
HOUSE BILL No. 1231

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-18.2-8; IC 5-16-6-1; IC 5-28-21-7; IC 7.1-3; IC 10-16-8-15; IC 12-20-5.5-1; IC 12-30; IC 12-32-1-4; IC 16-23-1-21; IC 20-24.5-3-5; IC 20-33-1; IC 20-51-4-3; IC 21-7-13-23; IC 21-18.5; IC 21-40-2; IC 22-4.1-21-27; IC 22-9; IC 22-9.5-3; IC 24-9-3-9; IC 27-2; IC 27-7-12-7; IC 33-28-5-18; IC 33-41-1-2; IC 36-9-4-37.

Synopsis: Disability antidiscrimination. Extends antidiscrimination and civil rights statutes to include prohibiting discrimination based on disability.

Effective: July 1, 2013.

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January 14, 2013, read first time and referred to Committee on Judiciary.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1231



A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

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

1 SECTION 1. IC 5-2-18.2-8, AS ADDED BY P.L.171-2011,
 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2013]: Sec. 8. This chapter shall be enforced without regard
 4 to race, religion, gender, ethnicity, **disability**, or national origin.
 5 SECTION 2. IC 5-16-6-1 IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2013]: Sec. 1. Every contract for or on behalf
 7 of the state of Indiana or any of the municipal corporations thereof, for
 8 the construction, alteration, or repair of any public building or public
 9 work in the state of Indiana shall contain provisions by which the
 10 contractor agrees:
 11 (a) (1) that in the hiring of employees for the performance of work
 12 under this contract or any subcontract hereunder, no contractor,
 13 or subcontractor, nor any person acting on behalf of such
 14 contractor or subcontractor, shall, by reason of race, religion,
 15 color, sex, national origin, **disability**, or ancestry, discriminate
 16 against any citizen of the state of Indiana who is qualified and
 17 available to perform the work to which the employment relates;



1 **(b) (2)** that no contractor, subcontractor, nor any person on **his**
 2 behalf **of the contractor or the subcontractor**, shall, in any
 3 manner, discriminate against or intimidate any employee hired for
 4 the performance of work under this contract on account of race,
 5 religion, color, sex, national origin, **disability**, or ancestry;

6 **(c) (3)** that there may be deducted from the amount payable to the
 7 contractor by the state of Indiana or by any municipal corporation
 8 thereof, under this contract, a penalty of five dollars ~~(\$5.00)~~ **(\$5)**
 9 for each person for each calendar day during which such person
 10 was discriminated against or intimidated in violation of the
 11 provisions of the contract; and

12 **(d) (4)** that this contract may be ~~cancelled~~ **canceled** or terminated
 13 by the state of Indiana or by any municipal corporation thereof,
 14 and all money due or to become due hereunder may be forfeited,
 15 for a second or any subsequent violation of the terms or
 16 conditions of this section of the contract.

17 SECTION 3. IC 5-28-21-7, AS ADDED BY P.L.4-2005, SECTION
 18 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 19 2013]: Sec. 7. A political subdivision (as defined in IC 36-1-2-13), a
 20 nonprofit organization, or a for-profit organization may submit an
 21 application to the corporation to obtain a grant, loan, or loan guarantee
 22 to establish a small business incubator. The application must:

- 23 (1) describe the facility that is to be converted to an incubator;
 24 (2) specify the cost of the conversion;
 25 (3) demonstrate the ability of the applicant to directly provide or
 26 arrange for the provision of business development services
 27 (including financial consulting assistance, management and
 28 marketing assistance, and physical services) for tenants of the
 29 incubator;
 30 (4) demonstrate a potential for sustained use of the incubator by
 31 eligible tenants through a market study or other means;
 32 (5) demonstrate the ability of the applicant to operate the
 33 incubator in accordance with section 19 of this chapter;
 34 (6) state that the applicant will not discriminate against an
 35 employee or applicant for employment on the basis of race,
 36 religion, color, national origin, sex, **disability**, or age; and
 37 (7) include any other information required by the corporation.

38 SECTION 4. IC 7.1-3-4-7 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) Notwithstanding
 40 any other law, a beer retailer may limit sales to the following:

- 41 (1) Persons that the retailer selects to have access to the retailer's
 42 facilities and services in return for payment of an annual fee to the

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1 retailer.

2 (2) Guests of a person described in subdivision (1).

3 (b) A beer retailer may call the annual fee described in subsection

4 (a) a membership fee.

5 (c) A beer retailer may call the retailer's premises a club. However,

6 the premises is not a club within the meaning of IC 7.1-3-20-1.

7 (d) This section does not allow a beer retailer to discriminate among

8 persons on the basis of race, sex, age, **disability**, or religion when

9 selecting persons to have access to the retailer's facilities and services.

10 SECTION 5. IC 7.1-3-9-9.5 IS AMENDED TO READ AS

11 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9.5. (a)

12 Notwithstanding any other law, a liquor retailer may limit sales to the

13 following:

14 (1) Persons that the retailer selects to have access to the retailer's

15 facilities and services in return for payment of an annual fee to the

16 retailer.

17 (2) Guests of a person described in subdivision (1).

18 (b) A liquor retailer may call the annual fee described in subsection

19 (a) a membership fee.

