

IC 20-33-3

Chapter 3. Limitations on the Employment of Students

IC 20-33-3-1

Chapter not applicable to parents who employ own child

Sec. 1. This chapter does not apply to:

- (1) a parent who employs the parent's own child;
- (2) a person standing in place of a parent who employs a child in the person's custody; or
- (3) a legal entity whose ownership is limited to the parents of the employed child or persons standing in place of the parent of the employed child;

except in the instances of underage employment (section 31(a) of this chapter), employment during school hours (section 31(b) of this chapter), and employment in hazardous occupations designated by federal law (as set forth in section 35 of this chapter).

As added by P.L.1-2005, SEC.17. Amended by P.L.121-2014, SEC.1.

IC 20-33-3-2

"Nonschool week"

Sec. 2. As used in this chapter, "nonschool week" refers to a week that contains two (2) or fewer school days.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-3

"School day"

Sec. 3. As used in this chapter, "school day" refers to a day that contains more than four (4) hours of classroom instruction.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-4

"School week"

Sec. 4. As used in this chapter, "school week" refers to a week that contains at least three (3) school days.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-5

Employment certificate required

Sec. 5. It is unlawful for a person, firm, limited liability company, or corporation to hire, employ, or permit a child who is:

- (1) at least fourteen (14) years of age; and
- (2) less than eighteen (18) years of age;

to work in a gainful occupation until the person, firm, limited liability company, or corporation has secured and placed on file in its office an employment certificate issued by the proper issuing officer under this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-6

Exceptions to requirement of employment certificate

Sec. 6. (a) An employment certificate is not required for a child who is at least fourteen (14) years of age but less than eighteen (18) years of age to:

- (1) perform:
 - (A) farm labor; or
 - (B) domestic service; or
- (2) act as a:
 - (A) caddie for a person playing golf; or
 - (B) newspaper carrier.

(b) An employment certificate is not required for a child who is:

- (1) at least twelve (12) years of age but less than eighteen (18) years of age; and
- (2) employed or works as a youth athletic program referee, umpire, or official under section 31.5 of this chapter.

(c) An exemption under subsection (a) or (b) applies only when a child is engaged in an occupation listed in this section during the hours when the child is not required to be in school.

(d) An employment certificate is not required for a child less than eighteen (18) years of age who:

- (1) works as an actor or performer if the provisions of section 32 of this chapter are met; or
- (2) has graduated from high school.

As added by P.L.1-2005, SEC.17. Amended by P.L.41-2013, SEC.1; P.L.2-2014, SEC.89.

IC 20-33-3-7

Employment certificate; obtaining

Sec. 7. (a) This chapter applies to a child less than eighteen (18) years of age who is employed or is seeking employment in Indiana.

(b) A child less than eighteen (18) years of age who is a resident of Indiana and who requires an employment certificate shall obtain the employment certificate from the issuing officer of the:

- (1) accredited school (as described in IC 20-19-2-8(a)(5)) that the child attends; or
- (2) school corporation in which the child resides.

(c) A child less than eighteen (18) years of age who is not a resident of Indiana and who requires an employment certificate to work in Indiana shall obtain the certificate from the issuing officer of the school corporation in which the child is:

- (1) employed; or
- (2) seeking employment.

The judge of a court with juvenile jurisdiction may suspend the application of this chapter in cases involving juvenile delinquents or incorrigibles whenever, in the opinion of the judge, the welfare of a child warrants this action.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-8

Issuing officer

Sec. 8. (a) The issuing officer in each accredited school (as described in IC 20-19-2-8(a)(5)) shall be an individual who is:

- (1) a guidance counselor;
- (2) a school social worker; or
- (3) an attendance officer for the school corporation and a teacher licensed by the division of professional standards of the department under IC 20-28-4 or IC 20-28-5;

and designated in writing by the principal.

(b) During the times in which the individual described in subsection (a) is not employed by the school or when school is not in session, there shall be an issuing officer available:

- (1) who is a teacher licensed by the division of professional standards of the department under IC 20-28-4 or IC 20-28-5; and
- (2) whose identity and hours of work shall be determined by the principal.

