



Reprinted  
March 3, 2020

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## ENGROSSED SENATE BILL No. 409

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DIGEST OF SB 409 (Updated March 2, 2020 6:31 pm - DI 128)

**Citations Affected:** IC 3-6; IC 3-11.5; IC 9-24; IC 20-23; IC 20-24; IC 20-30; IC 20-33; IC 20-37; IC 22-1; IC 22-2; IC 22-3.

**Synopsis:** Employment of minors. Moves provisions on employment of students from Title 20 (Education) to Title 22 (Labor and Safety). 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 except on a day that precedes a school day when the minor may only work until 7 p.m. (Current law provides that a child who is at least 14 years of age and  
(Continued next page)

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

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**Messmer, Doriot, Zay, Raatz,  
Ford J.D., Spartz**

(HOUSE SPONSORS — LYNESS, GOODRICH, VANNATTER)

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January 14, 2020, read first time and referred to Committee on Pensions and Labor.  
January 30, 2020, amended, reported favorably — Do Pass.  
February 3, 2020, read second time, amended, ordered engrossed.  
February 4, 2020, engrossed. Read third time, passed. Yeas 48, nays 1.

HOUSE ACTION

February 11, 2020, read first time and referred to Committee on Employment, Labor and Pensions.  
February 25, 2020, amended, reported — Do Pass.  
March 2, 2020, read second time, amended, ordered engrossed.

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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. 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, so long as the establishment is open to the public before 6 a.m. or after 10 p.m.; (4) requiring a child less than 18 years of age who is not a resident of Indiana, a minor who is a resident but attends a nonpublic school that employs less than one employee, or a minor who is a resident but is enrolled in a career and technical education program as approved by the Indiana state board of education to obtain an employment certificate; (5) allowing the state board of education the ability to revoke a employment certificate; and (6) providing that the state board of education adopt rules and approve forms related to employment certificates. Provides that the transfer in the bill of provisions related to employment certificates and employment of minors from Title 20 (Education) to Title 22 (Labor and Safety) expires June 30, 2021. Provides that after June 30, 2021, certain provisions that were transferred to Title 22 are transferred and relocated to a new chapter within Title 22, including provisions related to: (1) the maximum number of hours a minor may be employed or permitted to work each day of the week and the hours beginning and ending each day; (2) civil penalties; and (3) age restrictions. Renames the bureau of child labor to the "bureau of youth employment". Replaces the term "child labor" throughout the Indiana Code. 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.) Provides that the Indiana department of labor may establish recommendations for rest breaks. Requires certain employers to register with the Indiana department of labor. Provides that the labor education and youth employment fund shall be used for the expenses

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## Digest Continued

of hiring and salaries of additional inspectors to enforce the new chapter, including developing and maintaining the data base, and any remaining funds may be used for the purposes of education and awarding grants to provide educational programs. Requires the Indiana department of labor to prepare a report outlining a plan to develop and maintain a data base displaying certain employers that employ minors by August 1, 2020, and develop the data base by July 1, 2021. Removes provisions that allow an employer to pay an employee who has not attained the age of 20 years, during the first 90 consecutive calendar days after the employee is initially employed by the employer, a wage which is not less than the amount payable under the federal Fair Labor Standards Act of 1938. Provides that a minor less than 16 years of age may not be employed or permitted to work during school hours. Provides that a minor may not work in an establishment that is open to the public after 10 p.m. or before 6 a.m. unless another employer who is at least 18 years of age also works with the minor so long as the establishment is open to the public before 6 a.m. or after 10 p.m. Makes conforming changes.

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Reprinted  
March 3, 2020

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.

## ENGROSSED SENATE BILL No. 409

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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 APRIL 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

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- 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 (before its expiration on June 30,**  
 15 **2021)**; and
- 16 (2) is not subject to the limitations on time and duration of  
 17 employment under ~~IC 20-33-3~~. **IC 22-2-18 (before its expiration**  
 18 **on June 30, 2021) or IC 22-2-18.1.**
- 19 (c) **The county election board is not required to register as an**  
 20 **employer under IC 22-2-18.1.**
- 21 SECTION 2. IC 3-11.5-4-23, AS AMENDED BY P.L.201-2017,  
 22 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 APRIL 1, 2020]: Sec. 23. (a) Not later than noon fifty (50) days before  
 24 election day, each county election board shall notify the county  
 25 chairmen of the two (2) political parties that have appointed members  
 26 on the county election board of the number of:
- 27 (1) absentee voter boards;  
 28 (2) teams of absentee ballot counters; and  
 29 (3) teams of couriers;
- 30 to be appointed under section 22 of this chapter.
- 31 (b) The county chairmen shall make written recommendations for  
 32 the appointments to the county election board not later than forty-six  
 33 (46) days before election day. The county election board shall make the  
 34 appointments as recommended.
- 35 (c) If a county chairman fails to make any recommendations, then  
 36 the county election board may appoint any voters of the county who  
 37 comply with section 22 of this chapter.
- 38 (d) The county election board may permit an individual who is not  
 39 a voter to serve as an absentee ballot counter or courier if the  
 40 individual:
- 41 (1) satisfies the requirements under IC 3-6-6-39; and  
 42 (2) is approved by the unanimous vote of the entire membership



- 1 of the county election board.
- 2 (e) An individual appointed to serve as an absentee ballot counter  
3 or courier under subsection (d), while serving as an absentee ballot  
4 counter or courier:
- 5 (1) is not required to obtain an employment certificate under  
6 ~~IC 20-33-3~~; **IC 22-2-18 (before its expiration on June 30,**  
7 **2021)**; and
- 8 (2) is not subject to the limitations on time and duration of  
9 employment under ~~IC 20-33-3~~. **IC 22-2-18 (before its expiration**  
10 **on June 30, 2021) or IC 22-2-18.1.**
- 11 **(f) The county election board is not required to register as an**  
12 **employer under IC 22-2-18.1.**
- 13 SECTION 3. IC 9-24-2-1, AS AMENDED BY P.L.125-2012,  
14 SECTION 166, IS AMENDED TO READ AS FOLLOWS  
15 [EFFECTIVE APRIL 1, 2020]: Sec. 1. (a) The bureau shall suspend the  
16 driving privileges or invalidate the learner's permit of an individual less  
17 than eighteen (18) years of age who meets any of the following  
18 conditions:
- 19 (1) Is a habitual truant under IC 20-33-2-11.
- 20 (2) Is under at least a second suspension from school for the  
21 school year under IC 20-33-8-14 or IC 20-33-8-15.
- 22 (3) Is under an expulsion from school under IC 20-33-8-14,  
23 IC 20-33-8-15, or IC 20-33-8-16.
- 24 (4) Is considered a dropout under IC 20-33-2-28.5.
- 25 (b) At least five (5) days before holding an exit interview under  
26 IC 20-33-2-28.5, the school corporation shall give notice by certified  
27 mail or personal delivery to the student, the student's parent, or the  
28 student's guardian that the student's failure to attend an exit interview  
29 under IC 20-33-2-28.5 or return to school if the student does not meet  
30 the requirements to withdraw from school under IC 20-33-2-28.5 **will**  
31 **may** result in the revocation or denial of the student's:
- 32 (1) driver's license or learner's permit; and
- 33 (2) employment certificate **issued under IC 22-2-18 (before its**  
34 **expiration on June 30, 2021).**
- 35 SECTION 4. IC 20-23-18-3, AS ADDED BY P.L.213-2018(ss),  
36 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 APRIL 1, 2020]: Sec. 3. (a) Except as provided in subsection (c), the  
38 Muncie Community school corporation is subject to all applicable  
39 federal and state laws.
- 40 (b) If a provision of this chapter conflicts with any other law,  
41 including IC 20-23-4, the provision in this chapter controls.
- 42 (c) Notwithstanding subsection (a), to provide all administrative and



1 academic flexibility to implement innovative strategies, the Muncie  
 2 Community school corporation is subject only to the following IC 20  
 3 **and IC 22** provisions:

- 4 (1) IC 20-26-5-10 (criminal history).  
 5 (2) IC 20-28-5-8 (conviction of certain felonies; notice and  
 6 hearing; permanent revocation of license; data base of school  
 7 employees who have been reported).  
 8 (3) IC 20-28-10-17 (school counselor immunity).  
 9 (4) IC 20-29 (collective bargaining) to the extent required by  
 10 subsection (e).  
 11 (5) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative  
 12 observances).  
 13 (6) The following:  
 14 (A) IC 20-30-5-0.5 (display of the United States flag; Pledge  
 15 of Allegiance).  
 16 (B) IC 20-30-5-1, IC 20-30-5-2, and IC 20-30-5-3 (the  
 17 constitutions of Indiana and the United States; writings,  
 18 documents, and records of American history or heritage).  
 19 (C) IC 20-30-5-4 (system of government; American history).  
 20 (D) IC 20-30-5-5 (morals instruction).  
 21 (E) IC 20-30-5-6 (good citizenship instruction).  
 22 (7) IC 20-32-4, concerning graduation requirements.  
 23 (8) IC 20-32-5.1, concerning the Indiana's Learning Evaluation  
 24 Assessment Readiness Network (ILEARN) program.  
 25 (9) IC 20-32-8.5 (IRead3).  
 26 (10) IC 20-33-2 (compulsory school attendance).  
 27 ~~(11) IC 20-33-3 (limitations on employment of students).~~  
 28 ~~(12)~~ **(11)** IC 20-33-8-16 (firearms and deadly weapons).  
 29 ~~(13)~~ **(12)** IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22  
 30 (student due process and judicial review).  
 31 ~~(14)~~ **(13)** IC 20-33-7 (parental access to education records).  
 32 ~~(15)~~ **(14)** IC 20-33-9 (reporting of student violations of law).  
 33 ~~(16)~~ **(15)** IC 20-34-3 (health and safety measures).  
 34 ~~(17)~~ **(16)** IC 20-35 (concerning special education).  
 35 ~~(18)~~ **(17)** IC 20-39 (accounting and financial reporting  
 36 procedures).  
 37 ~~(19)~~ **(18)** IC 20-40 (government funds and accounts).  
 38 ~~(20)~~ **(19)** IC 20-41 (extracurricular funds and accounts).  
 39 ~~(21)~~ **(20)** IC 20-42 (fiduciary funds and accounts).  
 40 ~~(22)~~ **(21)** IC 20-42.5 (allocation of expenditures to student  
 41 instruction and learning).  
 42 ~~(23)~~ **(22)** IC 20-43 (state tuition support).





- 1           ~~(24)~~ **(23)** IC 20-44 (property tax levies).  
 2           ~~(25)~~ **(24)** IC 20-46 (levies other than general fund levies).  
 3           ~~(26)~~ **(25)** IC 20-47 (related entities; holding companies; lease  
 4           agreements).  
 5           ~~(27)~~ **(26)** IC 20-48 (borrowing and bonds).  
 6           ~~(28)~~ **(27)** IC 20-49 (state management of common school funds;  
 7           state advances and loans).  
 8           ~~(29)~~ **(28)** IC 20-50 (concerning homeless children and foster care  
 9           children).  
 10          **(29) IC 22-2-18, before its expiration on June 30, 2021**  
 11          **(limitation on employment of minors).**

12          (d) The Muncie Community school corporation is subject to  
 13          required audits by the state board of accounts under IC 5-11-1-9.

14          (e) Except to the extent required under a collective bargaining  
 15          agreement entered into before July 1, 2018, the Muncie Community  
 16          school corporation is not subject to IC 20-29 unless the school  
 17          corporation voluntarily recognizes an exclusive representative under  
 18          IC 20-29-5-2. If the school corporation voluntarily recognizes an  
 19          exclusive representative under IC 20-29-5-2, the school corporation  
 20          may authorize a school within the corporation to opt out of bargaining  
 21          allowable subjects or discussing discussion items by specifying the  
 22          excluded items on the notice required under IC 20-29-5-2(b). The  
 23          notice must be provided to the education employment relations board  
 24          at the time the notice is posted.

25          SECTION 5. IC 20-24-8-5, AS AMENDED BY P.L.242-2017,  
 26          SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27          APRIL 1, 2020]: Sec. 5. The following statutes and rules and  
 28          guidelines adopted under the following statutes apply to a charter  
 29          school:

- 30               (1) IC 5-11-1-9 (required audits by the state board of accounts).  
 31               (2) IC 20-39-1-1 (unified accounting system).  
 32               (3) IC 20-35 (special education).  
 33               (4) IC 20-26-5-10 (criminal history).  
 34               (5) IC 20-26-5-6 (subject to laws requiring regulation by state  
 35               agencies).  
 36               (6) IC 20-28-10-12 (nondiscrimination for teacher marital status).  
 37               (7) IC 20-28-10-14 (teacher freedom of association).  
 38               (8) IC 20-28-10-17 (school counselor immunity).  
 39               (9) For conversion charter schools only if the conversion charter  
 40               school elects to collectively bargain under IC 20-24-6-3(b),  
 41               IC 20-28-6, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and  
 42               IC 20-28-10.



- 1 (10) IC 20-33-2 (compulsory school attendance).  
 2 ~~(11) IC 20-33-3 (limitations on employment of children):~~  
 3 ~~(12) (11) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22~~  
 4 ~~(student due process and judicial review).~~  
 5 ~~(13) (12) IC 20-33-8-16 (firearms and deadly weapons).~~  
 6 ~~(14) (13) IC 20-34-3 (health and safety measures).~~  
 7 ~~(15) (14) IC 20-33-9 (reporting of student violations of law).~~  
 8 ~~(16) (15) IC 20-30-3-2 and IC 20-30-3-4 (patriotic~~  
 9 ~~commemorative observances).~~  
 10 ~~(17) (16) IC 20-31-3, IC 20-32-4, IC 20-32-5 (for a school year~~  
 11 ~~ending before July 1, 2018), IC 20-32-5.1 (for a school year~~  
 12 ~~beginning after June 30, 2018), IC 20-32-8, and IC 20-32-8.5, as~~  
 13 ~~provided in IC 20-32-8.5-2(b) (academic standards, accreditation,~~  
 14 ~~assessment, and remediation).~~  
 15 ~~(18) (17) IC 20-33-7 (parental access to education records).~~  
 16 ~~(19) (18) IC 20-31 (accountability for school performance and~~  
 17 ~~improvement).~~  
 18 ~~(20) (19) IC 20-30-5-19 (personal financial responsibility~~  
 19 ~~instruction).~~  
 20 ~~(21) (20) IC 20-26-5-37.3, before its expiration (career and~~  
 21 ~~technical education reporting).~~  
 22 **(21) IC 22-2-18, before its expiration on June 30, 2021**  
 23 **(limitations on employment of minors).**  
 24 SECTION 6. IC 20-30-2-2.2, AS AMENDED BY P.L.192-2018,  
 25 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 APRIL 1, 2020]: Sec. 2.2. (a) As used in this section, "eligible student"  
 27 means a student in grade 11 or 12 who has:  
 28 (1) failed the graduation exam (before July 1, 2022) or is not on  
 29 track to complete a postsecondary readiness competency;  
 30 (2) been determined to be chronically absent, by missing ten  
 31 percent (10%) or more of a school year for any reason;  
 32 (3) been determined to be a habitual truant, as identified under  
 33 IC 20-33-2-11;  
 34 (4) been significantly behind in credits for graduation, as  
 35 identified by an individual's school principal;  
 36 (5) previously undergone at least a second suspension from school  
 37 for the school year under IC 20-33-8-14 or IC 20-33-8-15;  
 38 (6) previously undergone an expulsion from school under  
 39 IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16; or  
 40 (7) been determined by the individual's principal and the  
 41 individual's parent or guardian to benefit by participating in the  
 42 school flex program.



1 (b) An eligible student who participates in a school flex program  
2 must:

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

5 (2) pursue a timely graduation;

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

10 **employment**;

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

13 (5) pursue course and credit requirements for an Indiana diploma  
14 with a general designation; and

15 (6) maintain a ninety-five percent (95%) attendance rate.

16 (c) A school may allow an eligible student in grade 11 or 12 to  
17 complete an instructional day that consists of three (3) hours of  
18 instructional time if the student participates in the school flex program.

19 SECTION 7. IC 20-33-2-28.5, AS AMENDED BY P.L.185-2006,  
20 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 APRIL 1, 2020]: Sec. 28.5. (a) This section applies to an individual:

22 (1) who:

23 (A) attends or last attended a public school;

24 (B) is at least sixteen (16) years of age but less than eighteen  
25 (18) years of age; and

26 (C) has not completed the requirements for graduation;

27 (2) who:

28 (A) wishes to withdraw from school before graduation;

29 (B) fails to return at the beginning of a semester; or

30 (C) stops attending school during a semester; and

31 (3) who has no record of transfer to another school.

