

# HOUSE BILL No. 1145

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-16-13-15; IC 6-1.1-12.1-17; IC 6-3.1; IC 22-1-5-14; IC 22-2-2; IC 22-4-15-2; IC 35-50-5-3; IC 36-7-18-17; IC 36-8.

**Synopsis:** Living wage. Replaces all references to the state minimum wage with "living wage". After June 30, 2019, increases the living wage paid to certain employees from \$7.25 per hour to \$15 per hour.

**Effective:** July 1, 2019.

---

---

## DeLaney

---

---

January 7, 2019, read first time and referred to Committee on Employment, Labor and Pensions.

---

---



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

# HOUSE BILL No. 1145

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

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

1 SECTION 1. IC 5-16-13-15, AS ADDED BY P.L.252-2015,  
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 15. (a) This section applies to a contractor in any  
4 contractor tier of a public works project.  
5 (b) A public agency that reasonably suspects a contractor has  
6 violated a provision of this chapter shall do one (1) of the following:  
7 (1) If the suspected violation concerns or is related to any of the  
8 following provisions, the public agency shall refer the matter to  
9 the appropriate agency as follows:  
10 (A) For a suspected violation of section 11(1) of this chapter  
11 (E-Verify), the Indiana department of labor.  
12 (B) For a suspected violation of section 11(3) of this chapter  
13 (the federal FLSA or state ~~minimum~~ **living** wage law), the  
14 Indiana department of labor.  
15 (C) For a suspected violation of section 11(4) of this chapter  
16 (worker's compensation or occupational diseases), the worker's  
17 compensation board of Indiana.



- 1 (D) For a suspected violation of section 11(5) of this chapter  
 2 (unemployment insurance), the department of workforce  
 3 development.
- 4 (2) If the suspected violation concerns a provision of this chapter  
 5 other than a provision listed in subdivision (1), the public agency  
 6 shall require the contractor to remedy the violation not later than  
 7 thirty (30) days after the public agency notifies the contractor of  
 8 the violation. The notification to the contractor must be signed by  
 9 the chief executive officer of the public agency and sent by a  
 10 method that enables the public agency to verify receipt of the  
 11 notice by the contractor. During the thirty (30) day period, the  
 12 contractor may continue to work on the public works project. If  
 13 the contractor fails to remedy the violation within the thirty (30)  
 14 day period, the public agency shall find the contractor not  
 15 responsible and determine the length of time the contractor is  
 16 considered not responsible by the public agency.
- 17 (c) In making the determination of the length of time a contractor is  
 18 not responsible under subsection (b)(2), the public agency shall  
 19 consider the severity of the violation. The period during which a  
 20 contractor is considered not responsible:
- 21 (1) may not exceed forty-eight (48) months; and  
 22 (2) begins on the date of substantial completion of the public  
 23 works project.
- 24 (d) A finding by a public agency under subsection (b)(2) that a  
 25 contractor is not responsible may not be used by another public agency  
 26 in making a determination as to whether the contractor is responsible  
 27 for purposes of that public agency's award of a public works contract  
 28 to that contractor.
- 29 SECTION 2. IC 6-1.1-12.1-17, AS AMENDED BY P.L.80-2014,  
 30 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2019]: Sec. 17. (a) A designating body may provide to a  
 32 business that is established in or relocated to a revitalization area and  
 33 that receives a deduction under section 4 or 4.5 of this chapter an  
 34 abatement schedule based on the following factors:
- 35 (1) The total amount of the taxpayer's investment in real and  
 36 personal property.  
 37 (2) The number of new full-time equivalent jobs created.  
 38 (3) The average wage of the new employees compared to the state  
 39 **minimum living** wage.  
 40 (4) The infrastructure requirements for the taxpayer's investment.
- 41 (b) This subsection applies to a statement of benefits approved after  
 42 June 30, 2013. A designating body shall establish an abatement



1 schedule for each deduction allowed under this chapter. An abatement  
 2 schedule must specify the percentage amount of the deduction for each  
 3 year of the deduction. Except as provided in section 18 of this chapter,  
 4 an abatement schedule may not exceed ten (10) years.

5 (c) An abatement schedule approved for a particular taxpayer before  
 6 July 1, 2013, remains in effect until the abatement schedule expires  
 7 under the terms of the resolution approving the taxpayer's statement of  
 8 benefits.

9 SECTION 3. IC 6-3.1-4-2.5, AS ADDED BY P.L.197-2005,  
 10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2019]: Sec. 2.5. (a) The general assembly makes the following  
 12 findings pertaining to this section:

13 (1) The aerospace industry is adversely affected by the calculation  
 14 of qualified research expense credits under this chapter, based on  
 15 the Internal Revenue Code's treatment of federal defense spending  
 16 trends in the 1980s.

17 (2) This adverse impact creates a disincentive for making  
 18 qualified research expenditures in Indiana.

19 (3) Manufacturers of aerospace and jet propulsion equipment  
 20 have been a major in-state employer of science and engineering  
 21 graduates from Indiana universities.

22 (4) The presence of a strong aerospace manufacturing base  
 23 furthers the state's interest in maintaining the viability of a United  
 24 States government military installation that is used for the design,  
 25 construction, maintenance, and testing of electronic devices and  
 26 ordnance.

27 (5) The creation of an alternative qualified research expense  
 28 credit promotes vital state interests.

