March 2, 1999

HOUSE BILL No. 2051

DIGEST OF HB 2051 (Updated February 24, 1999 6:06 pm - DI 96)

Citations Affected: IC 20-8.1.

Synopsis: Child labor restrictions. Provides that the employer of a child who is at least 16 years of age and less than 18 years of age must have parental consent on file in the employer's office for the child to work: (1) more than 30 hours and less than 40 hours per week during school weeks; and (2) 48 hours per week during a nonschool week. Provides that a child who is at least 17 years of age and less than 18 years of age may work until 1 a.m. the following day on a night followed by a school day only if the child's employer has the consent of the child's parent on file in the employer's office and no more often than two nights a week. Provides for warning letter for a first violation of child labor laws, and for fines for subsequent violations. Provides that one half of the money in the employment of youth fund shall be used each year for the purpose of education regarding child labor laws. Provides that half of the money in the employment of youth fund shall

(Continued next page)

Effective: July 1, 1999.

Weinzapfel, Kruzan, Avery, Becker

January 27, 1999, read first time and referred to Committee on Labor and Employment.
March 1, 1999, amended, reported — Do Pass.

C o p y

Digest Continued

be used for the expenses of hiring and salaries of additional inspectors to enforce child labor laws.

C o p y

March 2, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

C o p y

HOUSE BILL No. 2051

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

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

SECTION 1. IC 20-8.1-4-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 20. (a) This section applies only to occupations for which a child who is fourteen (14) years of age or older and less than eighteen (18) years of age must obtain an employment certificate under this chapter.

(b) As used in this section, "nonschool week" refers to a week in which school is not in session on any day.

~~(b)~~ **(c)** The following apply only to a child who is **at least** fourteen (14) years of age ~~or older~~ and less than sixteen (16) years of age:

(1) The child may not work before 7:00 a.m. or after 7:00 p.m. However, the child may work until 9:00 p.m. ~~from June 1 through Labor Day.~~ **during a nonschool week.**

(2) The child may not work:

(A) more than three (3) hours on a school day;

(B) more than eighteen (18) hours in a school week;

(C) more than eight (8) hours on a nonschool day; or

(D) more than forty (40) hours in a nonschool week.

~~(c)~~ **(d)** A child who is at least sixteen (16) years of age and less than ~~eighteen (18)~~ **seventeen (17)** years of age may not: ~~work:~~

(1) **work** for more than eight (8) hours in any one (1) day;

(2) **work** for more than ~~forty (40)~~ **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 6:00 a.m.

(e) 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 6:00 a.m. on a school day.

~~(d)~~ **(f)** A child who is at least sixteen (16) years of age and less than ~~seventeen (17)~~ **eighteen (18)** years of age may work until 10:00 p.m. on nights that are followed by a school day in any occupation except those which the commissioner of labor determines to be dangerous to life or limb or injurious to health or morals.

~~(e)~~ **(g)** An employer may employ a child who is at least sixteen (16) years of age and less than seventeen (17) years of age to work until midnight if:

(1) the work will be performed:

(A) ~~while schools are closed for summer vacation;~~ **during a nonschool week;** or

(B) on days that are not followed by a school day; and

(2) the employer has:

(A) obtained written permission from a child's parent **or legal guardian**; and

(B) placed the written permission on file in the employer's office.

(h) An employer may employ a child who is at least sixteen (16) years of age and less than eighteen (18) years of age for more than thirty (30) hours and less than forty (40) hours during a school week if the employer has:

(1) obtained written permission from a child's parent or legal guardian; and

(2) placed the written permission on file in the employer's office.

~~(f)~~ **(h)** If an employer has obtained written permission required under subsection (e), the employer may employ a child who is at least

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sixteen (16) years of age but less than eighteen (18) years of age 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. ~~during summer vacation from school.~~

~~(g)~~ **(i)** A child who is

~~(1)~~ seventeen (17) years of age or older but less than eighteen (18) years of age ~~and~~

~~(2) a student in grades 9 through 12;~~

may work until 11:30 p.m. on nights that are followed by a school day **if the employer has obtained written permission from the child's parent or legal guardian and placed the permission on file in the employer's office.** A child covered by this subsection may work ~~later than 11:30 p.m. on nights followed by a school day~~ **until 1 a.m. the following day** if the employer has obtained written permission from the child's parent **or legal guardian** and placed the permission on file in the employer's office. However, the nights ~~followed by a school day~~ on which a child works later than ~~11:30 p.m.~~ **1 a.m. the following day** may not be consecutive and may not exceed two (2) nights per week.

