

SENATE MOTION

MADAM PRESIDENT:

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

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

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

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

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

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

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

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

23 Page 3, between lines 14 and 15, begin a new paragraph and insert:
24 "SECTION 7. IC 20-33-3-38.5 IS ADDED TO THE INDIANA
25 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
26 [EFFECTIVE JUNE 1, 2006]: **Sec. 38.5. For an hour violation under**
27 **sections 22 through 28 of this chapter or a violation of section 23(3)**
28 **or 24(3) of this chapter committed by a child, the civil penalties are**
29 **as follows:**

30 **(1) A warning letter for a first violation.**

- 1 **(2) Revocation of the employment certificate or certificates**
- 2 **held by the child for thirty (30) calendar days.**
- 3 **(b) The department of labor shall assess the civil penalties set**
- 4 **forth in subsection (a).**
- 5 **(c) If the department of labor revokes an employment certificate**
- 6 **under this section, the issuing officer and the child's employer shall**
- 7 **be notified in writing. This notice may be delivered in person or by**
- 8 **registered mail. Immediately after receiving notice of revocation,**
- 9 **the employer shall return the certificate to the issuing officer.**
- 10 **(d) A child whose employment certificate or certificates have**
- 11 **been revoked may not be employed or allowed to work until the**
- 12 **child legally has obtained a new employment certificate."**
- 13 Page 3, line 17, strike "A person, firm, limited liability company, or"
- 14 and insert "**An individual who is an employer, a firm, a limited**
- 15 **liability company, or a**".
- 16 Page 3, between lines 35 and 36, begin a new paragraph and insert:
- 17 "SECTION 9. IC 20-33-3-40, AS ADDED BY P.L.1-2005,
- 18 SECTION 17, IS AMENDED TO READ AS FOLLOWS
- 19 [EFFECTIVE JUNE 1, 2006]: Sec. 40. ~~A person;~~ **An individual who**
- 20 **is an employer, a firm, a limited liability company, or a corporation**
- 21 that violates this chapter may be assessed the civil penalties described
- 22 in this section by the department of labor. For an hour violation of more
- 23 than thirty (30) minutes under ~~sections 21~~ **sections 22** through ~~29~~ **28** of
- 24 this chapter, each violation of section 30 of this chapter, an age
- 25 violation under section 31 or 32 of this chapter, each minor employed
- 26 in violation of section 31(b) of this chapter, or a hazardous occupation
- 27 violation under section 35 or 36 of this chapter, the civil penalties are
- 28 as follows:
- 29 (1) A warning letter for any violations identified during an initial
- 30 inspection.
- 31 (2) One hundred dollars (\$100) per instance for each violation
- 32 identified in a subsequent inspection.
- 33 (3) Two hundred dollars (\$200) per instance for a third violation
- 34 that is identified in a subsequent inspection.
- 35 (4) Four hundred dollars (\$400) per instance for a fourth or
- 36 subsequent violation that is identified in an inspection subsequent
- 37 to the inspection under subdivision (3) and occurs not more than
- 38 two (2) years after a prior violation.
- 39 SECTION 10. IC 22-1-1-5 IS AMENDED TO READ AS
- 40 FOLLOWS [EFFECTIVE JUNE 1, 2006] Sec. 5. (a) The bureau of
- 41 mines and mining safety shall do the following:
- 42 (1) have immediate charge of the administration of the
- 43 underground mine laws of this state;
- 44 (2) provide safety consultation services to any surface or
- 45 underground mine operator at the request of the operator;
- 46 (3) provide mine safety and health education information to all

1 surface or underground mine operators;
2 (4) provide mine safety and health training as required by federal
3 Mine Safety and Health Administration to all surface or
4 underground mine operators and mine workers who do not
5 otherwise have training available; and
6 (5) investigate all fatalities occurring in surface or underground
7 mine operations for the purpose of data collection; however, an
8 investigation shall not interfere with investigations by the federal
9 Mine Safety and Health Administration.
10 (b) The bureau of child labor shall have immediate charge of the
11 supervision of children who are gainfully employed, **including**
12 **employment certificate violations under IC 20-33-3-38.5,**
13 **IC 20-33-3-39, and IC 20-33-3-40. A child employee under the**
14 **jurisdiction of the bureau of child labor may file a complaint with**
15 **the bureau of child labor if the employer of the child employee**
16 **requires noncompliance by the child employee with the provisions**
17 **of IC 20-33-3-38.5."**
18 Renumber all SECTIONS consecutively.
(Reference is to EHB 1267 as printed February 14, 2006.)

Senator YOUNG R MICHAEL