As added by P.L.1-2005, SEC.17. Amended by P.L.1-2007, SEC.147.

IC 20-33-3-9

Optional employment certificate; issuance mandatory

Sec. 9. When an employer wants to employ an individual who represents the individual's age to be at least eighteen (18) years of age but less than twenty-one (21) years of age, the employer may request the issuing officer to issue an employment certificate for the prospective employee. It is the duty of the issuing officer to issue a certificate when an employer makes a request under this section.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-10

Documents required before issuance of certificate

Sec. 10. (a) An issuing officer may issue an employment certificate only to a child whose employment is necessary and only after receipt of the following two (2) documents:

- (1) Proof of age as set forth under section 11 of this chapter.
- (2) Proof of prospective employment as set forth under section 12 of this chapter.

(b) A child seeking an employment certificate from a school the child does not attend must also present to the issuing officer a written statement that:

- (1) is from the school the child does attend; and
- (2) attests to the child's acceptable academic performance and attendance.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-11

Proof of age

Sec. 11. (a) As proof of age, the issuing officer shall require one

(1) of the following documents:

(1) A birth certificate or duly attested transcript of a birth certificate issued by the registrar of vital statistics or any other officer charged with the duty of recording births. The registrar may not charge a fee for a certificate or transcript as provided by IC 16-37-1-9(c)(2). School records of age that have been verified by a birth certificate may be substituted by the issuing officer for a birth certificate.

(2) A baptismal certificate or a certified transcript of the record of baptism showing the child's date of birth and place of baptism.

(3) Other documentation, including:

(A) a bona fide contemporary record of the child's birth, comprising a part of the family record of births in the Bible;

(B) other documentary evidence satisfactory to the department of labor, including a certificate of arrival in the United States issued by United States immigration officers and showing the child's age; or

(C) a life insurance policy.

Documentary evidence under this subdivision must have been in existence for at least one (1) year.

(4) A sworn statement by a public health physician, a public school physician, or the superintendent stating, in the opinion of the signatory, the child's physical age. This statement shall show the child's height and weight and other facts upon which the signatory's opinion is based. The physician's or superintendent's statement shall be accompanied by a statement of the child's age signed by the child's parent and by available school records.

(b) The documents that may constitute proof of age under this section are listed in preferential order. The issuing officer shall require the document of age under subsection (a)(1) in preference to a document under subsection (a)(2), (a)(3), or (a)(4). To avoid delay, the documents under subsection (a)(2), (a)(3), or (a)(4) may be accepted if the issuing officer files a written statement that verification of date of birth has been requested from the appropriate governmental agency but has not been received.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-12

Proof of prospective employment

Sec. 12. (a) As proof of prospective employment, the issuing officer shall require a written statement that:

(1) is signed by the person for whom the child is to work;

(2) sets forth the nature of work that the child is to perform; and

(3) specifies the maximum number of hours per week that the child will work for the employer.

(b) When a child's employment terminates, the employer shall immediately notify the issuing officer in writing of the:

(1) termination; and

(2) date on which it occurred.

This notice shall be on a blank form attached to the child's employment certificate.

(c) An employment certificate may be used at not more than two (2) locations within the same enterprise if the enterprise complies with the hour restrictions prescribed in sections 22 through 28 of this chapter.

As added by P.L.1-2005, SEC.17. Amended by P.L.182-2006, SEC.1.

IC 20-33-3-13

Employment certificate; denial; distribution of copies; appeal

Sec. 13. (a) Upon presentation to the issuing officer of the documents required by section 10 of this chapter, an employment certificate shall be issued immediately to the child. The employment certificate shall state the maximum number of hours that the child may be employed by the employer. However, an issuing officer may deny a certificate to a child:

- (1) whose attendance is not in good standing; or
- (2) whose academic performance does not meet the school corporation's standard.

(b) Not more than five (5) days after issuing an employment certificate, the issuing officer shall send a copy of the employment certificate to the department of labor. The issuing officer shall keep a record in the issuing officer's office of each employment certificate issued. The issuing officer shall keep for each student who has been issued more than one (1) employment certificate a record of the maximum number of hours that the student may work each week for all employers.