32 (b) An individual to whom this section applies may withdraw from  
33 school only if all of the following conditions are met:

34 (1) An exit interview is conducted.

35 (2) The individual's parent consents to the withdrawal.

36 (3) The school principal approves of the withdrawal.

37 (4) The withdrawal is due to:

38 (A) financial hardship and the individual must be employed to  
39 support the individual's family or a dependent;

40 (B) illness; or

41 (C) an order by a court that has jurisdiction over the child.

42 During the exit interview, the school principal shall provide to the



1 student and the student's parent a copy of statistics compiled by the  
 2 department concerning the likely consequences of life without a high  
 3 school diploma. The school principal shall advise the student and the  
 4 student's parent that the student's withdrawal from school may prevent  
 5 the student from receiving or result in the revocation of the student's  
 6 employment certificate and driver's license or learner's permit.

7 (c) For purposes of this section, the following must be in written  
 8 form:

- 9 (1) An individual's request to withdraw from school.
- 10 (2) A parent's consent to a withdrawal.
- 11 (3) A principal's consent to a withdrawal.

12 (d) If the individual's principal does not consent to the individual's  
 13 withdrawal under this section, the individual's parent may appeal the  
 14 denial of consent to the governing body of the public school that the  
 15 individual last attended.

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

- 19 (1) The total number of individuals:
  - 20 (A) who withdrew from school under this section; and
  - 21 (B) who either:
    - 22 (i) failed to return to school at the beginning of a semester;
    - 23 or
    - 24 (ii) stopped attending school during a semester;

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

- 26 (2) The number of individuals who withdrew from school  
 27 following an exit interview.

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

- 29 (1) has not received consent to withdraw from school under this  
 30 section; and
- 31 (2) fails to return to school at the beginning of a semester or  
 32 during the semester;

33 the principal of the school that the individual last attended ~~shall~~ **may**  
 34 deliver by certified mail or personal delivery to the bureau of ~~child~~  
 35 **labor youth employment** a record of the individual's failure to return  
 36 to school so that the bureau of ~~child labor youth employment~~  
 37 **any employment certificates issued under IC 22-2-18 (before its**  
 38 **expiration on June 30, 2021)** to the individual and does not issue any  
 39 additional employment certificates to the individual. For purposes of  
 40 ~~IC 20-33-3-13, IC 22-2-18-20 (before its expiration on June 30,~~  
 41 **2021)**, the individual shall be considered a dropout.

42 (g) At the same time that a school principal delivers the record



1 under subsection (f), the principal ~~shall~~ **may** deliver by certified mail  
 2 or personal delivery to the bureau of motor vehicles a record of the  
 3 individual's failure to return to school so that the bureau of motor  
 4 vehicles revokes any driver's license or learner's permit issued to the  
 5 individual and does not issue any additional driver's licenses or  
 6 learner's permits to the individual before the individual is at least  
 7 eighteen (18) years of age. For purposes of IC 9-24-2-1, the individual  
 8 shall be considered a dropout.

9 (h) If:

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

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

14 the principal of the school shall send a notice of withdrawal to the  
 15 bureau of ~~child labor~~ **youth employment** and the bureau of motor  
 16 vehicles by certified mail or personal delivery and, for purposes of  
 17 ~~IC 20-33-3-13~~ **IC 22-2-18-20 (before its expiration on June 30, 2021)**  
 18 and IC 9-24-2-1, the individual shall no longer be considered a dropout.

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

23 (b) Before a student withdraws from a public school, the principal  
 24 of the student's school shall provide to the student and to the student's  
 25 parent information on a form developed by the department and  
 26 approved by the state board that explains the legal requirements of  
 27 attending a nonaccredited nonpublic school located in Indiana. The  
 28 principal and a parent of the student shall both sign the form to  
 29 acknowledge that the parent understands the content of the form.

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

36 SECTION 9. IC 20-33-3 IS REPEALED [EFFECTIVE APRIL 1,  
 37 2020]. (Limitations on the Employment of Students).

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

42 (1) is entitled to the rights of recovery of a worker of at least



1           seventeen (17) years of age under the worker's compensation and  
 2           occupational diseases laws (IC 22-3-2 through IC 22-3-7); and  
 3           (2) may not recover any additional benefit otherwise payable as  
 4           a result of being less than seventeen (17) years of age under the  
 5           definition of a minor in IC 22-3-6-1.

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

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

12          (c) Employers and students under section 7 of this chapter are  
 13          exempt from ~~IC 20-33-3-35~~. **IC 22-2-18-40 (before its expiration on**  
 14          **June 30, 2021) and IC 22-2-18.1-23.**

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

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

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

- 24           (1) have immediate charge of the administration of the  
 25           underground mine laws of this state;
- 26           (2) provide safety consultation services to any underground mine  
 27           operator at the request of the operator;
- 28           (3) provide mine safety and health education information to all  
 29           underground mine operators; and
- 30           (4) investigate all fatalities occurring in underground mine  
 31           operations for the purpose of data collection; however, an  
 32           investigation shall not interfere with investigations by the federal  
 33           Mine Safety and Health Administration.

34          (b) The bureau of ~~child labor~~ **youth employment** shall have  
 35          immediate charge of the supervision of children who are gainfully  
 36          employed, including employment certificate violations under  
 37          ~~IC 20-33-3-38.5~~; ~~IC 20-33-3-39~~; and ~~IC 20-33-3-40~~. **IC 22-2-18-43**  
 38          **(before its expiration on June 30, 2021), IC 22-2-18-44 (before its**  
 39          **expiration on June 30, 2021), and IC 22-2-18-45 (before its**  
 40          **expiration on June 30, 2021) or violations under IC 22-2-18.1-30.**  
 41          A child employee under the jurisdiction of the bureau of ~~child labor~~  
 42          **youth employment** may file a complaint with the bureau of ~~child labor~~



1 **youth employment** if the employer of the child employee requires  
 2 noncompliance by the child employee with the provisions of  
 3 ~~IC 20-33-3-38.5.~~ **IC 22-2-18-43 (before its expiration).**

4 SECTION 13. IC 22-1-1-23 IS ADDED TO THE INDIANA CODE  
 5 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE  
 6 UPON PASSAGE]: **Sec. 23. (a) Before August 1, 2020, the**  
 7 **department shall prepare a report outlining a plan to develop and**  
 8 **maintain, before July 1, 2021, a data base that is accessible by the**  
 9 **public that displays an employer that has registered as an**  
 10 **employer who employs minors to the interim study committee on**  
 11 **employment and labor (established by IC 2-5-1.3-4). The report**  
 12 **must be in an electronic format under IC 5-14-6.**

13 **(b) Before July 1, 2021, the department shall develop a data**  
 14 **base that is accessible by the public that displays an employer that**  
 15 **has registered as an employer who employs minors.**

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

17 SECTION 14. IC 22-2-2-4, AS AMENDED BY P.L.38-2019,  
 18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 APRIL 1, 2020]: **Sec. 4. (a) No employer having employees subject to**  
 20 **any provisions of this section shall discriminate, within any**  
 21 **establishment in which employees are employed, between employees**  
 22 **on the basis of sex by paying to employees in such establishment a rate**  
 23 **less than the rate at which the employer pays wages to employees of the**  
 24 **opposite sex in such establishment for equal work on jobs the**  
 25 **performance of which requires equal skill, effort, and responsibility,**  
 26 **and which are performed under similar working conditions, except**  
 27 **where such payment is made pursuant to:**

28 (1) a seniority system;

29 (2) a merit system;

30 (3) a system which measures earnings by quantity or quality of  
 31 production; or

32 (4) a differential based on any other factor other than sex.

33 (b) An employer who is paying a wage rate differential in violation  
 34 of subsection (a) shall not, in order to comply with subsection (a),  
 35 reduce the wage rate of any employee, and no labor organization, or its  
 36 agents, representing employees of an employer having employees  
 37 subject to subsection (a) shall cause or attempt to cause such an  
 38 employer to discriminate against an employee in violation of  
 39 subsection (a).

40 (c) Except as provided in ~~subsections subsection~~ (d), ~~and (f)~~, every  
 41 employer employing at least two (2) employees during a work week  
 42 shall, in any work week in which the employer is subject to this



1 chapter, pay each of the employees in any work week beginning on or  
 2 after June 30, 2007, wages of not less than the minimum wage payable  
 3 under the federal Fair Labor Standards Act of 1938, as amended (29  
 4 U.S.C. 201 et seq.).

5 (d) An employer subject to subsection (c) is permitted to apply a tip  
 6 credit in determining the amount of cash wage paid to tipped  
 7 employees. In determining the wage an employer is required to pay a  
 8 tipped employee, the amount paid the employee by the employee's  
 9 employer must be an amount equal to:

10 (1) the cash wage paid the employee, which for purposes of the  
 11 determination may be not less than the cash wage required to be  
 12 paid to employees covered under the federal Fair Labor Standards  
 13 Act of 1938, as amended (29 U.S.C. 203(m)(1)) on August 20,  
 14 1996, which amount is two dollars and thirteen cents (\$2.13) an  
 15 hour; and

16 (2) an additional amount on account of the tips received by the  
 17 employee, which amount is equal to the difference between the  
 18 wage specified in subdivision (1) and the wage in effect under  
 19 subsection (c).

20 An employer is responsible for supporting the amount of tip credit  
 21 taken through reported tips by the employees.

22 (e) This section does not apply if an employee:

23 (1) provides companionship services to the aged and infirm (as  
 24 defined in 29 CFR 552.6); and

25 (2) is employed by an employer or agency other than the family  
 26 or household using the companionship services, as provided in 29  
 27 CFR 552.109 (a).

28 (f) This subsection applies only to an employee who has not attained  
 29 the age of twenty (20) years. Instead of the rates prescribed by  
 30 subsections (c) and (d), an employer may pay an employee of the  
 31 employer, during the first ninety (90) consecutive calendar days after  
 32 the employee is initially employed by the employer, a wage which is  
 33 not less than the amount payable under the federal Fair Labor  
 34 Standards Act of 1938, as amended (29 U.S.C. 201 et seq.); during the  
 35 first ninety (90) consecutive calendar days after initial employment to  
 36 an employee who has not attained twenty (20) years of age. However,  
 37 no employer may take any action to displace employees (including  
 38 partial displacements such as reduction in hours, wages, or  
 39 employment benefits) for purposes of hiring individuals at the wage  
 40 authorized in this subsection.

41 (g) (f) Except as otherwise provided in this section, no employer  
 42 shall employ any employee for a work week longer than forty (40)





1 hours unless the employee receives compensation for employment in  
 2 excess of forty (40) hours at a rate not less than one and one-half (1.5)  
 3 times the regular rate at which the employee is employed.

4 ~~(h)~~ (g) For purposes of this section the following apply:

5 (1) "Overtime compensation" means the compensation required  
 6 by subsection ~~(g)~~: (f).

7 (2) "Compensatory time" and "compensatory time off" mean  
 8 hours during which an employee is not working, which are not  
 9 counted as hours worked during the applicable work week or  
 10 other work period for purposes of overtime compensation, and for  
 11 which the employee is compensated at the employee's regular  
 12 rate.

13 (3) "Regular rate" means the rate at which an employee is  
 14 employed is considered to include all remuneration for  
 15 employment paid to, or on behalf of, the employee, but is not  
 16 considered to include the following:

17 (A) Sums paid as gifts, payments in the nature of gifts made at  
 18 Christmas time or on other special occasions, as a reward for  
 19 service, the amounts of which are not measured by or  
 20 dependent on hours worked, production, or efficiency.

21 (B) Payments made for occasional periods when no work is  
 22 performed due to vacation, holiday, illness, failure of the  
 23 employer to provide sufficient work, or other similar cause,  
 24 reasonable payments for traveling expenses, or other expenses,  
 25 incurred by an employee in the furtherance of the employer's  
 26 interests and properly reimbursable by the employer, and other  
 27 similar payments to an employee which are not made as  
 28 compensation for the employee's hours of employment.

29 (C) Sums paid in recognition of services performed during a  
 30 given period if:

31 (i) both the fact that payment is to be made and the amount  
 32 of the payment are determined at the sole discretion of the  
 33 employer at or near the end of the period and not pursuant  
 34 to any prior contract, agreement, or promise causing the  
 35 employee to expect the payments regularly;

36 (ii) the payments are made pursuant to a bona fide profit  
 37 sharing plan or trust or bona fide thrift or savings plan,  
 38 meeting the requirements of the administrator set forth in  
 39 appropriately issued regulations, having due regard among  
 40 other relevant factors, to the extent to which the amounts  
 41 paid to the employee are determined without regard to hours  
 42 of work, production, or efficiency; or



- 1 (iii) the payments are talent fees paid to performers,
- 2 including announcers, on radio and television programs.
- 3 (D) Contributions irrevocably made by an employer to a
- 4 trustee or third person pursuant to a bona fide plan for
- 5 providing old age, retirement, life, accident, or health
- 6 insurance or similar benefits for employees.
- 7 (E) Extra compensation provided by a premium rate paid for
- 8 certain hours worked by the employee in any day or work
- 9 week because those hours are hours worked in excess of eight
- 10 (8) in a day or in excess of the maximum work week
- 11 applicable to the employee under subsection ~~(g)~~ (f) or in
- 12 excess of the employee's normal working hours or regular
- 13 working hours, as the case may be.
- 14 (F) Extra compensation provided by a premium rate paid for
- 15 work by the employee on Saturdays, Sundays, holidays, or
- 16 regular days of rest, or on the sixth or seventh day of the work
- 17 week, where the premium rate is not less than one and one-half
- 18 (1.5) times the rate established in good faith for like work
- 19 performed in nonovertime hours on other days.
- 20 (G) Extra compensation provided by a premium rate paid to
- 21 the employee, in pursuance of an applicable employment
- 22 contract or collective bargaining agreement, for work outside
- 23 of the hours established in good faith by the contract or
- 24 agreement as the basic, normal, or regular workday (not
- 25 exceeding eight (8) hours) or work week (not exceeding the
- 26 maximum work week applicable to the employee under
- 27 subsection ~~(g)~~ (f) where the premium rate is not less than one
- 28 and one-half (1.5) times the rate established in good faith by
- 29 the contract or agreement for like work performed during the
- 30 workday or work week.
- 31 ~~(g)~~ (h) No employer shall be considered to have violated subsection
- 32 ~~(g)~~ (f) by employing any employee for a work week in excess of that
- 33 specified in subsection ~~(g)~~ (f) without paying the compensation for
- 34 overtime employment prescribed therein if the employee is so
- 35 employed:
- 36 (1) in pursuance of an agreement, made as a result of collective
- 37 bargaining by representatives of employees certified as bona fide
- 38 by the National Labor Relations Board, which provides that no
- 39 employee shall be employed more than one thousand forty (1,040)
- 40 hours during any period of twenty-six (26) consecutive weeks; or
- 41 (2) in pursuance of an agreement, made as a result of collective
- 42 bargaining by representatives of employees certified as bona fide



1 by the National Labor Relations Board, which provides that  
 2 during a specified period of fifty-two (52) consecutive weeks the  
 3 employee shall be employed not more than two thousand two  
 4 hundred forty (2,240) hours and shall be guaranteed not less than  
 5 one thousand eight hundred forty (1,840) hours (or not less than  
 6 forty-six (46) weeks at the normal number of hours worked per  
 7 week, but not less than thirty (30) hours per week) and not more  
 8 than two thousand eighty (2,080) hours of employment for which  
 9 the employee shall receive compensation for all hours guaranteed  
 10 or worked at rates not less than those applicable under the  
 11 agreement to the work performed and for all hours in excess of  
 12 the guaranty which are also in excess of the maximum work week  
 13 applicable to the employee under subsection ~~(g)~~ **(f)** or two  
 14 thousand eighty (2,080) in that period at rates not less than one  
 15 and one-half (1.5) times the regular rate at which the employee is  
 16 employed.

17 ~~(g)~~ **(i)** No employer shall be considered to have violated subsection  
 18 ~~(g)~~ **(f)** by employing any employee for a work week in excess of the  
 19 maximum work week applicable to the employee under subsection ~~(g)~~  
 20 **(f)** if the employee is employed pursuant to a bona fide individual  
 21 contract, or pursuant to an agreement made as a result of collective  
 22 bargaining by representatives of employees, if the duties of the  
 23 employee necessitate irregular hours of work, and the contract or  
 24 agreement includes the following:

25 (1) Specifies a regular rate of pay of not less than the minimum  
 26 hourly rate provided in subsections (c) **and** (d) ~~and~~ ~~(f)~~;  
 27 (whichever is applicable) and compensation at not less than one  
 28 and one-half (1.5) times that rate for all hours worked in excess  
 29 of the maximum work week.