~~(h)~~ **(j)** Children who are sixteen (16) years of age or older and less than eighteen (18) years of age may be employed the same daily and weekly hours and at the same times of day as adults if they fit into any one (1) of the following categories:

(1) They are a high school graduate.

(2) They have completed an approved vocational or special education program.

(3) They are not enrolled in a regular school term.

SECTION 2. IC 20-8.1-4-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 23. (a) Every person, firm, corporation, or company which employs any child who is fourteen (14) years of age or older and less than eighteen (18) years of age in an occupation for which the child must obtain an employment certificate shall post and keep posted, in a conspicuous place or in places where notices to employees are customarily posted, a printed notice. This notice shall state:

(1) the maximum number of hours these children may be employed or permitted to work in each day of the week; **and**

(2) the hours of beginning and ending each day. ~~and~~

~~(3) the names and ages of the children employed there.~~

The printed forms for this notice shall be furnished by the department of labor.

(b) The employment of children for a longer time on any day than is stated in the notice is a violation of this chapter.

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SECTION 3. IC 20-8.1-4-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 31. (a) A person, firm, limited liability company, or corporation that violates this chapter may be assessed the following civil penalties by the department of labor:

(1) For an employment certificate violation under section 1 or 13 of this chapter, the following:

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

(B) ~~Twenty-five~~ **Fifty** dollars ~~($25)~~ **($50)** per instance for ~~each~~ **a second** violation identified in a subsequent inspection.

(C) ~~One hundred~~ **Seventy-five** dollars ~~($100)~~ **($75)** per instance for ~~subsequent violations~~ **a third violation** that

~~(i) are~~ **is** identified in ~~an~~ **a subsequent** inspection. ~~subsequent to the inspection under clause (B); and~~

~~(ii) occur not more than two (2) years after a prior violation.~~

(D) One hundred dollars ($100) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior violation.

(2) For a posting violation under section 23 of this chapter, the following:

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

(B) ~~Twenty-five~~ **Fifty** dollars ~~($25)~~ **($50)** per instance for each violation identified in a subsequent inspection.

(C) ~~Twenty-five~~ **Seventy-five** dollars ~~($25)~~ **($75)** per instance for ~~subsequent violations~~ **a third violation** that

~~(i) are~~ **is** identified in ~~an~~ **a subsequent** inspection. ~~subsequent to the inspection under clause (B); and~~

~~(ii) occur not more than two (2) years after a prior violation.~~

(D) One hundred dollars ($100) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior violation.

(3) For a termination notice violation under section 11 of this chapter, the following:

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

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(B) ~~Twenty-five~~ **Fifty** dollars ~~($25)~~ **($50)** per instance for each violation identified in a subsequent inspection.

(C) ~~Fifty~~ **Seventy-five** dollars ~~($50)~~ **($75)** per instance for ~~subsequent violations~~ **a third violation** that

~~(i) are~~ **is** identified in ~~an~~ **a subsequent** inspection. ~~subsequent to the inspection under clause (B); and~~

~~(ii) occur not more than two (2) years after a prior violation.~~

(D) One hundred dollars ($100) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior violation.

(4) For an hour violation of not more than thirty (30) minutes under section 20 of this chapter, the following:

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

(B) ~~Twenty-five~~ **Fifty** dollars ~~($25)~~ **($50)** per instance for each violation identified in a subsequent inspection.

(C) ~~Twenty-five~~ **Seventy-five** dollars ~~($25)~~ **($75)** per instance for ~~subsequent violations~~ **a third violation** that

~~(i) are~~ **is** identified in ~~an~~ **a subsequent** inspection. ~~subsequent to the inspection under clause (B); and~~

~~(ii) occur not more than two (2) years after a prior violation.~~

(D) One hundred dollars ($100) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior violation.

(5) For an hour violation of more than (30) minutes under section 20 of this chapter, the following:

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

(B) ~~Fifty~~ **One hundred** dollars ~~($50)~~ **($100)** per instance for each violation identified in a subsequent inspection.

(C) ~~Seventy-five~~ **Two hundred** dollars ~~($75)~~ **($200)** per instance for ~~subsequent violations~~ **a third violation** that

~~(i) are~~ **is** identified in ~~an~~ **a subsequent** inspection. ~~subsequent to the inspection under clause (B); and~~

~~(ii) occur not more than two (2) years after a prior violation.~~

(D) Four hundred dollars ($400) per instance for a fourth

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or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior violation.

