



Reprinted  
February 22, 2006

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**ENGROSSED  
HOUSE BILL No. 1267**

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DIGEST OF HB 1267 (Updated February 21, 2006 4:34 pm - DI 96)

**Citations Affected:** IC 20-33; IC 22-1.

**Synopsis:** Employment certificates for children. Sets procedure for issuance of an employment certificate and specifies format of the employment certificate. Provides that a child may have more than one employment certificate at a time and specifies that if so, is subject to civil penalties from the department of labor if the child works more than the allowable number of: (1) hours in a week; or (2) days in a week. Provides that an employer of a child who holds more than one employment certificate is responsible only for excess hours or days of the week violations for the employment of the child with the employer. Makes technical corrections.

**Effective:** June 1, 2006; July 1, 2006.

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**Borrer, Lehe, Torr**  
(SENATE SPONSOR — HARRISON)

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January 10, 2006, read first time and referred to Committee on Employment and Labor.  
January 25, 2006, amended, reported — Do Pass.  
January 30, 2006, read second time, ordered engrossed.  
January 31, 2006, engrossed.  
February 2, 2006, read third time, passed. Yeas 51, nays 48.  
SENATE ACTION  
February 6, 2006, read first time and referred to Committee on Pensions and Labor.  
February 13, 2006, amended, reported favorably — Do Pass.  
February 20, 2006, read second time, amended, ordered engrossed. Engrossed. Returned to second reading.  
February 21, 2006, re-read second time, amended, ordered engrossed.

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Second Regular Session 114th General Assembly (2006)

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 2005 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1267

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

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

- 1 SECTION 1. IC 20-33-3-12, AS ADDED BY P.L.1-2005,  
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2006]: Sec. 12. (a) As proof of prospective employment, the  
4 issuing officer shall require a written statement that:  
5 (1) is signed by the person for whom the child is to work; ~~and~~  
6 (2) sets forth the nature of work that the child is to perform; ~~and~~  
7 **(3) specifies the maximum number of hours per week that the**  
8 **child will work for the employer.**  
9 (b) When a child's employment terminates, the employer shall  
10 immediately notify the issuing officer in writing of the:  
11 (1) termination; and  
12 (2) date on which it occurred.  
13 This notice shall be on a blank form attached to the child's employment  
14 certificate.  
15 ~~(c) It is unlawful for an issuing officer to issue a subsequent~~  
16 ~~employment certificate until the issuing officer has:~~  
17 ~~(1) received a termination notice from the current employer; or~~

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1 (2) otherwise determined that the child's employment has  
2 terminated:

3 (c) An employment certificate may be used at not more than two  
4 (2) locations within the same enterprise if the enterprise complies with  
5 the hour restrictions prescribed in sections 21 22 through 29 28 of this  
6 chapter.

7 SECTION 2. IC 20-33-3-13, AS ADDED BY P.L.1-2005,  
8 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JUNE 1, 2006]: Sec. 13. (a) Upon presentation to the issuing officer of  
10 the documents required by section 10 of this chapter, an employment  
11 certificate shall be issued immediately to the child. **The employment  
12 certificate shall state the maximum number of hours that the child  
13 may be employed by the employer.** However, an issuing officer may  
14 deny a certificate to a child:

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

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

26 (c) A student may appeal the denial of a certificate under subsection  
27 (a) to the principal.

28 SECTION 3. IC 20-33-3-13.5 IS ADDED TO THE INDIANA  
29 CODE AS A NEW SECTION TO READ AS FOLLOWS  
30 [EFFECTIVE JUNE 1, 2006]: **Sec. 13.5. (a) A child may hold more  
31 than one (1) employment certificate at a time. However, a child  
32 who holds more than one (1) employment certificate at a time is  
33 subject to the penalties set forth in section 38.5 of this chapter for  
34 any of the following:**

- 35 (1) Hour violations under sections 22 through 28 of this  
36 chapter.
- 37 (2) A violation of section 23(3) or 24(3) of this chapter.

38 (b) An employer of a child who holds more than one (1)  
39 employment certificate under subsection (a) is subject to the  
40 penalties set forth in sections 39 and 40 of this chapter for:

- 41 (1) hour violations under sections 22 through 28 of this  
42 chapter; or

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1           **(2) a violation of section 23(3) or 24(3) of this chapter;**  
2 **for the employment of the child with the employer only.**

3           SECTION 4. IC 20-33-3-23, AS ADDED BY P.L.1-2005,  
4 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JUNE 1, 2006]: Sec. 23. **Except as provided in section 27 of this**  
6 **chapter**, a child who is at least sixteen (16) years of age and less than  
7 seventeen (17) years of age may not:

- 8           (1) work for more than eight (8) hours in any one (1) day;
- 9           (2) work for more than thirty (30) hours in any one (1) week;
- 10           (3) work for more than six (6) days in any one (1) week; or
- 11           (4) begin a work day before 6 a.m.

