employment of
 4 minors under this chapter.

5 Sec. 40. Every person, firm, corporation, or company that
 6 employs a minor at least fourteen (14) years of age and less than
 7 eighteen (18) years of age in an occupation for which the minor
 8 must obtain an employment certificate shall post and keep posted
 9 a printed notice in a conspicuous place or in places where notices
 10 to employees are customarily posted. This notice must state:

- 11 (1) the maximum number of hours a minor may be employed
 12 or permitted to work each day of the week; and
 13 (2) the hours of beginning and ending each day.

14 The forms for this notice shall be furnished by the department.

15 Sec. 41. The department shall prohibit a minor who is less than
 16 eighteen (18) years of age from working in an occupation
 17 designated as hazardous by the child labor provisions of the federal
 18 Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et
 19 seq.), except when the minor is working for the minor's parent or
 20 a person standing in the place of the minor's parent on a farm
 21 owned or operated by the parent or person.

22 Sec. 42. This chapter does not prevent a student from working
 23 on a properly guarded machine in the training department of a
 24 school when an instructor provides personal supervision.

25 Sec. 43. (a) The department and its authorized inspectors and
 26 agents:

- 27 (1) shall enforce this chapter and ensure that all violators are
 28 prosecuted; and
 29 (2) may visit and inspect, at all reasonable hours and when as
 30 practicable and necessary, all establishments affected by this
 31 chapter.

32 (b) It is unlawful for any person to interfere with, obstruct, or
 33 hinder any inspector or agent of the department while the
 34 inspector or agent performs official duties or to refuse to properly
 35 answer questions asked by an inspector or agent of the department.

36 (c) When requested in writing by the department, the attorney
 37 general shall assist the prosecuting attorney in the prosecution of
 38 persons charged with a violation of this chapter.

39 Sec. 44. (a) For an hour violation under sections 31 through 34
 40 of this chapter or a violation of section 32(4) of this chapter
 41 committed by a minor, the civil penalties are as follows:

- 42 (1) A warning letter for a first violation.



- 1 (2) Revocation of the employment certificate or certificates
2 held by the minor for thirty (30) calendar days.
- 3 (b) The department shall assess the civil penalties set forth in
4 subsection (a).
- 5 (c) If the department revokes an employment certificate under
6 this section, the issuing officer and the minor's employer shall be
7 notified in writing. The notice may be delivered in person or by
8 registered mail. Immediately after receiving notice of revocation,
9 the employer shall return the employment certificate to the issuing
10 officer.
- 11 (d) A minor whose employment certificate or certificates have
12 been revoked may not be employed or allowed to work until the
13 minor legally has obtained a new employment certificate.
- 14 Sec. 45. An individual who is an employer, a firm, a limited
15 liability company, or a corporation that violates this chapter may
16 be assessed the civil penalties described in this section by the
17 department. For an employment certificate violation under section
18 13 or 23 of this chapter, an hour violation of not more than thirty
19 (30) minutes under sections 31 through 34 of this chapter, a
20 violation of section 32(4) of this chapter, or a posting violation
21 under section 40 of this chapter the civil penalties are as follows:
- 22 (1) A warning letter for any violations identified during an
23 initial inspection.
- 24 (2) Fifty dollars (\$50) per instance for a second violation
25 identified in a subsequent inspection.
- 26 (3) Seventy-five dollars (\$75) per instance for a third violation
27 that is identified in a subsequent inspection.
- 28 (4) One hundred dollars (\$100) per instance for a fourth or
29 subsequent violation that is identified in an inspection
30 subsequent to the inspection under subdivision (3) and occurs
31 not more than two (2) years after a prior violation.
- 32 Sec. 46. An individual who is an employer, a firm, a limited
33 liability company, or a corporation that violates this chapter may
34 be assessed the civil penalties described in this section by the
35 department. For an hour violation of more than thirty (30) minutes
36 under sections 31 through 34 of this chapter, an age violation
37 under section 36 or 38 of this chapter, or a hazardous occupation
38 violation under section 41 of this chapter the civil penalties are as
39 follows:
- 40 (1) A warning letter for any violations identified during an
41 initial inspection.
- 42 (2) One hundred dollars (\$100) per instance for each violation



1 identified in a subsequent inspection.

2 (3) Two hundred dollars (\$200) per instance for a third
3 violation that is identified in a subsequent inspection.

4 (4) Four hundred dollars (\$400) per instance for a fourth or
5 subsequent violation that is identified in an inspection
6 subsequent to the inspection under subdivision (3) and occurs
7 not more than two (2) years after a prior violation.

8 **Sec. 47. (a) A civil penalty assessed under section 45 or 46 of this
9 chapter:**

10 (1) is subject to IC 4-21.5-3-6; and

11 (2) becomes effective without a proceeding under IC 4-21.5-3
12 unless a person requests an administrative review not later
13 than thirty (30) days after notice of the assessment is given.

