

Adopted	Rejected
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# COMMITTEE REPORT

<b>YES:</b>	<b>10</b>
<b>NO:</b>	<b>1</b>

## 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:*

- 1 Page 2, line 2, strike "eighteen (18)" and insert "**seventeen (17)**".
- 2 Page 2, line 2, after "not" insert ":".
- 3 Page 2, line 2, strike "work:".
- 4 Page 2, line 3, after "(1)" insert "**work**".
- 5 Page 2, line 4, after "(2)" insert "**work**".
- 6 Page 2, line 5, after "(3)" insert "**work**".
- 7 Page 2, line 6, after "(4)" insert "**begin a work day**".
- 8 Page 2, after line 6, begin a new paragraph and insert:
- 9 "**(e) A child who is at least seventeen (17) years of age and less**
- 10 **than eighteen (18) years of age may not:**
- 11 **(1) work for more than eight (8) hours in any one (1) day;**
- 12 **(2) work for more than thirty (30) hours in any one (1) week;**
- 13 **(3) work for more than six (6) days in any one (1) week; or**

- 1           **(4) begin a work day before 6:00 a.m. on a school day."**
- 2           Page 2, line 7, delete "(e)" and insert "**(f)**".
- 3           Page 2, line 12, delete "(f)" and insert "**(g)**".
- 4           Page 2, line 13, reset in roman "seventeen (17)".
- 5           Page 2, line 13, delete "eighteen (18)".
- 6           Page 2, line 20, after "parent" insert "**or legal guardian**".
- 7           Page 2, line 23, delete "(g)" and insert "**(h)**".
- 8           Page 2, line 27, after "parent" insert "**or legal guardian**".
- 9           Page 2, line 36, after "(g)" insert "**(i)**".
- 10          Page 2, line 36, reset in roman "A child who is".
- 11          Page 2, line 36, delete ":".
- 12          Page 2, line 37, reset in roman "seventeen (17) years of age or older
- 13          but less than eighteen (18)".
- 14          Page 2, line 38, reset in roman "years of age".
- 15          Page 2, line 38, after "age" delete ";".
- 16          Page 2, reset in roman line 40.
- 17          Page 2, line 40, delete "." and insert "**if the employer has obtained**
- 18          **written permission from the child's parent or legal guardian and**
- 19          **placed the permission on file in the employer's office."**
- 20          Page 2, line 41, reset in roman "A child covered by this subsection
- 21          may work".
- 22          Page 2, line 42, after "day" insert "**until 1 a.m. the following day**".
- 23          Page 2, line 42, reset in roman "if the employer has obtained
- 24          written".
- 25          Page 3, reset in roman line 1.
- 26          Page 3, line 1, after "parent" insert "**or legal guardian**"
- 27          Page 3, line 2, reset in roman "the employer's office. However, the
- 28          nights".
- 29          Page 3, line 2, reset in roman "on".
- 30          Page 3, line 3, reset in roman "which a child works later than".
- 31          Page 3, line 3, after "p.m." insert "**1 a.m. the following day**".
- 32          Page 3, line 3, reset in roman "may not be consecutive and".
- 33          Page 3, reset in roman line 4.
- 34          Page 3, line 5, delete "(i)" and insert "**(j)**".
- 35          Page 3, between lines 12 and 13, begin a new paragraph and insert:
- 36          "SECTION 2. IC 20-8.1-4-23 IS AMENDED TO READ AS
- 37          FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 23. (a) Every person,
- 38          firm, corporation, or company which employs any child who is fourteen

1 (14) years of age or older and less than eighteen (18) years of age in an  
 2 occupation for which the child must obtain an employment certificate  
 3 shall post and keep posted, in a conspicuous place or in places where  
 4 notices to employees are customarily posted, a printed notice. This  
 5 notice shall state:

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

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

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

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

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

14 Page 3, delete lines 13 through 42.

15 Delete pages 4 through 5.

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

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

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

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

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

27 (C) ~~One hundred~~ **Seventy-five** dollars ~~(\$100)~~ **(\$75)** per  
 28 instance for ~~subsequent violations~~ **a third violation** that  
 29 ~~(i) are~~ **is** identified in ~~an~~ **a subsequent** inspection.