30 (2) Provides a weekly guaranty of pay for not more than sixty (60)  
 31 hours based on the rates so specified.

32 ~~(h)~~ **(j)** No employer shall be considered to have violated subsection  
 33 ~~(g)~~ **(f)** by employing any employee for a work week in excess of the  
 34 maximum work week applicable to the employee under that subsection  
 35 if, pursuant to an agreement or understanding arrived at between the  
 36 employer and the employee before performance of the work, the  
 37 amount paid to the employee for the number of hours worked by the  
 38 employee in the work week in excess of the maximum work week  
 39 applicable to the employee under that subsection:

40 (1) in the case of an employee employed at piece rates, is  
 41 computed at piece rates not less than one and one-half (1.5) times  
 42 the bona fide piece rates applicable to the same work when



1 performed during nonovertime hours;

2 (2) in the case of an employee performing two (2) or more kinds  
3 of work for which different hourly or piece rates have been  
4 established, is computed at rates not less than one and one-half  
5 (1.5) times those bona fide rates applicable to the same work  
6 when performed during nonovertime hours; or

7 (3) is computed at a rate not less than one and one-half (1.5) times  
8 the rate established by the agreement or understanding as the  
9 basic rate to be used in computing overtime compensation  
10 thereunder, provided that the rate so established shall be  
11 substantially equivalent to the average hourly earnings of the  
12 employee, exclusive of overtime premiums, in the particular work  
13 over a representative period of time;

14 and if the employee's average hourly earnings for the work week  
15 exclusive of payments described in this section are not less than the  
16 minimum hourly rate required by applicable law, and extra overtime  
17 compensation is properly computed and paid on other forms of  
18 additional pay required to be included in computing the regular rate.

19 ~~(h)~~ **(k)** Extra compensation paid as described in this section shall be  
20 creditable toward overtime compensation payable pursuant to this  
21 section.

22 ~~(m)~~ **(l)** No employer shall be considered to have violated subsection  
23 ~~(g)~~ **(f)** by employing any employee of a retail or service establishment  
24 for a work week in excess of the applicable work week specified  
25 therein, if:

26 (1) the regular rate of pay of the employee is in excess of one and  
27 one-half (1.5) times the minimum hourly rate applicable to the  
28 employee under section 2 of this chapter; and

29 (2) more than half of the employee's compensation for a  
30 representative period (not less than one (1) month) represents  
31 commissions on goods or services.

32 In determining the proportion of compensation representing  
33 commissions, all earnings resulting from the application of a bona fide  
34 commission rate shall be considered commissions on goods or services  
35 without regard to whether the computed commissions exceed the draw  
36 or guarantee.

37 ~~(n)~~ **(m)** No employer engaged in the operation of a hospital or an  
38 establishment which is an institution primarily engaged in the care of  
39 the sick, the aged, or individuals with a mental illness or defect who  
40 reside on the premises shall be considered to have violated subsection  
41 ~~(g)~~ **(f)** if, pursuant to an agreement or understanding arrived at between  
42 the employer and the employee before performance of the work, a work



1 period of fourteen (14) consecutive days is accepted in lieu of the work  
 2 week of seven (7) consecutive days for purposes of overtime  
 3 computation and if, for the employee's employment in excess of eight  
 4 (8) hours in any workday and in excess of eighty (80) hours in that  
 5 fourteen (14) day period, the employee receives compensation at a rate  
 6 not less than one and one-half (1.5) times the regular rate at which the  
 7 employee is employed.

8 ~~(o)~~ **(n)** No employer shall employ any employee in domestic service  
 9 in one (1) or more households for a work week longer than forty (40)  
 10 hours unless the employee receives compensation for that employment  
 11 in accordance with subsection ~~(g)~~: **(f)**.

12 ~~(p)~~ **(o)** In the case of an employee of an employer engaged in the  
 13 business of operating a street, a suburban or interurban electric railway,  
 14 or a local trolley or motorbus carrier (regardless of whether or not the  
 15 railway or carrier is public or private or operated for profit or not for  
 16 profit), in determining the hours of employment of such an employee  
 17 to which the rate prescribed by subsection ~~(g)~~ **(f)** applies, there shall be  
 18 excluded the hours the employee was employed in charter activities by  
 19 the employer if both of the following apply:

20 (1) The employee's employment in the charter activities was  
 21 pursuant to an agreement or understanding with the employer  
 22 arrived at before engaging in that employment.

23 (2) If employment in the charter activities is not part of the  
 24 employee's regular employment.

25 ~~(q)~~ **(p)** Any employer may employ any employee for a period or  
 26 periods of not more than ten (10) hours in the aggregate in any work  
 27 week in excess of the maximum work week specified in subsection ~~(g)~~  
 28 **(f)** without paying the compensation for overtime employment  
 29 prescribed in subsection ~~(g)~~: **(f)**, if during that period or periods the  
 30 employee is receiving remedial education that:

31 (1) is provided to employees who lack a high school diploma or  
 32 educational attainment at the eighth grade level;

33 (2) is designed to provide reading and other basic skills at an  
 34 eighth grade level or below; and

35 (3) does not include job specific training.

36 ~~(r)~~ **(q)** Subsection ~~(g)~~ **(f)** does not apply to an employee of a motion  
 37 picture theater.

38 ~~(s)~~ **(r)** Subsection ~~(g)~~ **(f)** does not apply to an employee of a  
 39 seasonal amusement or recreational establishment, an organized camp,  
 40 or a religious or nonprofit educational conference center that is exempt  
 41 under the federal Fair Labor Standards Act of 1938, as amended (29  
 42 U.S.C. 213).



1           (†) (s) Subsection (g) (f) does not apply to an employee of an air  
 2 carrier subject to Title II of the federal Railway Labor Act (45 U.S.C.  
 3 181 et seq.) to the extent that the hours worked by the employee during  
 4 a work week in excess of forty (40) hours are not required by the air  
 5 carrier but are arranged through a voluntary agreement between  
 6 employees to trade or reassign their scheduled work hours.

7           SECTION 15. IC 22-2-18 IS ADDED TO THE INDIANA CODE  
 8 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 9 APRIL 1, 2020]:

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

11           **Sec. 1. (a) This chapter does not apply to:**

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

18           except in the instances of underage employment (as set forth in  
 19 section 35(a) of this chapter), employment during school hours (as  
 20 set forth in section 35(b) of this chapter), and employment in  
 21 hazardous occupations designated by federal law (as set forth in  
 22 section 40 of this chapter).

23           (b) This chapter does not apply to a minor enrolled in a work  
 24 based learning course (as defined in IC 20-43-8-0.7).

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

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

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

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

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

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

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

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

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



1           **Sec. 10.5.** As used in this chapter, "school hours" refers to the  
 2 hours that the school corporation, within the boundaries of which  
 3 the minor resides while employed, is in session during the regularly  
 4 scheduled school year.

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

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

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

12           (1) at least fourteen (14) years of age; and

13           (2) less than eighteen (18) years of age;

14 to work in a gainful occupation until the person, firm, limited  
 15 liability company, or corporation has secured and placed on file in  
 16 its office an employment certificate issued by the proper issuing  
 17 officer under this chapter.

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

21           (1) perform:

22           (A) farm labor; or

23           (B) domestic service; or

24           (2) act as a:

25           (A) caddie for a person playing the game of golf; or

26           (B) newspaper carrier.

27           **(b)** An employment certificate is not required for a minor who  
 28 is:

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

31           (2) employed or works as a youth athletic program referee,  
 32 umpire, or official under section 36 of this chapter.

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

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

38           (1) works as an actor or performer if the provisions of section  
 39 37 of this chapter are met; or

40           (2) has graduated from high school.

41           **(e)** An employment certificate is not required for a minor less  
 42 than eighteen (18) years of age, who would otherwise be required



1 to obtain an employment certificate under this chapter if the minor  
2 is:

- 3 (1) not a resident of Indiana;  
4 (2) a resident of Indiana but attends a nonpublic school that  
5 employs less than one (1) employee; or  
6 (3) a resident of Indiana but is enrolled in a career and  
7 technical education program as approved by the Indiana state  
8 board of education under IC 20-32-4-1.5(g).

9 Sec. 15. (a) This chapter applies to a minor less than eighteen  
10 (18) years of age who is employed or is seeking employment in  
11 Indiana.

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

- 15 (1) accredited school (as described in IC 20-19-2-8(a)(4)) that  
16 the minor attends; or  
17 (2) school corporation in which the minor resides.

18 (c) The judge of a court with juvenile jurisdiction may suspend  
19 the application of this chapter in cases involving juvenile  
20 delinquents or incorrigibles whenever, in the opinion of the judge,  
21 the welfare of a minor warrants this action.

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

- 24 (1) a guidance counselor;  
25 (2) a school social worker; or  
26 (3) an attendance officer for the school corporation and a  
27 teacher licensed by the division of professional standards of  
28 the department of education under IC 20-28-4 or IC 20-28-5;

29 and designated in writing by the principal.

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

- 33 (1) who is a teacher licensed by the division of professional  
34 standards of the department of education under IC 20-28-4 or  
35 IC 20-28-5; and  
36 (2) whose identity and hours of work shall be determined by  
37 the principal.

38 Sec. 17. (a) Except as provided in subsection (b), an issuing  
39 officer may issue an employment certificate only to a minor whose  
40 employment is necessary and only after receipt of the following two  
41 (2) documents:

- 42 (1) Proof of age as set forth under section 18 of this chapter.





- 1           **(2) Proof of prospective employment as set forth under section**  
 2           **19 of this chapter.**
- 3           **(b) This subsection applies to a student who attends a**  
 4           **nonaccredited nonpublic school. An issuing officer shall issue an**  
 5           **employment certificate only after receipt of the following two (2)**  
 6           **documents:**
- 7               **(1) Proof of age as set forth under section 18 of this chapter.**  
 8               **(2) Proof of prospective employment as set forth under section**  
 9               **19 of this chapter.**
- 10          **Sec. 18. (a) As proof of age, the issuing officer shall require one**  
 11          **(1) of the following documents:**
- 12               **(1) A birth certificate or duly attested transcript of a birth**  
 13               **certificate issued by the registrar of vital statistics or any**  
 14               **other officer charged with the duty of recording births. The**  
 15               **registrar may not charge a fee for a certificate or transcript**  
 16               **as provided by IC 16-37-1-9(c)(2). School records of age that**  
 17               **have been verified by a birth certificate may be substituted by**  
 18               **the issuing officer for a birth certificate.**
- 19               **(2) A baptismal certificate or a certified transcript of the**  
 20               **record of baptism showing the minor's date of birth and place**  
 21               **of baptism.**
- 22               **(3) Other documentation, including:**
- 23                   **(A) a bona fide contemporary record of the minor's birth,**  
 24                   **comprising a part of the family record of births in the**  
 25                   **Bible;**
- 26                   **(B) other documentary evidence satisfactory to the**  
 27                   **department, including a certificate of arrival in the United**  
 28                   **States issued by United States immigration officers and**  
 29                   **showing the minor's age; or**
- 30                   **(C) a life insurance policy.**
- 31               **Documentary evidence under this subdivision must have been**  
 32               **in existence for at least one (1) year.**
- 33               **(4) A sworn statement by a public health physician, a public**  
 34               **school physician, or the superintendent that states, in the**  
 35               **opinion of the signatory, the minor's physical age. This**  
 36               **statement shall show the minor's height and weight and other**  
 37               **facts upon which the signatory's opinion is based. The**  
 38               **physician's or superintendent's statement shall be**  
 39               **accompanied by a statement of the minor's age signed by the**  
 40               **minor's parent and by available school records.**
- 41               **(b) The documents that may constitute proof of age under this**  
 42               **section are listed in preferential order. The issuing officer shall**



1 require the document of age under subsection (a)(1) in preference  
 2 to a document under subsection (a)(2), (a)(3), or (a)(4). To avoid  
 3 delay, the documents under subsection (a)(2), (a)(3), or (a)(4) may  
 4 be accepted if the issuing officer files a written statement that  
 5 verification of date of birth has been requested from the  
 6 appropriate governmental agency but has not been received.

7 **Sec. 19. (a) As proof of prospective employment, the issuing**  
 8 **officer shall require a written statement that:**

- 9 (1) is signed by the person for whom the minor is to work;  
 10 (2) sets forth the nature of work that the minor is to perform;  
 11 and  
 12 (3) specifies the maximum number of hours per week that the  
 13 minor will work for the employer.

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

- 16 (1) termination; and  
 17 (2) date on which it occurred.

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

20 (c) An employment certificate may be used at not more than two  
 21 (2) locations within the same enterprise if the enterprise complies  
 22 with the hour restrictions prescribed in sections 30 through 33 of  
 23 this chapter.

24 **Sec. 20. (a) Upon presentation to the issuing officer of the**  
 25 **documents required by section 17 of this chapter, an employment**  
 26 **certificate shall be issued immediately to the minor. The**  
 27 **employment certificate shall state the maximum number of hours**  
 28 **that the minor may be employed by the employer. However, an**  
 29 **issuing officer may deny an employment certificate to a minor:**

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

33 (b) Not more than five (5) days after issuing an employment  
 34 certificate, the issuing officer shall send a copy of the employment  
 35 certificate to the department. The issuing officer shall keep a  
 36 record in the issuing officer's office of each employment certificate  
 37 issued. The issuing officer shall keep for each student who has been  
 38 issued more than one (1) employment certificate a record of the  
 39 maximum number of hours that the student may work each week  
 40 for all employers.

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



1           **Sec. 21. (a) A minor may hold more than one (1) employment**  
 2 **certificate at a time. However, a minor who holds more than one**  
 3 **(1) employment certificate at a time is subject to the penalties set**  
 4 **forth in section 43 of this chapter for any of the following:**

5           **(1) Hour violations under sections 30 through 33 of this**  
 6 **chapter.**

7           **(2) A violation of section 31(4) of this chapter.**

8           **(b) An employer of a minor who holds more than one (1)**  
 9 **employment certificate under subsection (a) is subject to the**  
 10 **penalties set forth in sections 44 and 45 of this chapter for:**

11           **(1) hour violations under sections 30 through 33 of this**  
 12 **chapter; or**

13           **(2) a violation of section 31(4) of this chapter;**

14 **for the employment of the minor with the employer only.**

15           **(c) Subject to section 19(c) of this chapter, an employer is only**  
 16 **subject to penalties under subsection (b) for violations occurring**  
 17 **at the employer's enterprise.**

18           **Sec. 22. (a) The department may revoke an employment**  
 19 **certificate at any time, if, in the judgment of the department, the**  
 20 **certificate was improperly issued or if the department has**  
 21 **knowledge that the minor is or was illegally employed.**

22           **(b) To determine when a minor is illegally employed, the**  
 23 **department and agents of the department may:**

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

25           **(2) subpoena witnesses;**

26           **(3) hear evidence; and**

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

28           **(c) If the department revokes an employment certificate under**  
 29 **this section, the issuing officer and the minor's employer shall be**  
 30 **notified in writing. This notice may be delivered in person or by**  
 31 **registered mail. Immediately after receiving notice of revocation,**  
 32 **the employer shall return the employment certificate to the issuing**  
 33 **officer.**

34           **(d) A minor whose employment certificate has been revoked**  
 35 **may not be employed or allowed to work until the minor legally**  
 36 **has obtained a new employment certificate.**

37           **Sec. 23. (a) Each employment certificate issued for a minor must**  
 38 **state the:**

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

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

41           **(3) name and address of the employer; and**

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



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

2 (1) appeared before the issuing officer; and

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

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

7 Sec. 24. All forms necessary to carry out this chapter shall be  
8 prepared by the department and supplied to issuing officers by  
9 means of electronic or printed publication.

10 Sec. 25. (a) An officer charged with enforcement of this chapter  
11 may investigate the age of a minor:

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

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

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

16 (1) employment; or

17 (2) fact that the minor is allowed to work;

18 is prima facie evidence of unlawful employment.

19 Sec. 26. (a) Except as provided in subsection (c), whenever the  
20 department requires, a minor who is:

21 (1) at least fourteen (14) years of age and less than eighteen

22 (18) years of age; and

23 (2) at work in an occupation for which an employment  
24 certificate is required under sections 13 and 14 of this  
25 chapter;

26 shall submit to a physical examination. The physical examination  
27 shall be conducted by a medical inspector of the department or by  
28 a physician designated by the department. A female employee is  
29 entitled to have the physical examination made by a female. An  
30 employer shall not require or attempt to require a female employee  
31 to submit to a physical examination by a male.

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

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

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

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

41 (A) made in writing;

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



1 (C) delivered to the department.

