
SENATE BILL No. 120

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-8.1-4.

Synopsis: Employment of minors. Requires an employer to provide rest breaks totaling at least 30 minutes to a child scheduled to work at least eight consecutive hours. Makes it unlawful for a child to work between the hours of 10 p.m. and 6 a.m. in an establishment that is open to the public unless another employee at least 18 years of age also works in the establishment during those hours.

Effective: Upon passage; July 1, 2003.

Harrison

January 7, 2003, read first time and referred to Committee on Pensions and Labor.

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First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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SENATE BILL No. 120



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 20-8.1-4-20.5, AS ADDED BY P.L.122-2001,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 20.5. (a) ~~Except as provided in subsection (b);~~
4 This section applies to occupations for which a child less than eighteen
5 (18) years of age may be employed or allowed to work under this
6 chapter, but does not apply to children subject to:
7 (1) section 2 of this chapter; or
8 (2) section 20(m)(2) or 20(m)(3) of this chapter.
9 ~~(b) This section does not apply to a child less than eighteen (18)~~
10 ~~years of age employed by a camp or other facility that:~~
11 ~~(1) provides an opportunity, either gratuitously or for~~
12 ~~compensation, for outdoor group living for all or any part of a~~
13 ~~day;~~
14 ~~(2) provides recreational, health, educational, or sectarian related~~
15 ~~activities; and~~
16 ~~(3) is operated by a nonprofit entity.~~
17 ~~(c) (b) A person, firm, limited liability company, or corporation that~~



1 employs a child less than eighteen (18) years of age shall provide **a the**
 2 **child one (1) or more** rest ~~break of breaks totaling~~ at least thirty (30)
 3 minutes ~~to a if the child who~~ is scheduled to work at least ~~six (6)~~ **eight**
 4 **(8)** consecutive hours.

5 (d) ~~The rest break must be available to the child during the time~~
 6 ~~beginning three (3) hours after and ending five (5) hours after the child~~
 7 ~~begins the child's period of duty.~~

8 SECTION 2. IC 20-8.1-4-25.5 IS ADDED TO THE INDIANA
 9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2003]: **Sec. 25.5. (a) This section does not**
 11 **provide an exception to the limit on the number of hours a child is**
 12 **permitted to work under section 20 of this chapter.**

13 (b) **It is unlawful for a person, firm, limited liability company,**
 14 **or corporation to permit a child who is:**

15 (1) **less than eighteen (18) years of age; and**

16 (2) **employed by the person, firm, limited liability company, or**
 17 **corporation;**

18 **to work after 10 p.m. and before 6 a.m. in an establishment that is**
 19 **open to the public, unless another employee at least eighteen (18)**
 20 **years of age also works in the establishment during the same hours**
 21 **as the child.**

22 SECTION 3. IC 20-8.1-4-31, AS AMENDED BY P.L.122-2001,
 23 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2003]: Sec. 31. (a) A person, firm, limited liability company,
 25 or corporation that violates this chapter may be assessed the following
 26 civil penalties by the department of labor:

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

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

31 (B) Fifty dollars (\$50) per instance for a second violation
 32 identified in a subsequent inspection.

33 (C) Seventy-five dollars (\$75) per instance for a third violation
 34 that is identified in a subsequent inspection.