14 **(b) For purposes of determining:**

15 (1) whether a second violation has occurred when assessing a
16 civil penalty under subsection (a), a first violation expires one

17 (1) year after the date of issuance of a warning letter by the
18 department under section 45 or 46 of this chapter; and

19 (2) recurring violations of this section, each location of an
20 employer shall be considered separate and distinct from
21 another location of the same employer.

22 **Sec. 48. (a) There is established an employment of youth fund to
23 educate affected parties on the purposes and contents of this
24 chapter and the responsibilities of all parties under this chapter.**

25 **(b) One-half (1/2) of the employment of youth fund each year
26 shall be used for the purpose of the education provision of this
27 subsection, and may be used to award grants to provide
28 educational programs. The remaining one-half (1/2) of the
29 employment of youth fund shall be used each year for the expenses
30 of hiring and salaries of additional inspectors to enforce this
31 chapter under section 45 of this chapter.**

32 **(c) The employment of youth fund shall be administered by the
33 department. The expenses of administering the employment of
34 youth fund shall be paid from money in the fund. The treasurer of
35 state shall invest the money in the employment of youth fund not
36 currently needed to meet the obligations of the fund in the same
37 manner as other public funds may be invested. Interest that
38 accrues from these investments shall be deposited in the
39 employment of youth fund. Money in the employment of youth
40 fund at the end of a state fiscal year does not revert to the state
41 general fund.**

42 **(d) Revenue received from civil penalties under this section shall**



1 **be deposited in the employment of youth fund.**

2 **(e) All inspectors hired to enforce this chapter shall also be**
 3 **available to educate affected parties on the purposes and contents**
 4 **of this chapter and the responsibilities of all parties under this**
 5 **chapter.**

6 **Sec. 49. (a) An employment certificate shall be issued:**

7 **(1) in a form approved by; and**

8 **(2) under rules adopted under IC 4-22-2 by;**

9 **the department.**

10 **(b) The style of the form and the rules adopted under this**
 11 **section must:**

12 **(1) be consistent with this chapter; and**

13 **(2) promote uniformity and efficiency in the administration of**
 14 **this chapter.**

15 SECTION 15. IC 22-3-6-1, AS AMENDED BY P.L.63-2019,
 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 MAY 1, 2020]: Sec. 1. In IC 22-3-2 through IC 22-3-6, unless the
 18 context otherwise requires:

19 (a) "Employer" includes the state and any political subdivision, any
 20 municipal corporation within the state, any individual or the legal
 21 representative of a deceased individual, firm, association, limited
 22 liability company, limited liability partnership, or corporation or the
 23 receiver or trustee of the same, using the services of another for pay. A
 24 corporation, limited liability company, or limited liability partnership
 25 that controls the activities of another corporation, limited liability
 26 company, or limited liability partnership, or a corporation and a limited
 27 liability company or a corporation and a limited liability partnership
 28 that are commonly owned entities, or the controlled corporation,
 29 limited liability company, limited liability partnership, or commonly
 30 owned entities, and a parent corporation and its subsidiaries shall each
 31 be considered joint employers of the corporation's, the controlled
 32 corporation's, the limited liability company's, the limited liability
 33 partnership's, the commonly owned entities', the parent's, or the
 34 subsidiaries' employees for purposes of IC 22-3-2-6 and IC 22-3-3-31.
 35 Both a lessor and a lessee of employees shall each be considered joint
 36 employers of the employees provided by the lessor to the lessee for
 37 purposes of IC 22-3-2-6 and IC 22-3-3-31. If the employer is insured,
 38 the term includes the employer's insurer so far as applicable. However,
 39 the inclusion of an employer's insurer within this definition does not
 40 allow an employer's insurer to avoid payment for services rendered to
 41 an employee with the approval of the employer. The term also includes
 42 an employer that provides on-the-job training under the federal School



1 to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set
2 forth in IC 22-3-2-2.5. The term does not include a nonprofit
3 corporation that is recognized as tax exempt under Section 501(c)(3)
4 of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to the
5 extent the corporation enters into an independent contractor agreement
6 with a person for the performance of youth coaching services on a
7 part-time basis.

8 (b) "Employee" means every person, including a minor, in the
9 service of another, under any contract of hire or apprenticeship, written
10 or implied, except one whose employment is both casual and not in the
11 usual course of the trade, business, occupation, or profession of the
12 employer.

13 (1) An executive officer elected or appointed and empowered in
14 accordance with the charter and bylaws of a corporation, other
15 than a municipal corporation or governmental subdivision or a
16 charitable, religious, educational, or other nonprofit corporation,
17 is an employee of the corporation under IC 22-3-2 through
18 IC 22-3-6. An officer of a corporation who is an employee of the
19 corporation under IC 22-3-2 through IC 22-3-6 may elect not to
20 be an employee of the corporation under IC 22-3-2 through
21 IC 22-3-6. An officer of a corporation who is also an owner of any
22 interest in the corporation may elect not to be an employee of the
23 corporation under IC 22-3-2 through IC 22-3-6. If an officer
24 makes this election, the officer must serve written notice of the
25 election on the corporation's insurance carrier and the board. An
26 officer of a corporation may not be considered to be excluded as
27 an employee under IC 22-3-2 through IC 22-3-6 until the notice
28 is received by the insurance carrier and the board.

