

# HOUSE BILL No. 2051

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-8.1-4.

**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 16 years of age and less than 18 years of age may work until midnight 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. Provides that the first violation of child labor laws results in a warning letter, the second violation results in a \$100 fine, and each subsequent violation results in a \$500 fine.

**Effective:** July 1, 1999.

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**Weinzapfel, Kruzan, Avery**

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January 27, 1999, read first time and referred to Committee on Labor and Employment.

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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.

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## 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:*

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

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

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

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

13 (2) The child may not work:  
14 (A) more than three (3) hours on a school day;  
15 (B) more than eighteen (18) hours in a school week;  
16 (C) more than eight (8) hours on a nonschool day; or  
17 (D) more than forty (40) hours in a nonschool week.



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

- 3           (1) for more than eight (8) hours in any one (1) day;  
4           (2) for more than ~~forty (40)~~ **thirty (30)** hours in any one (1) week;  
5           (3) for more than six (6) days in any one (1) week; or  
6           (4) before 6:00 a.m.

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

12           ~~(e)~~ **(f)** An employer may employ a child who is at least sixteen (16)  
13 years of age and less than ~~seventeen (17)~~ **eighteen (18)** years of age to  
14 work until midnight if:

- 15           (1) the work will be performed:  
16           (A) ~~while schools are closed for summer vacation; during a~~  
17           **nonschool week; or**  
18           (B) on days that are not followed by a school day; and  
19           (2) the employer has:  
20           (A) obtained written permission from a child's parent; and  
21           (B) placed the written permission on file in the employer's  
22 office.

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

- 27           **(1) obtained written permission from a child's parent; and**  
28           **(2) placed the written permission on file in the employer's**  
29 **office.**

30           ~~(f)~~ **(h)** If an employer has obtained written permission required  
31 under subsection (e), the employer may employ a child who is at least  
32 sixteen (16) years of age but less than eighteen (18) years of age for  
33 periods that do not exceed a total of nine (9) hours in any one (1) day  
34 and a total of forty-eight (48) hours in any one (1) **nonschool** week.  
35 ~~during summer vacation from school.~~

36           ~~(g)~~ A child who is:

- 37           ~~(1)~~ **(1)** ~~seventeen (17) years of age or older but less than eighteen (18)~~  
38 **years of age; and**

- 39           ~~(2)~~ **(2)** a student in grades 9 through 12;

40 may work until 11:30 p.m. on nights that are followed by a school day.  
41 A child covered by this subsection may work later than 11:30 p.m. on  
42 nights followed by a school day if the employer has obtained written

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1 permission from the child's parent and placed the permission on file in  
 2 the employer's office. However, the nights followed by a school day on  
 3 which a child works later than 11:30 p.m. may not be consecutive and  
 4 may not exceed two (2) nights per week.

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

9 (1) They are a high school graduate.

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

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

13 SECTION 2. IC 20-8.1-4-31 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 31. (a) A person, firm,  
 15 limited liability company, or corporation that violates this chapter may  
 16 be assessed the following civil penalties by the department of labor:

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

19 ~~(A) A warning letter for any violations identified during an~~  
 20 ~~initial inspection:~~

21 ~~(B) Twenty-five dollars (\$25) per instance for each violation~~  
 22 ~~identified in a subsequent inspection:~~

23 ~~(C) One hundred dollars (\$100) per instance for subsequent~~  
 24 ~~violations that:~~

25 ~~(i) are identified in an inspection subsequent to the~~  
 26 ~~inspection under clause (B); and~~

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

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

30 ~~(A) A warning letter for any violations identified during an~~  
 31 ~~initial inspection:~~

32 ~~(B) Twenty-five dollars (\$25) per instance for each violation~~  
 33 ~~identified in a subsequent inspection:~~

34 ~~(C) Twenty-five dollars (\$25) per instance for subsequent~~  
 35 ~~violations that:~~

36 ~~(i) are identified in an inspection subsequent to the~~  
 37 ~~inspection under clause (B); and~~

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

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

41 ~~(A) A warning letter for any violations identified during an~~  
 42 ~~initial inspection:~~