2 **Sec. 27. (a) If:**

3 (1) a minor fails to submit to a physical examination as  
4 required under section 26 of this chapter; or

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

8 the department shall revoke the minor's employment certificate. A  
9 report of physical incapacity shall be kept at the office of the  
10 department.

11 (b) Written notice of a revocation under this section shall be  
12 served on the issuing officer and the minor's employer in person or  
13 by registered mail. Immediately after receiving notice of a  
14 revocation, the employer shall deliver the revoked employment  
15 certificate to the department. A minor whose employment  
16 certificate has been revoked under this section may obtain a new  
17 certificate if the minor is found, after physical examination, to be  
18 physically fit for the new occupation in which the minor proposes  
19 to engage.

20 **Sec. 28. (a) An employment certificate may be revoked by the**  
21 **issuing officer if the issuing officer determines that there has been**  
22 **a significant decrease in any of the following since the issuance of**  
23 **the permit:**

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

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

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

31 (c) If upon review the issuing officer determines that the  
32 student's grade point average or attendance, or both, have  
33 improved substantially, the issuing officer may reissue an  
34 employment certificate to the student.

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

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

41 **Sec. 29. Sections 30 through 34 of this chapter apply only to the**  
42 **following:**



- 1           (1) Employment for which a minor who is at least fourteen
- 2           (14) years of age and less than eighteen (18) years of age must
- 3           obtain an employment certificate under this chapter.
- 4           (2) Employment for which a minor who is at least fourteen
- 5           (14) years of age and less than eighteen (18) years of age is not
- 6           required to obtain an employment certificate under this
- 7           chapter because of the application of section 14(e) of this
- 8           chapter.
- 9           **Sec. 30.** The following apply only to a minor who is at least
- 10          fourteen (14) years of age and less than sixteen (16) years of age:
- 11          (1) The minor may not work before 7 a.m. or after 7 p.m.
- 12          However, except on a day that precedes a school day when the
- 13          minor may only work until 7 p.m, the minor may work until
- 14          9 p.m. from June 1 through Labor Day.
- 15          (2) The minor may not work:
- 16                (A) more than three (3) hours on a school day;
- 17                (B) more than eighteen (18) hours in a school week;
- 18                (C) more than eight (8) hours on a nonschool day; or
- 19                (D) more than forty (40) hours in a nonschool week.
- 20          **Sec. 31.** A minor who is at least sixteen (16) years of age and less
- 21          than eighteen (18) years of age may not:
- 22          (1) work for more than nine (9) hours in any one (1) day;
- 23          (2) work for more than forty (40) hours in a school week;
- 24          (3) work for more than forty-eight (48) hours in a nonschool
- 25          week;
- 26          (4) work for more than six (6) days in any one (1) week; or
- 27          (5) begin a work day before 6 a.m.
- 28          **Sec. 32.** A minor who is at least sixteen (16) years of age and less
- 29          than eighteen (18) years of age may work until 10 p.m. on nights
- 30          that are followed by a school day in any occupation except those
- 31          that the commissioner of labor determines to be:
- 32                (1) dangerous to life or limb; or
- 33                (2) injurious to health or morals.
- 34          **Sec. 33.** A minor who is at least sixteen (16) years of age and less
- 35          than eighteen (18) years of age may work until 11 p.m. on a night
- 36          followed by a school day if the employer has obtained written
- 37          permission from the minor's parent and placed the written
- 38          permission on file in the employer's office.
- 39          **Sec. 34.** A minor who is at least sixteen (16) years of age and less
- 40          than eighteen (18) years of age may be employed at the same daily
- 41          and weekly hours and at the same times of day as adults if the
- 42          minor is a member of any of the following categories:



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

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

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

5 Sec. 35. (a) This subsection does not apply to a minor who is  
6 employed or works as a youth athletic program referee, umpire, or  
7 official under section 36 of this chapter. A minor less than:

8 (1) fourteen (14) years of age may not be employed or allowed  
9 to work in any gainful occupation except as a farm laborer,  
10 domestic service worker, caddie for persons playing the game  
11 of golf, or newspaper carrier; and

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

14 (b) Except as provided in section 37 of this chapter, a person,  
15 firm, limited liability company, or corporation may not employ or  
16 permit any minor less than sixteen (16) years of age to work in any  
17 occupation during school hours on a school day.

18 Sec. 36. (a) If the conditions of subsections (b) and (c) are  
19 satisfied, a minor who is less than eighteen (18) years of age is  
20 exempt from the requirements of this chapter whenever the minor  
21 is employed or works as a youth athletic program referee, umpire,  
22 or official.

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

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

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

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

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

31 (1) The minor:

32 (A) works with a person who is:

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

34 (ii) also working as a referee, umpire, or official at the  
35 same athletic event at which the minor is working as a  
36 referee, umpire, or official; and

37 (B) has on file with the person responsible for assigning the  
38 minor to officiate for the youth athletic program the  
39 original or a copy of a written consent to the minor's  
40 employment as a referee, umpire, or official signed by the  
41 minor's parent or guardian.

42 (2) A minor's parent or guardian is present during the athletic



- 1 event at which the minor is working as a referee, umpire, or  
 2 official.
- 3 **Sec. 37. This chapter may not prevent a minor of any age from**  
 4 **singing, playing, or performing in a studio, circus, theatrical, or**  
 5 **musical exhibition, concert, or festival, in radio and television**  
 6 **broadcasts, or as a live or photographic model. Employment**  
 7 **certificates are not required for employment or appearances set**  
 8 **forth in this section, but a minor less than eighteen (18) years of**  
 9 **age may not be employed except under the following conditions:**
- 10 (1) **The activities described in this section must not:**
- 11 (A) **be detrimental to the life, health, safety, or welfare of**  
 12 **the minor; or**
- 13 (B) **interfere with the schooling of the minor.**
- 14 **Provision shall be made for education equivalent to full-time**  
 15 **school attendance in the public schools for minors less than**  
 16 **sixteen (16) years of age.**
- 17 (2) **A parent shall accompany a minor less than sixteen (16)**  
 18 **years of age at all rehearsals, appearances, and performances.**
- 19 (3) **The employment or appearance may not be in a cabaret,**  
 20 **dance hall, night club, tavern, or other similar place.**
- 21 **Sec. 38. The employment of minors by the:**
- 22 (1) **Indiana School for the Deaf; and**
- 23 (2) **Indiana School for the Blind and Visually Impaired;**
- 24 **is subject to the general restrictions imposed on the employment of**  
 25 **minors under this chapter.**
- 26 **Sec. 39. Every person, firm, corporation, or company that**  
 27 **employs a minor at least fourteen (14) years of age and less than**  
 28 **eighteen (18) years of age in an occupation for which the minor**  
 29 **must obtain an employment certificate shall post and keep posted**  
 30 **a printed notice in a conspicuous place or in places where notices**  
 31 **to employees are customarily posted. This notice must state:**
- 32 (1) **the maximum number of hours a minor may be employed**  
 33 **or permitted to work each day of the week; and**
- 34 (2) **the hours of beginning and ending each day.**
- 35 **The forms for this notice shall be furnished by the department.**
- 36 **Sec. 40. The department shall prohibit a minor who is less than**  
 37 **eighteen (18) years of age from working in an occupation**  
 38 **designated as hazardous by the child labor provisions of the federal**  
 39 **Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et**  
 40 **seq.), except when the minor is working for the minor's parent or**  
 41 **a person standing in the place of the minor's parent on a farm**  
 42 **owned or operated by the parent or person.**





1           **Sec. 40.5. (a) This section does not provide an exception to the**  
 2 **limit on the number of hours a minor is permitted to work under**  
 3 **sections 30 through 33 of this chapter.**

4           **(b) It is unlawful for a person, firm, limited liability company,**  
 5 **or corporation to permit a minor who is:**

6               **(1) less than eighteen (18) years of age; and**

7               **(2) employed by the person, firm, limited liability company, or**  
 8 **corporation;**

9 **to work after 10 p.m. and before 6 a.m. in an establishment that is**  
 10 **open to the public unless another employee at least eighteen (18)**  
 11 **years of age also works in the establishment during the same hours**  
 12 **as the minor.**

13           **(c) The requirement for an employee who is at least eighteen**  
 14 **(18) years of age to also work in the establishment under subsection**  
 15 **(b) does not apply if the establishment does not open to the public**  
 16 **until after 6 a.m. and closes to the public before 10 p.m.**

17           **(d) A violation of subsection (b) is a hazardous occupation**  
 18 **violation subject to section 45 of this chapter.**

19           **Sec. 41. This chapter does not prevent a student from working**  
 20 **on a properly guarded machine in the training department of a**  
 21 **school when an instructor provides personal supervision.**

22           **Sec. 42. (a) The department and its authorized inspectors and**  
 23 **agents:**

24               **(1) shall enforce this chapter and ensure that all violators are**  
 25 **prosecuted; and**

26               **(2) may visit and inspect, at all reasonable hours and when as**  
 27 **practicable and necessary, all establishments affected by this**  
 28 **chapter.**

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

33           **(c) When requested in writing by the department, the attorney**  
 34 **general shall assist the prosecuting attorney in the prosecution of**  
 35 **persons charged with a violation of this chapter.**

36           **Sec. 43. (a) For an hour violation under sections 30 through 33**  
 37 **of this chapter or a violation of section 31(4) of this chapter**  
 38 **committed by a minor, the civil penalties are as follows:**

39               **(1) A warning letter for a first violation.**

40               **(2) Revocation of the employment certificate or certificates**  
 41 **held by the minor for thirty (30) calendar days.**

42           **(b) The department shall assess the civil penalties set forth in**



1 subsection (a).

2 (c) If the department revokes an employment certificate under  
3 this section, the issuing officer and the minor's employer shall be  
4 notified in writing. The notice may be delivered in person or by  
5 registered mail. Immediately after receiving notice of revocation,  
6 the employer shall return the employment certificate to the issuing  
7 officer.

8 (d) A minor whose employment certificate or certificates have  
9 been revoked may not be employed or allowed to work until the  
10 minor legally has obtained a new employment certificate.

11 Sec. 44. An individual who is an employer, a firm, a limited  
12 liability company, or a corporation that violates this chapter may  
13 be assessed the civil penalties described in this section by the  
14 department. For an employment certificate violation under section  
15 13 or 22 of this chapter, an hour violation of not more than thirty  
16 (30) minutes under sections 30 through 33 of this chapter, a  
17 violation of section 31(4) of this chapter, or a posting violation  
18 under section 39 of this chapter the civil penalties are as follows:

19 (1) A warning letter for any violations identified during an  
20 initial inspection.

21 (2) Fifty dollars (\$50) per instance for a second violation  
22 identified in a subsequent inspection.

23 (3) Seventy-five dollars (\$75) per instance for a third violation  
24 that is identified in a subsequent inspection.

25 (4) One hundred dollars (\$100) per instance for a fourth or  
26 subsequent violation that is identified in an inspection  
27 subsequent to the inspection under subdivision (3) and occurs  
28 not more than two (2) years after a prior violation.

29 Sec. 45. An individual who is an employer, a firm, a limited  
30 liability company, or a corporation that violates this chapter may  
31 be assessed the civil penalties described in this section by the  
32 department. For an hour violation of more than thirty (30) minutes  
33 under sections 30 through 33 of this chapter, an age violation  
34 under section 35 or 37 of this chapter, each minor employed in  
35 violation of section 35(b) of this chapter, or a hazardous occupation  
36 violation under section 40 or 40.5 of this chapter the civil penalties  
37 are as follows:

38 (1) A warning letter for any violations identified during an  
39 initial inspection.

40 (2) One hundred dollars (\$100) per instance for each violation  
41 identified in a subsequent inspection.

42 (3) Two hundred dollars (\$200) per instance for a third



1 violation that is identified in a subsequent inspection.

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

6 Sec. 46. (a) A civil penalty assessed under section 44 or 45 of this  
 7 chapter:

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

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

12 (b) For purposes of determining:

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

15 (1) year after the date of issuance of a warning letter by the  
 16 department under section 44 or 45 of this chapter; and

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

20 Sec. 47. (a) There is established an employment of youth fund to  
 21 educate affected parties on the purposes and contents of this  
 22 chapter and the responsibilities of all parties under this chapter.

23 (b) One-half (1/2) of the employment of youth fund each year  
 24 shall be used for the purpose of the education provision of this  
 25 subsection, and may be used to award grants to provide  
 26 educational programs. The remaining one-half (1/2) of the  
 27 employment of youth fund shall be used each year for the expenses  
 28 of hiring and salaries of additional inspectors to enforce this  
 29 chapter under section 44 of this chapter and to develop and  
 30 maintain the data base under IC 22-1-1-23.

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

41 (d) Revenue received from civil penalties under this chapter  
 42 shall be deposited in the employment of youth fund.



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

5 Sec. 48. (a) An employment certificate shall be issued:

- 6 (1) in a form approved by; and
- 7 (2) under rules adopted under IC 4-22-2 by;

8 the department.

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

- 11 (1) be consistent with this chapter; and
- 12 (2) promote uniformity and efficiency in the administration of  
 13 this chapter.

14 Sec. 49. On April 1, 2020, the auditor of state shall transfer the  
 15 balance that remains on March 31, 2020, in the employment of  
 16 youth fund established by IC 20-33-3-42 (before its repeal) to the  
 17 employment of youth fund established by section 47 of this chapter.

18 Sec. 50. This chapter expires June 30, 2021.

19 SECTION 16. IC 22-2-18.1 IS ADDED TO THE INDIANA CODE  
 20 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 21 APRIL 1, 2020]:

22 **Chapter 18.1. Employment of Minors**

23 **Sec. 1. This chapter is effective July 1, 2021.**

24 **Sec. 2. (a) This chapter does not apply to:**

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

31 except in the instances of underage employment (as set forth in  
 32 section 12(a) of this chapter), employment during school hours (as  
 33 set forth in section 12(b) of this chapter), and employment in  
 34 hazardous occupations designated by federal law (as set forth in  
 35 section 23 of this chapter).

36 (b) This chapter does not apply to a minor enrolled in a work  
 37 based learning course (as defined in IC 20-43-8-0.7).

38 **Sec. 3. This chapter applies to a minor less than eighteen (18)**  
 39 **years of age who is employed or is seeking employment in Indiana.**

40 **Sec. 4. As used in this chapter, "department" refers to the**  
 41 **department of labor created by IC 22-1-1-1.**

42 **Sec. 5. As used in this chapter, "employer" means a person,**



1 firm, limited liability company, or corporation that hires, employs,  
2 or permits a minor to work in a gainful occupation.

3 Sec. 6. As used in this chapter, "high school" has the meaning  
4 set forth in IC 20-18-2-7.

5 Sec. 7. As used in this chapter, "nonschool week" refers to a  
6 week that contains two (2) or fewer school days.

7 Sec. 8. As used in this chapter, "parent" has the meaning set  
8 forth in IC 20-18-2-13.

9 Sec. 9. As used in this chapter, "public school" has the meaning  
10 set forth in IC 20-18-2-15.

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

13 Sec. 10.5. As used in this chapter, "school hours" refers to the  
14 hours that the school corporation, within the boundaries of which  
15 the minor resides while employed, is in session during the regularly  
16 scheduled school year.

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

19 Sec. 12. (a) This subsection does not apply to a minor who is  
20 employed or works as a youth athletic program referee, umpire, or  
21 official under section 13 of this chapter. A minor less than:

22 (1) fourteen (14) years of age may not be employed or allowed  
23 to work in any gainful occupation except as a farm laborer,  
24 domestic service worker, caddie for persons playing the game  
25 of golf, or newspaper carrier; and

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

28 (b) Except as provided in section 14 of this chapter, an employer  
29 may not employ or permit any minor less than sixteen (16) years of  
30 age to work in any occupation during school hours on a school day.

31 Sec. 13. (a) If the conditions of subsections (b) and (c) are  
32 satisfied, a minor who is less than eighteen (18) years of age is  
33 exempt from the requirements of this chapter whenever the minor  
34 is employed or works as a youth athletic program referee, umpire,  
35 or official.

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

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

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

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

42 (c) In addition to the requirements of subsection (b), one (1) of



1 the following must be satisfied:

2 (1) The minor:

3 (A) works with a person who is:

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

5 (ii) also working as a referee, umpire, or official at the  
6 same athletic event at which the minor is working as a  
7 referee, umpire, or official; and

8 (B) has on file with the person responsible for assigning the  
9 minor to officiate for the youth athletic program the  
10 original or a copy of a written consent to the minor's  
11 employment as a referee, umpire, or official signed by the  
12 minor's parent or guardian.