29 (b) This section applies only to a taxpayer that:

30 (1) is primarily engaged in the production of civil and military jet  
 31 propulsion systems;

32 (2) is certified by the Indiana economic development corporation  
 33 as an aerospace advanced manufacturer;

34 (3) is a United States Department of Defense contractor; and

35 (4) maintains one (1) or more manufacturing facilities in Indiana  
 36 employing at least three thousand (3,000) employees in full-time  
 37 employment positions that pay on average more than four hundred  
 38 percent (400%) of the hourly **minimum living** wage under  
 39 IC 22-2-2-4 or its equivalent.

40 (c) A taxpayer that incurs Indiana qualified research expense in a  
 41 particular taxable year may elect to calculate the research expense tax  
 42 credit under this section instead of under section 2 of this chapter.



1 (d) An election under this section applies to the taxable year for  
 2 which the election is made and all succeeding taxable years unless the  
 3 election is revoked with the consent of the department. An election  
 4 must be made in the manner and on the form prescribed by the  
 5 department.

6 (e) A credit may be authorized by the Indiana economic  
 7 development corporation and, if authorized, shall be equal to a  
 8 percentage determined by the Indiana economic development  
 9 corporation, not to exceed ten percent (10%), multiplied by:

10 (1) the taxpayer's Indiana qualified research expenses for the  
 11 taxable year; minus

12 (2) fifty percent (50%) of the taxpayer's average Indiana qualified  
 13 research expenses for the three (3) taxable years preceding the  
 14 taxable year for which the credit is being determined.

15 (f) The credit amount determined in subsection (e) applies to the  
 16 taxable year for which the determination is made and all succeeding  
 17 taxable years unless the determination is changed by the Indiana  
 18 economic development corporation. The duration of a determination  
 19 made by the Indiana economic development corporation under  
 20 subsection (e) shall be specified by the Indiana economic development  
 21 corporation at the time of the determination.

22 SECTION 4. IC 6-3.1-26-18, AS AMENDED BY P.L.288-2013,  
 23 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2019]: Sec. 18. After receipt of an application, the corporation  
 25 may enter into an agreement with the applicant for a credit under this  
 26 chapter if the corporation determines that all the following conditions  
 27 exist:

28 (1) The applicant's project will:

29 (A) raise the total earnings of employees of the applicant in  
 30 Indiana; or

31 (B) substantially enhance the logistics industry by creating  
 32 new jobs, preserving existing jobs that otherwise would be  
 33 lost, increasing wages in Indiana, or improving the overall  
 34 Indiana economy, in the case of a logistics investment being  
 35 claimed by the applicant.

36 (2) The applicant's project is economically sound and will benefit  
 37 the people of Indiana by increasing opportunities for employment  
 38 and strengthening the economy of Indiana.

39 (3) Receiving the tax credit is a major factor in the applicant's  
 40 decision to go forward with the project and not receiving the tax  
 41 credit will result in the applicant not raising the total earnings of  
 42 the applicant's employees in Indiana, or other employees in



- 1 Indiana in the case of a logistics investment being claimed by the  
 2 applicant.  
 3 (4) Awarding the tax credit will result in an overall positive fiscal  
 4 impact to the state, as certified by the budget agency using the  
 5 best available data.  
 6 (5) The credit is not prohibited by section 19 of this chapter.  
 7 (6) In the case of a qualified investment that is not being claimed  
 8 as a logistics investment by the applicant, the average wage that  
 9 will be paid by the taxpayer to its employees (excluding highly  
 10 compensated employees) at the location after the credit is given  
 11 will be at least equal to one hundred fifty percent (150%) of the  
 12 hourly ~~minimum~~ **living** wage under IC 22-2-2-4 or its equivalent.  
 13 SECTION 5. IC 6-3.1-26-21, AS AMENDED BY P.L.145-2016,  
 14 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2019]: Sec. 21. The corporation shall enter into an agreement  
 16 with an applicant that is awarded a credit under this chapter. The  
 17 agreement must include all the following:  
 18 (1) A detailed description of the project that is the subject of the  
 19 agreement.  
 20 (2) The first taxable year for which the credit may be claimed.  
 21 (3) The amount of the taxpayer's state tax liability for each tax in  
 22 the taxable year of the taxpayer that immediately preceded the  
 23 first taxable year in which the credit may be claimed.  
 24 (4) The maximum tax credit amount that will be allowed for each  
 25 taxable year.  
 26 (5) A requirement that the taxpayer shall maintain operations at  
 27 the project location for at least ten (10) years during the term that  
 28 the tax credit is available.  
 29 (6) A specific method for determining the number of new  
 30 employees employed during a taxable year who are performing  
 31 jobs not previously performed by an employee.  
 32 (7) A requirement that the taxpayer shall annually report to the  
 33 corporation the number of new employees who are performing  
 34 jobs not previously performed by an employee, the average wage  
 35 of the new employees, the average wage of all employees at the  
 36 location where the qualified investment is made, if the qualified  
 37 investment is not being claimed as a logistics investment by the  
 38 applicant, and any other information the corporation needs to  
 39 perform the corporation's duties under this chapter.  
 40 (8) A requirement that the corporation is authorized to verify with  
 41 the appropriate state agencies the amounts reported under  
 42 subdivision (7), and that after doing so shall issue a certificate to



1 the taxpayer stating that the amounts have been verified.

2 (9) This subdivision applies only to a qualified investment that is  
3 not being claimed as a logistics investment by the applicant. A  
4 requirement that the taxpayer shall pay an average wage to all its  
5 employees other than highly compensated employees in each  
6 taxable year that a tax credit is available that equals at least one  
7 hundred fifty percent (150%) of the hourly **minimum living** wage  
8 under IC 22-2-2-4 or its equivalent.

