



January 26, 2006

# HOUSE BILL No. 1267

DIGEST OF HB 1267 (Updated January 25, 2006 5:06 pm - DI 96)

**Citations Affected:** IC 20-33; noncode.

**Synopsis:** Employment certificates for children. Sets procedure for issuance of an 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. Establishes the interim study committee on child labor, to study: (1) the issuance of employment certificates; (2) the maximum hours that a child under age 18 may work in a week; and (3) enforcement of child labor laws. Makes technical corrections.

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

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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.

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January 26, 2006

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.

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## HOUSE BILL No. 1267

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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           ~~(d)~~ (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.

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

25          SECTION 3. IC 20-33-3-13.5 IS ADDED TO THE INDIANA  
26          CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
27          [EFFECTIVE JUNE 1, 2006]: **Sec. 13.5. (a) A child may hold more**  
28          **than one (1) employment certificate at a time. However, a child**  
29          **who holds more than one (1) employment certificate at a time is**  
30          **subject to the penalties in sections 39 and 40 of this chapter for any**  
31          **of the following:**

- 32               **(1) Hour violations under sections 22 through 28 of this**  
33               **chapter.**
- 34               **(2) A violation of section 23(3) or 24(3) of this chapter.**

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

- 38               **(1) hour violations under sections 22 through 28 of this**  
39               **chapter; or**
- 40               **(2) a violation of section 23(3) or 24(3) of this chapter;**

41          **for the employment of the child with the employer.**

42          SECTION 4. IC 20-33-3-23, AS ADDED BY P.L.1-2005,

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1 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JUNE 1, 2006]: Sec. 23. **Except as provided in section 27 of this**  
3 **chapter**, a child who is at least sixteen (16) years of age and less than  
4 seventeen (17) years of age may not:

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

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

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

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

- 24 (1) obtained written permission from the child's parent; and
- 25 (2) placed the written permission on file in the employer's office  
26 **or the offices of the employers.**

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

33 SECTION 7. IC 20-33-3-39, AS ADDED BY P.L.1-2005,  
34 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JUNE 1, 2006]: Sec. 39. **Notwithstanding section 13.5(b) of this**  
36 **chapter**, a person, firm, limited liability company, or corporation that  
37 violates this chapter may be assessed the civil penalties described in  
38 this section by the department of labor. For an employment certificate  
39 violation under section 5 or 14 of this chapter, a termination notice  
40 violation under section 12 of this chapter, an hour violation of not more  
41 than thirty (30) minutes under ~~sections 21~~ **sections 22** through ~~29~~ **28**  
42 of this chapter, **a violation of section 23(3) or 24(3) of this chapter,**

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1 or a posting violation under section 34 of this chapter, the civil  
2 penalties are as follows:

- 3 (1) A warning letter for any violations identified during an initial  
4 inspection.
- 5 (2) Fifty dollars (\$50) per instance for a second violation  
6 identified in a subsequent inspection.
- 7 (3) Seventy-five dollars (\$75) per instance for a third violation  
8 that is identified in a subsequent inspection.
- 9 (4) One hundred dollars (\$100) 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 8. [EFFECTIVE JULY 1, 2006] (a) **As used in this  
14 SECTION, "committee" refers to the interim study committee on  
15 child labor established by this SECTION.**

16 (b) **There is established the interim study committee on child  
17 labor. The committee shall study:**

- 18 (1) **the issuance of employment certificates;**
- 19 (2) **the maximum hours that a child under age eighteen (18)  
20 may work in a week; and**
- 21 (3) **enforcement of child labor laws.**

22 (c) **The committee shall operate under the policies governing  
23 study committees adopted by the legislative council.**

24 (d) **The affirmative votes of a majority of the voting members  
25 appointed to the committee are required for the committee to take  
26 action on any measure.**

27 (e) **This SECTION expires December 31, 2006.**

28 SECTION 9. **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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