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

16 Sec. 14. This chapter may not prevent a minor of any age from  
17 singing, playing, or performing in a studio, circus, theatrical, or  
18 musical exhibition, concert, or festival, in radio and television  
19 broadcasts, or as a live or photographic model. A minor less than  
20 eighteen (18) years of age may not be employed except under the  
21 following conditions:

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

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

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

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

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

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

33 Sec. 15. The employment of minors by the:

34 (1) Indiana School for the Deaf; and

35 (2) Indiana School for the Blind and Visually Impaired;

36 is subject to the general restrictions imposed on the employment of  
37 minors under this chapter.

38 Sec. 16. (a) Except as provided in subsection (b), sections 17  
39 through 22 of this chapter apply only to the employment of a minor  
40 who is less than eighteen (18) years of age.

41 (b) Sections 17 through 22 of this chapter do not apply to the  
42 following:



- 1           (1) A minor who is at least fourteen (14) years of age but less  
2 than eighteen (18) years of age who:  
3           (A) performs:  
4           (i) farm labor; or  
5           (ii) domestic service; or  
6           (B) acts as a:  
7           (i) caddie for a person playing the game of golf; or  
8           (ii) newspaper carrier.
- 9           (2) A minor who is:  
10           (A) at least twelve (12) years of age but less than eighteen  
11           (18) years of age; and  
12           (B) employed or works as a youth athletic program  
13           referee, umpire, or official under section 13 of this chapter.
- 14           (3) A minor less than eighteen (18) years of age who:  
15           (A) works as an actor or performer if the provisions of  
16           section 14 of this chapter are met; or  
17           (B) has graduated from high school.
- 18           Sec. 17. The following apply only to a minor who is at least  
19           fourteen (14) years of age and less than sixteen (16) years of age:  
20           (1) The minor may not work before 7 a.m. or after 7 p.m.  
21           However, except on a day that precedes a school day when the  
22           minor may only work until 7 p.m, the minor may work until  
23           9 p.m. from June 1 through Labor Day.  
24           (2) The minor may not work:  
25           (A) more than three (3) hours on a school day;  
26           (B) more than eighteen (18) hours in a school week;  
27           (C) more than eight (8) hours on a nonschool day; or  
28           (D) more than forty (40) hours in a nonschool week.
- 29           Sec. 18. A minor who is at least sixteen (16) years of age and less  
30           than eighteen (18) years of age may not:  
31           (1) work for more than nine (9) hours in any one (1) day;  
32           (2) work for more than forty (40) hours in a school week;  
33           (3) work for more than forty-eight (48) hours in a nonschool  
34           week;  
35           (4) work for more than six (6) days in any one (1) week; or  
36           (5) begin a work day before 6 a.m.
- 37           Sec. 19. A minor who is at least sixteen (16) years of age and less  
38           than eighteen (18) years of age may work until 10 p.m. on nights  
39           that are followed by a school day in any occupation except those  
40           that the commissioner of labor determines to be:  
41           (1) dangerous to life or limb; or  
42           (2) injurious to health or morals.



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

6           **Sec. 21.** A minor who is at least sixteen (16) years of age and less  
 7 than eighteen (18) years of age may be employed at the same daily  
 8 and weekly hours and at the same times of day as adults if the  
 9 minor is a member of any of the following categories:

- 10           (1) The minor is a high school graduate.  
 11           (2) The minor has completed an approved career and  
 12 technical education program or special education program.  
 13           (3) The minor is not enrolled in a regular school term.

14           **Sec. 22.** Every employer that employs a minor at least fourteen  
 15 (14) years of age and less than eighteen (18) years of age shall post  
 16 and keep posted a printed notice in a conspicuous place or in places  
 17 where notices to employees are customarily posted. This notice  
 18 must state:

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

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

23           **Sec. 23.** The department shall prohibit a minor who is less than  
 24 eighteen (18) years of age from working in an occupation  
 25 designated as hazardous by the child labor provisions of the federal  
 26 Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et  
 27 seq.), except when the minor is working for the minor's parent or  
 28 a person standing in the place of the minor's parent on a farm  
 29 owned or operated by the parent or person.

30           **Sec. 23.5.** (a) This section does not provide an exception to the  
 31 limit on the number of hours a minor is permitted to work under  
 32 sections 17 through 20 of this chapter.

33           (b) It is unlawful for an employer to permit a minor who is:

- 34           (1) less than eighteen (18) years of age; and  
 35           (2) employed by the employer;

36           to work after 10 p.m. and before 6 a.m. in an establishment that is  
 37 open to the public unless another employee at least eighteen (18)  
 38 years of age also works in the establishment during the same hours  
 39 as the minor.

40           (c) The requirement for an employee who is at least eighteen  
 41 (18) years of age to also work in the establishment under subsection  
 42 (b) does not apply if the establishment does not open to the public





1 until after 6 a.m. and closes to the public before 10 p.m.

2 (d) A violation of subsection (b) is a hazardous occupation  
3 violation subject to section 30 of this chapter.

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

7 Sec. 25. (a) The department shall create and maintain a data  
8 base that is accessible by the public and that displays each  
9 employer that is required to register under this chapter.

10 (b) The data base must include the name and electronic mail  
11 address of each employer registered under this chapter.

12 Sec. 26. (a) Each employer that hires, employs, or permits at  
13 least five (5) minors who are:

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

16 to work in a gainful occupation must register with the department.

17 (b) An employer that must register under this chapter must  
18 provide, in the form and manner prescribed by the department, the  
19 following information:

- 20 (1) The name of the employer.  
21 (2) The electronic mail address of the employer.  
22 (3) The number of minors whom the employer has hired,  
23 employed, or permitted to work in a gainful occupation.  
24 (4) Any other information required by the department.

25 Sec. 27. (a) The department shall adopt rules under IC 4-22-2,  
26 including emergency rules adopted in the manner provided under  
27 IC 4-22-2-37.1, to:

- 28 (1) develop a schedule for the submission of the registration  
29 under section 26 of this chapter; and  
30 (2) implement this chapter.

31 (b) The department may establish recommendations for rest  
32 breaks.

33 Sec. 28. (a) The department and its authorized inspectors and  
34 agents:

- 35 (1) shall enforce this chapter and ensure that all violators are  
36 prosecuted; and  
37 (2) may visit and inspect, at all reasonable hours and when as  
38 practicable and necessary, all establishments affected by this  
39 chapter.

40 (b) It is unlawful for any person to interfere with, obstruct, or  
41 hinder any inspector or agent of the department while the  
42 inspector or agent performs official duties or to refuse to properly



1 answer questions asked by an inspector or agent of the department.

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

5 **Sec. 29. (a)** The department and its authorized inspectors and  
6 agents may investigate the age of a minor who is employed or  
7 allowed to work in an occupation.

8 (b) If the department or its authorized inspectors and agents  
9 find that the age of the minor is below the age authorized under  
10 this chapter, the:

11 (1) employment; or

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

14 **Sec. 30. (a)** An employer that violates this chapter may be  
15 assessed the civil penalties described in this section by the  
16 department.

17 (b) For an hour violation of not more than thirty (30) minutes  
18 under sections 17 through 20 of this chapter, a violation of section  
19 18(4) of this chapter, or a posting violation under section 22 of this  
20 chapter the civil penalties are as follows:

21 (1) A warning letter for any violations identified during an  
22 initial inspection.

23 (2) Fifty dollars (\$50) per instance for a second violation  
24 identified in a subsequent inspection.

25 (3) Seventy-five dollars (\$75) per instance for a third violation  
26 that is identified in a subsequent inspection.

27 (4) One hundred dollars (\$100) per instance for a fourth or  
28 subsequent violation that is identified in an inspection  
29 subsequent to the inspection under subdivision (3) and that  
30 occurs not more than two (2) years after a prior violation.

31 (c) For a failure to register or failure to register the correct  
32 number of minors employed under section 26 of this chapter, an  
33 hour violation of more than thirty (30) minutes under sections 17  
34 through 20 of this chapter, an age violation under section 12 or 14  
35 of this chapter, each minor employed in violation of section 12(b)  
36 of this chapter, or a hazardous occupation violation under section  
37 23 or 23.5 of this chapter the civil penalties are as follows:

38 (1) A warning letter for any violations identified during an  
39 initial inspection.

40 (2) One hundred dollars (\$100) per instance for each violation  
41 identified in a subsequent inspection.

42 (3) Two hundred dollars (\$200) per instance for a third



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

Sec. 31. (a) A civil penalty assessed under section 30 of this chapter:

(1) is subject to IC 4-21.5-3-6; and  
(2) becomes effective without a proceeding under IC 4-21.5-3 unless a person requests an administrative review not later than thirty (30) days after notice of the assessment is given.

(b) For purposes of determining:

(1) whether a second violation has occurred when assessing a civil penalty under subsection (a), a first violation expires one (1) year after the date of issuance of a warning letter by the department under section 30 of this chapter; and  
(2) recurring violations of this section, each location of an employer shall be considered separate and distinct from another location of the same employer.

Sec. 32. (a) There is established a labor education and youth employment fund to educate affected parties on the purposes and contents of this chapter and the responsibilities of all parties under this chapter.

(b) The labor education and youth employment fund shall be used each year for the expenses of hiring and salaries of additional inspectors to enforce this chapter under section 30 of this chapter and to develop and maintain the data base under this chapter. Any remaining funds may be used for the purpose of the education provision of this subsection and may be used to award grants to provide educational programs.

(c) The labor education and youth employment fund shall be administered by the department. The expenses of administering the labor education and youth employment fund shall be paid from money in the fund. The treasurer of state shall invest the money in the labor education and youth employment fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the labor education and youth employment fund. Money in the labor education and youth employment fund at the end of a state fiscal year does not revert to the state general fund.

(d) Revenue received from civil penalties under section 30 of this



1 chapter shall be deposited in the labor education and youth  
2 employment fund.

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

7 Sec. 33. On July 1, 2021, the auditor of state shall transfer the  
8 balance that remains on June 30, 2021, in the employment of youth  
9 fund established by IC 22-2-18-47 (before its expiration) to the  
10 labor education and youth employment fund established by section  
11 32 of this chapter.

12 Sec. 34. The department shall submit, not later than December  
13 1 of each year, an annual report listing all registered employers  
14 under section 25 of this chapter to the governor's workforce  
15 cabinet established by IC 4-3-27-3.

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

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



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

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

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

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

41 (3) Any reference to an employee who has been injured, when the  
42 employee is dead, also includes the employee's legal



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



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



- 1           arranging for the transportation that specifies the driver is an  
2           independent contractor and not an employee.
- 3           (c) "Minor" means an individual who has not reached seventeen  
4           (17) years of age.
- 5           (1) Unless otherwise provided in this subsection, a minor  
6           employee shall be considered as being of full age for all purposes  
7           of IC 22-3-2 through IC 22-3-6.
- 8           (2) If the employee is a minor who, at the time of the accident, is  
9           employed, required, suffered, or permitted to work in violation of  
10          ~~IC 20-33-3-35~~, **IC 22-2-18-40 (before its expiration on June 30,**  
11          **2021) and IC 22-2-18.1-23**, the amount of compensation and  
12          death benefits, as provided in IC 22-3-2 through IC 22-3-6, shall  
13          be double the amount which would otherwise be recoverable. The  
14          insurance carrier shall be liable on its policy for one-half (1/2) of  
15          the compensation or benefits that may be payable on account of  
16          the injury or death of the minor, and the employer shall be liable  
17          for the other one-half (1/2) of the compensation or benefits. If the  
18          employee is a minor who is not less than sixteen (16) years of age  
19          and who has not reached seventeen (17) years of age and who at  
20          the time of the accident is employed, suffered, or permitted to  
21          work at any occupation which is not prohibited by law, this  
22          subdivision does not apply.
- 23          (3) A minor employee who, at the time of the accident, is a  
24          student performing services for an employer as part of an  
25          approved program under IC 20-37-2-7 shall be considered a  
26          full-time employee for the purpose of computing compensation  
27          for permanent impairment under IC 22-3-3-10. The average  
28          weekly wages for such a student shall be calculated as provided  
29          in subsection (d)(4).
- 30          (4) The rights and remedies granted in this subsection to a minor  
31          under IC 22-3-2 through IC 22-3-6 on account of personal injury  
32          or death by accident shall exclude all rights and remedies of the  
33          minor, the minor's parents, or the minor's personal  
34          representatives, dependents, or next of kin at common law,  
35          statutory or otherwise, on account of the injury or death. This  
36          subsubsection does not apply to minors who have reached seventeen  
37          (17) years of age.
- 38          (d) "Average weekly wages" means the earnings of the injured  
39          employee in the employment in which the employee was working at the  
40          time of the injury during the period of fifty-two (52) weeks  
41          immediately preceding the date of injury, divided by fifty-two (52),  
42          except as follows:





- 1 (1) If the injured employee lost seven (7) or more calendar days  
 2 during this period, although not in the same week, then the  
 3 earnings for the remainder of the fifty-two (52) weeks shall be  
 4 divided by the number of weeks and parts thereof remaining after  
 5 the time lost has been deducted.
- 6 (2) Where the employment prior to the injury extended over a  
 7 period of less than fifty-two (52) weeks, the method of dividing  
 8 the earnings during that period by the number of weeks and parts  
 9 thereof during which the employee earned wages shall be  
 10 followed, if results just and fair to both parties will be obtained.  
 11 Where by reason of the shortness of the time during which the  
 12 employee has been in the employment of the employee's employer  
 13 or of the casual nature or terms of the employment it is  
 14 impracticable to compute the average weekly wages, as defined  
 15 in this subsection, regard shall be had to the average weekly  
 16 amount which during the fifty-two (52) weeks previous to the  
 17 injury was being earned by a person in the same grade employed  
 18 at the same work by the same employer or, if there is no person so  
 19 employed, by a person in the same grade employed in the same  
 20 class of employment in the same district.
- 21 (3) Wherever allowances of any character made to an employee  
 22 in lieu of wages are a specified part of the wage contract, they  
 23 shall be deemed a part of the employee's earnings.
- 24 (4) In computing the average weekly wages to be used in  
 25 calculating an award for permanent impairment under  
 26 IC 22-3-3-10 for a student employee in an approved training  
 27 program under IC 20-37-2-7, the following formula shall be used.  
 28 Calculate the product of:  
 29 (A) the student employee's hourly wage rate; multiplied by  
 30 (B) forty (40) hours.  
 31 The result obtained is the amount of the average weekly wages for  
 32 the student employee.
- 33 (e) "Injury" and "personal injury" mean only injury by accident  
 34 arising out of and in the course of the employment and do not include  
 35 a disease in any form except as it results from the injury.
- 36 (f) "Billing review service" refers to a person or an entity that  
 37 reviews a medical service provider's bills or statements for the purpose  
 38 of determining pecuniary liability. The term includes an employer's  
 39 worker's compensation insurance carrier if the insurance carrier  
 40 performs such a review.
- 41 (g) "Billing review standard" means the data used by a billing  
 42 review service to determine pecuniary liability.



1 (h) "Community" means a geographic service area based on ZIP  
 2 code districts defined by the United States Postal Service according to  
 3 the following groupings:

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

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

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

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

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

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

16 (7) The geographic service area served by ZIP codes with the first  
 17 three (3) digits 470, 471, 472, 474, and 478.

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

20 (i) "Medical service provider" refers to a person or an entity that  
 21 provides services or products to an employee under IC 22-3-2 through  
 22 IC 22-3-6. Except as otherwise provided in IC 22-3-2 through  
 23 IC 22-3-6, the term includes a medical service facility.

24 (j) "Medical service facility" means any of the following that  
 25 provides a service or product under IC 22-3-2 through IC 22-3-6 and  
 26 uses the CMS 1450 (UB-04) form for Medicare reimbursement:

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

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

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

31 The term does not include a professional corporation (as defined in  
 32 IC 23-1.5-1-10) comprised of health care professionals (as defined in  
 33 IC 23-1.5-1-8) formed to render professional services as set forth in  
 34 IC 23-1.5-2-3(a)(4) or a health care professional (as defined in  
 35 IC 23-1.5-1-8) who bills for a service or product provided under  
 36 IC 22-3-2 through IC 22-3-6 as an individual or a member of a group  
 37 practice or another medical service provider that uses the CMS 1500  
 38 form for Medicare reimbursement.

39 (k) "Pecuniary liability" means the responsibility of an employer or  
 40 the employer's insurance carrier for the payment of the charges for each  
 41 specific service or product for human medical treatment provided  
 42 under IC 22-3-2 through IC 22-3-6, as follows:



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

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

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

12 (i) The employer.

13 (ii) The employer's insurance carrier.

