

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.

HOUSE ENROLLED ACT No. 1267

AN ACT to amend the Indiana Code concerning employment.

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

SECTION 1. IC 20-33-3-12, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) As proof of prospective employment, the issuing officer shall require a written statement that:

- (1) is signed by the person for whom the child is to work; ~~and~~
- (2) sets forth the nature of work that the child is to perform; ~~and~~
- (3) specifies the maximum number of hours per week that the child will work for the employer.**

(b) When a child's employment terminates, the employer shall immediately notify the issuing officer in writing of the:

- (1) termination; and
- (2) date on which it occurred.

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

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

- ~~(1)~~ received a termination notice from the current employer; or
- ~~(2)~~ otherwise determined that the child's employment has terminated.

~~(d)~~ **(c)** An employment certificate may be used at not more than two (2) locations within the same enterprise if the enterprise complies with

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the hour restrictions prescribed in sections ~~21~~ **22** through ~~29~~ **28** of this chapter.

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

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

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

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

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.

SECTION 4. IC 20-33-3-23, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JUNE 1, 2006]: Sec. 23. **Except as provided in section 27 of this chapter**, a child who is at least sixteen (16) years of age and less than seventeen (17) years of age may not:

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

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

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

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

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

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

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:**

- (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**

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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 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.

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(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 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.**

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

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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