(c) A student may appeal the denial of a certificate under subsection (a) to the principal.

As added by P.L.1-2005, SEC.17. Amended by P.L.182-2006, SEC.2.

IC 20-33-3-13.5

Multiple employment certificates; penalties

Sec. 13.5. (a) A child may hold more than one (1) employment certificate at a time. However, a child who holds more than one (1) employment certificate at a time is subject to the penalties set forth in section 38.5 of this chapter for any of the following:

- (1) Hour violations under sections 22 through 28 of this chapter.
- (2) A violation of section 23(3) or 24(3) of this chapter.

(b) An employer of a child who holds more than one (1) employment certificate under subsection (a) is subject to the penalties set forth in sections 39 and 40 of this chapter for:

- (1) hour violations under sections 22 through 28 of this chapter;
- or

- (2) a violation of section 23(3) or 24(3) of this chapter;

for the employment of the child with the employer only.

As added by P.L.182-2006, SEC.3.

IC 20-33-3-14

Employment certificate; revocation

Sec. 14. (a) The:

- (1) state board; or
- (2) department of labor;

may revoke an employment certificate at any time, if, in the judgment of the state board or the department of labor, the certificate was improperly issued or if the state board or department of labor has knowledge that the child is or was illegally employed.

(b) To determine when a child is illegally employed, the state board and the department of labor and agents of the state board or department of labor may:

- (1) investigate the age of a child who is employed;
- (2) subpoena witnesses;
- (3) hear evidence; and
- (4) require the production of relevant books or documents.

(c) If the state board or department of labor revokes an employment certificate under this section, the issuing officer and the child's employer shall be notified in writing. This notice may be delivered in person or by registered mail. Immediately after receiving notice of revocation, the employer shall return the certificate to the issuing officer.

(d) A child whose employment certificate has been revoked may not be employed or allowed to work until the child legally has obtained a new employment certificate.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-15

Employment certificate; contents

Sec. 15. (a) Each employment certificate issued for a child must state the:

- (1) full name and the date and place of birth of the child;
- (2) name and address of the child's parents;
- (3) name and address of the employer; and
- (4) nature of the work that the child is to perform.

(b) The employment certificate must certify that the child has:

- (1) appeared before the issuing officer; and
- (2) submitted the proof of age and prospective employment as required under this chapter.

(c) The issuing officer may require the presence of the child's parents before issuing the employment certificate.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-16

Forms supplied by electronic or printed publication

Sec. 16. All blank forms necessary to carry out this chapter shall be prepared by the department of labor and supplied to issuing officers by means of electronic or printed publication.

As added by P.L.1-2005, SEC.17. Amended by P.L.121-2014, SEC.2.

IC 20-33-3-17

Investigatory power

Sec. 17. (a) An officer charged with enforcement of this chapter may investigate the age of a child:

- (1) who is employed or allowed to work in an occupation; and
- (2) for whom an employment certificate is not on file.

(b) If the officer finds that the age of the child is below the age authorized for an employee without an employment certificate, the:

- (1) employment; or
- (2) fact that the child is allowed to work;

is prima facie evidence of unlawful employment.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-18

Mandatory medical examination; limitation; exception

Sec. 18. (a) Except as provided in subsection (c), whenever the department of labor requires, a child who is:

- (1) at least fourteen (14) years of age and less than eighteen (18) years of age; and
- (2) at work in an occupation for which an employment certificate is required under sections 5 and 6 of this chapter;

shall submit to a physical examination. The examination shall be conducted by a medical inspector of the department of labor or by a physician designated by the department of labor. A female employee is entitled to have this examination made by a female. An employer shall not require or attempt to require a female employee to submit to a physical examination by a male.

(b) The result of an examination conducted under this section shall be recorded on a printed form furnished by and kept on file at the department of labor.