29 (2) An executive officer of a municipal corporation or other
30 governmental subdivision or of a charitable, religious,
31 educational, or other nonprofit corporation may, notwithstanding
32 any other provision of IC 22-3-2 through IC 22-3-6, be brought
33 within the coverage of its insurance contract by the corporation by
34 specifically including the executive officer in the contract of
35 insurance. The election to bring the executive officer within the
36 coverage shall continue for the period the contract of insurance is
37 in effect, and during this period, the executive officers thus
38 brought within the coverage of the insurance contract are
39 employees of the corporation under IC 22-3-2 through IC 22-3-6.

40 (3) Any reference to an employee who has been injured, when the
41 employee is dead, also includes the employee's legal
42 representatives, dependents, and other persons to whom



- 1 compensation may be payable.
- 2 (4) An owner of a sole proprietorship may elect to include the
- 3 owner as an employee under IC 22-3-2 through IC 22-3-6 if the
- 4 owner is actually engaged in the proprietorship business. If the
- 5 owner makes this election, the owner must serve upon the owner's
- 6 insurance carrier and upon the board written notice of the
- 7 election. No owner of a sole proprietorship may be considered an
- 8 employee under IC 22-3-2 through IC 22-3-6 until the notice has
- 9 been received. If the owner of a sole proprietorship:
- 10 (A) is an independent contractor in the construction trades and
- 11 does not make the election provided under this subdivision,
- 12 the owner must obtain a certificate of exemption under
- 13 IC 22-3-2-14.5; or
- 14 (B) is an independent contractor and does not make the
- 15 election provided under this subdivision, the owner may obtain
- 16 a certificate of exemption under IC 22-3-2-14.5.
- 17 (5) A partner in a partnership may elect to include the partner as
- 18 an employee under IC 22-3-2 through IC 22-3-6 if the partner is
- 19 actually engaged in the partnership business. If a partner makes
- 20 this election, the partner must serve upon the partner's insurance
- 21 carrier and upon the board written notice of the election. No
- 22 partner may be considered an employee under IC 22-3-2 through
- 23 IC 22-3-6 until the notice has been received. If a partner in a
- 24 partnership:
- 25 (A) is an independent contractor in the construction trades and
- 26 does not make the election provided under this subdivision,
- 27 the partner must obtain a certificate of exemption under
- 28 IC 22-3-2-14.5; or
- 29 (B) is an independent contractor and does not make the
- 30 election provided under this subdivision, the partner may
- 31 obtain a certificate of exemption under IC 22-3-2-14.5.
- 32 (6) Real estate professionals are not employees under IC 22-3-2
- 33 through IC 22-3-6 if:
- 34 (A) they are licensed real estate agents;
- 35 (B) substantially all their remuneration is directly related to
- 36 sales volume and not the number of hours worked; and
- 37 (C) they have written agreements with real estate brokers
- 38 stating that they are not to be treated as employees for tax
- 39 purposes.
- 40 (7) A person is an independent contractor and not an employee
- 41 under IC 22-3-2 through IC 22-3-6 if the person is an independent
- 42 contractor under the guidelines of the United States Internal



- 1 Revenue Service.
- 2 (8) An owner-operator that provides a motor vehicle and the
- 3 services of a driver under a written contract that is subject to
- 4 IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 376 to a motor carrier
- 5 is not an employee of the motor carrier for purposes of IC 22-3-2
- 6 through IC 22-3-6. The owner-operator may elect to be covered
- 7 and have the owner-operator's drivers covered under a worker's
- 8 compensation insurance policy or authorized self-insurance that
- 9 insures the motor carrier if the owner-operator pays the premiums
- 10 as requested by the motor carrier. An election by an
- 11 owner-operator under this subdivision does not terminate the
- 12 independent contractor status of the owner-operator for any
- 13 purpose other than the purpose of this subdivision.
- 14 (9) A member or manager in a limited liability company may elect
- 15 to include the member or manager as an employee under
- 16 IC 22-3-2 through IC 22-3-6 if the member or manager is actually
- 17 engaged in the limited liability company business. If a member or
- 18 manager makes this election, the member or manager must serve
- 19 upon the member's or manager's insurance carrier and upon the
- 20 board written notice of the election. A member or manager may
- 21 not be considered an employee under IC 22-3-2 through IC 22-3-6
- 22 until the notice has been received.
- 23 (10) An unpaid participant under the federal School to Work
- 24 Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the
- 25 extent set forth in IC 22-3-2-2.5.
- 26 (11) A person who enters into an independent contractor
- 27 agreement with a nonprofit corporation that is recognized as tax
- 28 exempt under Section 501(c)(3) of the Internal Revenue Code (as
- 29 defined in IC 6-3-1-11(a)) to perform youth coaching services on
- 30 a part-time basis is not an employee for purposes of IC 22-3-2
- 31 through IC 22-3-6.
- 32 (12) An individual who is not an employee of the state or a
- 33 political subdivision is considered to be a temporary employee of
- 34 the state for purposes of IC 22-3-2 through IC 22-3-6 while
- 35 serving as a member of a mobile support unit on duty for training,
- 36 an exercise, or a response, as set forth in IC 10-14-3-19(c)(2)(B).
- 37 (13) A driver providing drive away operations is an independent
- 38 contractor and not an employee when:
- 39 (A) the vehicle being driven is the commodity being delivered;
- 40 and
- 41 (B) the driver has entered into an agreement with the party
- 42 arranging for the transportation that specifies the driver is an



