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# SENATE BILL No. 409

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## 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.)

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**Effective:** Upon passage; May 1, 2020.

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## Messmer

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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



1 MAY 1, 2020]:

2 **Chapter 18. Limitations on the Employment of Minors**

3 **Sec. 1. This chapter does not apply to:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 to work in a gainful occupation until the person, firm, limited  
 42 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.**

