

Adopted	Rejected
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COMMITTEE REPORT

YES: 7
NO: 5

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:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 employment.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 20-33-3-12, AS ADDED BY P.L.1-2005,
- 6 SECTION 17, IS AMENDED TO READ AS FOLLOWS
- 7 [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) As proof of prospective
- 8 employment, the issuing officer shall require a written statement that:
- 9 (1) is signed by the person for whom the child is to work; ~~and~~
- 10 (2) sets forth the nature of work that the child is to perform; ~~and~~
- 11 **(3) specifies the maximum number of hours per week that the**
- 12 **child will work for the employer.**
- 13 (b) When a child's employment terminates, the employer shall
- 14 immediately notify the issuing officer in writing of the:
- 15 (1) termination; and

1 (2) date on which it occurred.

2 This notice shall be on a blank form attached to the child's employment
3 certificate.

4 ~~(c)~~ It is unlawful for an issuing officer to issue a subsequent
5 employment certificate until the issuing officer has:

6 (1) received a termination notice from the current employer; or

7 (2) otherwise determined that the child's employment has
8 terminated.

9 ~~(d)~~ (c) An employment certificate may be used at not more than two
10 (2) locations within the same enterprise if the enterprise complies with
11 the hour restrictions prescribed in sections ~~21~~ 22 through ~~29~~ 28 of this
12 chapter.

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

21 (1) whose attendance is not in good standing; or

22 (2) whose academic performance does not meet the school
23 corporation's standard.

24 (b) Not more than five (5) days after issuing an employment
25 certificate, the issuing officer shall send a copy of the employment
26 certificate to the department of labor. The issuing officer shall keep a
27 record in the issuing officer's office of each employment certificate
28 issued.

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

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

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

1 **chapter.**

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

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

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

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

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

10 SECTION 4. IC 20-33-3-23, AS ADDED BY P.L.1-2005,
11 SECTION 17, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JUNE 1, 2006]: Sec. 23. **Except as provided in section**
13 **27 of this chapter**, a child who is at least sixteen (16) years of age and
14 less than seventeen (17) years of age may not:

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

19 SECTION 5. IC 20-33-3-24, AS ADDED BY P.L.1-2005,
20 SECTION 17, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JUNE 1, 2006]: Sec. 24. **Except as provided in section**
22 **27 of this chapter**, a child who is at least seventeen (17) years of age
23 and less than eighteen (18) years of age may not:

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

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

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

37 (b) If ~~an~~ **the employer has or employers have** obtained written
38 permission required under subsection (a), ~~the employer may employ a~~

1 child who is at least sixteen (16) years of age and less than eighteen
 2 (18) years of age **may be employed** for periods that do not exceed a
 3 total of nine (9) hours in any one (1) day and a total of forty-eight (48)
 4 hours in any one (1) nonschool week.

5 SECTION 7. IC 20-33-3-39, AS ADDED BY P.L.1-2005,
 6 SECTION 17, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JUNE 1, 2006]: Sec. 39. **Notwithstanding section**
 8 **13.5(b) of this chapter**, a person, firm, limited liability company, or
 9 corporation that violates this chapter may be assessed the civil penalties
 10 described in this section by the department of labor. For an employment
 11 certificate violation under section 5 or 14 of this chapter, a termination
 12 notice violation under section 12 of this chapter, an hour violation of
 13 not more than thirty (30) minutes under ~~sections 21~~ **sections 22** through
 14 ~~29~~ **28** of this chapter, **a violation of section 23(3) or 24(3) of this**
 15 **chapter**, or a posting violation under section 34 of this chapter, the
 16 civil penalties are as follows:

17 (1) A warning letter for any violations identified during an initial
 18 inspection.

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

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

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

27 SECTION 8. [EFFECTIVE JULY 1, 2006] (a) **As used in this**
 28 **SECTION, "committee" refers to the interim study committee on**
 29 **child labor established by this SECTION.**

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

32 (1) **the issuance of employment certificates;**

33 (2) **the maximum hours that a child under age eighteen (18)**
 34 **may work in a week; and**

35 (3) **enforcement of child labor laws.**

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

38 (d) **The affirmative votes of a majority of the voting members**

1 **appointed to the committee are required for the committee to take**
2 **action on any measure.**

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

4 **SECTION 9. An emergency is declared for this act.**

(Reference is to HB 1267 as introduced.)

and when so amended that said bill do pass.

Representative Torr