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

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

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

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

26 SECTION 18. IC 22-3-7-9, AS AMENDED BY P.L.204-2018,  
 27 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 APRIL 1, 2020]: Sec. 9. (a) As used in this chapter, "employer"  
 29 includes the state and any political subdivision, any municipal  
 30 corporation within the state, any individual or the legal representative  
 31 of a deceased individual, firm, association, limited liability company,  
 32 limited liability partnership, or corporation or the receiver or trustee of  
 33 the same, using the services of another for pay. A corporation, limited  
 34 liability company, or limited liability partnership that controls the  
 35 activities of another corporation, limited liability company, or limited  
 36 liability partnership, or a corporation and a limited liability company  
 37 or a corporation and a limited liability partnership that are commonly  
 38 owned entities, or the controlled corporation, limited liability company,  
 39 limited liability partnership, or commonly owned entities, and a parent  
 40 corporation and its subsidiaries shall each be considered joint  
 41 employers of the corporation's, the controlled corporation's, the limited  
 42 liability company's, the limited liability partnership's, the commonly



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

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

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

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

36 (A) is an independent contractor in the construction trades and  
 37 does not make the election provided under this subdivision,  
 38 the owner must obtain a certificate of exemption under section  
 39 34.5 of this chapter; or

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



- 1 (3) A partner in a partnership may elect to include the partner as  
 2 an employee under this chapter if the partner is actually engaged  
 3 in the partnership business. If a partner makes this election, the  
 4 partner must serve upon the partner's insurance carrier and upon  
 5 the board written notice of the election. No partner may be  
 6 considered an employee under this chapter until the notice has  
 7 been received. If a partner in a partnership:
- 8 (A) is an independent contractor in the construction trades and  
 9 does not make the election provided under this subdivision,  
 10 the partner must obtain a certificate of exemption under  
 11 section 34.5 of this chapter; or
  - 12 (B) is an independent contractor and does not make the  
 13 election provided under this subdivision, the partner may  
 14 obtain a certificate of exemption under section 34.5 of this  
 15 chapter.
- 16 (4) Real estate professionals are not employees under this chapter  
 17 if:
- 18 (A) they are licensed real estate agents;
  - 19 (B) substantially all their remuneration is directly related to  
 20 sales volume and not the number of hours worked; and
  - 21 (C) they have written agreements with real estate brokers  
 22 stating that they are not to be treated as employees for tax  
 23 purposes.
- 24 (5) A person is an independent contractor in the construction  
 25 trades and not an employee under this chapter if the person is an  
 26 independent contractor under the guidelines of the United States  
 27 Internal Revenue Service.
- 28 (6) An owner-operator that provides a motor vehicle and the  
 29 services of a driver under a written contract that is subject to  
 30 IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 376, to a motor  
 31 carrier is not an employee of the motor carrier for purposes of this  
 32 chapter. The owner-operator may elect to be covered and have the  
 33 owner-operator's drivers covered under a worker's compensation  
 34 insurance policy or authorized self-insurance that insures the  
 35 motor carrier if the owner-operator pays the premiums as  
 36 requested by the motor carrier. An election by an owner-operator  
 37 under this subdivision does not terminate the independent  
 38 contractor status of the owner-operator for any purpose other than  
 39 the purpose of this subdivision.
- 40 (7) An unpaid participant under the federal School to Work  
 41 Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the  
 42 extent set forth under section 2.5 of this chapter.



1 (8) A person who enters into an independent contractor agreement  
2 with a nonprofit corporation that is recognized as tax exempt  
3 under Section 501(c)(3) of the Internal Revenue Code (as defined  
4 in IC 6-3-1-11(a)) to perform youth coaching services on a  
5 part-time basis is not an employee for purposes of this chapter.

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

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

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



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

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

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

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

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

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

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



- 1 occurs within twenty (20) years after the last day of the last  
 2 exposure.
- 3 (5) In all cases of occupational disease caused by the inhalation  
 4 of asbestos dust in which the last date of the last exposure occurs  
 5 on or after July 1, 1988, no compensation shall be payable unless  
 6 disablement (as defined in subsection (e)) occurs within  
 7 thirty-five (35) years after the last day of the last exposure.
- 8 (g) For the purposes of this chapter, no compensation shall be  
 9 payable for or on account of death resulting from any occupational  
 10 disease unless death occurs within two (2) years after the date of  
 11 disablement. However, this subsection does not bar compensation for  
 12 death:
- 13 (1) where death occurs during the pendency of a claim filed by an  
 14 employee within two (2) years after the date of disablement and  
 15 which claim has not resulted in a decision or has resulted in a  
 16 decision which is in process of review or appeal; or
- 17 (2) where, by agreement filed or decision rendered, a  
 18 compensable period of disability has been fixed and death occurs  
 19 within two (2) years after the end of such fixed period, but in no  
 20 event later than three hundred (300) weeks after the date of  
 21 disablement.
- 22 (h) As used in this chapter, "billing review service" refers to a  
 23 person or an entity that reviews a medical service provider's bills or  
 24 statements for the purpose of determining pecuniary liability. The term  
 25 includes an employer's worker's compensation insurance carrier if the  
 26 insurance carrier performs such a review.
- 27 (i) As used in this chapter, "billing review standard" means the data  
 28 used by a billing review service to determine pecuniary liability.
- 29 (j) As used in this chapter, "community" means a geographic service  
 30 area based on ZIP code districts defined by the United States Postal  
 31 Service according to the following groupings:
- 32 (1) The geographic service area served by ZIP codes with the first  
 33 three (3) digits 463 and 464.
- 34 (2) The geographic service area served by ZIP codes with the first  
 35 three (3) digits 465 and 466.
- 36 (3) The geographic service area served by ZIP codes with the first  
 37 three (3) digits 467 and 468.
- 38 (4) The geographic service area served by ZIP codes with the first  
 39 three (3) digits 469 and 479.
- 40 (5) The geographic service area served by ZIP codes with the first  
 41 three (3) digits 460, 461 (except 46107), and 473.
- 42 (6) The geographic service area served by the 46107 ZIP code and





- 1 ZIP codes with the first three (3) digits 462.
- 2 (7) The geographic service area served by ZIP codes with the first
- 3 three (3) digits 470, 471, 472, 474, and 478.
- 4 (8) The geographic service area served by ZIP codes with the first
- 5 three (3) digits 475, 476, and 477.
- 6 (k) As used in this chapter, "medical service provider" refers to a
- 7 person or an entity that provides services or products to an employee
- 8 under this chapter. Except as otherwise provided in this chapter, the
- 9 term includes a medical service facility.
- 10 (l) As used in this chapter, "medical service facility" means any of
- 11 the following that provides a service or product under this chapter and
- 12 uses the CMS 1450 (UB-04) form for Medicare reimbursement:
- 13 (1) A hospital (as defined in IC 16-18-2-179).
- 14 (2) A hospital based health facility (as defined in
- 15 IC 16-18-2-180).
- 16 (3) A medical center (as defined in IC 16-18-2-223.4).
- 17 The term does not include a professional corporation (as defined in
- 18 IC 23-1.5-1-10) comprised of health care professionals (as defined in
- 19 IC 23-1.5-1-8) formed to render professional services as set forth in
- 20 IC 23-1.5-2-3(a)(4) or a health care professional (as defined in
- 21 IC 23-1.5-1-8) who bills for a service or product provided under this
- 22 chapter as an individual or a member of a group practice or another
- 23 medical service provider that uses the CMS 1500 form for Medicare
- 24 reimbursement.
- 25 (m) As used in this chapter, "pecuniary liability" means the
- 26 responsibility of an employer or the employer's insurance carrier for the
- 27 payment of the charges for each specific service or product for human
- 28 medical treatment provided under this chapter as follows:
- 29 (1) This subdivision applies before July 1, 2014, to all medical
- 30 service providers, and after June 30, 2014, to a medical service
- 31 provider that is not a medical service facility. Payment of the
- 32 charges in a defined community, equal to or less than the charges
- 33 made by medical service providers at the eightieth percentile in
- 34 the same community for like services or products.
- 35 (2) Payment of the charges in a reasonable amount, which is
- 36 established by payment of one (1) of the following:
- 37 (A) The amount negotiated at any time between the medical
- 38 service facility and any of the following, if an amount has been
- 39 negotiated:
- 40 (i) The employer.
- 41 (ii) The employer's insurance carrier.
- 42 (iii) A billing review service on behalf of a person described



- 1 in item (i) or (ii).
- 2 (iv) A direct provider network that has contracted with a
- 3 person described in item (i) or (ii).
- 4 (B) Two hundred percent (200%) of the amount that would be
- 5 paid to the medical service facility on the same date for the
- 6 same service or product under the medical service facility's
- 7 Medicare reimbursement rate, if an amount has not been
- 8 negotiated as described in clause (A).
- 9 (n) "Service or product" or "services and products" refers to
- 10 medical, hospital, surgical, or nursing service, treatment, and supplies
- 11 provided under this chapter.
- 12 SECTION 19. IC 22-3-7-9.2, AS AMENDED BY P.L.1-2005,
- 13 SECTION 183, IS AMENDED TO READ AS FOLLOWS
- 14 [EFFECTIVE APRIL 1, 2020]: Sec. 9.2. As used in section 9(c) of this
- 15 chapter, the term "violation of the ~~child labor~~ **employment of minors**
- 16 laws of this state" means a violation of ~~IC 20-33-3-35.~~ **IC 22-2-18-40**
- 17 **(before its expiration on June 30, 2021) and IC 22-2-18.1-23.** The
- 18 term does not include a violation of any other provision of ~~IC 20-33-3-~~
- 19 **IC 22-2-18 (before its expiration on June 30, 2021) or IC 22-2-18.1.**
- 20 SECTION 20. **An emergency is declared for this act.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 409, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 14, delete "IC 22-2-18;" and insert "**IC 22-2-18 (before its expiration on June 30, 2021);**".

Page 2, line 16, delete "IC 22-2-18." and insert "**IC 22-2-18 (before its expiration on June 30, 2021) or IC 22-2-18.1.**

**(c) The county election board is not required to register as an employer under IC 22-2-18.1."**

Page 3, line 2, delete "IC 22-2-18;" and insert "**IC 22-2-18 (before its expiration on June 30, 2021);**".

Page 3, line 4, delete "IC 22-2-18." and insert "**IC 22-2-18 (before its expiration on June 30, 2021) or IC 22-2-18.1.**

**(f) The county election board is not required to register as an employer under IC 22-2-18.1."**

Page 3, line 25, delete "IC 22-2-18." and insert "**IC 22-2-18 (before its expiration on June 30, 2021)."**

Page 3, line 35, after "IC 20" insert "**and IC 22**".

Page 5, line 1, after "IC 22-2-18" insert "**, before its expiration on June 30, 2021"**.

Page 6, line 11, after "IC 22-2-18" insert "**, before its expiration on June 30, 2021"**.

Page 8, line 25, after "issued" insert "**under IC 22-2-18 (before its expiration on June 30, 2021)**".

Page 8, line 27, delete "IC 22-2-18-21," and insert "**IC 22-2-18-21 (before its expiration on June 30, 2021),"**

Page 9, line 4, after "IC 22-2-18-21" insert "**(before its expiration on June 30, 2021)**".

Page 9, line 42, delete "IC 22-2-18-41." and insert "**IC 22-2-18-41 (before its expiration on June 30, 2021) and IC 22-2-18.1-23."**

Page 10, line 23, delete "IC 22-2-18-44," and insert "**IC 22-2-18-44 (before its expiration on June 30, 2021),"**

Page 10, line 24, delete "IC 22-2-18-45, and IC 22-2-18-46." and insert "**IC 22-2-18-45 (before its expiration on June 30, 2021), and IC 22-2-18-46 (before its expiration on June 30, 2021) or violations under IC 22-2-18.1-30."**

Page 10, line 28, delete "IC 22-2-18-44." and insert "**IC 22-2-18-44 (before its expiration)**".

Page 10, line 33, delete "centralized electronic permitting" and



insert **"data base that is accessible by the public that displays an employer that has registered as an employer who employs minors"**.

Page 10, line 34, delete "system for employment certificates".

Page 10, line 37, delete "a" and insert **"a data base that is accessible by the public that displays an employer that has registered as an employer who employs minors."**

Page 10, delete lines 38 through 39.

Page 24, between lines 14 and 15, begin a new paragraph and insert:

**"Sec. 50. On May 1, 2020, the auditor of state shall transfer the balance that remains on April 30, 2020, in the employment of youth fund established by IC 20-33-4-42 (before its repeal) to the employment of youth fund established by section 48 of this chapter.**

**Sec. 51. This chapter expires June 30, 2021.**

SECTION 15. IC 22-2-18.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2020]:

**Chapter 18.1. Employment of Minors**

**Sec. 1. This chapter is effective July 1, 2021.**

**Sec. 2. This chapter does not apply to:**

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

**except in the instances of underage employment (as set forth in section 12 of this chapter) and employment in hazardous occupations designated by federal law (as set forth in section 23 of this chapter).**

**Sec. 3. This chapter applies to a minor less than eighteen (18) years of age who is employed or is seeking employment in Indiana.**

**Sec. 4. As used in this chapter, "department" refers to the department of labor created by IC 22-1-1-1.**

**Sec. 5. As used in this chapter, "employer" means a person, firm, limited liability company, or corporation that hires, employs, or permits a minor to work in a gainful occupation.**

**Sec. 6. As used in this chapter, "high school" has the meaning set forth in IC 20-18-2-7.**

**Sec. 7. As used in this chapter, "nonschool week" refers to a week that contains two (2) or fewer school days.**

**Sec. 8. As used in this chapter, "parent" has the meaning set forth in IC 20-18-2-13.**



**Sec. 9.** As used in this chapter, "public school" has the meaning set forth in IC 20-18-2-15.

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

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

**Sec. 12.** This section does not apply to a minor who is employed or works as a youth athletic program referee, umpire, or official under section 13 of this chapter. A minor less than:

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

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

**Sec. 13.** (a) If the conditions of subsections (b) and (c) are satisfied, a minor who is less than eighteen (18) years of age is exempt from the requirements of this chapter whenever the minor is employed or works as a youth athletic program referee, umpire, or official.

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

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

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

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

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

(1) The minor:

(A) works with a person who is:

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

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

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

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



**Sec. 14.** This chapter may not prevent a minor of any age from singing, playing, or performing in a studio, circus, theatrical, or musical exhibition, concert, or festival, in radio and television broadcasts, or as a live or photographic model. A minor less than eighteen (18) years of age may not be employed except under the following conditions:

- (1) The activities described in this section must not:
  - (A) be detrimental to the life, health, safety, or welfare of the minor; or
  - (B) interfere with the schooling of the minor.

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

- (2) A parent shall accompany a minor less than sixteen (16) years of age at all rehearsals, appearances, and performances.
- (3) The employment or appearance may not be in a cabaret, dance hall, night club, tavern, or other similar place.

**Sec. 15.** The employment of minors by the:

- (1) Indiana School for the Deaf; and
- (2) Indiana School for the Blind and Visually Impaired;

is subject to the general restrictions imposed on the employment of minors under this chapter.

**Sec. 16. (a)** Except as provided in subsection (b), sections 17 through 22 of this chapter apply only to the employment of a minor who is less than eighteen (18) years of age.

**(b)** Sections 17 through 22 of this chapter do not apply to the following:

- (1) A minor who is at least fourteen (14) years of age but less than eighteen (18) years of age who:
  - (A) performs:
    - (i) farm labor; or
    - (ii) domestic service; or
  - (B) acts as a caddie for a person playing the game of golf.
- (2) A minor who is:
  - (A) at least twelve (12) years of age but less than eighteen (18) years of age; and
  - (B) employed or works as a youth athletic program referee, umpire, or official under section 13 of this chapter.
- (3) A minor less than eighteen (18) years of age who:
  - (A) works as an actor or performer if the provisions of section 14 of this chapter are met; or
  - (B) has graduated from high school.



**Sec. 17.** The following apply only to a minor who is at least fourteen (14) years of age and less than sixteen (16) years of age:

- (1) The minor may not work before 7 a.m. or after 7 p.m. However, the minor may work until 9 p.m. from June 1 through Labor Day.
- (2) The minor may not work:
  - (A) more than three (3) hours on a school day;
  - (B) more than eighteen (18) hours in a school week;
  - (C) more than eight (8) hours on a nonschool day; or
  - (D) more than forty (40) hours in a nonschool week.

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

- (1) work for more than nine (9) hours in any one (1) day;
- (2) work for more than forty (40) hours in a school week;
- (3) work for more than forty-eight (48) hours in a nonschool week;
- (4) work for more than six (6) days in any one (1) week; or
- (5) begin a work day before 6 a.m.

**Sec. 19.** A minor who is at least sixteen (16) years of age and less than eighteen (18) years of age may work until 10 p.m. on nights that are followed by a school day in any occupation except those that the commissioner of labor determines to be:

- (1) dangerous to life or limb; or
- (2) injurious to health or morals.