9 (10) A requirement that the taxpayer will keep the qualified  
10 investment property that is the basis for the tax credit in Indiana  
11 for at least the lesser of its useful life for federal income tax  
12 purposes or ten (10) years.

13 (11) This subdivision applies only to a qualified investment that  
14 is not being claimed as a logistics investment by the applicant. A  
15 requirement that the taxpayer will maintain at the location where  
16 the qualified investment is made during the term of the tax credit  
17 a total payroll that is at least equal to the payroll level that existed  
18 before the qualified investment was made.

19 (12) A requirement that the taxpayer shall provide written  
20 notification to the corporation not more than thirty (30) days after  
21 the taxpayer makes or receives a proposal that would transfer the  
22 taxpayer's state tax liability obligations to a successor taxpayer.

23 (13) Any other performance conditions that the corporation  
24 determines are appropriate.

25 SECTION 6. IC 6-3.1-31.9-15, AS ADDED BY P.L.223-2007,  
26 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2019]: Sec. 15. After receipt of an application, the corporation  
28 may enter into an agreement with the applicant for a credit under this  
29 chapter if the corporation determines that all the following conditions  
30 exist:

31 (1) The applicant's project will raise the total earnings of  
32 employees of the applicant in Indiana.

33 (2) The applicant's project is economically sound and will benefit  
34 the people of Indiana by increasing opportunities for employment  
35 and strengthening the economy of Indiana.

36 (3) The manufacture or assembly of alternative fuel vehicles by  
37 the applicant will reduce air pollution.

38 (4) The manufacture or assembly of alternative fuel vehicles by  
39 the applicant will reduce dependence by the United States on  
40 foreign energy sources.

41 (5) Receiving the tax credit is a major factor in the applicant's  
42 decision to go forward with the project.



1 (6) Awarding the tax credit will result in an overall positive fiscal  
2 impact to the state, as certified by the budget agency using the  
3 best available data.

4 (7) The credit is not prohibited by section 16 of this chapter.

5 (8) The average wage that will be paid by the taxpayer to its  
6 employees (excluding highly compensated employees) at the  
7 location after the credit is given will be at least equal to one  
8 hundred fifty percent (150%) of the hourly **minimum living** wage  
9 under IC 22-2-2-4 or its equivalent.

10 SECTION 7. IC 6-3.1-31.9-18, AS AMENDED BY P.L.145-2016,  
11 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2019]: Sec. 18. The corporation shall enter into an agreement  
13 with an applicant that is awarded a credit under this chapter. The  
14 agreement must include all the following:

15 (1) A detailed description of the project that is the subject of the  
16 agreement.

17 (2) The first taxable year for which the credit may be claimed.

18 (3) The amount of the taxpayer's state tax liability for each tax in  
19 the taxable year of the taxpayer that immediately preceded the  
20 first taxable year in which the credit may be claimed.

21 (4) The maximum tax credit amount that will be allowed for each  
22 taxable year.

23 (5) A requirement that the taxpayer shall maintain operations at  
24 the project location for at least ten (10) years during the term that  
25 the tax credit is available.

26 (6) A specific method for determining the number of new  
27 employees employed during a taxable year who are performing  
28 jobs not previously performed by an employee.

29 (7) A requirement that the taxpayer shall annually report to the  
30 corporation the number of new employees who are performing  
31 jobs not previously performed by an employee, the average wage  
32 of the new employees, the average wage of all employees at the  
33 location where the qualified investment is made, and any other  
34 information the corporation needs to perform the corporation's  
35 duties under this chapter.

36 (8) A requirement that the corporation is authorized to verify with  
37 the appropriate state agencies the amounts reported under  
38 subdivision (7), and that after doing so shall issue a certificate to  
39 the taxpayer stating that the amounts have been verified.

40 (9) A requirement that the taxpayer shall pay an average wage to  
41 all its employees other than highly compensated employees in  
42 each taxable year that a tax credit is available that equals at least





- 1 one hundred fifty percent (150%) of the hourly **minimum living**  
 2 wage under IC 22-2-2-4 or its equivalent.
- 3 (10) A requirement that the taxpayer will keep the qualified  
 4 investment property that is the basis for the tax credit in Indiana  
 5 for at least the lesser of its useful life for federal income tax  
 6 purposes or ten (10) years.
- 7 (11) A requirement that the taxpayer will maintain at the location  
 8 where the qualified investment is made during the term of the tax  
 9 credit a total payroll that is at least equal to the payroll level that  
 10 existed before the qualified investment was made.
- 11 (12) A requirement that the taxpayer shall provide written  
 12 notification to the corporation not more than thirty (30) days after  
 13 the taxpayer makes or receives a proposal that would transfer the  
 14 taxpayer's state tax liability obligations to a successor taxpayer.
- 15 (13) Any other performance conditions that the corporation  
 16 determines are appropriate.
- 17 SECTION 8. IC 22-1-5-14, AS ADDED BY P.L.212-2005,  
 18 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2019]: Sec. 14. A consumer notice must include the  
 20 following:
- 21 (1) The duties, responsibilities, and obligations of the placement  
 22 agency to the:
- 23 (A) home care services worker; and  
 24 (B) consumer.
- 25 (2) A statement identifying the placement agency as:
- 26 (A) an employer;  
 27 (B) a joint employer;  
 28 (C) a leasing employer; or  
 29 (D) not an employer.
- 30 (3) A statement that notwithstanding the employment status of the  
 31 placement agency, the consumer:
- 32 (A) may be considered an employer under state and federal  
 33 employment laws; and  
 34 (B) may be responsible for:
- 35 (i) payment of local, state, or federal employment taxes;  
 36 (ii) payment for Social Security and Medicare contributions;  
 37 (iii) ensuring payment of at least the **minimum living** wage;  
 38 (iv) overtime payment;  
 39 (v) unemployment contributions under IC 22-4-11; or  
 40 (vi) worker's compensation insurance as required by  
 41 IC 22-3-2-5 and IC 22-3-7-34;  
 42 of the home care services worker.