30 ~~subsequent to the inspection under clause (B); and~~

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

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

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

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

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

- 1 following:
- 2 (A) A warning letter for any violations identified during an
- 3 initial inspection.
- 4 (B) ~~Twenty-five~~ **Fifty** dollars (~~\$25~~) (**\$50**) per instance for each
- 5 violation identified in a subsequent inspection.
- 6 (C) ~~Twenty-five~~ **Seventy-five** dollars (~~\$25~~) (**\$75**) per instance
- 7 for ~~subsequent violations~~ **a third violation** that
- 8 (i) ~~are~~ **is** identified in ~~an~~ **a subsequent** inspection.
- 9 ~~subsequent to the inspection under clause (B); and~~
- 10 (ii) ~~occur not more than two (2) years after a prior violation.~~
- 11 **(D) One hundred dollars (\$100) per instance for a fourth**
- 12 **or subsequent violation that:**
- 13 **(i) is identified in an inspection subsequent to the**
- 14 **inspection under clause (C); and**
- 15 **(ii) occurs not more than two (2) years after a prior**
- 16 **violation.**
- 17 (3) For a termination notice violation under section 11 of this
- 18 chapter, the following:
- 19 (A) A warning letter for any violations identified during an
- 20 initial inspection.
- 21 (B) ~~Twenty-five~~ **Fifty** dollars (~~\$25~~) (**\$50**) per instance for each
- 22 violation identified in a subsequent inspection.
- 23 (C) ~~Fifty~~ **Seventy-five** dollars (~~\$50~~) (**\$75**) per instance for
- 24 ~~subsequent violations~~ **a third violation** that
- 25 (i) ~~are~~ **is** identified in ~~an~~ **a subsequent** inspection.
- 26 ~~subsequent to the inspection under clause (B); and~~
- 27 (ii) ~~occur not more than two (2) years after a prior violation.~~
- 28 **(D) One hundred dollars (\$100) per instance for a fourth**
- 29 **or subsequent violation that:**
- 30 **(i) is identified in an inspection subsequent to the**
- 31 **inspection under clause (C); and**
- 32 **(ii) occurs not more than two (2) years after a prior**
- 33 **violation.**
- 34 (4) For an hour violation of not more than thirty (30) minutes
- 35 under section 20 of this chapter, the following:
- 36 (A) A warning letter for any violations identified during an
- 37 initial inspection.
- 38 (B) ~~Twenty-five~~ **Fifty** dollars (~~\$25~~) (**\$50**) per instance for each

- 1 violation identified in a subsequent inspection.
- 2 (C) ~~Twenty-five~~ **Seventy-five** dollars (~~\$25~~) (**\$75**) per instance
- 3 for ~~subsequent violations~~ **a third violation** that
- 4 (i) ~~are~~ **is** identified in ~~an~~ **a subsequent** inspection.
- 5 ~~subsequent to the inspection under clause (B); and~~
- 6 (ii) ~~occur not more than two (2) years after a prior violation.~~
- 7 (D) **One hundred dollars (\$100) per instance for a fourth**
- 8 **or subsequent violation that:**
- 9 (i) **is identified in an inspection subsequent to the**
- 10 **inspection under clause (C); and**
- 11 (ii) **occurs not more than two (2) years after a prior**
- 12 **violation.**
- 13 (5) For an hour violation of more than (30) minutes under section
- 14 20 of this chapter, the following:
- 15 (A) A warning letter for any violations identified during an
- 16 initial inspection.
- 17 (B) ~~Fifty~~ **One hundred** dollars (~~\$50~~) (**\$100**) per instance for
- 18 each violation identified in a subsequent inspection.
- 19 (C) ~~Seventy-five~~ **Two hundred** dollars (~~\$75~~) (**\$200**) per
- 20 instance for ~~subsequent violations~~ **a third violation** that
- 21 (i) ~~are~~ **is** identified in ~~an~~ **a subsequent** inspection.
- 22 ~~subsequent to the inspection under clause (B); and~~
- 23 (ii) ~~occur not more than two (2) years after a prior violation.~~
- 24 (D) **Four hundred dollars (\$400) per instance for a fourth**
- 25 **or subsequent violation that:**
- 26 (i) **is identified in an inspection subsequent to the**
- 27 **inspection under clause (C); and**
- 28 (ii) **occurs not more than two (2) years after a prior**
- 29 **violation.**
- 30 (6) For a hazardous occupation violation under section 25 of this
- 31 chapter, the following:
- 32 (A) A warning letter for any violations identified during an
- 33 initial inspection.
- 34 (B) One hundred dollars (\$100) per instance for each violation
- 35 identified in a subsequent inspection.
- 36 (C) ~~One~~ **Two** hundred dollars (~~\$100~~) (**\$200**) per instance for
- 37 ~~subsequent violations~~ **a third violation** that
- 38 (i) ~~are~~ **is** identified in ~~an~~ **a subsequent** inspection.

1 subsequent to the inspection under clause (B); and  
 2 ~~(ii) occur not more than two (2) years after a prior violation.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38                  Renumber all SECTIONS consecutively.

(Reference is to HB 2051 as introduced.)

**and when so amended that said bill do pass.**

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Representative Liggett