- 1 independent contractor and not an employee.
- 2 (c) "Minor" means an individual who has not reached seventeen
- 3 (17) years of age.
- 4 (1) Unless otherwise provided in this subsection, a minor
- 5 employee shall be considered as being of full age for all purposes
- 6 of IC 22-3-2 through IC 22-3-6.
- 7 (2) If the employee is a minor who, at the time of the accident, is
- 8 employed, required, suffered, or permitted to work in violation of
- 9 ~~IC 20-33-3-35~~, **IC 22-2-18-41**, the amount of compensation and
- 10 death benefits, as provided in IC 22-3-2 through IC 22-3-6, shall
- 11 be double the amount which would otherwise be recoverable. The
- 12 insurance carrier shall be liable on its policy for one-half (1/2) of
- 13 the compensation or benefits that may be payable on account of
- 14 the injury or death of the minor, and the employer shall be liable
- 15 for the other one-half (1/2) of the compensation or benefits. If the
- 16 employee is a minor who is not less than sixteen (16) years of age
- 17 and who has not reached seventeen (17) years of age and who at
- 18 the time of the accident is employed, suffered, or permitted to
- 19 work at any occupation which is not prohibited by law, this
- 20 subdivision does not apply.
- 21 (3) A minor employee who, at the time of the accident, is a
- 22 student performing services for an employer as part of an
- 23 approved program under IC 20-37-2-7 shall be considered a
- 24 full-time employee for the purpose of computing compensation
- 25 for permanent impairment under IC 22-3-3-10. The average
- 26 weekly wages for such a student shall be calculated as provided
- 27 in subsection (d)(4).
- 28 (4) The rights and remedies granted in this subsection to a minor
- 29 under IC 22-3-2 through IC 22-3-6 on account of personal injury
- 30 or death by accident shall exclude all rights and remedies of the
- 31 minor, the minor's parents, or the minor's personal
- 32 representatives, dependents, or next of kin at common law,
- 33 statutory or otherwise, on account of the injury or death. This
- 34 subsection does not apply to minors who have reached seventeen
- 35 (17) years of age.
- 36 (d) "Average weekly wages" means the earnings of the injured
- 37 employee in the employment in which the employee was working at the
- 38 time of the injury during the period of fifty-two (52) weeks
- 39 immediately preceding the date of injury, divided by fifty-two (52),
- 40 except as follows:
- 41 (1) If the injured employee lost seven (7) or more calendar days
- 42 during this period, although not in the same week, then the



1 earnings for the remainder of the fifty-two (52) weeks shall be
 2 divided by the number of weeks and parts thereof remaining after
 3 the time lost has been deducted.

4 (2) Where the employment prior to the injury extended over a
 5 period of less than fifty-two (52) weeks, the method of dividing
 6 the earnings during that period by the number of weeks and parts
 7 thereof during which the employee earned wages shall be
 8 followed, if results just and fair to both parties will be obtained.
 9 Where by reason of the shortness of the time during which the
 10 employee has been in the employment of the employee's employer
 11 or of the casual nature or terms of the employment it is
 12 impracticable to compute the average weekly wages, as defined
 13 in this subsection, regard shall be had to the average weekly
 14 amount which during the fifty-two (52) weeks previous to the
 15 injury was being earned by a person in the same grade employed
 16 at the same work by the same employer or, if there is no person so
 17 employed, by a person in the same grade employed in the same
 18 class of employment in the same district.

19 (3) Wherever allowances of any character made to an employee
 20 in lieu of wages are a specified part of the wage contract, they
 21 shall be deemed a part of the employee's earnings.

22 (4) In computing the average weekly wages to be used in
 23 calculating an award for permanent impairment under
 24 IC 22-3-3-10 for a student employee in an approved training
 25 program under IC 20-37-2-7, the following formula shall be used.
 26 Calculate the product of:

- 27 (A) the student employee's hourly wage rate; multiplied by
- 28 (B) forty (40) hours.

29 The result obtained is the amount of the average weekly wages for
 30 the student employee.

31 (e) "Injury" and "personal injury" mean only injury by accident
 32 arising out of and in the course of the employment and do not include
 33 a disease in any form except as it results from the injury.