20 (c) A liquor retailer may call the retailer's premises a club. However,

21 the premises is not a club within the meaning of IC 7.1-3-20-1.

22 (d) This section does not allow a liquor retailer to discriminate

23 among persons on the basis of race, sex, age, **disability**, or religion

24 when selecting persons to have access to the retailer's facilities and

25 services.

26 SECTION 6. IC 7.1-3-14-5 IS AMENDED TO READ AS

27 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) Notwithstanding

28 any other law, a wine retailer may limit sales to the following:

29 (1) Persons that the retailer selects to have access to the retailer's

30 facilities and services in return for payment of an annual fee to the

31 retailer.

32 (2) Guests of a person described in subdivision (1).

33 (b) A wine retailer may call the annual fee described in subsection

34 (a) a membership fee.

35 (c) A wine retailer may call the retailer's premises a club. However,

36 the premises is not a club within the meaning of IC 7.1-3-20-1.

37 (d) This section does not allow a wine retailer to discriminate

38 among persons on the basis of race, sex, age, **disability**, or religion

39 when selecting persons to have access to the retailer's facilities and

40 services.

41 SECTION 7. IC 7.1-3-20-8.5 IS AMENDED TO READ AS

42 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8.5. (a) As used in this

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1 section, "discriminatory practice" means a refusal to provide equal
 2 access to and use of services or facilities on the basis of a person's race,
 3 ~~or~~ color, **or disability**. However, the term does not include a practice
 4 of a club or fraternal club that requires a specific religious affiliation
 5 or belief as a condition of membership in the club or fraternal club.

6 (b) To be eligible to hold a club permit under this chapter, a club,
 7 fraternal club, or labor organization may not engage in a discriminatory
 8 practice.

9 (c) A person may file a complaint with the civil rights commission
 10 alleging a discriminatory practice by a club, fraternal club, or labor
 11 organization.

12 (d) The civil rights commission shall investigate the allegations in
 13 the complaint and, if reasonable cause is found, shall hold a hearing
 14 under IC 22-9-1-6 on the complaint. If the civil rights commission finds
 15 that a club, fraternal club, or labor organization has engaged in a
 16 discriminatory practice, the civil rights commission shall certify the
 17 finding to the alcohol and tobacco commission.

18 (e) If a club, fraternal club, or labor organization is found to have
 19 engaged in a discriminatory practice, the commission shall do one (1)
 20 or more of the following:

- 21 (1) Issue a warning to the club, fraternal club, or labor
 22 organization.
- 23 (2) Impose a civil penalty on the club, fraternal club, or labor
 24 organization not to exceed one thousand dollars (\$1,000).
- 25 (3) Suspend the club, fraternal club, or labor organization's permit
 26 for not more than ninety (90) days.
- 27 (4) Not issue a new club permit under this chapter if the club,
 28 fraternal club, or labor organization does not hold a club permit
 29 under this chapter.
- 30 (5) Revoke an existing club permit.

31 SECTION 8. IC 10-16-8-15 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 15. (a) Adequate
 33 provisions shall be made to allow the enlistment and induction of able
 34 bodied citizens of each and all racial groups in Indiana into all
 35 branches and departments of the Indiana guard reserve organized to
 36 defend and enforce the laws of Indiana. To that end, all racial groups
 37 in Indiana are entitled to that representation in each branch or
 38 department of the Indiana guard reserve in approximate proportion to
 39 the group or groups to the population of Indiana. However, this section
 40 or any other statute may not be construed so as to allow racial
 41 segregation.

42 (b) Race, ~~or~~ color, **or disability** may not be a cause for excluding

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1 the application to serve or the service of any person in any branch of
2 service provided for in this chapter.

3 SECTION 9. IC 12-20-5.5-1, AS AMENDED BY P.L.73-2005,
4 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2013]: Sec. 1. (a) The township trustee shall process all
6 applications for township assistance according to uniform written
7 standards and without consideration of the race, creed, nationality,
8 **disability**, or gender of the applicant or any member of the applicant's
9 household.

10 (b) The township's standards for the issuance of township assistance
11 and the processing of applications must be:

- 12 (1) governed by the requirements of this article;
- 13 (2) proposed by the township trustee, adopted by the township
14 board, and filed with the board of county commissioners;
- 15 (3) reviewed and updated annually to reflect changes in the cost
16 of basic necessities in the township and changes in the law;
- 17 (4) published in a single written document, including addenda
18 attached to the document; and
- 19 (5) posted in a place prominently visible to the public in all
20 offices of the township trustee where township assistance
21 applications are taken or processed.

22 SECTION 10. IC 12-30-3-14 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. (a) Admission of all
24 patients and residents to the county home must be on a voluntary basis
25 and without regard to race, religion, color, sex, national origin,
26 **disability**, or ancestry.

27 (b) Recipients of old age assistance and blind assistance shall be
28 admitted to the county home on the same basis and for the same charge
29 as other patients and residents in the county home. There may be no
30 discrimination in the care and treatment of patients and residents of the
31 county home because of the source of the money for the support and
32 care of the patients and residents.

33 SECTION 11. IC 12-30-7-32 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 32. Discrimination may
35 not be made in accommodation, care, or treatment of any patient at a
36 health center established under this chapter because of race, creed,
37 national origin, **disability**, or ability to pay.