12           SECTION 5. IC 20-33-3-24, AS ADDED BY P.L.1-2005,  
13 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JUNE 1, 2006]: Sec. 24. **Except as provided in section 27 of this**  
15 **chapter**, a child who is at least seventeen (17) years of age and less  
16 than eighteen (18) years of age may not:

- 17           (1) work for more than eight (8) hours in any one (1) day;
- 18           (2) work for more than thirty (30) hours in any one (1) week;
- 19           (3) work for more than six (6) days in any one (1) week; or
- 20           (4) begin a work day before 6 a.m. on a school day.

21           SECTION 6. IC 20-33-3-27, AS ADDED BY P.L.1-2005,  
22 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JUNE 1, 2006]: Sec. 27. (a) ~~An employer may employ~~ A child who is  
24 at least sixteen (16) years of age and less than eighteen (18) years of  
25 age **may be employed** for up to forty (40) hours during a school week  
26 if the employer has:

- 27           (1) obtained written permission from the child's parent; and
- 28           (2) placed the written permission on file in the employer's office.

29           (b) If ~~an~~ **the employer has or employers have** obtained written  
30 permission required under subsection (a), ~~the employer may employ~~ a  
31 child who is at least sixteen (16) years of age and less than eighteen  
32 (18) years of age **may be employed** for periods that do not exceed a  
33 total of nine (9) hours in any one (1) day and a total of forty-eight (48)  
34 hours in any one (1) nonschool week.

35           SECTION 7. IC 20-33-3-38.5 IS ADDED TO THE INDIANA  
36 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
37 [EFFECTIVE JUNE 1, 2006]: **Sec. 38.5. For an hour violation under**  
38 **sections 22 through 28 of this chapter or a violation of section 23(3)**  
39 **or 24(3) of this chapter committed by a child, the civil penalties are**  
40 **as follows:**

- 41           **(1) A warning letter for a first violation.**
- 42           **(2) Revocation of the employment certificate or certificates**

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held by the child for thirty (30) calendar days.  
(b) The department of labor shall assess the civil penalties set forth in subsection (a).  
(c) If the department of labor revokes an employment certificate under this section, the issuing officer and the child's employer shall be notified in writing. This notice may be delivered in person or by registered mail. Immediately after receiving notice of revocation, the employer shall return the certificate to the issuing officer.  
(d) A child whose employment certificate or certificates have been revoked may not be employed or allowed to work until the child legally has obtained a new employment certificate.

SECTION 8. IC 20-33-3-39, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: Sec. 39. ~~A person, firm, limited liability company, or~~ **An individual who is an employer, a firm, a limited liability company, or a corporation** that violates this chapter may be assessed the civil penalties described in this section by the department of labor. For an employment certificate violation under section 5 or 14 of this chapter, a termination notice violation under section 12 of this chapter, an hour violation of not more than thirty (30) minutes under ~~sections 21~~ **sections 22** through ~~29~~ **28** of this chapter, **a violation of section 23(3) or 24(3) of this chapter**, or a posting violation under section 34 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 occurs not more than two (2) years after a prior violation.

SECTION 9. IC 20-33-3-40, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: Sec. 40. ~~A person,~~ **An individual who is an employer, a firm, a limited liability company, or a corporation** that violates this chapter may be assessed the civil penalties described in this section by the department of labor. For an hour violation of more than thirty (30) minutes under ~~sections 21~~ **sections 22** through ~~29~~ **28** of this chapter, each violation of section 30 of this chapter, an age violation under section 31 or 32 of this chapter, each minor employed in violation of

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1 section 31(b) of this chapter, or a hazardous occupation violation under  
2 section 35 or 36 of this chapter, the civil penalties are as follows:

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

13 SECTION 10. IC 22-1-1-5 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JUNE 1, 2006] Sec. 5. (a) The bureau of  
15 mines and mining safety shall do the following:

- 16 (1) have immediate charge of the administration of the  
17 underground mine laws of this state;
- 18 (2) provide safety consultation services to any surface or  
19 underground mine operator at the request of the operator;
- 20 (3) provide mine safety and health education information to all  
21 surface or underground mine operators;
- 22 (4) provide mine safety and health training as required by federal  
23 Mine Safety and Health Administration to all surface or  
24 underground mine operators and mine workers who do not  
25 otherwise have training available; and
- 26 (5) investigate all fatalities occurring in surface or underground  
27 mine operations for the purpose of data collection; however, an  
28 investigation shall not interfere with investigations by the federal  
29 Mine Safety and Health Administration.