1 (4) The appropriate telephone number, address, and electronic  
 2 mail address of the department for inquiries regarding the  
 3 contents of the notice.

4 The department shall determine the content and format of the consumer  
 5 notice.

6 SECTION 9. IC 22-2-2-1 IS AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2019]: Sec. 1. This chapter shall be known and  
 8 may be cited as the **Minimum Living** Wage Law of 1965.

9 SECTION 10. IC 22-2-2-2 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. There are persons  
 11 employed in some occupations in the state of Indiana at wages  
 12 insufficient to provide adequate maintenance for themselves and their  
 13 families. Such employment impairs the health, efficiency and well  
 14 being of the persons so employed and their families, constitutes unfair  
 15 competition against other employees and their employers, threatens the  
 16 stability of industry, and requires, in many cases, that income be  
 17 supplemented by the payment of public moneys for relief or the  
 18 provision of other public or private assistance. Employment of persons  
 19 at such insufficient rates of pay threatens the health and well being of  
 20 the people of the state of Indiana and injures the economy of the state.

21 Accordingly, it is hereby declared the policy of the state of Indiana  
 22 that such conditions be eliminated as rapidly as practicable without  
 23 substantially curtailing opportunities for employment. To this end, the  
 24 **Minimum Living** Wage Law of 1965 is enacted.

25 SECTION 11. IC 22-2-2-3 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. As used in this  
 27 chapter:

28 "Commissioner" means the commissioner of labor or the  
 29 commissioner's authorized representative.

30 "Department" means the department of labor.

31 "Occupation" means an industry, trade, business, or class of work  
 32 in which employees are gainfully employed.

33 "Employer" means any individual, partnership, association, limited  
 34 liability company, corporation, business trust, the state, or other  
 35 governmental agency or political subdivision during any work week in  
 36 which they have two (2) or more employees. However, **except as**  
 37 **provided in section 14 of this chapter**, it shall not include any  
 38 employer who is subject to the minimum wage provisions of the federal  
 39 Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-209).

40 "Employee" means any person employed or permitted to work or  
 41 perform any service for remuneration or under any contract of hire,  
 42 written or oral, express or implied by an employer in any occupation,



- 1 but shall not include any of the following:
- 2 (a) Persons less than sixteen (16) years of age.
- 3 (b) Persons engaged in an independently established trade,  
4 occupation, profession, or business who, in performing the  
5 services in question, are free from control or direction both under  
6 a contract of service and in fact.
- 7 (c) Persons performing services not in the course of the  
8 employing unit's trade or business.
- 9 (d) Persons employed on a commission basis.
- 10 (e) Persons employed by their own parent, spouse, or child.
- 11 (f) Members of any religious order performing any service for that  
12 order, any ordained, commissioned, or licensed minister, priest,  
13 rabbi, sexton, or Christian Science reader, and volunteers  
14 performing services for any religious or charitable organization.
- 15 (g) Persons performing services as student nurses in the employ  
16 of a hospital or nurses training school while enrolled and  
17 regularly attending classes in a nurses training school chartered  
18 or approved under law, or students performing services in the  
19 employ of persons licensed as both funeral directors and  
20 embalmers as a part of their requirements for apprenticeship to  
21 secure an embalmer's license or a funeral director's license from  
22 the state, or during their attendance at any schools required by law  
23 for securing an embalmer's or funeral director's license.
- 24 (h) Persons who have completed a four (4) year course in a  
25 medical school approved by law when employed as interns or  
26 resident physicians by any accredited hospital.
- 27 (i) Students performing services for any school, college, or  
28 university in which they are enrolled and are regularly attending  
29 classes.
- 30 (j) Persons with physical or mental disabilities performing  
31 services for nonprofit organizations organized primarily for the  
32 purpose of providing employment for persons with disabilities or  
33 for assisting in their therapy and rehabilitation.
- 34 (k) Persons employed as insurance producers, insurance  
35 solicitors, and outside salesmen, if all their services are performed  
36 for remuneration solely by commission.
- 37 (l) Persons performing services for any camping, recreational, or  
38 guidance facilities operated by a charitable, religious, or  
39 educational nonprofit organization.
- 40 (m) Persons engaged in agricultural labor. The term shall include  
41 only services performed:
- 42 (1) on a farm, in connection with cultivating the soil, or in