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- 1 (B) Twenty-five dollars (\$25) per instance for each violation  
 2 identified in a subsequent inspection:  
 3 (C) Fifty dollars (\$50) per instance for subsequent violations  
 4 that:  
 5 (i) are identified in an inspection subsequent to the  
 6 inspection under clause (B); and  
 7 (ii) occur not more than two (2) years after a prior violation:  
 8 (4) For an hour violation of not more than thirty (30) minutes  
 9 under section 20 of this chapter, the following:  
 10 (A) A warning letter for any violations identified during an  
 11 initial inspection:  
 12 (B) Twenty-five dollars (\$25) per instance for each violation  
 13 identified in a subsequent inspection:  
 14 (C) Twenty-five dollars (\$25) per instance for subsequent  
 15 violations that:  
 16 (i) are identified in an inspection subsequent to the  
 17 inspection under clause (B); and  
 18 (ii) occur not more than two (2) years after a prior violation:  
 19 (5) For an hour violation of more than (30) minutes under section  
 20 20 of this chapter, the following:  
 21 (A) A warning letter for any violations identified during an  
 22 initial inspection:  
 23 (B) Fifty dollars (\$50) per instance for each violation  
 24 identified in a subsequent inspection:  
 25 (C) Seventy-five dollars (\$75) per instance for subsequent  
 26 violations that:  
 27 (i) are identified in an inspection subsequent to the  
 28 inspection under clause (B); and  
 29 (ii) occur not more than two (2) years after a prior 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 hundred dollars (\$100) per instance for subsequent  
 37 violations that:  
 38 (i) are identified in an inspection subsequent to the  
 39 inspection under clause (B); and  
 40 (ii) occur not more than two (2) years after a prior violation:  
 41 (7) For an age violation under section 21 or 21.5 of this chapter,  
 42 the following:

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- 1 (A) A warning letter for any violations identified during an  
 2 initial inspection.  
 3 (B) One hundred dollars (\$100) per instance for each violation  
 4 identified in a subsequent inspection.  
 5 (C) One hundred dollars (\$100) per instance for subsequent  
 6 violations that:  
 7 (i) are identified in an inspection subsequent to the  
 8 inspection under clause (B); and  
 9 (ii) occur not more than two (2) years after a prior violation.  
 10 (8) For each minor employed in violation of section 21(b) of this  
 11 chapter, the following:  
 12 (A) A warning letter for any violations identified during an  
 13 initial inspection.  
 14 (B) One hundred dollars (\$100) per instance for each violation  
 15 identified in a subsequent inspection.  
 16 (C) One hundred dollars (\$100) per instance for subsequent  
 17 violations that:  
 18 (i) are identified in an inspection subsequent to the  
 19 inspection under clause (B); and  
 20 (ii) occur not more than two (2) years after a prior violation.  
 21 **(1) A warning letter for any violations identified during an**  
 22 **inspection in which the person, firm, limited liability**  
 23 **company, or corporation is initially found to be in violation of**  
 24 **this chapter.**  
 25 **(2) Except as provided in subdivision (3), one hundred dollars**  
 26 **(\$100) for each violation identified in an inspection after the**  
 27 **inspection described in subdivision (1).**  
 28 **(3) Five hundred dollars (\$500) for each violation identified in**  
 29 **an inspection after an inspection described in subdivision (2).**  
 30 (b) A civil penalty assessed under subsection (a):  
 31 (1) is subject to IC 4-21.5-3-6; and  
 32 (2) becomes effective without a proceeding under IC 4-21.5-3  
 33 unless a person requests an administrative review not later than  
 34 thirty (30) days after notice of the assessment is given.  
 35 (c) For purposes of determining whether a second violation has  
 36 occurred when assessing a civil penalty under subsection (a), a first  
 37 violation expires one (1) year after the date of issuance of a warning  
 38 letter by the department of labor under subsection (a).  
 39 (d) There is established an employment of youth fund for the  
 40 purpose of educating affected parties on the purposes and contents of  
 41 this chapter and the responsibilities of all parties under this chapter.  
 42 The fund shall be administered by the department of labor. The

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1 expenses of administering the fund shall be paid from money in the  
2 fund. The treasurer of state shall invest the money in the fund not  
3 currently needed to meet the obligations of the fund in the same  
4 manner as other public funds may be invested. Interest that accrues  
5 from these investments shall be deposited in the fund. Money in the  
6 fund at the end of a state fiscal year does not revert to the state general  
7 fund. Revenue received from civil penalties under this section shall be  
8 deposited in the employment of youth fund.

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