

# HOUSE BILL No. 1197

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-1-1-11; IC 22-8-5; IC 35-51-22-1.

**Synopsis:** Convenience business employee safety. Sets requirements for security features for employees of convenience businesses that are open between 11 p.m. and 5 a.m., and makes the failure to follow the requirements a Class B misdemeanor. Requires the commissioner of labor to issue safety orders and assess civil penalties for violations.

**Effective:** July 1, 2014.

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## DeLaney

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January 14, 2014, read first time and referred to Committee on Employment, Labor and Pensions.

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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. 1197



A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

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

1 SECTION 1. IC 22-1-1-11, AS AMENDED BY P.L.35-2007,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2014]: Sec. 11. The commissioner of labor is authorized and  
4 directed to do the following:

5 (1) To investigate and adopt rules under IC 4-22-2 prescribing  
6 what safety devices, safeguards, or other means of protection shall  
7 be adopted for the prevention of accidents in every employment  
8 or place of employment, to determine what suitable devices,  
9 safeguards, or other means of protection for the prevention of  
10 industrial accidents or occupational diseases shall be adopted or  
11 followed in any or all employments or places of employment, and  
12 to adopt rules under IC 4-22-2 applicable to either employers or  
13 employees, or both for the prevention of accidents and the  
14 prevention of industrial or occupational diseases.  
15 (2) Whenever, in the judgment of the commissioner of labor, any  
16 place of employment is not being maintained in a sanitary manner



1 or is being maintained in a manner detrimental to the health of the  
 2 employees therein, to obtain any necessary technical or expert  
 3 advice and assistance from the state department of health. The  
 4 state department of health, upon the request of the commissioner  
 5 of labor, shall furnish technical or expert advice and assistance to  
 6 the commissioner and take the steps authorized or required by the  
 7 health laws of the state.

8 (3) Annually forward the report received from the mining board  
 9 under IC 22-10-1.5-5(a)(5) to the legislative council in an  
 10 electronic format under IC 5-14-6 and request from the general  
 11 assembly funding for necessary additional mine inspectors.

12 (4) Administer the mine safety fund established under  
 13 IC 22-10-12-16.

14 **(5) Enforce the provisions of IC 22-8-5.**

15 SECTION 2. IC 22-8-5 IS ADDED TO THE INDIANA CODE AS  
 16 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
 17 1, 2014]:

18 **Chapter 5. Convenience Business Employee Safety**

19 **Sec. 1. The following definitions apply throughout this chapter:**

20 (1) "Convenience business" means a place of business that is  
 21 engaged primarily in the retail sale of groceries, or both  
 22 groceries and motor fuel, and that is open for business at any  
 23 time between the hours of 11 p.m. and 5 a.m. The term does  
 24 not include a business that:

25 (A) is solely or primarily a restaurant; or

26 (B) continuously has at least five (5) employees on the  
 27 premises after 11 p.m. and before 5 a.m.

28 (2) "Department" refers to the department of labor created  
 29 by IC 22-1-1-1.

30 (3) "INsafe" refers to the division of the department created  
 31 by IC 22-8-1.1-40.

32 (4) "Municipality" has the meaning set forth in IC 36-1-2-11.

33 (5) "Safety order" has the meaning set forth in IC 22-8-1.1-1.

34 **Sec. 2. In addition to the requirements of this chapter,**  
 35 **IC 22-8-1.1 also applies to a convenience business.**

36 **Sec. 3. A convenience business shall be equipped with the**  
 37 **following security devices and standards:**

38 (1) A security camera system capable of recording and  
 39 retrieving an image to assist in offender identification and  
 40 apprehension.

41 (2) A drop safe or cash management device for restricted  
 42 access to cash receipts.



- 1           **(3) A lighted parking lot illuminated at an intensity of not less**  
 2           **than two (2) foot candles per square foot at eighteen (18)**  
 3           **inches above the surface.**
- 4           **(4) A conspicuous notice at the entrance that states that the**  
 5           **cash register contains fifty dollars (\$50) or less.**
- 6           **(5) Window signage that allows a clear and unobstructed**  
 7           **view:**
- 8                 **(A) from outside the building; and**  
 9                 **(B) in a normal line of sight of the cash register and sales**  
 10                **transaction area.**
- 11           **(6) Height markers at the entrance of the convenience**  
 12           **business that display height measures.**
- 13           **(7) A cash management policy to limit the cash on hand at all**  
 14           **times after 11 p.m. and before 5 a.m.**
- 15           **Sec. 4. A convenience business may not have window tinting or**  
 16           **obstructions that reduce the exterior or interior view of the**  
 17           **convenience business in a normal line of sight.**
- 18           **Sec. 5. A convenience business must be equipped with a silent**  
 19           **alarm connected to law enforcement or a private security agency.**
- 20           **Sec. 6. If a crime set forth in IC 35-42-1, IC 35-42-2, IC 35-42-3,**  
 21           **or IC 35-42-5-1 has occurred at the location of a convenience**  
 22           **business since January 1, 2012, the convenience business shall**  
 23           **implement at least one (1) of the following security measures:**
- 24                **(1) Provide not less than two (2) employees on the premises at**  
 25                **all times:**
- 26                    **(A) after 11 p.m.; and**  
 27                    **(B) before 5 a.m.**
- 28                **(2) Install for the use of employees at all times after 11 p.m.**  
 29                **and before 5 a.m. a security safety enclosure of transparent**  
 30                **polycarbonate or other material that meets at least one (1) of**  
 31                **the following minimum standards:**
- 32                    **(A) American Society for Testing and Materials Standard**  
 33                    **D395 (classification PC110 B 3 0800700) that has a**  
 34                    **thickness of at least three hundred seventy-five**  
 35                    **thousandths (0.375) inch and has an impact strength of at**  
 36                    **least two hundred (200) foot pounds.**
- 37                    **(B) Underwriters Laboratory Standard UL 752 for**  
 38                    **medium power small arms (level one), Bullet Resisting**  
 39                    **Equipment.**
- 40                **(3) Provide a security guard on the premises at all times after**  
 41                **11 p.m. and before 5 a.m.**
- 42                **(4) Lock the business premises between the hours of 11 p.m.**