1 connection with raising or harvesting any agricultural or  
 2 horticultural commodity, including the raising, shearing,  
 3 feeding, caring for, training, and management of livestock,  
 4 bees, poultry, and furbearing animals and wildlife;  
 5 (2) in the employ of the owner or tenant or other operator of a  
 6 farm, in connection with the operation, management,  
 7 conservation, improvement, or maintenance of the farm and its  
 8 tools and equipment if the major part of the service is  
 9 performed on a farm;  
 10 (3) in connection with:  
 11 (A) the production or harvesting of maple sugar or maple  
 12 syrup or any commodity defined as an agricultural  
 13 commodity in the Agricultural Marketing Act, as amended  
 14 (12 U.S.C. 1141j);  
 15 (B) the raising or harvesting of mushrooms;  
 16 (C) the hatching of poultry; or  
 17 (D) the operation or maintenance of ditches, canals,  
 18 reservoirs, or waterways used exclusively for supplying and  
 19 storing water for farming purposes; and  
 20 (4) in handling, planting, drying, packing, packaging,  
 21 processing, freezing, grading, storing, or delivering to storage,  
 22 to market, or to a carrier for transportation to market, any  
 23 agricultural or horticultural commodity, but only if service is  
 24 performed as an incident to ordinary farming operation or, in  
 25 the case of fruits and vegetables, as an incident to the  
 26 preparation of fruits and vegetables for market. However, this  
 27 exception shall not apply to services performed in connection  
 28 with any agricultural or horticultural commodity after its  
 29 delivery to a terminal market or processor for preparation or  
 30 distribution for consumption.  
 31 As used in this subdivision, "farm" includes stock, dairy, poultry,  
 32 fruit, furbearing animals, and truck farms, nurseries, orchards, or  
 33 greenhouses or other similar structures used primarily for the  
 34 raising of agricultural or horticultural commodities.  
 35 (n) Those persons employed in executive, administrative, or  
 36 professional occupations who have the authority to employ or  
 37 discharge and who earn one hundred fifty dollars (\$150) or more  
 38 a week, and outside salesmen.  
 39 (o) Any person not employed for more than four (4) weeks in any  
 40 four (4) consecutive three (3) month periods.  
 41 (p) Any employee with respect to whom the Interstate Commerce  
 42 Commission has power to establish qualifications and maximum



1 hours of service under the federal Motor Carrier Act of 1935 (49  
2 U.S.C. 304(3)) or any employee of a carrier subject to IC 8-2.1.

3 SECTION 12. IC 22-2-2-4, AS AMENDED BY P.L.165-2007,  
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2019]: Sec. 4. (a) Every employer employing four (4) or more  
6 employees during a work week shall:

7 (1) in any work week beginning on or after July 1, 1968, in which  
8 the employer is subject to the provisions of this chapter, pay each  
9 of the employer's employees wages of not less than one dollar and  
10 twenty-five cents (\$1.25) per hour;

11 (2) in any work week beginning on or after July 1, 1977, in which  
12 the employer is subject to this chapter, pay each of the employer's  
13 employees wages of not less than one dollar and fifty cents  
14 (\$1.50) per hour;

15 (3) in any work week beginning on or after January 1, 1978, in  
16 which the employer is subject to this chapter, pay each of the  
17 employer's employees wages of not less than one dollar and  
18 seventy-five cents (\$1.75) per hour; and

19 (4) in any work week beginning on or after January 1, 1979, in  
20 which the employer is subject to this chapter, pay each of the  
21 employer's employees wages of not less than two dollars (\$2) per  
22 hour.

23 (b) Except as provided in subsection (c), every employer employing  
24 at least two (2) employees during a work week shall, in any work week  
25 in which the employer is subject to this chapter, pay each of the  
26 employees in any work week beginning on and after July 1, 1990, and  
27 before October 1, 1998, wages of not less than three dollars and  
28 thirty-five cents (\$3.35) per hour.

29 (c) An employer subject to subsection (b) is permitted to apply a "tip  
30 credit" in determining the amount of cash wage paid to tipped  
31 employees. In determining the wage an employer is required to pay a  
32 tipped employee, the amount paid the employee by the employee's  
33 employer shall be an amount equal to:

34 (1) the cash wage paid the employee, which for purposes of the  
35 determination shall be not less than the cash wage required to be  
36 paid to employees covered under the federal Fair Labor Standards  
37 Act of 1938, as amended (29 U.S.C. 203(m)(1)) on August 20,  
38 1996, which amount is two dollars and thirteen cents (\$2.13) an  
39 hour; and

40 (2) an additional amount on account of the tips received by the  
41 employee, which amount is equal to the difference between the  
42 wage specified in subdivision (1) and the wage in effect under



1 subsections (b), (f), (g), ~~and~~ (h), **and (i).**

2 An employer is responsible for supporting the amount of tip credit  
3 taken through reported tips by the employees.

4 (d) No employer having employees subject to any provisions of this  
5 section shall discriminate, within any establishment in which  
6 employees are employed, between employees on the basis of sex by  
7 paying to employees in such establishment a rate less than the rate at  
8 which the employer pays wages to employees of the opposite sex in  
9 such establishment for equal work on jobs the performance of which  
10 requires equal skill, effort, and responsibility, and which are performed  
11 under similar working conditions, except where such payment is made  
12 pursuant to:

13 (1) a seniority system;

14 (2) a merit system;

15 (3) a system which measures earnings by quantity or quality of  
16 production; or

17 (4) a differential based on any other factor other than sex.

18 (e) An employer who is paying a wage rate differential in violation  
19 of subsection (d) shall not, in order to comply with subsection (d),  
20 reduce the wage rate of any employee, and no labor organization, or its  
21 agents, representing employees of an employer having employees  
22 subject to subsection (d) shall cause or attempt to cause such an  
23 employer to discriminate against an employee in violation of  
24 subsection (d).