38 SECTION 12. IC 12-32-1-4, AS ADDED BY P.L.171-2011,
39 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2013]: Sec. 4. This chapter shall be enforced without regard
41 to race, religion, gender, ethnicity, **disability**, or national origin.

42 SECTION 13. IC 16-23-1-21 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 21. (a) The hospital
2 may not discriminate among patients due to the following:

- 3 (1) Race, color, **disability**, or sex.
4 (2) Occupational, economic, or social status.
5 (3) Political or religious belief or the lack of political or religious
6 belief.

7 (b) The hospital must also be open to all licensed physicians of the
8 county and the patients of licensed physicians on equal terms and under
9 uniform rules.

10 SECTION 14. IC 20-24.5-3-5, AS ADDED BY P.L.2-2007,
11 SECTION 209, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) A student who applies for
13 admission to the academy must:

- 14 (1) be eligible to attend a public school in Indiana;
15 (2) demonstrate exceptional intellectual ability; and
16 (3) demonstrate a commitment to scholarship.

17 (b) A student shall be admitted without regard to sex, race, religion,
18 creed, national origin, **disability**, or household income.

19 SECTION 15. IC 20-33-1-1, AS AMENDED BY P.L.3-2008,
20 SECTION 118, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2013]: Sec. 1. The following is the public
22 policy of the state:

23 (1) To provide:

- 24 (A) equal;
25 (B) nonsegregated; and
26 (C) nondiscriminatory;

27 educational opportunities and facilities for all, regardless of race,
28 creed, national origin, color, **disability**, or sex.

29 (2) To provide and furnish public schools open equally to all, and
30 prohibited and denied to none because of race, creed, color,
31 **disability**, or national origin.

32 (3) To reaffirm the principles of:

- 33 (A) the Bill of Rights;
34 (B) civil rights; and
35 (C) the Constitution of the State of Indiana.

36 (4) To provide a uniform democratic system of public school
37 education to the state and the citizens of Indiana.

38 (5) To:

- 39 (A) abolish;
40 (B) eliminate; and
41 (C) prohibit;

42 segregated and separate schools or school districts on the basis of

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1 race, creed, **disability**, or color.

2 (6) To eliminate and prohibit:

3 (A) segregation;

4 (B) separation; and

5 (C) discrimination;

6 on the basis of race, creed, **disability**, or color in public schools.

7 SECTION 16. IC 20-33-1-3, AS AMENDED BY P.L.2-2007,
8 SECTION 226, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) The governing body of a
10 school corporation and the board of trustees of a state educational
11 institution may not build or erect, establish, maintain, continue, or
12 permit any segregated or separate public schools, including any public
13 school departments or divisions on the basis of race, color, creed,
14 **disability**, or national origin of pupils or students.

15 (b) The officials described in subsection (a) may take any
16 affirmative actions that are reasonable, feasible, and practical to effect
17 greater integration and to reduce or prevent segregation or separation
18 of races in public schools for whatever cause, including:

19 (1) site selection; or

20 (2) revision of:

21 (A) school districts;

22 (B) curricula; or

23 (C) enrollment policies;

24 to implement equalization of educational opportunity for all.

25 (c) A school corporation shall review the school corporation's
26 programs to determine if the school corporation's practices of:

27 (1) separating students by ability;

28 (2) placing students into educational tracks; or

29 (3) using test results to screen students;

30 have the effect of systematically separating students by race, color,
31 creed, national origin, **disability**, or socioeconomic class.

32 SECTION 17. IC 20-33-1-4, AS AMENDED BY P.L.2-2007,
33 SECTION 227, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) A student is entitled to be
35 admitted and enrolled in a public school in the school corporation in
36 which the student resides without regard to race, creed, color,
37 socioeconomic class, **disability**, or national origin.

38 (b) A student may not be prohibited, segregated, or denied
39 attendance or enrollment in a public school in the student's school
40 corporation because of the student's race, creed, **disability**, color, or
41 national origin.

42 (c) Every student is free to attend a public school, including a

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1 department or division of a public school within the laws applicable
2 alike to noncitizen and nonresident students.

3 SECTION 18. IC 20-33-1-5, AS AMENDED BY P.L.2-2007,
4 SECTION 228, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) A public school may not
6 segregate, separate, or discriminate against any of its students on the
7 basis of race, creed, **disability**, or color.

8 (b) Admission to a public school may not be approved or denied on
9 the basis of race, creed, **disability**, or color.

10 SECTION 19. IC 20-33-1-6, AS AMENDED BY P.L.2-2007,
11 SECTION 229, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2013]: Sec. 6. A public school may not
13 discriminate in any way in the hiring, upgrading, tenure, or placement
14 of a teacher on the basis of race, creed, color, **disability**, or national
15 origin.

16 SECTION 20. IC 20-51-4-3, AS AMENDED BY P.L.6-2012,
17 SECTION 144, IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) An eligible school may not
19 discriminate on the basis of race, color, **disability**, or national origin.

20 (b) An eligible school shall abide by the school's written admission
21 policy fairly and without discrimination with regard to students who:

22 (1) apply for; or

23 (2) are awarded;

24 scholarships under this chapter.