1           and 5 a.m. and transact business only through an indirect pass  
2           through trough, trap door, or window.

3           **(5) Close the convenience business at all times after 11 p.m.**  
4           **and before 5 a.m.**

5           **Sec. 7. (a) The owner or principal operator of a convenience**  
6           **business shall provide robbery deterrence and safety training**  
7           **programs using a curriculum developed by INsafe under**  
8           **IC 22-8-1.1-41(3) or IC 22-8-1.1-41(9), or both, to each employee**  
9           **of the convenience business not later than sixty (60) days after the**  
10          **first date of employment of the employee.**

11          **(b) An employee who is employed by a convenience business on**  
12          **July 1, 2014, must be provided robbery deterrence and safety**  
13          **training before June 30, 2015, if the employee is still employed by**  
14          **the convenience business on June 30, 2015. This subsection expires**  
15          **December 31, 2015.**

16          **Sec. 8. A convenience business that:**

17           **(1) has implemented at least one (1) of the security measures**  
18           **set forth in section 6 of this chapter; and**

19           **(2) has maintained the security measure without an**  
20           **occurrence of a crime set forth in section 6 of this chapter for**  
21           **a period of at least twenty-four (24) months;**

22          **may file a notice of exemption from the security measures required**  
23          **by section 6 of this chapter with the department.**

24          **Sec. 9. A municipality or county may not adopt standards less**  
25          **restrictive than those contained in sections 3 through 7 of this**  
26          **chapter regarding safety measures for convenience businesses.**

27          **Sec. 10. (a) The department shall issue safety orders and assess**  
28          **civil penalties for a violation of this chapter in the manner**  
29          **provided in IC 22-8-1.1.**

30          **(b) An employer who has received a safety order or a penalty**  
31          **assessment from the department under this section may file a**  
32          **written petition for review in the manner provided in**  
33          **IC 22-8-1.1-28.1 or IC 22-8-1.1-28.2.**

34          **Sec. 11. A person who knowingly violates this chapter commits**  
35          **a Class B misdemeanor.**

36          SECTION 3. IC 35-51-22-1, AS AMENDED BY P.L.107-2012,  
37          SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
38          JULY 1, 2014]: Sec. 1. The following statutes define crimes in IC 22:

39           IC 22-1-1-22 (Concerning the department of labor).

40           IC 22-2-2-11 (Concerning wages, hours, and benefits).

41           IC 22-2-7-7 (Concerning wages, hours, and benefits).

42           IC 22-3-1-5 (Concerning worker's compensation system).



- 1 IC 22-4-11.5-10 (Concerning unemployment compensation  
2 system).
- 3 IC 22-4-19-6 (Concerning unemployment compensation system).
- 4 IC 22-4-29-14 (Concerning unemployment compensation system).
- 5 IC 22-4-34-3 (Concerning unemployment compensation system).
- 6 IC 22-4-34-4 (Concerning unemployment compensation system).
- 7 IC 22-4-34-5 (Concerning unemployment compensation system).
- 8 IC 22-4.1-4-4 (Concerning department of workforce  
9 development).
- 10 IC 22-4.1-21-38 (Concerning postsecondary proprietary  
11 educational institution accreditation).
- 12 IC 22-5-1-1 (Concerning unlawful labor practices).
- 13 IC 22-6-2-13 (Concerning labor relations).
- 14 IC 22-7-1-3 (Concerning labor organizations).
- 15 IC 22-8-1.1-24.2 (Concerning occupational health and safety).
- 16 IC 22-8-1.1-49 (Concerning occupational health and safety).
- 17 **IC 22-8-5-11 (Concerning convenience business employee**  
18 **safety).**
- 19 IC 22-9.5-10-1 (Concerning Indiana fair housing).
- 20 IC 22-11-14-3 (Concerning building and safety regulations).
- 21 IC 22-11-14-6 (Concerning building and safety regulations).
- 22 IC 22-11-14.5-9 (Concerning building and safety regulations).
- 23 IC 22-11-14.5-10 (Concerning building and safety regulations).
- 24 IC 22-11-14.5-11 (Concerning building and safety regulations).
- 25 IC 22-11-14.5-12 (Concerning building and safety regulations).
- 26 IC 22-11-15-6 (Concerning building and safety regulations).
- 27 IC 22-11-17-3 (Concerning building and safety regulations).
- 28 IC 22-11-17-4 (Concerning building and safety regulations).
- 29 IC 22-11-18-5 (Concerning building and safety regulations).
- 30 IC 22-11-20-6 (Concerning building and safety regulations).
- 31 IC 22-15-4-7 (Concerning building and equipment laws).
- 32 IC 22-15-7-9 (Concerning building and equipment laws).