(6) For a hazardous occupation violation under section 25 of this chapter, the following:

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

(B) One hundred dollars ($100) per instance for each violation identified in a subsequent inspection.

(C) ~~One~~ **Two** hundred dollars ~~($100)~~ **($200)** per instance for ~~subsequent violations~~ **a third violation** that

~~(i) are~~ **is** identified in ~~an~~ **a subsequent** inspection. ~~subsequent to the inspection under clause (B); and~~

~~(ii) occur not more than two (2) years after a prior violation.~~

(D) Four hundred dollars ($400) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior violation.

(7) For an age violation under section 21 or 21.5 of this chapter, the following:

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

(B) One hundred dollars ($100) per instance for each violation identified in a subsequent inspection.

(C) ~~One~~ **Two** hundred dollars ~~($100)~~ **($200)** per instance for ~~subsequent violations~~ **a third violation** that

~~(i) are~~ **is** identified in ~~an~~ **a subsequent** inspection. ~~subsequent to the inspection under clause (B); and~~

~~(ii) occur not more than two (2) years after a prior violation.~~

(D) Four hundred dollars ($400) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior violation.

(8) For each minor employed in violation of section 21(b) of this chapter, the following:

(A) A warning letter for any violations identified during an

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initial inspection.

(B) One hundred dollars ($100) per instance for each violation identified in a subsequent inspection.

(C) ~~One~~ **Two** hundred dollars ~~($100)~~ **($200)** per instance for ~~subsequent violations~~ **a third violation** that

~~(i)~~ ~~are~~ **is** identified in ~~an~~ **a subsequent** inspection. ~~subsequent to the inspection under clause (B); and~~

~~(ii) occur not more than two (2) years after a prior violation.~~

(D) Four hundred dollars ($400) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior violation.

(b) A civil penalty assessed under subsection (a):

(1) is subject to IC 4-21.5-3-6; and

(2) becomes effective without a proceeding under IC 4-21.5-3 unless a person requests an administrative review not later than thirty (30) days after notice of the assessment is given.

(c) For purposes of determining whether a second violation has occurred when assessing a civil penalty under subsection (a), a first violation expires one (1) year after the date of issuance of a warning letter by the department of labor under subsection (a).

(d) **For purposes of determining recurring violations of this section, each location of an employer shall be considered separate and distinct from another location of the same employer.**

(e) There is established an employment of youth fund for the purpose of educating affected parties on the purposes and contents of this chapter and the responsibilities of all parties under this chapter. **One-half (1/2) of the fund each year shall be used for the purpose of the education provision of this subsection. This portion of the fund may be used to award grants to provide educational programs. The remaining one-half (1/2) of the fund shall be used each year for the expenses of hiring and salaries of additional inspectors to enforce this chapter under section 29 of this chapter. All inspectors hired to enforce this chapter shall also be available to educate affected parties on the purposes and contents of this chapter and the responsibilities of all parties under this chapter.** The fund shall be administered by the department of labor. The expenses of administering the fund shall be paid from money in the fund. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same

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manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund at the end of a state fiscal year does not revert to the state general fund. Revenue received from civil penalties under this section shall be deposited in the employment of youth fund.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 2051, 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:

Page 2, line 2, strike "eighteen (18)" and insert "**seventeen (17)**".

Page 2, line 2, after "not" insert ":".

Page 2, line 2, strike "work:".

Page 2, line 3, after "(1)" insert "**work**".

Page 2, line 4, after "(2)" insert "**work**".

Page 2, line 5, after "(3)" insert "**work**".

Page 2, line 6, after "(4)" insert "**begin a work day**".

Page 2, after line 6, begin a new paragraph and insert:

"**(e) 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 6:00 a.m. on a school day.".

Page 2, line 7, delete "(e)" and insert "**(f)**".

Page 2, line 12, delete "(f)" and insert "**(g)**".

Page 2, line 13, reset in roman "seventeen (17)".

Page 2, line 13, delete "eighteen (18)".

Page 2, line 20, after "parent" insert "**or legal guardian**".

Page 2, line 23, delete "(g)" and insert "**(h)**".

Page 2, line 27, after "parent" insert "**or legal guardian**".