25 (c) If the number of applicants for enrollment in an eligible school
26 under a choice scholarship exceeds the number of choice scholarships
27 available to the eligible school, the eligible school must draw at
28 random in a public meeting the applications of applicants who are
29 entitled to a choice scholarship from among the applicants who meet
30 the requirements for admission to the eligible school.

31 (d) The department shall make random visits to at least five percent
32 (5%) of eligible schools and charter schools to verify that the eligible
33 school or charter school complies with the provisions of this chapter
34 and the Constitutions of the state of Indiana and the United States.

35 (e) Each eligible school, public school, and charter school shall
36 grant the department reasonable access to its premises, including
37 access to the school's grounds, buildings, and property.

38 (f) Each year the principal of each eligible school shall certify under
39 penalties of perjury to the department that the eligible school is
40 complying with the requirements of this chapter. The department shall
41 develop a process for eligible schools to follow to make certifications.

42 SECTION 21. IC 21-7-13-23, AS ADDED BY P.L.2-2007,

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1 SECTION 243, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2013]: Sec. 23. (a) "Nonprofit college or
 3 university", for purposes of this title (except IC 21-17-1-14,
 4 IC 21-17-1-17, and IC 21-17-6) means a nonprofit college or
 5 university:

6 (1) with a principal office in Indiana that is not owned or
 7 controlled by the state of Indiana or any political subdivision,
 8 agency, instrumentality, district, or municipality of the state of
 9 Indiana; and

10 (2) that does not discriminate in the admission of students on the
 11 basis of race, color, **disability**, or creed.

12 (b) "Nonprofit college or university" for purposes of IC 21-17-1-14,
 13 IC 21-17-1-17, and IC 21-17-6, has the meaning set forth in
 14 IC 21-17-1-10.

15 SECTION 22. IC 21-18.5-4-2, AS ADDED BY P.L.107-2012,
 16 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2013]: Sec. 2. The commission shall exercise its functions
 18 under this chapter without regard to an applicant's race, creed, sex,
 19 color, national origin, **disability**, or ancestry.

20 SECTION 23. IC 21-18.5-6-15, AS ADDED BY P.L.107-2012,
 21 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2013]: Sec. 15. A postsecondary credit bearing proprietary
 23 educational institution's accreditation shall be suspended at any time if
 24 the accredited postsecondary credit bearing proprietary educational
 25 institution denies enrollment to a student or makes a distinction or
 26 classification of students on the basis of race, color, **disability**, or
 27 creed.

28 SECTION 24. IC 21-40-2-1, AS ADDED BY P.L.2-2007,
 29 SECTION 281, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2013]: Sec. 1. The following is the public
 31 policy of the state:

32 (1) To provide:

33 (A) equal;

34 (B) nonsegregated; and

35 (C) nondiscriminatory;

36 educational opportunities and facilities for all, regardless of race,
 37 creed, national origin, color, **disability**, or sex.

38 (2) To provide and furnish state educational institutions open
 39 equally to all, and prohibited and denied to none because of race,
 40 creed, color, **disability**, or national origin.

41 (3) To reaffirm the principles of:

42 (A) the Bill of Rights;

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- 1 (B) civil rights; and
 2 (C) the Constitution of the State of Indiana.
 3 (4) To provide a uniform democratic system of public education
 4 to the state and the citizens of Indiana.
 5 (5) To:
 6 (A) abolish;
 7 (B) eliminate; and
 8 (C) prohibit;
 9 segregated and separate departments or divisions of a state
 10 educational institution on the basis of race, creed, **disability**, or
 11 color.
 12 (6) To eliminate and prohibit:
 13 (A) segregation;
 14 (B) separation; and
 15 (C) discrimination;
 16 on the basis of race, color, **disability**, or creed in state educational
 17 institutions.
 18 SECTION 25. IC 21-40-2-4, AS ADDED BY P.L.2-2007,
 19 SECTION 281, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) The board of trustees of a
 21 state educational institution may not build or erect, establish, maintain,
 22 continue, or permit any segregated or separate state educational
 23 institutions on the basis of race, color, creed, **disability**, or national
 24 origin of students.
 25 (b) The officials described in subsection (a) may take any
 26 affirmative actions that are reasonable, feasible, and practical to effect
 27 greater integration and to reduce or prevent segregation or separation
 28 of races in state educational institutions for whatever cause, including:
 29 (1) site selection; or
 30 (2) revision of:
 31 (A) districts;
 32 (B) curricula; or
 33 (C) enrollment policies;
 34 to implement equalization of educational opportunity for all.
 35 SECTION 26. IC 21-40-2-5, AS ADDED BY P.L.2-2007,
 36 SECTION 281, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) A student may not be
 38 prohibited, segregated, or denied attendance or enrollment to a state
 39 educational institution because of the student's race, creed, color,
 40 **disability**, or national origin.
 41 (b) Every student is free to attend a state educational institution
 42 within the laws applicable alike to noncitizen and nonresident students.

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1 SECTION 27. IC 21-40-2-6, AS ADDED BY P.L.2-2007,
2 SECTION 281, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) A state educational institution
4 may not segregate, separate, or discriminate against any of its students
5 on the basis of race, creed, **disability**, or color.

6 (b) Admission to a state educational institution may not be approved
7 or denied on the basis of race, creed, **disability**, or color.