34 (f) "Billing review service" refers to a person or an entity that
 35 reviews a medical service provider's bills or statements for the purpose
 36 of determining pecuniary liability. The term includes an employer's
 37 worker's compensation insurance carrier if the insurance carrier
 38 performs such a review.

39 (g) "Billing review standard" means the data used by a billing
 40 review service to determine pecuniary liability.

41 (h) "Community" means a geographic service area based on ZIP
 42 code districts defined by the United States Postal Service according to



- 1 the following groupings:
- 2 (1) The geographic service area served by ZIP codes with the first
- 3 three (3) digits 463 and 464.
- 4 (2) The geographic service area served by ZIP codes with the first
- 5 three (3) digits 465 and 466.
- 6 (3) The geographic service area served by ZIP codes with the first
- 7 three (3) digits 467 and 468.
- 8 (4) The geographic service area served by ZIP codes with the first
- 9 three (3) digits 469 and 479.
- 10 (5) The geographic service area served by ZIP codes with the first
- 11 three (3) digits 460, 461 (except 46107), and 473.
- 12 (6) The geographic service area served by the 46107 ZIP code and
- 13 ZIP codes with the first three (3) digits 462.
- 14 (7) The geographic service area served by ZIP codes with the first
- 15 three (3) digits 470, 471, 472, 474, and 478.
- 16 (8) The geographic service area served by ZIP codes with the first
- 17 three (3) digits 475, 476, and 477.
- 18 (i) "Medical service provider" refers to a person or an entity that
- 19 provides services or products to an employee under IC 22-3-2 through
- 20 IC 22-3-6. Except as otherwise provided in IC 22-3-2 through
- 21 IC 22-3-6, the term includes a medical service facility.
- 22 (j) "Medical service facility" means any of the following that
- 23 provides a service or product under IC 22-3-2 through IC 22-3-6 and
- 24 uses the CMS 1450 (UB-04) form for Medicare reimbursement:
- 25 (1) A hospital (as defined in IC 16-18-2-179).
- 26 (2) A hospital based health facility (as defined in
- 27 IC 16-18-2-180).
- 28 (3) A medical center (as defined in IC 16-18-2-223.4).
- 29 The term does not include a professional corporation (as defined in
- 30 IC 23-1.5-1-10) comprised of health care professionals (as defined in
- 31 IC 23-1.5-1-8) formed to render professional services as set forth in
- 32 IC 23-1.5-2-3(a)(4) or a health care professional (as defined in
- 33 IC 23-1.5-1-8) who bills for a service or product provided under
- 34 IC 22-3-2 through IC 22-3-6 as an individual or a member of a group
- 35 practice or another medical service provider that uses the CMS 1500
- 36 form for Medicare reimbursement.
- 37 (k) "Pecuniary liability" means the responsibility of an employer or
- 38 the employer's insurance carrier for the payment of the charges for each
- 39 specific service or product for human medical treatment provided
- 40 under IC 22-3-2 through IC 22-3-6, as follows:
- 41 (1) This subdivision applies before July 1, 2014, to all medical
- 42 service providers, and after June 30, 2014, to a medical service



1 provider that is not a medical service facility. Payment of the
 2 charges in a defined community, equal to or less than the charges
 3 made by medical service providers at the eightieth percentile in
 4 the same community for like services or products.

5 (2) Payment of the charges in a reasonable amount, which is
 6 established by payment of one (1) of the following:

7 (A) The amount negotiated at any time between the medical
 8 service facility and any of the following, if an amount has been
 9 negotiated:

10 (i) The employer.

11 (ii) The employer's insurance carrier.

12 (iii) A billing review service on behalf of a person described
 13 in item (i) or (ii).

14 (iv) A direct provider network that has contracted with a
 15 person described in item (i) or (ii).

16 (B) Two hundred percent (200%) of the amount that would be
 17 paid to the medical service facility on the same date for the
 18 same service or product under the medical service facility's
 19 Medicare reimbursement rate, if an amount has not been
 20 negotiated as described in clause (A).

21 (l) "Service or product" or "services and products" refers to medical,
 22 hospital, surgical, or nursing service, treatment, and supplies provided
 23 under IC 22-3-2 through IC 22-3-6.

