

HOUSE BILL No. 1083

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-33-3.

Synopsis: Child labor law. Provides that a legal entity whose ownership is limited to the parents of an employed child or persons standing in place of the parent of an employed child is not subject to certain provisions of the child labor law. Provides for civil penalties to be assessed by the department of labor (department) concerning employment certificate violations, hazardous occupation violations, and age violations of the child labor law. Provides that all blank forms necessary to carry out child labor law regulation must be prepared by the department and supplied to issuing officers by means of electronic or printed publication. Repeals language providing that funds to pay expenses incurred by the department in printing and distributing the blank forms are appropriated annually out of any money in the state general fund that is not otherwise appropriated. Provides that the department may adopt rules to implement the child labor law. Permits a child who is at least 14 years of age but less than 16 years of age to work: (1) until 9 p.m. on a night followed by a school day or until 10 p.m. on a night not followed by a school day, with parental permission on file with the employer; (2) until 11 p.m. from June 1 through Labor Day; and (3) up to four hours on a school day.

Effective: Upon passage; July 1, 2014.

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January 9, 2014, read first time and referred to Committee on Employment, Labor and Pensions.



Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1083

A BILL FOR AN ACT to amend the Indiana Code concerning education.

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

1 SECTION 1. IC 20-33-3-1, AS ADDED BY P.L. 1-2005, SECTION
2 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2014]: Sec. 1. This chapter does not apply to:
4 (1) a parent who employs the parent's own child; ~~or~~
5 (2) a person standing in place of a parent who employs a child in
6 the person's custody; **or**
7 (3) **a legal entity whose ownership is limited to the parents of**
8 **the employed child or persons standing in place of the parent**
9 **of the employed child;**
10 except ~~for:~~ **in the instances of** (1) underage employment (section 31(a)
11 of this chapter), (2) employment during school hours (section 31(b) of
12 this chapter), and (3) employment in hazardous occupations designated
13 by federal law (**as set forth in** section 35 of this chapter).
14 SECTION 2. IC 20-33-3-16, AS ADDED BY P.L.1-2005,
15 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2014]: Sec. 16. (a) All blank forms necessary to carry out this



1 chapter shall be prepared by the department of labor and supplied to
2 issuing officers **by means of electronic or printed publication.**

3 (b) Funds to pay expenses incurred by the department of labor in
4 printing and distributing these forms are appropriated annually out of
5 any money in the state general fund that is not otherwise appropriated:

6 SECTION 3. IC 20-33-3-22, AS ADDED BY P.L.1-2005,
7 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 UPON PASSAGE]: Sec. 22. The following apply only to a child who
9 is at least fourteen (14) years of age and less than sixteen (16) years of
10 age:

11 (1) The child may not work before 7 a.m. or after ~~7~~ **9** p.m. **on a**
12 **night followed by a school day or after 10 p.m. on a night not**
13 **followed by a school day. If a child works until 9 p.m. on a**
14 **night followed by a school day, or until 10 p.m. on a night not**
15 **followed by a school day, written parental permission**
16 **agreeing to those hours must be kept on file with the employer**
17 **at the location where the child is employed. However,**
18 **Notwithstanding the above hours of employment,** the child
19 may work until ~~9~~ **11** p.m. from June 1 through Labor Day.

20 (2) The child may not work:

- 21 (A) more than ~~three~~ ~~(3)~~ **four (4)** hours on a school day;
22 (B) more than eighteen (18) hours in a school week;
23 (C) more than eight (8) hours on a nonschool day; or
24 (D) more than forty (40) hours in a nonschool week.

25 SECTION 4. IC 20-33-3-36, AS ADDED BY P.L.1-2005,
26 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2014]: Sec. 36. (a) This section does not provide an exception
28 to the limit on the number of hours a child is permitted to work under
29 sections 22 through 30 of this chapter.

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

- 32 (1) less than eighteen (18) years of age; and
33 (2) employed by the person, firm, limited liability company, or
34 corporation;

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

38 (c) A violation of subsection (b) is a hazardous occupation violation
39 subject to ~~section sections~~ **sections 40.3 and** 41 of this chapter.