8 SECTION 28. IC 21-40-2-7, AS ADDED BY P.L.2-2007,
9 SECTION 281, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2013]: Sec. 7. A state educational institution
11 may not discriminate in any way in the hiring, upgrading, tenure, or
12 placement of any teacher on the basis of race, creed, color, **disability**,
13 or national origin.

14 SECTION 29. IC 22-4.1-21-27, AS ADDED BY P.L.107-2012,
15 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2013]: Sec. 27. A postsecondary proprietary educational
17 institution's accreditation shall be suspended at any time if the
18 accredited postsecondary proprietary educational institution denies
19 enrollment to a student or makes a distinction or classification of
20 students on the basis of race, color, **disability**, or creed.

21 SECTION 30. IC 22-9-1-6, AS AMENDED BY P.L.100-2012,
22 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2013]: Sec. 6. (a) The commission shall establish and
24 maintain a permanent office in the city of Indianapolis.

25 (b) Except as it concerns judicial review, the commission may adopt
26 rules under IC 4-22-2 to implement this chapter.

27 (c) The commission shall formulate policies to effectuate the
28 purposes of this chapter and make recommendations to agencies and
29 officers of the state or local subdivisions thereof to effectuate such
30 policies. The several departments, commissions, divisions, authorities,
31 boards, bureaus, agencies, and officers of the state or any political
32 subdivision or agency thereof shall furnish the commission, upon its
33 request, all records, papers, and information in their possession relating
34 to any matter before the commission.

35 (d) The commission shall receive and investigate complaints
36 alleging discriminatory practices. The commission shall not hold
37 hearings in the absence of a complaint. All investigations of complaints
38 shall be conducted by staff members of the civil rights commission or
39 their agents.

40 (e) The commission may create such advisory agencies and
41 conciliation councils, local or statewide, as will aid in effectuating the
42 purposes of this chapter. The commission may itself, or it may

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1 empower these agencies and councils to:

2 (1) study the problems of discrimination in the areas covered by
3 section 2 of this chapter when based on race, religion, color, sex,
4 ~~handicap, disability~~, national origin, or ancestry; and

5 (2) foster through community effort, or otherwise, good will
6 among the groups and elements of the population of the state.

7 These agencies and councils may make ~~recommendation~~
8 **recommendations** to the commission for the development of policies
9 and procedures in general. Advisory agencies and conciliation councils
10 created by the commission shall be composed of representative citizens
11 serving without pay, but with reimbursement for reasonable and
12 necessary actual expenses.

13 (f) The commission may issue such publications and such results of
14 investigations and research as in its judgment will tend to promote
15 good will and minimize or eliminate discrimination because of race,
16 religion, color, sex, ~~handicap, disability~~, national origin, or ancestry.

17 (g) The commission shall prevent any person from discharging,
18 expelling, or otherwise discriminating against any other person because
19 the person filed a complaint, testified in any hearing before this
20 commission, or in any way assisted the commission in any matter under
21 its investigation.

22 (h) The commission may hold hearings, subpoena witnesses, compel
23 their attendance, administer oaths, take the testimony of any person
24 under oath, and require the production for examination of any books
25 and papers relating to any matter under investigation or in question
26 before the commission. The commission may make rules as to the
27 issuance of subpoenas by individual commissioners. Contumacy or
28 refusal to obey a subpoena issued under this section shall constitute a
29 contempt. All hearings shall be held within Indiana at a location
30 determined by the commission. A citation of contempt may be issued
31 upon application by the commission to the circuit or superior court in
32 the county in which the hearing is held or in which the witness resides
33 or transacts business.

34 (i) The commission may appoint administrative law judges other
35 than commissioners, when an appointment is deemed necessary by a
36 majority of the commission. The administrative law judges shall be
37 members in good standing before the bar of Indiana and shall be
38 appointed by the chairman of the commission. An administrative law
39 judge appointed under this subsection shall have the same powers and
40 duties as a commissioner sitting as an administrative law judge.
41 However, the administrative law judge may not issue subpoenas.

42 (j) The commission shall state its findings of fact after a hearing

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1 and, if the commission finds a person has engaged in an unlawful
2 discriminatory practice, shall cause to be served on this person an order
3 requiring the person to cease and desist from the unlawful
4 discriminatory practice and requiring the person to take further
5 affirmative action as will effectuate the purposes of this chapter,
6 including but not limited to the power:

7 ~~(A)~~ (1) to restore complainant's losses incurred as a result of
8 discriminatory treatment, as the commission may deem necessary
9 to assure justice; however, this specific provision when applied to
10 orders pertaining to employment shall include only wages, salary,
11 or commissions;

12 ~~(B)~~ (2) to require the posting of notice setting forth the public
13 policy of Indiana concerning civil rights and respondent's
14 compliance with the policy in places of public accommodations;

15 ~~(C)~~ (3) to require proof of compliance to be filed by respondent
16 at periodic intervals; and

17 ~~(D)~~ (4) to require a person who has been found to be in violation
18 of this chapter and who is licensed by a state agency authorized
19 to grant a license to show cause to the licensing agency why **his**
20 **the person's** license should not be revoked or suspended.