25 (f) Except as provided in subsection (c), every employer employing  
26 at least two (2) employees during a work week shall, in any work week  
27 in which the employer is subject to this chapter, pay each of the  
28 employees in any work week beginning on or after October 1, 1998,  
29 and before March 1, 1999, wages of not less than four dollars and  
30 twenty-five cents (\$4.25) per hour.

31 (g) Except as provided in subsections (c) and ~~(j)~~; **(k)**, every  
32 employer employing at least two (2) employees during a work week  
33 shall, in any work week in which the employer is subject to this  
34 chapter, pay each of the employees in any work week beginning on or  
35 after March 1, 1999, and before July 1, 2007, wages of not less than  
36 five dollars and fifteen cents (\$5.15) an hour.

37 (h) Except as provided in subsections (c) and ~~(j)~~; **(k)**, every  
38 employer employing at least two (2) employees during a work week  
39 shall, in any work week in which the employer is subject to this  
40 chapter, pay each of the employees in any work week beginning on or  
41 after June 30, 2007, **and before July 1, 2019**, wages of not less than  
42 the minimum wage payable under the federal Fair Labor Standards Act



1 of 1938, as amended (29 U.S.C. 201 et seq.).

2 **(i) Except as provided in subsections (c) and (k), every employer**  
 3 **employing at least two (2) employees during a work week shall, in**  
 4 **any work week in which the employer is subject to this chapter,**  
 5 **pay each of the employees in any work week beginning on or after**  
 6 **July 1, 2019, wages of not less than fifteen dollars (\$15) per hour.**

7 ~~(j)~~ **(j)** This section does not apply if an employee:

8 (1) provides companionship services to the aged and infirm (as  
 9 defined in 29 CFR 552.6); and

10 (2) is employed by an employer or agency other than the family  
 11 or household using the companionship services, as provided in 29  
 12 CFR 552.109 (a).

13 ~~(k)~~ **(k)** This subsection applies only to an employee who has not  
 14 attained the age of twenty (20) years. Instead of the rates prescribed by  
 15 subsections (c), (f), (g), ~~and~~ (h), **and (i)**, an employer may pay an  
 16 employee of the employer, during the first ninety (90) consecutive  
 17 calendar days after the employee is initially employed by the employer,  
 18 a wage which is not less than:

19 (1) four dollars and twenty-five cents (\$4.25) per hour, effective  
 20 March 1, 1999; and

21 (2) the amount payable under the federal Fair Labor Standards  
 22 Act of 1938, as amended (29 U.S.C. 201 et seq.), during the first  
 23 ninety (90) consecutive calendar days after initial employment to  
 24 an employee who has not attained twenty (20) years of age,  
 25 effective July 1, 2007.

26 However, no employer may take any action to displace employees  
 27 (including partial displacements such as reduction in hours, wages, or  
 28 employment benefits) for purposes of hiring individuals at the wage  
 29 authorized in this subsection.

30 ~~(l)~~ **(l)** Except as otherwise provided in this section, no employer  
 31 shall employ any employee for a work week longer than forty (40)  
 32 hours unless the employee receives compensation for employment in  
 33 excess of the hours above specified at a rate not less than one and  
 34 one-half (1.5) times the regular rate at which the employee is  
 35 employed.

36 ~~(m)~~ **(m)** For purposes of this section the following apply:

37 (1) "Overtime compensation" means the compensation required  
 38 by subsection ~~(k)~~: **(l)**.

39 (2) "Compensatory time" and "compensatory time off" mean  
 40 hours during which an employee is not working, which are not  
 41 counted as hours worked during the applicable work week or  
 42 other work period for purposes of overtime compensation, and for



1 which the employee is compensated at the employee's regular  
2 rate.

3 (3) "Regular rate" means the rate at which an employee is  
4 employed is considered to include all remuneration for  
5 employment paid to, or on behalf of, the employee, but is not  
6 considered to include the following:

7 (A) Sums paid as gifts, payments in the nature of gifts made at  
8 Christmas time or on other special occasions, as a reward for  
9 service, the amounts of which are not measured by or  
10 dependent on hours worked, production, or efficiency.

11 (B) Payments made for occasional periods when no work is  
12 performed due to vacation, holiday, illness, failure of the  
13 employer to provide sufficient work, or other similar cause,  
14 reasonable payments for traveling expenses, or other expenses,  
15 incurred by an employee in the furtherance of the employer's  
16 interests and properly reimbursable by the employer, and other  
17 similar payments to an employee which are not made as  
18 compensation for the employee's hours of employment.

19 (C) Sums paid in recognition of services performed during a  
20 given period if:

21 (i) both the fact that payment is to be made and the amount  
22 of the payment are determined at the sole discretion of the  
23 employer at or near the end of the period and not pursuant  
24 to any prior contract, agreement, or promise causing the  
25 employee to expect the payments regularly;

26 (ii) the payments are made pursuant to a bona fide profit  
27 sharing plan or trust or bona fide thrift or savings plan,  
28 meeting the requirements of the administrator set forth in  
29 appropriately issued regulations, having due regard among  
30 other relevant factors, to the extent to which the amounts  
31 paid to the employee are determined without regard to hours  
32 of work, production, or efficiency; or

33 (iii) the payments are talent fees paid to performers,  
34 including announcers, on radio and television programs.

35 (D) Contributions irrevocably made by an employer to a  
36 trustee or third person pursuant to a bona fide plan for  
37 providing old age, retirement, life, accident, or health  
38 insurance or similar benefits for employees.