(c) The department of labor may not require a child to undergo a medical examination under this chapter when the child's parent objects on religious grounds. A religious objection:

- (1) consists of a good faith reliance on spiritual means or prayer for healing; and
- (2) is not effective unless the objection is:
 - (A) made in writing;
 - (B) signed by the child's parent; and
 - (C) delivered to the department of labor.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-19

Employment certificate; medical revocation

Sec. 19. (a) If:

- (1) a child fails to submit to a medical examination as required under section 18 of this chapter; or
- (2) on examination, the medical inspector finds the child to be physically unfit to be employed in the work in which the child is engaged and files a report to that effect;

the department of labor shall revoke the child's employment certificate. A report of physical incapacity shall be kept at the office of the department of labor.

(b) Written notice of a revocation under this section shall be served on the issuing officer and the child's employer in person or by registered mail. Immediately after receiving notice of a revocation, the employer shall deliver the revoked certificate to the department of labor. A child whose certificate has been revoked under this section may obtain a new certificate if the child is found, after physical examination, to be physically fit for the new occupation in which the child proposes to engage.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-20

Revocation of employment certificate; review; reissuance; appeal

Sec. 20. (a) An employment certificate may be revoked by the issuing officer if the issuing officer determines that there has been a significant decrease in any of the following since the issuance of the permit:

(1) The student's grade point average.

(2) The student's attendance at school.

(b) A student whose employment certificate is revoked under subsection (a) is entitled to a periodic review of the student's grade record or attendance record, or both, to determine whether the revocation should continue. A periodic review may not be conducted less than one (1) time each school year.

(c) If upon review the issuing officer determines that the student's grade point average or attendance, or both, have improved substantially, the issuing officer may reissue an employment certificate to the student.

(d) A student may appeal the revocation of an employment certificate under subsection (a) or the refusal to reissue an employment certificate under subsection (c) to the school principal.

(e) An issuing officer who revokes an employment certificate shall immediately send written notice of the revocation to the student's employer.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-21

Employment of children at least 14 years of age and less than 18 years of age

Sec. 21. Sections 22 through 29 of this chapter apply only to employment for which a child who is at least fourteen (14) years of age and less than eighteen (18) years of age must obtain an employment certificate under this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-22

Employment of children at least 14 years of age and less than 16

years of age

Sec. 22. The following apply only to a child who is at least fourteen (14) years of age and less than sixteen (16) years of age:

- (1) The child may not work before 7 a.m. or after 7 p.m. However, the child may work until 9 p.m. from June 1 through Labor Day.
- (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.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-23

Employment of children at least 16 years of age and less than 17 years of age

Sec. 23. Except as provided in section 27 of this chapter, a child who is at least sixteen (16) years of age and less than seventeen (17) 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 a.m.

As added by P.L.1-2005, SEC.17. Amended by P.L.182-2006, SEC.4.

IC 20-33-3-24

Employment of children at least 17 years of age and less than 18 years of age

Sec. 24. Except as provided in section 27 of this chapter, 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 a.m. on a school day.

As added by P.L.1-2005, SEC.17. Amended by P.L.182-2006, SEC.5.

IC 20-33-3-25

Employment of children at least 16 years of age and less than 18 years of age; 10 p.m. limit

Sec. 25. A child who is at least sixteen (16) years of age and less than eighteen (18) years of age may work until 10 p.m. on nights that are followed by a school day in any occupation except those that the commissioner of labor determines to be:

- (1) dangerous to life or limb; or
- (2) injurious to health or morals.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-26

Employment of children at least 16 years of age and less than 17 years of age; midnight limit

Sec. 26. 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) 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 the child's parent; and
 - (B) placed the written permission on file in the employer's office.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-27

Employment of children at least 16 years of age and less than 18 years of age; hour limits

Sec. 27. (a) A child who is at least sixteen (16) years of age and less than eighteen (18) years of age may be employed for up to forty (40) hours during a school week if the employer has:

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

(b) If the employer or employers have obtained written permission required under subsection (a), a child who is at least sixteen (16) years of age and less than eighteen (18) years of age may be employed 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.

As added by P.L.1-2005, SEC.17. Amended by P.L.182-2006, SEC.6.