21 (k) Judicial review of a cease and desist order or other affirmative
22 action as referred to in this chapter may be obtained under IC 22-9-8.
23 If no proceeding to obtain judicial review is instituted within thirty (30)
24 days from receipt of notice by a person that an order has been made by
25 the commission, the commission, if it determines that the person upon
26 whom the cease and desist order has been served is not complying or
27 is making no effort to comply, may obtain a decree of a court for the
28 enforcement of the order in circuit or superior court upon showing that
29 the person is subject to the commission's jurisdiction and resides or
30 transacts business within the county in which the petition for
31 enforcement is brought.

32 (l) If, upon all the evidence, the commission shall find that a person
33 has not engaged in any unlawful practice or violation of this chapter,
34 the commission shall state its findings of facts and shall issue and
35 cause to be served on the complainant an order dismissing the
36 complaint as to the person.

37 (m) The commission may furnish technical assistance requested by
38 persons subject to this chapter to further compliance with this chapter
39 or with an order issued thereunder.

40 (n) The commission shall promote the creation of local civil rights
41 agencies to cooperate with individuals, neighborhood associations, and
42 state, local, and other agencies, both public and private, including

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1 agencies of the federal government and of other states.
 2 (o) The commission may reduce the terms of conciliation agreed to
 3 by the parties to writing (to be called a consent agreement) that the
 4 parties and a majority of the commissioners shall sign. When signed,
 5 the consent agreement shall have the same effect as a cease and desist
 6 order issued under subsection (j). If the commission determines that a
 7 party to the consent agreement is not complying with it, the
 8 commission may obtain enforcement of the consent agreement in a
 9 circuit or superior court upon showing that the party is not complying
 10 with the consent agreement and the party is subject to the commission's
 11 jurisdiction and resides or transacts business within the county in
 12 which the petition for enforcement is brought.
 13 (p) In lieu of investigating a complaint and holding a hearing under
 14 this section, the commission may issue an order based on findings and
 15 determinations by the federal Department of Housing and Urban
 16 Development or the federal Equal Employment Opportunity
 17 Commission concerning a complaint that has been filed with one (1) of
 18 these federal agencies and with the commission. The commission shall
 19 adopt by rule standards under which the commission may issue such an
 20 order.
 21 (q) Upon notice that a complaint is the subject of an action in a
 22 federal court, the commission shall immediately cease investigation of
 23 the complaint and may not conduct hearings or issue findings of fact or
 24 orders concerning that complaint.
 25 SECTION 31. IC 22-9-1-11 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. In addition to its
 27 power to investigate the discriminatory practices referred to in this
 28 chapter, the commission may receive written complaints of violation of
 29 this chapter or other discriminatory practices based upon race, religion,
 30 color, sex, **disability**, national origin, or ancestry and ~~to~~ investigate
 31 such complaints as it deems meritorious, or ~~to~~ conduct such
 32 investigation in the absence of complaints whenever it deems it in the
 33 public interest. It may transmit to the general assembly its
 34 recommendations for legislation designed to aid in the removing of
 35 such discrimination.
 36 SECTION 32. IC 22-9-2-11, AS AMENDED BY P.L.166-2009,
 37 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2013]: Sec. 11. Nothing contained herein shall be deemed to
 39 repeal any of the provisions of any law of this state relating to
 40 discrimination because of age, race or color, religion, **disability**, or
 41 country of ancestral origin. Nothing herein shall be deemed to limit,
 42 restrict or affect the freedom of any employer in regard to (a) fixing

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1 compulsory retirement requirements for any class of employees at an
2 age or ages less than seventy-five (75) years; (b) fixing eligibility
3 requirements for participation in, or enjoyment by employees of,
4 benefits under any annuity plan or pension or retirement plan on the
5 basis that any employee may be excluded from eligibility therefor who,
6 at the time ~~he~~ **the employee** would otherwise become eligible for such
7 benefits, is older than the age fixed in such eligibility requirements; or
8 (c) keeping age records for any such purposes.

9 SECTION 33. IC 22-9.5-3-2 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. This article does not
11 prohibit a religious organization, an association, or a society or a
12 nonprofit institution or an organization operated, supervised, or
13 controlled by or in conjunction with a religious organization, an
14 association, or a society from:

- 15 (1) limiting the sale, rental, or occupancy of dwellings that it
16 owns or operates for other than a commercial purpose to persons
17 of the same religion; or
- 18 (2) giving preference to persons of the same religion, unless
19 membership in the religion is restricted because of race, color, ~~or~~
20 national origin, **or disability**.

21 SECTION 34. IC 22-9.5-3-3 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. This article does not
23 prohibit a private club not open to the public that, as an incident to the
24 club's primary purpose, provides lodging that the club owns or operates
25 for other than a commercial purpose from limiting the rental or
26 occupancy of that lodging to the members or from giving preference to
27 the members, unless membership in the club is restricted because of
28 race, color, ~~or~~ national origin, **or disability**.

29 SECTION 35. IC 24-9-3-9 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. It is unlawful for a
31 creditor to discriminate against any applicant with respect to any aspect
32 of a credit transaction on the basis of race, color, religion, national
33 origin, sex, marital status, **disability**, or age, if the applicant has the
34 ability to contract.

35 SECTION 36. IC 27-2-17-6 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) An insurance
37 company that issues property or casualty insurance shall not
38 discriminate in the appointment of an independent insurance producer
39 on the basis of race, color, national origin, **disability**, or gender.