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

**Sec. 21.** A minor who is at least sixteen (16) years of age and less than eighteen (18) years of age may be employed at the same daily and weekly hours and at the same times of day as adults if the minor is a member of any of the following categories:

- (1) The minor is a high school graduate.
- (2) The minor has completed an approved career and technical education program or special education program.
- (3) The minor is not enrolled in a regular school term.

**Sec. 22.** Every employer that employs a minor at least fourteen (14) years of age and less than eighteen (18) years of age shall post and keep posted a printed notice in a conspicuous place or in places where notices to employees are customarily posted. This notice must state:



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

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

**Sec. 23.** The department shall prohibit a minor who is less than eighteen (18) years of age from working in an occupation designated as hazardous by the child labor provisions of the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), except when the minor is working for the minor's parent or a person standing in the place of the minor's parent on a farm owned or operated by the parent or person.

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

**Sec. 25. (a)** The department shall create and maintain a data base that is accessible by the public and that displays each employer that is required to register under this chapter.

**(b)** The data base must include the name and electronic mail address of each employer registered under this chapter.

**Sec. 26. (a)** Each employer that hires, employs, or permits at least five (5) minors who are:

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

to work in a gainful occupation must register with the department and pay a registration fee to the department under this chapter.

**(b)** An employer that must register under this chapter must provide, in the form and manner prescribed by the department, the following information:

- (1) The name of the employer.
  - (2) The electronic mail address of the employer.
  - (3) The number of minors whom the employer has hired, employed, or permitted to work in a gainful occupation.
  - (4) Any other information required by the department.
- (c)** The fee to register with the department is as follows:
- (1) For an employer that hires, employs, or permits at least five (5) and not more than fourteen (14) minors to work in a gainful occupation, two hundred dollars (\$200).
  - (2) For an employer that hires, employs, or permits at least fifteen (15) and not more than forty-nine (49) minors to work in gainful occupation, four hundred dollars (\$400).
  - (3) For an employer that hires, employs, or permits at least fifty (50) and not more than ninety-nine (99) minors to work





in a gainful occupation, eight hundred dollars (\$800).

(4) For an employer that hires, employs, or permits at least one hundred (100) minors to work in a gainful occupation, one thousand six hundred dollars (\$1,600).

Sec. 27. (a) The department shall adopt rules under IC 4-22-2, including emergency rules adopted in the manner provided under IC 4-22-2-37.1, to:

(1) develop a schedule for payment of the registration fee and submission of the registration under section 26 of this chapter; and

(2) implement this chapter.

(b) The department may establish recommendations for rest breaks.

Sec. 28. (a) The department and its authorized inspectors and agents:

(1) shall enforce this chapter and ensure that all violators are prosecuted; and

(2) may visit and inspect, at all reasonable hours and when as practicable and necessary, all establishments affected by this chapter.

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

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

Sec. 29. (a) The department and its authorized inspectors and agents may investigate the age of a minor who is employed or allowed to work in an occupation.

(b) If the department or its authorized inspectors and agents find that the age of the minor is below the age authorized under this chapter, the:

(1) employment; or

(2) fact that the minor is allowed to work;

is prima facie evidence of unlawful employment.

Sec. 30. (a) An employer that violates this chapter may be assessed the civil penalties described in this section by the department.

(b) For an hour violation of not more than thirty (30) minutes under sections 17 through 20 of this chapter, a violation of section 18(4) of this chapter, or a posting violation under section 22 of this



chapter the civil penalties are as follows:

- (1) A warning letter for any violations identified during an initial inspection.
- (2) Fifty dollars (\$50) per instance for a second violation identified in a subsequent inspection.
- (3) Seventy-five dollars (\$75) per instance for a third violation that is identified in a subsequent inspection.
- (4) One hundred dollars (\$100) per instance for a fourth or subsequent violation that is identified in an inspection subsequent to the inspection under subdivision (3) and that occurs not more than two (2) years after a prior violation.

(c) For a failure to register or failing to register the correct number of minors employed under section 26 of this chapter, an hour violation of more than thirty (30) minutes under sections 17 through 20 of this chapter, an age violation under section 12 or 14 of this chapter, or a hazardous occupation violation under section 23 of this chapter the civil penalties are as follows:

- (1) A warning letter for any violations identified during an initial inspection.
- (2) One hundred dollars (\$100) per instance for each violation identified in a subsequent inspection.
- (3) Two hundred dollars (\$200) per instance for a third violation that is identified in a subsequent inspection.
- (4) Four hundred dollars (\$400) per instance for a fourth or subsequent violation that is identified in an inspection subsequent to the inspection under subdivision (3) and that occurs not more than two (2) years after a prior violation.

Sec. 31. (a) A civil penalty assessed under section 30 of this chapter:

- (1) is subject to IC 4-21.5-3-6; and
- (2) becomes effective without a proceeding under IC 4-21.5-3 unless a person requests an administrative review not later than thirty (30) days after notice of the assessment is given.

(b) For purposes of determining:

- (1) whether a second violation has occurred when assessing a civil penalty under subsection (a), a first violation expires one (1) year after the date of issuance of a warning letter by the department under section 30 of this chapter; and
- (2) recurring violations of this section, each location of an employer shall be considered separate and distinct from another location of the same employer.

Sec. 32. (a) There is established a labor education and youth



employment fund to educate affected parties on the purposes and contents of this chapter and the responsibilities of all parties under this chapter.

(b) The labor education and youth employment fund shall be used each year for the expenses of hiring and salaries of additional inspectors to enforce this chapter under section 30 of this chapter. Any remaining funds may be used for the purpose of the education provision of this subsection and may be used to award grants to provide educational programs.

(c) The labor education and youth employment fund shall be administered by the department. The expenses of administering the labor education and youth employment fund shall be paid from money in the fund. The treasurer of state shall invest the money in the labor education and youth employment fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the labor education and youth employment fund. Money in the labor education and youth employment fund at the end of a state fiscal year does not revert to the state general fund.

(d) Revenue received from registrations under section 26 of this chapter and civil penalties under section 30 of this chapter shall be deposited in the labor education and youth employment fund.

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

**Sec. 33.** On July 1, 2021, the auditor of state shall transfer the balance that remains on June 30, 2021, in the employment of youth fund established by IC 22-2-18-48 (before its expiration) to the labor education and youth employment fund established by section 32 of this chapter.

**Sec. 34.** The department shall submit, not later than December 1 of each year, an annual report listing all registered employers under section 25 of this chapter to the governor's workforce cabinet established by IC 4-3-27-3."

Page 28, line 9, delete "IC 22-2-18-41," and insert "IC 22-2-18-41 (before its expiration on June 30, 2021) and IC 22-2-18.1-23,".

Page 38, line 14, delete "IC 22-2-18-41." and insert "IC 22-2-18-41 (before its expiration on June 30, 2021) and IC 22-2-18.1-23,".

Page 38, line 16, delete "IC 22-2-18." and insert "IC 22-2-18 (before its expiration on June 30, 2021) or IC 22-2-18.1,".



Renumber all SECTIONS consecutively.  
and when so amended that said bill do pass.

(Reference is to SB 409 as introduced.)

BOOTS, Chairperson

Committee Vote: Yeas 10, Nays 1.

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SENATE MOTION

Madam President: I move that Senate Bill 409 be amended to read as follows:

Page 11, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 14. IC 22-2-2-4, AS AMENDED BY P.L.38-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2020]: Sec. 4. (a) No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which employees are employed, between employees on the basis of sex by paying to employees in such establishment a rate less than the rate at which the employer pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to:

- (1) a seniority system;
- (2) a merit system;
- (3) a system which measures earnings by quantity or quality of production; or
- (4) a differential based on any other factor other than sex.

(b) An employer who is paying a wage rate differential in violation of subsection (a) shall not, in order to comply with subsection (a), reduce the wage rate of any employee, and no labor organization, or its agents, representing employees of an employer having employees subject to subsection (a) shall cause or attempt to cause such an employer to discriminate against an employee in violation of subsection (a).

(c) Except as provided in ~~subsections~~ **subsection (d)**, ~~and (f)~~, every employer employing at least two (2) employees during a work week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on or

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after June 30, 2007, wages of not less than the minimum wage payable under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.).

(d) An employer subject to subsection (c) is permitted to apply a tip credit in determining the amount of cash wage paid to tipped employees. In determining the wage an employer is required to pay a tipped employee, the amount paid the employee by the employer's employer must be an amount equal to:

- (1) the cash wage paid the employee, which for purposes of the determination may be not less than the cash wage required to be paid to employees covered under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 203(m)(1)) on August 20, 1996, which amount is two dollars and thirteen cents (\$2.13) an hour; and
- (2) an additional amount on account of the tips received by the employee, which amount is equal to the difference between the wage specified in subdivision (1) and the wage in effect under subsection (c).

An employer is responsible for supporting the amount of tip credit taken through reported tips by the employees.

(e) This section does not apply if an employee:

- (1) provides companionship services to the aged and infirm (as defined in 29 CFR 552.6); and
- (2) is employed by an employer or agency other than the family or household using the companionship services, as provided in 29 CFR 552.109 (a).

(f) This subsection applies only to an employee who has not attained the age of twenty (20) years. Instead of the rates prescribed by subsections (c) and (d), an employer may pay an employee of the employer, during the first ninety (90) consecutive calendar days after the employee is initially employed by the employer, a wage which is not less than the amount payable under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.); during the first ninety (90) consecutive calendar days after initial employment to an employee who has not attained twenty (20) years of age. However, no employer may take any action to displace employees (including partial displacements such as reduction in hours, wages, or employment benefits) for purposes of hiring individuals at the wage authorized in this subsection.

(g) (f) Except as otherwise provided in this section, no employer shall employ any employee for a work week longer than forty (40) hours unless the employee receives compensation for employment in



excess of forty (40) hours at a rate not less than one and one-half (1.5) times the regular rate at which the employee is employed.

~~(h)~~ (g) For purposes of this section the following apply:

(1) "Overtime compensation" means the compensation required by subsection ~~(g)~~: (f).

(2) "Compensatory time" and "compensatory time off" mean hours during which an employee is not working, which are not counted as hours worked during the applicable work week or other work period for purposes of overtime compensation, and for which the employee is compensated at the employee's regular rate.

(3) "Regular rate" means the rate at which an employee is employed is considered to include all remuneration for employment paid to, or on behalf of, the employee, but is not considered to include the following:

(A) Sums paid as gifts, payments in the nature of gifts made at Christmas time or on other special occasions, as a reward for service, the amounts of which are not measured by or dependent on hours worked, production, or efficiency.

(B) Payments made for occasional periods when no work is performed due to vacation, holiday, illness, failure of the employer to provide sufficient work, or other similar cause, reasonable payments for traveling expenses, or other expenses, incurred by an employee in the furtherance of the employer's interests and properly reimbursable by the employer, and other similar payments to an employee which are not made as compensation for the employee's hours of employment.

(C) Sums paid in recognition of services performed during a given period if:

(i) both the fact that payment is to be made and the amount of the payment are determined at the sole discretion of the employer at or near the end of the period and not pursuant to any prior contract, agreement, or promise causing the employee to expect the payments regularly;

(ii) the payments are made pursuant to a bona fide profit sharing plan or trust or bona fide thrift or savings plan, meeting the requirements of the administrator set forth in appropriately issued regulations, having due regard among other relevant factors, to the extent to which the amounts paid to the employee are determined without regard to hours of work, production, or efficiency; or

(iii) the payments are talent fees paid to performers,



including announcers, on radio and television programs.

(D) Contributions irrevocably made by an employer to a trustee or third person pursuant to a bona fide plan for providing old age, retirement, life, accident, or health insurance or similar benefits for employees.

(E) Extra compensation provided by a premium rate paid for certain hours worked by the employee in any day or work week because those hours are hours worked in excess of eight (8) in a day or in excess of the maximum work week applicable to the employee under subsection ~~(g)~~ (f) or in excess of the employee's normal working hours or regular working hours, as the case may be.

(F) Extra compensation provided by a premium rate paid for work by the employee on Saturdays, Sundays, holidays, or regular days of rest, or on the sixth or seventh day of the work week, where the premium rate is not less than one and one-half (1.5) times the rate established in good faith for like work performed in nonovertime hours on other days.

(G) Extra compensation provided by a premium rate paid to the employee, in pursuance of an applicable employment contract or collective bargaining agreement, for work outside of the hours established in good faith by the contract or agreement as the basic, normal, or regular workday (not exceeding eight (8) hours) or work week (not exceeding the maximum work week applicable to the employee under subsection ~~(g)~~ (f)) where the premium rate is not less than one and one-half (1.5) times the rate established in good faith by the contract or agreement for like work performed during the workday or work week.

†(H) No employer shall be considered to have violated subsection ~~(g)~~ (f) by employing any employee for a work week in excess of that specified in subsection ~~(g)~~ (f) without paying the compensation for overtime employment prescribed therein if the employee is so employed:

- (1) in pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that no employee shall be employed more than one thousand forty (1,040) hours during any period of twenty-six (26) consecutive weeks; or
- (2) in pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that



during a specified period of fifty-two (52) consecutive weeks the employee shall be employed not more than two thousand two hundred forty (2,240) hours and shall be guaranteed not less than one thousand eight hundred forty (1,840) hours (or not less than forty-six (46) weeks at the normal number of hours worked per week, but not less than thirty (30) hours per week) and not more than two thousand eighty (2,080) hours of employment for which the employee shall receive compensation for all hours guaranteed or worked at rates not less than those applicable under the agreement to the work performed and for all hours in excess of the guaranty which are also in excess of the maximum work week applicable to the employee under subsection ~~(g)~~ **(f)** or two thousand eighty (2,080) in that period at rates not less than one and one-half (1.5) times the regular rate at which the employee is employed.

~~(g)~~ **(i)** No employer shall be considered to have violated subsection ~~(g)~~ **(f)** by employing any employee for a work week in excess of the maximum work week applicable to the employee under subsection ~~(g)~~ **(f)** if the employee is employed pursuant to a bona fide individual contract, or pursuant to an agreement made as a result of collective bargaining by representatives of employees, if the duties of the employee necessitate irregular hours of work, and the contract or agreement includes the following:

(1) Specifies a regular rate of pay of not less than the minimum hourly rate provided in subsections (c) **and** (d) **and** ~~(f)~~; (whichever is applicable) and compensation at not less than one and one-half (1.5) times that rate for all hours worked in excess of the maximum work week.

(2) Provides a weekly guaranty of pay for not more than sixty (60) hours based on the rates so specified.

~~(h)~~ **(j)** No employer shall be considered to have violated subsection ~~(g)~~ **(f)** by employing any employee for a work week in excess of the maximum work week applicable to the employee under that subsection if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, the amount paid to the employee for the number of hours worked by the employee in the work week in excess of the maximum work week applicable to the employee under that subsection:

(1) in the case of an employee employed at piece rates, is computed at piece rates not less than one and one-half (1.5) times the bona fide piece rates applicable to the same work when performed during nonovertime hours;





(2) in the case of an employee performing two (2) or more kinds of work for which different hourly or piece rates have been established, is computed at rates not less than one and one-half (1.5) times those bona fide rates applicable to the same work when performed during nonovertime hours; or

(3) is computed at a rate not less than one and one-half (1.5) times the rate established by the agreement or understanding as the basic rate to be used in computing overtime compensation thereunder, provided that the rate so established shall be substantially equivalent to the average hourly earnings of the employee, exclusive of overtime premiums, in the particular work over a representative period of time;

and if the employee's average hourly earnings for the work week exclusive of payments described in this section are not less than the minimum hourly rate required by applicable law, and extra overtime compensation is properly computed and paid on other forms of additional pay required to be included in computing the regular rate.

~~(j)~~ **(k)** Extra compensation paid as described in this section shall be creditable toward overtime compensation payable pursuant to this section.

~~(m)~~ **(l)** No employer shall be considered to have violated subsection ~~(g)~~ **(f)** by employing any employee of a retail or service establishment for a work week in excess of the applicable work week specified therein, if:

(1) the regular rate of pay of the employee is in excess of one and one-half (1.5) times the minimum hourly rate applicable to the employee under section 2 of this chapter; and

(2) more than half of the employee's compensation for a representative period (not less than one (1) month) represents commissions on goods or services.

In determining the proportion of compensation representing commissions, all earnings resulting from the application of a bona fide commission rate shall be considered commissions on goods or services without regard to whether the computed commissions exceed the draw or guarantee.