IC 20-33-3-28

Employment of children at least 16 years of age and less than 18 years of age; late nights

Sec. 28. (a) A child who is at least sixteen (16) years of age and less than seventeen (17) years of age may work until 11 p.m. on a night followed by a school day if the employer has obtained written permission from the child's parent and placed the written permission on file in the employer's office.

(b) A child who is at least seventeen (17) years of age and less than eighteen (18) years of age 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 and placed the written permission on file in the employer's office. A child covered by this subsection may work until 1 a.m. the following day if the employer has obtained written permission from the child's parent and placed the written permission on file in the employer's office. However, the nights followed by a school day on which a child works until 1 a.m. the following day may not be consecutive and may not exceed two (2)

nights per week.

As added by P.L.1-2005, SEC.17. Amended by P.L.121-2014, SEC.3.

IC 20-33-3-29

Employment of children at least 16 years of age and less than 18 years of age; employed the same as adults

Sec. 29. A child who is at least sixteen (16) years of age 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 the child is a member of any of the following categories:

- (1) The child is a high school graduate.
- (2) The child has completed an approved career and technical education program or special education program.
- (3) The child is not enrolled in a regular school term.

As added by P.L.1-2005, SEC.17. Amended by P.L.234-2007, SEC.118.

IC 20-33-3-30

Occupations for which children less than 18 years of age may be employed

Sec. 30. (a) This section applies to occupations for which a child less than eighteen (18) years of age may be employed or allowed to work under this chapter but does not apply to children subject to:

- (1) section 6 of this chapter; or
- (2) section 29(2) or 29(3) of this chapter.

(b) A person, firm, limited liability company, or corporation that employs a child less than eighteen (18) years of age shall provide the child one (1) or two (2) rest breaks totaling at least thirty (30) minutes if the child is scheduled to work at least six (6) consecutive hours. Breaks shall be provided as set forth in IC 5-10-6-2.

As added by P.L.1-2005, SEC.17. Amended by P.L.13-2008, SEC.3.

IC 20-33-3-31

Children less than 14 years of age and less than 18 years of age; employment limitations and prohibitions; exceptions

Sec. 31. (a) This subsection does not apply to a child who is employed or works as a youth athletic program referee, umpire, or official under section 31.5 of this chapter. A child less than:

- (1) fourteen (14) years of age may not be employed or allowed to work in any gainful occupation except as a farm laborer, domestic service worker, caddie for persons playing the game of golf, or newspaper carrier; and
- (2) twelve (12) years of age may not be permitted to work at farm labor except on a farm operated by the child's parent.

(b) Except as provided in section 32 of this chapter, a person, firm, limited liability company, or corporation may not employ or permit any child less than eighteen (18) years of age to work in any occupation after 7:30 a.m. and before 3:30 p.m. on a school day unless the child presents to the employer a written exception issued

by the school that the child attends.

As added by P.L.1-2005, SEC.17. Amended by P.L.41-2013, SEC.2; P.L.2-2014, SEC.90.

IC 20-33-3-31.5

Employment of children as referees, umpires, or officials

Sec. 31.5. (a) If the conditions of subsections (b) and (c) are satisfied, a child who is less than eighteen (18) years of age is exempt from the requirements of this chapter whenever the child is employed or works as a youth athletic program referee, umpire, or official.

(b) A child must satisfy all of the following:

- (1) The child is at least twelve (12) years of age.
- (2) The child is certified as a referee, umpire, or official by a national certification program.
- (3) The child is a referee, umpire, or official for an age bracket younger than the child's own age.

(c) In addition to the requirements of subsection (b), one (1) of the following must be satisfied:

(1) The child:

(A) works with a person who is:

- (i) at least eighteen (18) years of age; and
- (ii) also working as a referee, umpire, or official at the same athletic event at which the child is working as a referee, umpire, or official; and

(B) has on file with the person responsible for assigning the child to officiate for the youth athletic program the original or a copy of a written consent to the child's employment as a referee, umpire, or official signed by the child's parent or guardian.