24 SECTION 16. IC 22-3-7-9, AS AMENDED BY P.L.204-2018,
 25 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 MAY 1, 2020]: Sec. 9. (a) As used in this chapter, "employer" includes
 27 the state and any political subdivision, any municipal corporation
 28 within the state, any individual or the legal representative of a deceased
 29 individual, firm, association, limited liability company, limited liability
 30 partnership, or corporation or the receiver or trustee of the same, using
 31 the services of another for pay. A corporation, limited liability
 32 company, or limited liability partnership that controls the activities of
 33 another corporation, limited liability company, or limited liability
 34 partnership, or a corporation and a limited liability company or a
 35 corporation and a limited liability partnership that are commonly
 36 owned entities, or the controlled corporation, limited liability company,
 37 limited liability partnership, or commonly owned entities, and a parent
 38 corporation and its subsidiaries shall each be considered joint
 39 employers of the corporation's, the controlled corporation's, the limited
 40 liability company's, the limited liability partnership's, the commonly
 41 owned entities', the parent's, or the subsidiaries' employees for purposes
 42 of sections 6 and 33 of this chapter. Both a lessor and a lessee of



1 employees shall each be considered joint employers of the employees
 2 provided by the lessor to the lessee for purposes of sections 6 and 33
 3 of this chapter. The term also includes an employer that provides
 4 on-the-job training under the federal School to Work Opportunities Act
 5 (20 U.S.C. 6101 et seq.) to the extent set forth under section 2.5 of this
 6 chapter. If the employer is insured, the term includes the employer's
 7 insurer so far as applicable. However, the inclusion of an employer's
 8 insurer within this definition does not allow an employer's insurer to
 9 avoid payment for services rendered to an employee with the approval
 10 of the employer. The term does not include a nonprofit corporation that
 11 is recognized as tax exempt under Section 501(c)(3) of the Internal
 12 Revenue Code (as defined in IC 6-3-1-11(a)) to the extent the
 13 corporation enters into an independent contractor agreement with a
 14 person for the performance of youth coaching services on a part-time
 15 basis.

16 (b) As used in this chapter, "employee" means every person,
 17 including a minor, in the service of another, under any contract of hire
 18 or apprenticeship written or implied, except one whose employment is
 19 both casual and not in the usual course of the trade, business,
 20 occupation, or profession of the employer. For purposes of this chapter
 21 the following apply:

22 (1) Any reference to an employee who has suffered disablement,
 23 when the employee is dead, also includes the employee's legal
 24 representative, dependents, and other persons to whom
 25 compensation may be payable.

26 (2) An owner of a sole proprietorship may elect to include the
 27 owner as an employee under this chapter if the owner is actually
 28 engaged in the proprietorship business. If the owner makes this
 29 election, the owner must serve upon the owner's insurance carrier
 30 and upon the board written notice of the election. No owner of a
 31 sole proprietorship may be considered an employee under this
 32 chapter unless the notice has been received. If the owner of a sole
 33 proprietorship:

34 (A) is an independent contractor in the construction trades and
 35 does not make the election provided under this subdivision,
 36 the owner must obtain a certificate of exemption under section
 37 34.5 of this chapter; or

38 (B) is an independent contractor and does not make the
 39 election provided under this subdivision, the owner may obtain
 40 a certificate of exemption under section 34.5 of this chapter.

41 (3) A partner in a partnership may elect to include the partner as
 42 an employee under this chapter if the partner is actually engaged



1 in the partnership business. If a partner makes this election, the
 2 partner must serve upon the partner's insurance carrier and upon
 3 the board written notice of the election. No partner may be
 4 considered an employee under this chapter until the notice has
 5 been received. If a partner in a partnership:

6 (A) is an independent contractor in the construction trades and
 7 does not make the election provided under this subdivision,
 8 the partner must obtain a certificate of exemption under
 9 section 34.5 of this chapter; or

10 (B) is an independent contractor and does not make the
 11 election provided under this subdivision, the partner may
 12 obtain a certificate of exemption under section 34.5 of this
 13 chapter.

14 (4) Real estate professionals are not employees under this chapter
 15 if:

16 (A) they are licensed real estate agents;

17 (B) substantially all their remuneration is directly related to
 18 sales volume and not the number of hours worked; and

19 (C) they have written agreements with real estate brokers
 20 stating that they are not to be treated as employees for tax
 21 purposes.

22 (5) A person is an independent contractor in the construction
 23 trades and not an employee under this chapter if the person is an
 24 independent contractor under the guidelines of the United States
 25 Internal Revenue Service.

26 (6) An owner-operator that provides a motor vehicle and the
 27 services of a driver under a written contract that is subject to
 28 IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 376, to a motor
 29 carrier is not an employee of the motor carrier for purposes of this
 30 chapter. The owner-operator may elect to be covered and have the
 31 owner-operator's drivers covered under a worker's compensation
 32 insurance policy or authorized self-insurance that insures the
 33 motor carrier if the owner-operator pays the premiums as
 34 requested by the motor carrier. An election by an owner-operator
 35 under this subdivision does not terminate the independent
 36 contractor status of the owner-operator for any purpose other than
 37 the purpose of this subdivision.

38 (7) An unpaid participant under the federal School to Work
 39 Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the
 40 extent set forth under section 2.5 of this chapter.

41 (8) A person who enters into an independent contractor agreement
 42 with a nonprofit corporation that is recognized as tax exempt



1 under Section 501(c)(3) of the Internal Revenue Code (as defined
 2 in IC 6-3-1-11(a)) to perform youth coaching services on a
 3 part-time basis is not an employee for purposes of this chapter.