Page 2, line 36, after "(g)" insert "**(i)**".

Page 2, line 36, reset in roman "A child who is".

Page 2, line 36, delete ":".

Page 2, line 37, reset in roman "seventeen (17) years of age or older but less than eighteen (18)".

Page 2, line 38, reset in roman "years of age".

Page 2, line 38, after "age" delete ";".

Page 2, reset in roman line 40.

Page 2, line 40, delete "." and insert "**if the employer has obtained written permission from the child's parent or legal guardian and placed the permission on file in the employer's office.**".

Page 2, line 41, reset in roman "A child covered by this subsection may work".

Page 2, line 42, after "day" insert "**until 1 a.m. the following day**".

Page 2, line 42, reset in roman "if the employer has obtained written".

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Page 3, reset in roman line 1.

Page 3, line 1, after "parent" insert "**or legal guardian**"

Page 3, line 2, reset in roman "the employer's office. However, the nights".

Page 3, line 2, reset in roman "on".

Page 3, line 3, reset in roman "which a child works later than".

Page 3, line 3, after "p.m." insert "**1 a.m. the following day**".

Page 3, line 3, reset in roman "may not be consecutive and".

Page 3, reset in roman line 4.

Page 3, line 5, delete "(i)" and insert "**(j)**".

Page 3, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 2. IC 20-8.1-4-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 23. (a) Every person, firm, corporation, or company which employs any child who is fourteen (14) years of age or older and less than eighteen (18) years of age in an occupation for which the child must obtain an employment certificate shall post and keep posted, in a conspicuous place or in places where notices to employees are customarily posted, a printed notice. This notice shall state:

(1) the maximum number of hours these children may be employed or permitted to work in each day of the week; **and**

(2) the hours of beginning and ending each day. ~~and~~

~~(3) the names and ages of the children employed there.~~

The printed forms for this notice shall be furnished by the department of labor.

(b) The employment of children for a longer time on any day than is stated in the notice is a violation of this chapter.".

Page 3, delete lines 13 through 42.

Delete pages 4 through 5.

Page 6, delete lines 1 through 8, begin a new paragraph and insert:

"SECTION 3. IC 20-8.1-4-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 31. (a) A person, firm, limited liability company, or corporation that violates this chapter may be assessed the following civil penalties by the department of labor:

(1) For an employment certificate violation under section 1 or 13 of this chapter, the following:

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

(B) ~~Twenty-five~~ **Fifty** dollars ~~($25)~~ **($50)** per instance for ~~each~~ **a second** violation identified in a subsequent inspection.

(C) ~~One hundred~~ **Seventy-five** dollars ~~($100)~~ **($75)** per instance for ~~subsequent violations~~ **a third violation** that

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~~(i)~~ ~~are~~ **is** identified in ~~an~~ **a subsequent** inspection. ~~subsequent to the inspection under clause (B); and~~

~~(ii) occur not more than two (2) years after a prior violation.~~

(D) One hundred dollars ($100) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior violation.

(2) For a posting violation under section 23 of this chapter, the following:

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

(B) ~~Twenty-five~~ **Fifty** dollars ~~($25)~~ **($50)** per instance for each violation identified in a subsequent inspection.

(C) ~~Twenty-five~~ **Seventy-five** dollars ~~($25)~~ **($75)** per instance for ~~subsequent violations~~ **a third violation** that

~~(i)~~ ~~are~~ **is** identified in ~~an~~ **a subsequent** inspection. ~~subsequent to the inspection under clause (B); and~~

~~(ii) occur not more than two (2) years after a prior violation.~~

(D) One hundred dollars ($100) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior violation.

(3) For a termination notice violation under section 11 of this chapter, the following:

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

(B) ~~Twenty-five~~ **Fifty** dollars ~~($25)~~ **($50)** per instance for each violation identified in a subsequent inspection.

(C) ~~Fifty~~ **Seventy-five** dollars ~~($50)~~ **($75)** per instance for ~~subsequent violations~~ **a third violation** that

~~(i)~~ ~~are~~ **is** identified in ~~an~~ **a subsequent** inspection. ~~subsequent to the inspection under clause (B); and~~

~~(ii) occur not more than two (2) years after a prior violation.~~

(D) One hundred dollars ($100) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior

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violation.

(4) For an hour violation of not more than thirty (30) minutes under section 20 of this chapter, the following:

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

(B) ~~Twenty-five~~ **Fifty** dollars ~~($25)~~ **($50)** per instance for each violation identified in a subsequent inspection.