39 (E) Extra compensation provided by a premium rate paid for  
40 certain hours worked by the employee in any day or work  
41 week because those hours are hours worked in excess of eight  
42 (8) in a day or in excess of the maximum work week





1 applicable to the employee under subsection ~~(k)~~ (l) or in  
 2 excess of the employee's normal working hours or regular  
 3 working hours, as the case may be.

4 (F) Extra compensation provided by a premium rate paid for  
 5 work by the employee on Saturdays, Sundays, holidays, or  
 6 regular days of rest, or on the sixth or seventh day of the work  
 7 week, where the premium rate is not less than one and one-half  
 8 (1.5) times the rate established in good faith for like work  
 9 performed in nonovertime hours on other days.

10 (G) Extra compensation provided by a premium rate paid to  
 11 the employee, in pursuance of an applicable employment  
 12 contract or collective bargaining agreement, for work outside  
 13 of the hours established in good faith by the contract or  
 14 agreement as the basic, normal, or regular workday (not  
 15 exceeding eight (8) hours) or work week (not exceeding the  
 16 maximum work week applicable to the employee under  
 17 subsection ~~(k)~~ (l)) where the premium rate is not less than one  
 18 and one-half (1.5) times the rate established in good faith by  
 19 the contract or agreement for like work performed during the  
 20 workday or work week.

21 ~~(m)~~ (n) No employer shall be considered to have violated subsection  
 22 ~~(k)~~ (l) by employing any employee for a work week in excess of that  
 23 specified in subsection ~~(k)~~ (l) without paying the compensation for  
 24 overtime employment prescribed therein if the employee is so  
 25 employed:

- 26 (1) in pursuance of an agreement, made as a result of collective  
 27 bargaining by representatives of employees certified as bona fide  
 28 by the National Labor Relations Board, which provides that no  
 29 employee shall be employed more than one thousand forty (1,040)  
 30 hours during any period of twenty-six (26) consecutive weeks; or  
 31 (2) in pursuance of an agreement, made as a result of collective  
 32 bargaining by representatives of employees certified as bona fide  
 33 by the National Labor Relations Board, which provides that  
 34 during a specified period of fifty-two (52) consecutive weeks the  
 35 employee shall be employed not more than two thousand two  
 36 hundred forty (2,240) hours and shall be guaranteed not less than  
 37 one thousand eight hundred forty (1,840) hours (or not less than  
 38 forty-six (46) weeks at the normal number of hours worked per  
 39 week, but not less than thirty (30) hours per week) and not more  
 40 than two thousand eighty (2,080) hours of employment for which  
 41 the employee shall receive compensation for all hours guaranteed  
 42 or worked at rates not less than those applicable under the



1 agreement to the work performed and for all hours in excess of  
 2 the guaranty which are also in excess of the maximum work week  
 3 applicable to the employee under subsection ~~(k)~~ **(l)** or two  
 4 thousand eighty (2,080) in that period at rates not less than one  
 5 and one-half (1.5) times the regular rate at which the employee is  
 6 employed.

7 ~~(n)~~ **(o)** No employer shall be considered to have violated subsection  
 8 ~~(k)~~ **(l)** by employing any employee for a work week in excess of the  
 9 maximum work week applicable to the employee under subsection ~~(k)~~  
 10 **(l)** if the employee is employed pursuant to a bona fide individual  
 11 contract, or pursuant to an agreement made as a result of collective  
 12 bargaining by representatives of employees, if the duties of the  
 13 employee necessitate irregular hours of work, and the contract or  
 14 agreement includes the following:

15 (1) Specifies a regular rate of pay of not less than the minimum  
 16 hourly rate provided in subsections (c), ~~(h)~~, **(i)**, and ~~(j)~~ **(k)**  
 17 (whichever is applicable) and compensation at not less than one  
 18 and one-half (1.5) times that rate for all hours worked in excess  
 19 of the maximum work week.

20 (2) Provides a weekly guaranty of pay for not more than sixty (60)  
 21 hours based on the rates so specified.

22 ~~(o)~~ **(p)** No employer shall be considered to have violated subsection  
 23 ~~(k)~~ **(l)** by employing any employee for a work week in excess of the  
 24 maximum work week applicable to the employee under that subsection  
 25 if, pursuant to an agreement or understanding arrived at between the  
 26 employer and the employee before performance of the work, the  
 27 amount paid to the employee for the number of hours worked by the  
 28 employee in the work week in excess of the maximum work week  
 29 applicable to the employee under that subsection:

30 (1) in the case of an employee employed at piece rates, is  
 31 computed at piece rates not less than one and one-half (1.5) times  
 32 the bona fide piece rates applicable to the same work when  
 33 performed during nonovertime hours;

34 (2) in the case of an employee performing two (2) or more kinds  
 35 of work for which different hourly or piece rates have been  
 36 established, is computed at rates not less than one and one-half  
 37 (1.5) times those bona fide rates applicable to the same work  
 38 when performed during nonovertime hours; or

39 (3) is computed at a rate not less than one and one-half (1.5) times  
 40 the rate established by the agreement or understanding as the  
 41 basic rate to be used in computing overtime compensation  
 42 thereunder, provided that the rate so established shall be



1 substantially equivalent to the average hourly earnings of the  
 2 employee, exclusive of overtime premiums, in the particular work  
 3 over a representative period of time;

4 and if the employee's average hourly earnings for the work week  
 5 exclusive of payments described in this section are not less than the  
 6 minimum hourly rate required by applicable law, and extra overtime  
 7 compensation is properly computed and paid on other forms of  
 8 additional pay required to be included in computing the regular rate.