40 (b) Except as provided in subsection (c), the department has
41 exclusive jurisdiction to investigate any complaints of discrimination
42 in the appointment of independent insurance producers in violation of

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- 1 subsection (a).
- 2 (c) If the commissioner of the department determines after a hearing
- 3 that an insurance company has violated subsection (a), the
- 4 commissioner may order one (1) of the following remedies:
- 5 (1) Payment of a civil penalty of not more than two thousand
- 6 dollars (\$2,000) for each violation.
- 7 (2) Suspension or revocation of the insurance company's
- 8 certificate of authority if the commissioner determines that the
- 9 violation was willful or wanton and that similar violations have
- 10 been committed by that company with a frequency that constitutes
- 11 a general business practice.
- 12 (3) Any other remedy agreed to by the department and the
- 13 insurance company.
- 14 (d) Any determination made by the commissioner under this section
- 15 is subject to IC 4-21.5.
- 16 (e) Findings of the department under this section may not be
- 17 considered as evidence in any civil action other than an appeal as
- 18 provided under IC 4-21.5.
- 19 SECTION 37. IC 27-2-21-16, AS AMENDED BY P.L.84-2009,
- 20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21 JULY 1, 2013]: Sec. 16. (a) An insurer that uses credit information to
- 22 underwrite or rate risks shall not do the following:
- 23 (1) Use an insurance score that is calculated using income,
- 24 gender, address, ZIP code, ethnic group, religion, marital status,
- 25 **disability**, or nationality of the consumer as a factor.
- 26 (2) Deny, cancel, or decline to renew a personal insurance policy
- 27 solely on the basis of credit information.
- 28 (3) Base an insured's renewal rate for a personal insurance policy
- 29 solely on credit information.
- 30 (4) Take an adverse action against a consumer solely because the
- 31 consumer does not have a credit card account.
- 32 (5) Consider an absence of credit information or an inability to
- 33 calculate an insurance score in underwriting or rating a personal
- 34 insurance policy, unless the insurer does one (1) of the following:
- 35 (A) Presents to the commissioner information that the absence
- 36 or inability relates to the risk for the insurer and treats the
- 37 consumer as approved by the commissioner.
- 38 (B) Treats the consumer as if the consumer had neutral credit
- 39 information, as defined by the insurer.
- 40 (6) Take an adverse action against a consumer based on credit
- 41 information unless the insurer obtains and uses:
- 42 (A) a credit report issued; or

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- 1 (B) an insurance score calculated;
 2 not more than ninety (90) days before the date the personal
 3 insurance policy is first written or the renewal is issued.
 4 (7) Use the following as a negative factor in an insurance scoring
 5 methodology or in reviewing credit information for the purpose
 6 of underwriting or rating a personal insurance policy:
 7 (A) A credit inquiry:
 8 (i) not initiated by the consumer; or
 9 (ii) requested by the consumer for the consumer's own credit
 10 information.
 11 (B) A credit inquiry relating to insurance coverage.
 12 (C) A late payment or a collection account with a medical
 13 industry code on the consumer's credit report.
 14 (D) Multiple lender inquiries:
 15 (i) coded by the consumer reporting agency on the
 16 consumer's credit report as being from the home mortgage
 17 industry; and
 18 (ii) made within thirty (30) days of one another.
 19 (E) Multiple lender inquiries:
 20 (i) coded by the consumer reporting agency on the
 21 consumer's credit report as being from the automobile
 22 lending industry; and
 23 (ii) made within thirty (30) days of one another.
 24 (b) An insurer that uses credit information to underwrite or rate risks
 25 shall, at annual renewal upon the request of an insured or an insured's
 26 agent, re-underwrite and re-rate the insured's personal insurance policy
 27 based on a current credit report or insurance score unless one (1) of the
 28 following applies:
 29 (1) The insurer's treatment of the consumer is otherwise approved
 30 by the commissioner.
 31 (2) The insured is in the most favorably priced tier of the insurer,
 32 within a group of affiliated insurers.
 33 (3) Credit information was not used for underwriting or rating the
 34 insured when the personal insurance policy was initially written.
 35 (4) The insurer reevaluates the insured at least every thirty-six
 36 (36) months after a personal insurance policy is issued based on
 37 underwriting or rating factors other than credit information.
 38 (5) The insurer has re-underwritten and re-rated the insured's
 39 personal insurance policy based on a credit report obtained or an
 40 insurance score recalculated less than twelve (12) months before
 41 the date of the request by the insured or the insured's agent.
 42 (c) An insurer that uses credit information to underwrite or rate risks

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1 may obtain current credit information upon the renewal of a personal
2 insurance policy when renewal occurs more frequently than every
3 thirty-six (36) months if consistent with the insurer's underwriting
4 guidelines.

5 SECTION 38. IC 27-7-12-7 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. Termination of
7 property insurance coverage by an insurer is prohibited if the
8 termination is based on any of the following:

9 (1) Upon the race, religion, nationality, ethnic group, age, sex,
10 **disability**, or marital status of the applicant or named insured.

11 (2) Solely upon the lawful occupation or profession of the
12 applicant or named insured. However, this subdivision does not
13 apply to an insurer that limits its market to one (1) lawful
14 occupation or profession or to several related lawful occupations
15 or professions.