40 SECTION 5. IC 20-33-3-39, AS AMENDED BY P.L.182-2006,
41 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2014]: Sec. 39. An individual who is an employer, a firm, a



1 limited liability company, or a corporation that violates this chapter
 2 may be assessed the civil penalties described in this section by the
 3 department of labor. For ~~an employment certificate violation under~~
 4 ~~section 5 or 14 of this chapter~~, a termination notice violation under
 5 section 12 of this chapter, an hour violation of not more than thirty (30)
 6 minutes under sections 22 through 28 of this chapter, a violation of
 7 section 23(3) or 24(3) of this chapter, or a posting violation under
 8 section 34 of this chapter, the civil penalties are as follows:

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

19 SECTION 6. IC 20-33-3-39.5 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2014]: **Sec. 39.5. An individual who is an**
 22 **employer, a firm, a limited liability company, or a corporation that**
 23 **violates section 5 or 14 of this chapter concerning an employment**
 24 **certificate violation is subject to the following civil penalties to be**
 25 **assessed by the department of labor:**

- 26 (1) **Fifty dollars (\$50) for the first violation identified during**
 27 **an initial inspection.**
 28 (2) **One hundred dollars (\$100) for a second violation**
 29 **identified in a subsequent inspection.**
 30 (3) **Two hundred dollars (\$200) for a third or subsequent**
 31 **violation that is identified in an inspection after the inspection**
 32 **under subdivision (2).**

33 SECTION 7. IC 20-33-3-40, AS AMENDED BY P.L.182-2006,
 34 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2014]: Sec. 40. An individual who is an employer, a firm, a
 36 limited liability company, or a corporation that violates this chapter
 37 may be assessed the civil penalties described in this section by the
 38 department of labor. For an hour violation of more than thirty (30)
 39 minutes under sections 22 through 28 of this chapter, each violation of
 40 section 30 of this chapter, ~~an age violation under section 31 or 32 of~~
 41 ~~this chapter~~, or each minor employed in violation of section 31(b) of
 42 this chapter, ~~or a hazardous occupation violation under section 35 or 36~~



1 of this chapter, the civil penalties are as follows:

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

12 SECTION 8. IC 20-33-3-40.3 IS ADDED TO THE INDIANA
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2014]: **Sec. 40.3. An individual who is an**
15 **employer, a firm, a limited liability company, or a corporation that**
16 **violates section 35 or 36(b) of this chapter concerning a hazardous**
17 **occupation violation is subject to the following civil penalties to be**
18 **assessed by the department of labor:**

- 19 (1) **One thousand dollars (\$1,000) for the first violation.**
20 (2) **Five thousand dollars (\$5,000) for a second and subsequent**
21 **violation.**
22 (3) **At least eleven thousand dollars (\$11,000) and not more**
23 **than fifty thousand dollars (\$50,000) for a violation if a child**
24 **suffers serious bodily injury (as defined in IC 35-31.5-2-292)**
25 **or death.**

26 SECTION 9. IC 20-33-3-40.5 IS ADDED TO THE INDIANA
27 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2014]: **Sec. 40.5. An individual who is an**
29 **employer, a firm, a limited liability company, or a corporation that**
30 **violates section 31, 31.5, or 32 of this chapter concerning an age**
31 **violation is subject to the following civil penalties to be assessed by**
32 **the department of labor:**

- 33 (1) **Five hundred dollars (\$500) for the first violation.**
34 (2) **One thousand dollars (\$1,000) for a second and subsequent**
35 **violation.**

36 SECTION 10. IC 20-33-3-41, AS ADDED BY P.L.1-2005,
37 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2014]: Sec. 41. (a) A civil penalty assessed under section 39,
39 ~~or 39.5, 40, 40.3, or 40.5~~ of this chapter:

- 40 (1) is subject to IC 4-21.5-3-6; and
41 (2) becomes effective without a proceeding under IC 4-21.5-3
42 unless a person requests an administrative review not later than



- 1 thirty (30) days after notice of the assessment is given.
 2 (b) For purposes of determining:
 3 (1) whether a second **or subsequent** violation has occurred when
 4 assessing a civil penalty under subsection (a), a **first prior**
 5 violation expires ~~one (1) year~~ **five (5) years** after the date of
 6 issuance of ~~a~~ **the most recent** warning letter **or report or notice**
 7 **of a violation** by the department of labor under subsection (a);
 8 and
 9 (2) recurring violations of this section, each location of an
 10 employer shall be considered separate and distinct from another
 11 location of the same employer.
 12 SECTION 11. IC 20-33-3-44 IS ADDED TO THE INDIANA
 13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2014]: **Sec. 44. The commissioner of the**
 15 **department of labor may adopt rules under IC 4-22-2 necessary to**
 16 **implement this chapter, if the rules are not inconsistent with this**
 17 **chapter or other applicable statutes.**
 18 SECTION 12. **An emergency is declared for this act.**

