

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**
2 **keep 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)**

1 or 24(3) of this chapter committed by a child, the civil penalties are
2 as follows:

3 (1) A warning letter for a first violation.

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

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

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

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15 been revoked may not be employed or allowed to work until the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

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

20 Page 3, between lines 35 and 36, begin a new paragraph and insert:

21 "SECTION 9. IC 20-33-3-40, AS ADDED BY P.L.1-2005,
22 SECTION 17, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JUNE 1, 2006]: Sec. 40. ~~A person,~~ **An individual who**
24 **is an employer, a firm, a limited liability company, or a corporation**
25 that violates this chapter may be assessed the civil penalties described
26 in this section by the department of labor. For an hour violation of more
27 than thirty (30) minutes under ~~sections 21~~ **sections 22** through ~~29~~ **28**
28 of this chapter, each violation of section 30 of this chapter, an age
29 violation under section 31 or 32 of this chapter, each minor employed
30 in violation of section 31(b) of this chapter, or a hazardous occupation
31 violation under section 35 or 36 of this chapter, the civil penalties are
32 as follows:

33 (1) A warning letter for any violations identified during an initial
34 inspection.

35 (2) One hundred dollars (\$100) per instance for each violation
36 identified in a subsequent inspection.

37 (3) Two hundred dollars (\$200) per instance for a third violation
38 that is identified in a subsequent inspection.

39 (4) Four hundred dollars (\$400) per instance for a fourth or
40 subsequent violation that is identified in an inspection subsequent
41 to the inspection under subdivision (3) and occurs not more than
42 two (2) years after a prior violation.

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

46 (1) have immediate charge of the administration of the
47 underground mine laws of this state;

48 (2) provide safety consultation services to any surface or
49 underground mine operator at the request of the operator;

50 (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