16 (3) Upon the age or location of the residence of the applicant or
17 named insured, unless that decision is for a business purpose that
18 is not a mere pretext for a decision based on factors prohibited in
19 this chapter or any other provision of this title.

20 (4) Upon the fact that another insurer previously declined to
21 insure the applicant or terminated an existing policy in which the
22 applicant was the named insured.

23 (5) Upon the fact that the applicant or named insured previously
24 obtained insurance coverage through a residual market insurance
25 mechanism.

26 SECTION 39. IC 33-28-5-18, AS AMENDED BY P.L.157-2009,
27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2013]: Sec. 18. (a) The supervising judge or the jury
29 administrator shall determine whether a prospective juror is qualified
30 to serve or, if disabled but otherwise qualified, whether the prospective
31 juror could serve with reasonable accommodation. A person who is not
32 eligible for jury service may not serve. The facts supporting juror
33 disqualification or exemption must be recorded under oath or
34 affirmation. A disqualification or exemption is not authorized unless
35 supported by the facts. The jury administrator shall make a record of all
36 disqualifications.

37 (b) A prospective juror is disqualified to serve on a jury if any of the
38 following conditions exist:

39 (1) The person is not a citizen of the United States, at least
40 eighteen (18) years of age, and a resident of the county.

41 (2) The person is unable to read, speak, and understand the
42 English language with a degree of proficiency sufficient to fill out

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1 satisfactorily a juror qualification form.

2 (3) The person is incapable of rendering satisfactory jury service
3 due to physical or mental disability. However, a person claiming
4 this disqualification may be required to submit a physician's or
5 authorized Christian Science practitioner's certificate confirming
6 the disability, and the certifying physician or practitioner is then
7 subject to inquiry by the court at the court's discretion.

8 (4) A guardian has been appointed for the person under IC 29-3
9 because the person has a mental incapacity.

10 (5) The person has had the right to vote revoked by reason of a
11 felony conviction and the right has not been restored.

12 (c) A person scheduled to appear for jury service has the right to
13 defer the date of the person's initial appearance for jury service one (1)
14 time upon a showing of hardship, extreme inconvenience, or necessity.
15 The court shall grant a prospective juror's request for deferral if the
16 following conditions are met:

17 (1) The prospective juror has not previously been granted a
18 deferral.

19 (2) The prospective juror requests a deferral by contacting the
20 jury administrator:

- 21 (A) by telephone;
22 (B) by electronic mail;
23 (C) in writing; or
24 (D) in person.

25 (3) The prospective juror selects another date on which the
26 prospective juror will appear for jury service that is:

- 27 (A) not more than one (1) year after the date upon which the
28 prospective juror was originally scheduled to appear; and
29 (B) a date when the court will be in session.

30 (4) The court determines that the prospective juror has
31 demonstrated that a deferral is necessary due to:

- 32 (A) hardship;
33 (B) extreme inconvenience; or
34 (C) necessity.

35 (d) A prospective juror who is at least seventy-five (75) years of age
36 may be exempted from jury service if the prospective juror notifies the
37 jury administrator that the prospective juror is at least seventy-five (75)
38 years of age and wishes to be exempted from jury service.

39 (e) A person may not serve as a petit juror in any county if the
40 person served as a petit juror in the same county within the previous
41 three hundred sixty-five (365) days in a case that resulted in a verdict.
42 The fact that a person's selection as a juror would violate this

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1 subsection is sufficient cause for challenge.
 2 (f) A grand jury, a petit jury, or an individual juror drawn for service
 3 in one (1) court may serve in another court of the county, in accordance
 4 with orders entered on the record in each of the courts.
 5 (g) The same petit jurors may be used in civil cases and in criminal
 6 cases.
 7 (h) A person may not be excluded from jury service on account of
 8 race, color, religion, sex, national origin, **disability**, or economic status.
 9 SECTION 40. IC 33-41-1-2 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) A person may not
 11 be considered ineligible to serve as official reporter because of the
 12 person's gender **or disability**.
 13 (b) A judge may not appoint the judge's son or daughter as an
 14 official reporter.
 15 SECTION 41. IC 36-9-4-37 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 37. (a) The board of
 17 directors of a public transportation corporation may appoint or employ
 18 a general manager, accountants, attorneys, traffic engineers, drivers,
 19 clerks, secretaries, guards, laborers, and other employees, and may
 20 prescribe and define their duties, regulate their compensation,
 21 discharge them, and appoint or employ their successors. Employees
 22 shall be selected without regard to race, religion, **disability**, or any
 23 personal affiliation. The board shall select the general manager on the
 24 basis of ~~his~~ **the individual's** fitness for the position, taking into account
 25 ~~his~~ **the individual's** executive ability and ~~his~~ knowledge of and
 26 experience in the field of mass public transportation.
 27 (b) The board shall bargain collectively and enter into written
 28 contracts with authorized labor organizations representing employees
 29 other than executive, administrative, or professional personnel. These
 30 contracts may provide for the binding arbitration of disputes, wages,
 31 salaries, hours, working conditions, health and welfare, insurance,
 32 vacations, holidays, sick leave, seniority, pensions, retirement, and
 33 other benefits.

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