30 (b) The bureau of child labor shall have immediate charge of the  
31 supervision of children who are gainfully employed, **including**  
32 **employment certificate violations under IC 20-33-3-38.5,**  
33 **IC 20-33-3-39, and IC 20-33-3-40. A child employee under the**  
34 **jurisdiction of the bureau of child labor may file a complaint with**  
35 **the bureau of child labor if the employer of the child employee**  
36 **requires noncompliance by the child employer with the provisions**  
37 **of IC 20-33-3-38.5.**

38 SECTION 11. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment and Labor, to which was referred House Bill 1267, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1267 as introduced.)

TORR, Chair

Committee Vote: yeas 7, nays 5.

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COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred House Bill No. 1267, 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, delete lines 25 through 41.

Page 3, line 23, reset in roman "has:".

Page 3, line 23, delete "or employers have:".

Page 3, line 25, after "office" insert ".".

Page 3, line 26, delete "or the offices of the employers.".

Page 3, line 35, delete "Notwithstanding section 13.5(b) of this".

Page 3, line 36, delete "chapter, a" and insert "A".

Page 4, delete lines 13 through 27.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1267 as printed January 26, 2006.)

HARRISON, Chairperson

Committee Vote: Yeas 8, Nays 3.



## SENATE MOTION

Madam President: I move that Engrossed House Bill 1267, which is eligible for third reading, be returned to second reading for purposes of amendment.

HARRISON, Chairperson

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 SENATE MOTION

Madam President: I move that Engrossed House Bill 1267 be amended to read as follows:

Page 2, line 22, after "issued." insert "**The issuing officer shall keep for each student who has been issued more than one (1) employment certificate a record of the maximum number of hours that the student may work each week for all employers.**".

Page 2, between lines 24 and 25, begin a new paragraph and insert: "**SECTION 3. IC 20-33-3-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: Sec. 13.5. (a) A child may hold more than one (1) employment certificate at a time. However, a child who holds more than one (1) employment certificate at a time is subject to the penalties set forth in section 38.5 of this chapter for any of the following:**

**(1) Hour violations under sections 22 through 28 of this chapter.**

**(2) A violation of section 23(3) or 24(3) of this chapter.**

**(b) An employer of a child who holds more than one (1) employment certificate under subsection (a) is subject to the penalties set forth in sections 39 and 40 of this chapter for:**

**(1) hour violations under sections 22 through 28 of this chapter; or**

**(2) a violation of section 23(3) or 24(3) of this chapter;**

**for the employment of the child with the employer only.**".

Page 3, between lines 14 and 15, begin a new paragraph and insert:

"**SECTION 7. IC 20-33-3-38.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: Sec. 38.5. For an hour violation under sections 22 through 28 of this chapter or a violation of section 23(3) or 24(3) of this chapter committed by a child, the civil penalties are as follows:**

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(1) A warning letter for a first violation.

(2) Revocation of the employment certificate or certificates held by the child for thirty (30) calendar days.

(b) The department of labor shall assess the civil penalties set forth in subsection (a).

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

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

Page 3, line 17, strike "A person, firm, limited liability company, or" and insert "An individual who is an employer, a firm, a limited liability company, or a".

Page 3, between lines 35 and 36, begin a new paragraph and insert: "SECTION 9. IC 20-33-3-40, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: Sec. 40. ~~A person,~~ **An individual who is an employer,** a firm, a limited liability company, or a corporation that violates this chapter may be assessed the civil penalties described in this section by the department of labor. For an hour violation of more than thirty (30) minutes under ~~sections 21~~ **sections 22** through ~~29~~ **28** of this chapter, each violation of section 30 of this chapter, an age violation under section 31 or 32 of this chapter, each minor employed in violation of section 31(b) of this chapter, or a hazardous occupation violation under section 35 or 36 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 occurs not more than two (2) years after a prior violation.

SECTION 10. IC 22-1-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006] Sec. 5. (a) The bureau of mines and mining safety shall do the following:

- (1) have immediate charge of the administration of the

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- underground mine laws of this state;
- (2) provide safety consultation services to any surface or underground mine operator at the request of the operator;
- (3) provide mine safety and health education information to all surface or underground mine operators;
- (4) provide mine safety and health training as required by federal Mine Safety and Health Administration to all surface or underground mine operators and mine workers who do not otherwise have training available; and
- (5) investigate all fatalities occurring in surface or underground mine operations for the purpose of data collection; however, an investigation shall not interfere with investigations by the federal Mine Safety and Health Administration.

(b) The bureau of child labor shall have immediate charge of the supervision of children who are gainfully employed, **including employment certificate violations under IC 20-33-3-38.5, IC 20-33-3-39, and IC 20-33-3-40. A child employee under the jurisdiction of the bureau of child labor may file a complaint with the bureau of child labor if the employer of the child employee requires noncompliance by the child employee with the provisions of IC 20-33-3-38.5."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1267 as printed February 14, 2006.)

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