(2) A child's parent or guardian is present during the athletic event at which the child is working as a referee, umpire, or official.

As added by P.L.41-2013, SEC.3.

IC 20-33-3-32

Permitted child employment; exception

Sec. 32. This chapter may not prevent a child of any age from singing, playing, or performing in a studio, circus, theatrical, or musical exhibition, concert, or festival, in radio and television broadcasts, or as a live or photographic model. Employment certificates are not required for employment or appearances set forth in this section, but a child less than eighteen (18) years of age may not be employed except under the following conditions:

(1) The activities described in this section must not:

- (A) be detrimental to the life, health, safety, or welfare of the child; or
- (B) interfere with the schooling of the child.

Provision shall be made for education equivalent to full-time school attendance in the public schools for children less than

sixteen (16) years of age.

(2) A parent shall accompany a child less than sixteen (16) years of age at all rehearsals, appearances, and performances.

(3) The employment or appearance may not be in a cabaret, dance hall, night club, tavern, or other similar place.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-33

Employment of children by the Indiana School for the Deaf or the Indiana School for the Blind and Visually Impaired

Sec. 33. The employment of children by the:

(1) Indiana School for the Deaf; and

(2) Indiana School for the Blind and Visually Impaired;

is subject to the general restrictions imposed on child labor under this chapter.

As added by P.L.1-2005, SEC.17. Amended by P.L.218-2005, SEC.78.

IC 20-33-3-34

Employer required to post notice

Sec. 34. Every person, firm, corporation, or company that employs a child at least fourteen (14) years of age 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 a printed notice in a conspicuous place or in places where notices to employees are customarily posted. This notice must state:

(1) the maximum number of hours a child may be employed or permitted to work each day of the week; and

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

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

As added by P.L.1-2005, SEC.17.

IC 20-33-3-35

Prohibition for child less than 18 years of age from working in a hazardous occupation; exception

Sec. 35. The department of labor shall prohibit a child who is less than eighteen (18) years of age from working in an occupation designated as hazardous by the child labor provisions of the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), except when the child is working for the child's parent or a person standing in the place of the child's parent on a farm owned or operated by the parent or person.

As added by P.L.1-2005, SEC.17. Amended by P.L.121-2014, SEC.4.

IC 20-33-3-36

Children employed after 10 p.m. and before 6 a.m.

Sec. 36. (a) This section does not provide an exception to the limit on the number of hours a child is permitted to work under sections 22

through 30 of this chapter.

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

- (1) less than eighteen (18) years of age; and
- (2) employed by the person, firm, limited liability company, or corporation;

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

(c) A violation of subsection (b) is a hazardous occupation violation subject to section 41 of this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-37

Hazardous occupations; exception; certain instruction

Sec. 37. This chapter does not prevent a student from working on a properly guarded machine in the training department of a school when an instructor provides personal supervision.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-38

Enforcement

Sec. 38. (a) The department of labor and its authorized inspectors and agents:

- (1) shall enforce this chapter and ensure that all violators are prosecuted; and
- (2) may visit and inspect, at all reasonable hours and when as practicable and necessary, all establishments affected by this chapter.

(b) It is unlawful for any person to interfere with, obstruct, or hinder any inspector or agent of the department of labor while the inspector or agent performs official duties or to refuse to properly answer questions asked by an inspector or agent of the department.

(c) When requested in writing by the department of labor, the attorney general shall assist the prosecuting attorney in the prosecution of persons charged with a violation of this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-38.5

Civil penalties for violations by children

Sec. 38.5. (a) For an hour violation under sections 22 through 28 of this chapter or a violation of section 23(3) or 24(3) of this chapter committed by a child, the civil penalties are as follows:

- (1) A warning letter for a first violation.
- (2) Revocation of the employment certificate or certificates held by the child for thirty (30) calendar days.

(b) The department of labor shall assess the civil penalties set forth in subsection (a).

(c) If the department of labor revokes an employment certificate under this section, the issuing officer and the child's employer shall be notified in writing. This notice may be delivered in person or by registered mail. Immediately after receiving notice of revocation, the employer shall return the certificate to the issuing officer.