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

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

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

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

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

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

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- 1 (C) Two hundred dollars (\$200) per instance for a third
 2 violation that is identified in a subsequent inspection.
 3 (D) Four hundred dollars (\$400) per instance for a fourth or
 4 subsequent violation that:
 5 (i) is identified in an inspection subsequent to the inspection
 6 under clause (C); and
 7 (ii) occurs not more than two (2) years after a prior violation.
 8 (6) For a hazardous occupation violation under section 25 or 25.5
 9 of this chapter, the following:
 10 (A) A warning letter for any violations identified during an
 11 initial inspection.
 12 (B) One hundred dollars (\$100) per instance for each violation
 13 identified in a subsequent inspection.
 14 (C) Two hundred dollars (\$200) per instance for a third
 15 violation that is identified in a subsequent inspection.
 16 (D) Four hundred dollars (\$400) per instance for a fourth or
 17 subsequent violation that:
 18 (i) is identified in an inspection subsequent to the inspection
 19 under clause (C); and
 20 (ii) occurs not more than two (2) years after a prior violation.
 21 (7) For an age violation under section 21 or 21.5 of this chapter,
 22 the following:
 23 (A) A warning letter for any violations identified during an
 24 initial inspection.
 25 (B) One hundred dollars (\$100) per instance for each violation
 26 identified in a subsequent inspection.
 27 (C) Two hundred dollars (\$200) per instance for a third
 28 violation that is identified in a subsequent inspection.
 29 (D) Four hundred dollars (\$400) per instance for a fourth or
 30 subsequent violation that:
 31 (i) is identified in an inspection subsequent to the inspection
 32 under clause (C); and
 33 (ii) occurs not more than two (2) years after a prior violation.
 34 (8) For each minor employed in violation of section 21(b) of this
 35 chapter, the following:
 36 (A) A warning letter for any violations identified during an
 37 initial inspection.
 38 (B) One hundred dollars (\$100) per instance for each violation
 39 identified in a subsequent inspection.
 40 (C) Two hundred dollars (\$200) per instance for a third
 41 violation that is identified in a subsequent inspection.
 42 (D) Four hundred dollars (\$400) per instance for a fourth or

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- 1 subsequent violation that:
- 2 (i) is identified in an inspection subsequent to the inspection
- 3 under clause (C); and
- 4 (ii) occurs not more than two (2) years after a prior violation.
- 5 (9) For each violation of section 20.5 of this chapter, the
- 6 following:
- 7 (A) A warning letter for any violations identified during an
- 8 initial inspection.
- 9 (B) One hundred dollars (\$100) per instance for each violation
- 10 identified in a subsequent inspection.
- 11 (C) Two hundred dollars (\$200) per instance for a third
- 12 violation that is identified in a subsequent inspection.
- 13 (D) Four hundred dollars (\$400) per instance for a fourth or
- 14 subsequent violation that:
- 15 (i) is identified in an inspection subsequent to the inspection
- 16 under clause (C); and
- 17 (ii) occurs not more than two (2) years after a prior violation.
- 18 (b) A civil penalty assessed under subsection (a):
- 19 (1) is subject to IC 4-21.5-3-6; and
- 20 (2) becomes effective without a proceeding under IC 4-21.5-3
- 21 unless a person requests an administrative review not later than
- 22 thirty (30) days after notice of the assessment is given.
- 23 (c) For purposes of determining whether a second violation has
- 24 occurred when assessing a civil penalty under subsection (a), a first
- 25 violation expires one (1) year after the date of issuance of a warning
- 26 letter by the department of labor under subsection (a).
- 27 (d) For purposes of determining recurring violations of this section,
- 28 each location of an employer shall be considered separate and distinct
- 29 from another location of the same employer.
- 30 (e) There is established an employment of youth fund for the
- 31 purpose of educating affected parties on the purposes and contents of
- 32 this chapter and the responsibilities of all parties under this chapter.
- 33 One-half (1/2) of the fund each year shall be used for the purpose of the
- 34 education provision of this subsection. This portion of the fund may be
- 35 used to award grants to provide educational programs. The remaining
- 36 one-half (1/2) of the fund shall be used each year for the expenses of
- 37 hiring and salaries of additional inspectors to enforce this chapter under
- 38 section 29 of this chapter. All inspectors hired to enforce this chapter
- 39 shall also be available to educate affected parties on the purposes and
- 40 contents of this chapter and the responsibilities of all parties under this
- 41 chapter. The fund shall be administered by the department of labor.
- 42 The expenses of administering the fund shall be paid from money in

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

8 SECTION 4. **An emergency is declared for this act.**

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