4 (9) An officer of a corporation who is an employee of the
 5 corporation under this chapter may elect not to be an employee of
 6 the corporation under this chapter. An officer of a corporation
 7 who is also an owner of any interest in the corporation may elect
 8 not to be an employee of the corporation under this chapter. If an
 9 officer makes this election, the officer must serve written notice
 10 of the election on the corporation's insurance carrier and the
 11 board. An officer of a corporation may not be considered to be
 12 excluded as an employee under this chapter until the notice is
 13 received by the insurance carrier and the board.

14 (10) An individual who is not an employee of the state or a
 15 political subdivision is considered to be a temporary employee of
 16 the state for purposes of this chapter while serving as a member
 17 of a mobile support unit on duty for training, an exercise, or a
 18 response, as set forth in IC 10-14-3-19(c)(2)(B).

19 (c) As used in this chapter, "minor" means an individual who has
 20 not reached seventeen (17) years of age. A minor employee shall be
 21 considered as being of full age for all purposes of this chapter.
 22 However, if the employee is a minor who, at the time of the last
 23 exposure, is employed, required, suffered, or permitted to work in
 24 violation of the ~~child labor~~ **employment of minors** laws of this state,
 25 the amount of compensation and death benefits, as provided in this
 26 chapter, shall be double the amount which would otherwise be
 27 recoverable. The insurance carrier shall be liable on its policy for
 28 one-half (1/2) of the compensation or benefits that may be payable on
 29 account of the disability or death of the minor, and the employer shall
 30 be wholly liable for the other one-half (1/2) of the compensation or
 31 benefits. If the employee is a minor who is not less than sixteen (16)
 32 years of age and who has not reached seventeen (17) years of age, and
 33 who at the time of the last exposure is employed, suffered, or permitted
 34 to work at any occupation which is not prohibited by law, the
 35 provisions of this subsection prescribing double the amount otherwise
 36 recoverable do not apply. The rights and remedies granted to a minor
 37 under this chapter on account of disease shall exclude all rights and
 38 remedies of the minor, the minor's parents, the minor's personal
 39 representatives, dependents, or next of kin at common law, statutory or
 40 otherwise, on account of any disease.

41 (d) This chapter does not apply to casual laborers as defined in
 42 subsection (b), nor to farm or agricultural employees, nor to household



1 employees, nor to railroad employees engaged in train service as
2 engineers, firemen, conductors, brakemen, flagmen, baggagemen, or
3 foremen in charge of yard engines and helpers assigned thereto, nor to
4 their employers with respect to these employees. Also, this chapter
5 does not apply to employees or their employers with respect to
6 employments in which the laws of the United States provide for
7 compensation or liability for injury to the health, disability, or death by
8 reason of diseases suffered by these employees.

9 (e) As used in this chapter, "disablement" means the event of
10 becoming disabled from earning full wages at the work in which the
11 employee was engaged when last exposed to the hazards of the
12 occupational disease by the employer from whom the employee claims
13 compensation or equal wages in other suitable employment, and
14 "disability" means the state of being so incapacitated.

15 (f) For the purposes of this chapter, no compensation shall be
16 payable for or on account of any occupational diseases unless
17 disablement, as defined in subsection (e), occurs within two (2) years
18 after the last day of the last exposure to the hazards of the disease
19 except for the following:

20 (1) In all cases of occupational diseases caused by the inhalation
21 of silica dust or coal dust, no compensation shall be payable
22 unless disablement, as defined in subsection (e), occurs within
23 three (3) years after the last day of the last exposure to the hazards
24 of the disease.

25 (2) In all cases of occupational disease caused by the exposure to
26 radiation, no compensation shall be payable unless disablement,
27 as defined in subsection (e), occurs within two (2) years from the
28 date on which the employee had knowledge of the nature of the
29 employee's occupational disease or, by exercise of reasonable
30 diligence, should have known of the existence of such disease and
31 its causal relationship to the employee's employment.

32 (3) In all cases of occupational diseases caused by the inhalation
33 of asbestos dust, no compensation shall be payable unless
34 disablement, as defined in subsection (e), occurs within three (3)
35 years after the last day of the last exposure to the hazards of the
36 disease if the last day of the last exposure was before July 1, 1985.

37 (4) In all cases of occupational disease caused by the inhalation
38 of asbestos dust in which the last date of the last exposure occurs
39 on or after July 1, 1985, and before July 1, 1988, no compensation
40 shall be payable unless disablement, as defined in subsection (e),
41 occurs within twenty (20) years after the last day of the last
42 exposure.



1 (5) In all cases of occupational disease caused by the inhalation
 2 of asbestos dust in which the last date of the last exposure occurs
 3 on or after July 1, 1988, no compensation shall be payable unless
 4 disablement (as defined in subsection (e)) occurs within
 5 thirty-five (35) years after the last day of the last exposure.