(d) A child whose employment certificate or certificates have been revoked may not be employed or allowed to work until the child legally has obtained a new employment certificate.

As added by P.L.182-2006, SEC.7. Amended by P.L.1-2007, SEC.148.

IC 20-33-3-39

Civil penalties

Sec. 39. An individual who is an employer, a firm, a limited liability company, or a corporation that violates this chapter may be assessed the civil penalties described in this section by the department of labor. For an employment certificate violation under section 5 or 14 of this chapter, a termination notice violation under section 12 of this chapter, an hour violation of not more than thirty (30) minutes under sections 22 through 28 of this chapter, a violation of section 23(3) or 24(3) of this chapter, or a posting violation under section 34 of this chapter, the civil penalties are as follows:

- (1) A warning letter for any violations identified during an initial inspection.
- (2) Fifty dollars (\$50) per instance for a second violation identified in a subsequent inspection.
- (3) Seventy-five dollars (\$75) per instance for a third violation that is identified in a subsequent inspection.
- (4) One hundred dollars (\$100) per instance for a fourth or subsequent violation that is identified in an inspection subsequent to the inspection under subdivision (3) and occurs not more than two (2) years after a prior violation.

As added by P.L.1-2005, SEC.17. Amended by P.L.182-2006, SEC.8.

IC 20-33-3-40

Civil penalties

Sec. 40. An individual who is an employer, a firm, a limited liability company, or a corporation that violates this chapter may be assessed the civil penalties described in this section by the department of labor. For an hour violation of more than thirty (30) minutes under sections 22 through 28 of this chapter, each violation of section 30 of this chapter, an age violation under section 31 or 32 of this chapter, each minor employed in violation of section 31(b) of this chapter, or a hazardous occupation violation under section 35 or 36 of this chapter, the civil penalties are as follows:

- (1) A warning letter for any violations identified during an initial inspection.
- (2) One hundred dollars (\$100) per instance for each violation identified in a subsequent inspection.

(3) Two hundred dollars (\$200) per instance for a third violation that is identified in a subsequent inspection.

(4) Four hundred dollars (\$400) per instance for a fourth or subsequent violation that is identified in an inspection subsequent to the inspection under subdivision (3) and occurs not more than two (2) years after a prior violation.

As added by P.L.1-2005, SEC.17. Amended by P.L.182-2006, SEC.9.

IC 20-33-3-41

Civil penalties; second and subsequent violations

Sec. 41. (a) A civil penalty assessed under section 39 or 40 of this chapter:

(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.

(b) For purposes of determining:

(1) 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); and

(2) recurring violations of this section, each location of an employer shall be considered separate and distinct from another location of the same employer.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-42

Employment of youth fund

Sec. 42. (a) There is established an employment of youth fund to educate affected parties on the purposes and contents of this chapter and the responsibilities of all parties under this chapter.

(b) One-half (1/2) of the employment of youth fund each year shall be used for the purpose of the education provision of this subsection, and may be used to award grants to provide educational programs. The remaining one-half (1/2) of the employment of youth fund shall be used each year for the expenses of hiring and salaries of additional inspectors to enforce this chapter under section 39 of this chapter.

(c) The employment of youth fund shall be administered by the department of labor. The expenses of administering the employment of youth fund shall be paid from money in the fund. The treasurer of state shall invest the money in the employment of youth 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 employment of youth fund. Money in the employment of youth fund at the end of a state fiscal year does not revert to the state general fund.

(d) Revenue received from civil penalties under this section shall be deposited in the employment of youth fund.

(e) 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.
As added by P.L.1-2005, SEC.17.

IC 20-33-3-43

Form for certificates; rules

Sec. 43. (a) An employment certificate shall be issued:

- (1) in a form approved by; and
- (2) under rules adopted under IC 4-22-2 by;

the department of labor and the state board.

(b) The style of the form and the rules adopted under this section must:

- (1) be consistent with this chapter; and
- (2) promote uniformity and efficiency in the administration of this chapter.

As added by P.L.1-2005, SEC.17.