
HOUSE BILL No. 1145

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-4.

Synopsis: Unemployment compensation assessment appeals. Allows an employing unit to file a motion for a hearing before the unemployment compensation liability administrative law judge on the issue of default as to assessment. Requires the employing unit to show grounds for relief for default and a defense to the assessment before relief from the assessment may be made.

Effective: July 1, 2000.

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January 10, 2000, read first time and referred to Committee on Labor and Employment.

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Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

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HOUSE BILL No. 1145



A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

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

1 SECTION 1. IC 22-4-29-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. The commissioner,
3 or the commissioner's duly authorized representative, shall immediately
4 notify the employing unit of the assessment in writing by mail, and,
5 **except as provided in section 4.5 of this chapter**, such assessment
6 shall be final unless the employing unit protests such assessment within
7 fifteen (15) days after the mailing of the notice.

8 SECTION 2. IC 22-4-29-4.5 IS ADDED TO THE INDIANA CODE
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2000]: **Sec. 4.5. (a) Upon terms that are just, by motion filed with
11 the commissioner, the liability administrative law judge may
12 relieve an employing unit from a final assessment under section 3
13 of this chapter for the following reasons:**

- 14 (1) Mistake.
- 15 (2) Surprise.
- 16 (3) Excusable neglect, including, but not limited to, the
17 employing unit showing to the satisfaction of the liability



- 1 administrative law judge that no return was filed because
 2 there was no contribution liability for the period covered by
 3 the final assessment.
- 4 (b) The motion must be filed not later than two (2) years after
 5 the date of the mailing of the notice of assessment under section 3
 6 of this chapter.
- 7 (c) The motion must contain:
 8 (1) the grounds for an appeal under this section; and
 9 (2) a defense to the assessment imposed in section 2 of this
 10 chapter.
- 11 (d) Upon receipt of an appeal under this section, if a warrant
 12 has been filed with the clerk of the circuit court under section 6 of
 13 this chapter, the commissioner or the commissioner's
 14 representative shall immediately notify the clerk of the circuit
 15 court that an appeal has been filed.
- 16 (e) The filing of a motion stays the following:
 17 (1) Issuance of a warrant by the commissioner or the
 18 commissioner's representative under section 6 of this chapter.
 19 (2) Action to be performed by the sheriff or clerk in response
 20 to the demands of the warrant under section 6 of this chapter.
 21 (3) Placement of a lien upon the real and personal property of
 22 the employing unit under section 6 of this chapter.
 23 (4) Issuance of the warrant to the sheriff of the county by the
 24 department under section 7 of this chapter.
- 25 (f) Costs due under section 8 of this chapter and amounts
 26 retained under section 9 of this chapter may not be returned to an
 27 employing unit that is relieved from assessment liability under this
 28 section.
- 29 (g) At the hearing, the employing unit seeking to set aside the
 30 final assessment must show:
 31 (1) the grounds for relief set forth in subsection (a); and
 32 (2) the defense to the assessment as required by section 4 of
 33 this chapter.
- 34 (h) Judicial relief of the decision of the liability administrative
 35 law judge may be sought under section 5 of this chapter.
- 36 SECTION 3. IC 22-4-32-4 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. **Except as provided**
 38 **in IC 22-4-29-4.5**, an employing unit shall have fifteen (15) days
 39 within which to protest in writing initial determinations of the
 40 commissioner with respect to:
 41 (1) the assessments of contributions, penalties, and interest;
 42 (2) the transfer of charges from an employer's account;



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- 1 (3) merit rate calculations;
- 2 (4) successorships;
- 3 (5) the denial of claims for refunds and adjustments; and
- 4 (6) a protest arising from an initial determination of the director
- 5 relating to any matter listed in subdivisions (1) through (5).
- 6 The fifteen (15) day period shall commence with the day following the
- 7 day upon which the initial determination or denial of claim for refund
- 8 or adjustment is mailed to the employing unit.

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