~~(n)~~ **(m)** No employer engaged in the operation of a hospital or an establishment which is an institution primarily engaged in the care of the sick, the aged, or individuals with a mental illness or defect who reside on the premises shall be considered to have violated subsection ~~(g)~~ **(f)** if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, a work period of fourteen (14) consecutive days is accepted in lieu of the work



week of seven (7) consecutive days for purposes of overtime computation and if, for the employee's employment in excess of eight (8) hours in any workday and in excess of eighty (80) hours in that fourteen (14) day period, the employee receives compensation at a rate not less than one and one-half (1.5) times the regular rate at which the employee is employed.

~~(o)~~ **(n)** No employer shall employ any employee in domestic service in one (1) or more households for a work week longer than forty (40) hours unless the employee receives compensation for that employment in accordance with subsection ~~(g)~~: **(f)**.

~~(p)~~ **(o)** In the case of an employee of an employer engaged in the business of operating a street, a suburban or interurban electric railway, or a local trolley or motorbus carrier (regardless of whether or not the railway or carrier is public or private or operated for profit or not for profit), in determining the hours of employment of such an employee to which the rate prescribed by subsection ~~(g)~~ **(f)** applies, there shall be excluded the hours the employee was employed in charter activities by the employer if both of the following apply:

- (1) The employee's employment in the charter activities was pursuant to an agreement or understanding with the employer arrived at before engaging in that employment.
- (2) If employment in the charter activities is not part of the employee's regular employment.

~~(q)~~ **(p)** Any employer may employ any employee for a period or periods of not more than ten (10) hours in the aggregate in any work week in excess of the maximum work week specified in subsection ~~(g)~~ **(f)** without paying the compensation for overtime employment prescribed in subsection ~~(g)~~: **(f)**, if during that period or periods the employee is receiving remedial education that:

- (1) is provided to employees who lack a high school diploma or educational attainment at the eighth grade level;
- (2) is designed to provide reading and other basic skills at an eighth grade level or below; and
- (3) does not include job specific training.

~~(r)~~ **(q)** Subsection ~~(g)~~ **(f)** does not apply to an employee of a motion picture theater.

~~(s)~~ **(r)** Subsection ~~(g)~~ **(f)** does not apply to an employee of a seasonal amusement or recreational establishment, an organized camp, or a religious or nonprofit educational conference center that is exempt under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 213).

~~(t)~~ **(s)** Subsection ~~(g)~~ **(f)** does not apply to an employee of an air



carrier subject to Title II of the federal Railway Labor Act (45 U.S.C. 181 et seq.) to the extent that the hours worked by the employee during a work week in excess of forty (40) hours are not required by the air carrier but are arranged through a voluntary agreement between employees to trade or reassign their scheduled work hours."

Renumber all SECTIONS consecutively.

(Reference is to SB 409 as printed January 31, 2020.)

TALLIAN

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SENATE MOTION

Madam President: I move that Senate Bill 409 be amended to read as follows:

Page 19, line 13, after "However," insert "**except on a day that precedes a school day when the minor may only work until 7 p.m.**".

Page 27, line 27, after "However," insert "**except on a day that precedes a school day when the minor may only work until 7 p.m.**".

(Reference is to SB 409 as printed January 31, 2020.)

TALLIAN

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SENATE MOTION

Madam President: I move that Senate Bill 409 be amended to read as follows:

Page 13, line 3, delete "or".

Page 13, line 5, delete "employee." and insert "**employee; or**".

Page 13, between lines 5 and 6, begin a new line block indented and insert:

**"(3) is a resident of Indiana but is enrolled in a career and technical education program as approved by the Indiana state board of education under IC 20-32-4-1.5(g)."**

(Reference is to SB 409 as printed January 31, 2020.)

TALLIAN



## SENATE MOTION

Madam President: I move that Senate Bill 409 be amended to read as follows:

Page 8, line 39, delete "IC 22-2-18-21" and insert "**IC 22-2-18-20**".  
 Page 9, line 16, delete "IC 22-2-18-21" and insert "**IC 22-2-18-20**".  
 Page 10, line 12, delete "IC 22-2-18-41" and insert "**IC 22-2-18-40**".  
 Page 10, line 36, delete "IC 22-2-18-44" and insert "**IC 22-2-18-43**".  
 Page 10, line 37, delete "IC 22-2-18-45" and insert "**IC 22-2-18-44**".  
 Page 10, line 38, delete "IC 22-2-18-46" and insert "**IC 22-2-18-45**".  
 Page 11, line 2, delete "IC 22-2-18-44" and insert "**IC 22-2-18-43**".  
 Page 11, line 28, delete "36" and insert "**35**".  
 Page 11, line 29, delete "41" and insert "**40**".  
 Page 12, line 32, delete "37" and insert "**36**".  
 Page 12, line 39, delete "38" and insert "**37**".  
 Page 13, delete lines 35 through 41.  
 Page 13, line 42, delete "18." and insert "**17.**".  
 Page 14, line 4, delete "19" and insert "**18**".  
 Page 14, line 6, delete "20" and insert "**19**".  
 Page 14, line 11, delete "19" and insert "**18**".  
 Page 14, line 13, delete "20" and insert "**19**".  
 Page 14, line 14, delete "19." and insert "**18.**".  
 Page 15, line 11, delete "20." and insert "**19.**".  
 Page 15, line 26, delete "31" and insert "**30**".  
 Page 15, line 26, delete "34" and insert "**33**".  
 Page 15, line 28, delete "21." and insert "**20.**".  
 Page 15, line 29, delete "18" and insert "**17**".  
 Page 16, line 5, delete "22." and insert "**21.**".  
 Page 16, line 8, delete "44" and insert "**43**".  
 Page 16, line 9, delete "31" and insert "**30**".  
 Page 16, line 9, delete "34" and insert "**33**".  
 Page 16, line 11, delete "32(4)" and insert "**31(4)**".  
 Page 16, line 14, delete "45" and insert "**44**".  
 Page 16, line 14, delete "46" and insert "**45**".  
 Page 16, line 15, delete "31" and insert "**30**".  
 Page 16, line 15, delete "34" and insert "**33**".  
 PAGE 16, line 17, delete "32(4)" and insert "**31(4)**".  
 Page 16, line 19, delete "23." and insert "**22.**".  
 Page 16, line 38, delete "24." and insert "**23.**".  
 Page 17, line 8, delete "25." and insert "**24.**".  
 Page 17, line 11, delete "26." and insert "**25.**".  
 Page 17, line 20, delete "27." and insert "**26.**".



Page 18, line 3, delete "28." and insert "27."  
 Page 18, line 5, delete "27" and insert "26".  
 Page 18, line 21, delete "29." and insert "28."  
 Page 18, line 42, delete "30." and insert "29."  
 Page 18, line 42, delete "31" and insert "30".  
 Page 18, line 42, delete "35" and insert "34".  
 Page 19, line 10, delete "31." and insert "30".  
 Page 19, line 20, delete "32." and insert "31".  
 Page 19, line 28, delete "33." and insert "32".  
 Page 19, line 34, delete "34." and insert "33".  
 Page 19, line 39, delete "35." and insert "34".  
 Page 20, line 5, delete "36." and insert "35".  
 Page 20, line 7, delete "37" and insert "36".  
 Page 20, line 14, delete "37." and insert "36".  
 Page 20, line 41, delete "38." and insert "37".  
 Page 21, line 17, delete "39." and insert "38".  
 Page 21, line 22, delete "40." and insert "39".  
 Page 21, line 32, delete "41." and insert "40".  
 Page 21, line 39, delete "42." and insert "41".  
 Page 21, line 42, delete "43." and insert "42".  
 Page 22, line 14, delete "44." and insert "43".  
 Page 22, line 14, delete "31" and insert "30".  
 Page 22, line 14, delete "34" and insert "33".  
 Page 22, line 15, delete "32(4)" and insert "31(4)".  
 Page 22, line 31, delete "45." and insert "44".  
 Page 22, line 35, delete "23" and insert "22".  
 Page 22, line 36, delete "31" and insert "30".  
 Page 22, line 36, delete "34" and insert "33".  
 Page 22, line 37, delete "32(4)" and insert "31(4)".  
 Page 22, line 38, delete "40" and insert "39".  
 Page 23, line 7, delete "46." and insert "45".  
 Page 23, line 11, delete "31" and insert "30".  
 Page 23, line 11, delete "34" and insert "33".  
 Page 23, line 12, delete "36" and insert "35".  
 Page 23, line 12, delete "38" and insert "37".  
 Page 23, line 13, delete "41" and insert "40".  
 Page 23, line 25, delete "47." and insert "46".  
 Page 23, line 25, delete "45" and insert "44".  
 Page 23, line 25, delete "46" and insert "45".  
 Page 23, line 35, delete "45" and insert "44".  
 Page 23, line 35, delete "46" and insert "45".  
 Page 23, line 39, delete "48." and insert "47".



Page 24, line 6, delete "45" and insert "44".  
Page 24, line 23, delete "49." and insert "48".  
Page 24, line 32, delete "50." and insert "49".  
Page 24, line 35, delete "48" and insert "47".  
Page 24, line 36, delete "51." and insert "50".  
Page 32, line 11, delete "IC 22-2-18-48" and insert "IC 22-2-18-47".  
Page 36, line 12, delete "IC 22-2-18-41" and insert "IC 22-2-18-40".  
Page 46, line 18, delete "IC 22-2-18-41" and insert "IC 22-2-18-40".

(Reference is to SB 409 as printed January 31, 2020.)

TALLIAN

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SENATE MOTION

Madam President: I move that Senate Bill 409 be amended to read as follows:

Page 12, delete line 26, begin a new line block indented and insert:

**"(2) act as a:**

**(A) caddie for a person playing the game of golf; or**

**(B) newspaper carrier."**

Page 20, line 10, delete "or".

Page 20, line 11, delete "golf;" and insert **"golf, or newspaper carrier;"**.

Page 25, line 35, delete "or".

Page 25, line 36, delete "golf;" and insert **"golf, or newspaper carrier;"**.

Page 27, delete line 14, begin a new line double block indented and insert:

**"(B) acts as a:**

**(i) caddie for a person playing the game of golf; or**

**(ii) newspaper carrier."**

(Reference is to SB 409 as printed January 31, 2020.)

FORD J.D.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred Senate Bill 409, has had the same under

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consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 12 with "[EFFECTIVE APRIL 1, 2020]".

Replace the effective dates in SECTIONS 14 through 19 with "[EFFECTIVE APRIL 1, 2020]".

Page 18, line 10, after "1." insert "(a)".

Page 18, line 18, delete "35" and insert "35(a)".

Page 18, line 18, delete "chapter)" and insert "**chapter), employment during school hours (section 35(b) of this chapter),**".

Page 18, between lines 20 and 21, begin a new paragraph and insert:

**"(b) This chapter does not apply to a minor enrolled in a work based learning course (as defined in IC 20-43-8-0.7)."**

Page 18, between lines 38 and 39, begin a new paragraph and insert:

**"Sec. 10.5. As used in this chapter, "school hours" refers to the hours that the school corporation, within the boundaries of which the minor resides while employed, is in session during the regularly scheduled school year."**

Page 26, line 36, after "35." insert "(a)".

Page 26, line 36, delete "section" and insert "**subsection**".

Page 27, between lines 2 and 3, begin a new paragraph and insert:

**"(b) Except as provided in section 37 of this chapter, a person, firm, limited liability company, or corporation may not employ or permit any minor less than sixteen (16) years of age to work in any occupation during school hours on a school day."**

Page 28, between lines 27 and 28, begin a new paragraph and insert:

**"Sec. 40.5. (a) This section does not provide an exception to the limit on the number of hours a minor is permitted to work under sections 30 through 33 of this chapter.**

**(b) It is unlawful for a person, firm, limited liability company, or corporation to permit a minor who is:**

**(1) less than eighteen (18) years of age; and**

**(2) employed by the person, firm, limited liability company, or corporation;**

**to work after 10 p.m. and before 6 a.m. in an establishment that is open to the public unless another employee at least eighteen (18) years of age also works in the establishment during the same hours as the minor.**

**(c) A violation of subsection (b) is a hazardous occupation violation subject to section 45 of this chapter."**

Page 30, line 1, after "chapter," insert "**each minor employed in violation of section 35(b) of this chapter,**".



Page 30, line 2, after "40" insert "**or 40.5**".

Page 30, line 37, delete "chapter." and insert "**chapter and to develop and maintain the data base under IC 22-1-1-23.**".

Page 31, line 21, delete "May" and insert "**April**".

Page 31, line 22, delete "April 30," and insert "**March 31,**".

Page 31, line 23, delete "IC 20-33-4-42" and insert "**IC 20-33-3-42**".

Page 31, line 31, after "2." insert "**(a)**".

Page 31, line 39, delete "12" and insert "**12(a)**".

Page 31, line 39, delete "chapter)" and insert "**chapter), employment during school hours (section 12(b) of this chapter),**".

Page 31, between lines 41 and 42, begin a new paragraph and insert:

**"(b) This chapter does not apply to a minor enrolled in a work based learning course (as defined in IC 20-43-8-0.7)."**

Page 32, between lines 16 and 17, begin a new paragraph and insert:

**"Sec. 10.5. As used in this chapter, "school hours" refers to the hours that the school corporation, within the boundaries of which the minor resides while employed, is in session during the regularly scheduled school year."**

Page 32, line 19, after "12." insert "**(a)**".

Page 32, line 19, delete "section" and insert "**subsection**".

Page 32, between lines 27 and 28, begin a new paragraph and insert:

**"(b) Except as provided in section 14 of this chapter, an employer may not employ or permit any minor less than sixteen (16) years of age to work in any occupation during school hours on a school day."**

Page 35, between lines 26 and 27, begin a new paragraph and insert:

**"Sec. 23.5. (a) This section does not provide an exception to the limit on the number of hours a minor is permitted to work under sections 17 through 20 of this chapter.**

**(b) It is unlawful for an employer to permit a minor who is:**

- (1) less than eighteen (18) years of age; and**
- (2) employed by the employer;**

**to work after 10 p.m. and before 6 a.m. in an establishment that is open to the public unless another employee at least eighteen (18) years of age also works in the establishment during the same hours as the minor.**

**(c) A violation of subsection (b) is a hazardous occupation violation subject to section 30 of this chapter."**

Page 35, line 40, delete "a" and insert "**an annual**".

Page 36, line 7, after "(c) The" insert "**annual**".

Page 36, line 23, after "the" insert "**annual**".

Page 37, line 27, delete "register or" and insert "**register, a failure**".





**to pay the annual registration fee, or".**

Page 37, line 31, after "chapter," insert "**each minor employed in violation of section 12(b) of this chapter,**".

Page 37, line 32, after "23" insert "**or 23.5**".

Page 38, line 21, delete "chapter." and insert "**chapter and to develop and maintain the data base under this chapter.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 409 as reprinted February 4, 2020.)

VANNATTER

Committee Vote: yeas 12, nays 0.

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#### HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 409 be amended to read as follows:

Page 18, line 20, delete "(section" and insert "**(as set forth in section**".

Page 20, line 4, delete "is".

Page 20, line 6, delete "is".

Page 31, line 34, delete "section" and insert "**chapter**".

Page 32, line 26, delete "(section" and insert "**(as set forth in section**".

Page 37, line 5, after "department" insert ".".

Page 37, delete lines 6 through 7.

Page 37, delete lines 16 through 28.

Page 37, line 32, delete "payment of the annual registration".

Page 37, line 33, delete "fee and" and insert "**the**".

Page 38, line 36, delete "register, a failure to pay the annual" and insert "**register**".

Page 38, line 37, delete "registration fee, or failing" and insert "**or failure**".

Page 40, line 6, delete "registrations under section 26 of this".

Page 40, line 7, delete "chapter and".

(Reference is to ESB 409 as printed February 25, 2020.)

HUSTON

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## HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 409 be amended to read as follows:

Page 23, between lines 14 and 15, begin a new paragraph and insert:

**"(c) Subject to section 19(c) of this chapter, an employer is only subject to penalties under subsection (b) for violations occurring at the employer's enterprise."**

Page 29, between lines 9 and 10, begin a new paragraph and insert:

**"(c) The requirement for an employee who is at least eighteen (18) years of age to also work in the establishment under subsection (b) does not apply if the establishment does not open to the public until after 6 a.m. and closes to the public before 10 p.m."**

Page 29, line 10, delete "(c)" and insert "(d)".

Page 36, between lines 32 and 33, begin a new paragraph and insert:

**"(c) The requirement for an employee who is at least eighteen (18) years of age to also work in the establishment under subsection (b) does not apply if the establishment does not open to the public until after 6 a.m. and closes to the public before 10 p.m."**

Page 36, line 33, delete "(c)" and insert "(d)".

(Reference is to ESB 409 as printed February 25, 2020.)

NEGELE