(C) ~~Twenty-five~~ **Seventy-five** dollars ~~($25)~~ **($75)** per instance for ~~subsequent violations~~ **a third violation** that

~~(i) are~~ **is** identified in ~~an~~ **a subsequent** inspection. ~~subsequent to the inspection under clause (B); and~~

~~(ii) occur not more than two (2) years after a prior violation.~~

(D) One hundred dollars ($100) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior violation.

(5) For an hour violation of more than (30) minutes under section 20 of this chapter, the following:

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

(B) ~~Fifty~~ **One hundred** dollars ~~($50)~~ **($100)** per instance for each violation identified in a subsequent inspection.

(C) ~~Seventy-five~~ **Two hundred** dollars ~~($75)~~ **($200)** per instance for ~~subsequent violations~~ **a third violation** that

~~(i) are~~ **is** identified in ~~an~~ **a subsequent** inspection. ~~subsequent to the inspection under clause (B); and~~

~~(ii) occur not more than two (2) years after a prior violation.~~

(D) Four hundred dollars ($400) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior violation.

(6) For a hazardous occupation violation under section 25 of this chapter, the following:

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

(B) One hundred dollars ($100) per instance for each violation identified in a subsequent inspection.

(C) ~~One~~ **Two** hundred dollars ~~($100)~~ **($200)** per instance for

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~~subsequent violations~~ **a third violation** that

~~(i) are~~ **is** identified in ~~an~~ **a subsequent** inspection. ~~subsequent to the inspection under clause (B); and~~

~~(ii) occur not more than two (2) years after a prior violation.~~

(D) Four hundred dollars ($400) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior violation.

(7) For an age violation under section 21 or 21.5 of this chapter, the following:

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

(B) One hundred dollars ($100) per instance for each violation identified in a subsequent inspection.

(C) ~~One~~ **Two** hundred dollars ~~($100)~~ **($200)** per instance for ~~subsequent violations~~ **a third violation** that

~~(i) are~~ **is** identified in ~~an~~ **a subsequent** inspection. ~~subsequent to the inspection under clause (B); and~~

~~(ii) occur not more than two (2) years after a prior violation.~~

(D) Four hundred dollars ($400) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior violation.

(8) For each minor employed in violation of section 21(b) of this chapter, the following:

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

(B) One hundred dollars ($100) per instance for each violation identified in a subsequent inspection.

(C) ~~One~~ **Two** hundred dollars ~~($100)~~ **($200)** per instance for ~~subsequent violations~~ **a third violation** that

~~(i) are~~ **is** identified in ~~an~~ **a subsequent** inspection. ~~subsequent to the inspection under clause (B); and~~

~~(ii) occur not more than two (2) years after a prior violation.~~

(D) Four hundred dollars ($400) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

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(ii) occurs not more than two (2) years after a prior violation.

(b) A civil penalty assessed under subsection (a):

(1) is subject to IC 4-21.5-3-6; and

(2) becomes effective without a proceeding under IC 4-21.5-3 unless a person requests an administrative review not later than thirty (30) days after notice of the assessment is given.

(c) For purposes of determining whether a second violation has occurred when assessing a civil penalty under subsection (a), a first violation expires one (1) year after the date of issuance of a warning letter by the department of labor under subsection (a).

(d) **For purposes of determining recurring violations of this section, each location of an employer shall be considered separate and distinct from another location of the same employer.**

(e) There is established an employment of youth fund for the purpose of educating affected parties on the purposes and contents of this chapter and the responsibilities of all parties under this chapter. **One-half (1/2) of the fund each year shall be used for the purpose of the education provision of this subsection. This portion of the fund may be used to award grants to provide educational programs. The remaining one-half (1/2) of the fund shall be used each year for the expenses of hiring and salaries of additional inspectors to enforce this chapter under section 29 of this chapter. All inspectors hired to enforce this chapter shall also be available to educate affected parties on the purposes and contents of this chapter and the responsibilities of all parties under this chapter.** The fund shall be administered by the department of labor. The expenses of administering the fund shall be paid from money in the fund. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund at the end of a state fiscal year does not revert to the state general fund. Revenue received from civil penalties under this section shall be deposited in the employment of youth fund. ".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 2051 as introduced.)

LIGGETT, Chair

Committee Vote: yeas 10, nays 1.

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