6 (g) For the purposes of this chapter, no compensation shall be
 7 payable for or on account of death resulting from any occupational
 8 disease unless death occurs within two (2) years after the date of
 9 disablement. However, this subsection does not bar compensation for
 10 death:

11 (1) where death occurs during the pendency of a claim filed by an
 12 employee within two (2) years after the date of disablement and
 13 which claim has not resulted in a decision or has resulted in a
 14 decision which is in process of review or appeal; or

15 (2) where, by agreement filed or decision rendered, a
 16 compensable period of disability has been fixed and death occurs
 17 within two (2) years after the end of such fixed period, but in no
 18 event later than three hundred (300) weeks after the date of
 19 disablement.

20 (h) As used in this chapter, "billing review service" refers to a
 21 person or an entity that reviews a medical service provider's bills or
 22 statements for the purpose of determining pecuniary liability. The term
 23 includes an employer's worker's compensation insurance carrier if the
 24 insurance carrier performs such a review.

25 (i) As used in this chapter, "billing review standard" means the data
 26 used by a billing review service to determine pecuniary liability.

27 (j) As used in this chapter, "community" means a geographic service
 28 area based on ZIP code districts defined by the United States Postal
 29 Service according to the following groupings:

30 (1) The geographic service area served by ZIP codes with the first
 31 three (3) digits 463 and 464.

32 (2) The geographic service area served by ZIP codes with the first
 33 three (3) digits 465 and 466.

34 (3) The geographic service area served by ZIP codes with the first
 35 three (3) digits 467 and 468.

36 (4) The geographic service area served by ZIP codes with the first
 37 three (3) digits 469 and 479.

38 (5) The geographic service area served by ZIP codes with the first
 39 three (3) digits 460, 461 (except 46107), and 473.

40 (6) The geographic service area served by the 46107 ZIP code and
 41 ZIP codes with the first three (3) digits 462.

42 (7) The geographic service area served by ZIP codes with the first



1 three (3) digits 470, 471, 472, 474, and 478.

2 (8) The geographic service area served by ZIP codes with the first
3 three (3) digits 475, 476, and 477.

4 (k) As used in this chapter, "medical service provider" refers to a
5 person or an entity that provides services or products to an employee
6 under this chapter. Except as otherwise provided in this chapter, the
7 term includes a medical service facility.

8 (l) As used in this chapter, "medical service facility" means any of
9 the following that provides a service or product under this chapter and
10 uses the CMS 1450 (UB-04) form for Medicare reimbursement:

11 (1) A hospital (as defined in IC 16-18-2-179).

12 (2) A hospital based health facility (as defined in
13 IC 16-18-2-180).

14 (3) A medical center (as defined in IC 16-18-2-223.4).

15 The term does not include a professional corporation (as defined in
16 IC 23-1.5-1-10) comprised of health care professionals (as defined in
17 IC 23-1.5-1-8) formed to render professional services as set forth in
18 IC 23-1.5-2-3(a)(4) or a health care professional (as defined in
19 IC 23-1.5-1-8) who bills for a service or product provided under this
20 chapter as an individual or a member of a group practice or another
21 medical service provider that uses the CMS 1500 form for Medicare
22 reimbursement.

23 (m) As used in this chapter, "pecuniary liability" means the
24 responsibility of an employer or the employer's insurance carrier for the
25 payment of the charges for each specific service or product for human
26 medical treatment provided under this chapter as follows:

27 (1) This subdivision applies before July 1, 2014, to all medical
28 service providers, and after June 30, 2014, to a medical service
29 provider that is not a medical service facility. Payment of the
30 charges in a defined community, equal to or less than the charges
31 made by medical service providers at the eightieth percentile in
32 the same community for like services or products.

33 (2) Payment of the charges in a reasonable amount, which is
34 established by payment of one (1) of the following:

35 (A) The amount negotiated at any time between the medical
36 service facility and any of the following, if an amount has been
37 negotiated:

38 (i) The employer.

39 (ii) The employer's insurance carrier.

40 (iii) A billing review service on behalf of a person described
41 in item (i) or (ii).

42 (iv) A direct provider network that has contracted with a



1 person described in item (i) or (ii).
 2 (B) Two hundred percent (200%) of the amount that would be
 3 paid to the medical service facility on the same date for the
 4 same service or product under the medical service facility's
 5 Medicare reimbursement rate, if an amount has not been
 6 negotiated as described in clause (A).
 7 (n) "Service or product" or "services and products" refers to
 8 medical, hospital, surgical, or nursing service, treatment, and supplies
 9 provided under this chapter.
 10 SECTION 17. IC 22-3-7-9.2, AS AMENDED BY P.L.1-2005,
 11 SECTION 183, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE MAY 1, 2020]: Sec. 9.2. As used in section 9(c) of this
 13 chapter, the term "violation of the ~~child labor~~ **employment of minors**
 14 laws of this state" means a violation of ~~IC 20-33-3-35.~~ **IC 22-2-18-41.**
 15 The term does not include a violation of any other provision of
 16 ~~IC 20-33-3.~~ **IC 22-2-18.**
 17 SECTION 18. **An emergency is declared for this act.**