9 ~~(p)~~ **(q)** Extra compensation paid as described in this section shall be  
 10 creditable toward overtime compensation payable pursuant to this  
 11 section.

12 ~~(q)~~ **(r)** No employer shall be considered to have violated subsection  
 13 ~~(k)~~ **(l)** by employing any employee of a retail or service establishment  
 14 for a work week in excess of the applicable work week specified  
 15 therein, if:

16 (1) the regular rate of pay of the employee is in excess of one and  
 17 one-half (1.5) times the minimum hourly rate applicable to the  
 18 employee under section 2 of this chapter; and

19 (2) more than half of the employee's compensation for a  
 20 representative period (not less than one (1) month) represents  
 21 commissions on goods or services.

22 In determining the proportion of compensation representing  
 23 commissions, all earnings resulting from the application of a bona fide  
 24 commission rate shall be considered commissions on goods or services  
 25 without regard to whether the computed commissions exceed the draw  
 26 or guarantee.

27 ~~(r)~~ **(s)** No employer engaged in the operation of a hospital or an  
 28 establishment which is an institution primarily engaged in the care of  
 29 the sick, the aged, or individuals with a mental illness or defect who  
 30 reside on the premises shall be considered to have violated subsection  
 31 ~~(k)~~ **(l)** if, pursuant to an agreement or understanding arrived at between  
 32 the employer and the employee before performance of the work, a work  
 33 period of fourteen (14) consecutive days is accepted in lieu of the work  
 34 week of seven (7) consecutive days for purposes of overtime  
 35 computation and if, for the employee's employment in excess of eight  
 36 (8) hours in any workday and in excess of eighty (80) hours in that  
 37 fourteen (14) day period, the employee receives compensation at a rate  
 38 not less than one and one-half (1.5) times the regular rate at which the  
 39 employee is employed.

40 ~~(s)~~ **(t)** No employer shall employ any employee in domestic service  
 41 in one (1) or more households for a work week longer than forty (40)  
 42 hours unless the employee receives compensation for that employment



1 in accordance with subsection ~~(k)~~ **(l)**.

2 ~~(t)~~ **(u)** In the case of an employee of an employer engaged in the  
3 business of operating a street, a suburban or interurban electric railway,  
4 or a local trolley or motorbus carrier (regardless of whether or not the  
5 railway or carrier is public or private or operated for profit or not for  
6 profit), in determining the hours of employment of such an employee  
7 to which the rate prescribed by subsection ~~(k)~~ **(l)** applies, there shall be  
8 excluded the hours the employee was employed in charter activities by  
9 the employer if both of the following apply:

10 (1) The employee's employment in the charter activities was  
11 pursuant to an agreement or understanding with the employer  
12 arrived at before engaging in that employment.

13 (2) If employment in the charter activities is not part of the  
14 employee's regular employment.

15 ~~(u)~~ **(v)** Any employer may employ any employee for a period or  
16 periods of not more than ten (10) hours in the aggregate in any work  
17 week in excess of the maximum work week specified in subsection ~~(k)~~  
18 **(l)** without paying the compensation for overtime employment  
19 prescribed in subsection ~~(k)~~ **(l)**, if during that period or periods the  
20 employee is receiving remedial education that:

21 (1) is provided to employees who lack a high school diploma or  
22 educational attainment at the eighth grade level;

23 (2) is designed to provide reading and other basic skills at an  
24 eighth grade level or below; and

25 (3) does not include job specific training.

26 ~~(v)~~ **(w)** Subsection ~~(k)~~ **(l)** does not apply to an employee of a motion  
27 picture theater.

28 ~~(w)~~ **(x)** Subsection ~~(k)~~ **(l)** does not apply to an employee of a  
29 seasonal amusement or recreational establishment, an organized camp,  
30 or a religious or nonprofit educational conference center that is exempt  
31 under the federal Fair Labor Standards Act of 1938, as amended (29  
32 U.S.C. 213).

33 SECTION 13. IC 22-2-2-8, AS AMENDED BY P.L.48-2009,  
34 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JULY 1, 2019]: Sec. 8. (a) Every employer subject to the provisions of  
36 this chapter or to any rule or order issued under this chapter shall each  
37 pay period furnish to each employee a statement that includes at least  
38 the following information:

39 (1) The hours worked by the employee.

40 (2) The wages paid to the employee.

41 (3) A listing of the deductions made.

42 (b) An employer shall furnish to the commissioner upon demand a



1 sworn statement of the information furnished to an employee under  
 2 subsection (a). Records relating to the information furnished shall be  
 3 open to inspection by the commissioner, the commissioner's deputy, or  
 4 any authorized agent of the department at any reasonable time.

5 (c) Every employer subject to the provisions of this chapter or to any  
 6 rule or order issued under this chapter shall post in a conspicuous place  
 7 in the area where employees are employed a single page poster  
 8 providing employees notice of the following information:

9 (1) The current Indiana **minimum living** wage.

10 (2) An employee's basic rights under Indiana's **minimum living**  
 11 wage law.

12 (3) Contact information to inform an employee how to obtain  
 13 additional information from or to direct questions or complaints  
 14 to the Indiana department of labor.

15 (d) The commissioner shall furnish copies of this chapter and the  
 16 rules and orders to employers without charge upon request.

17 SECTION 14. IC 22-2-2-9 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. Any employer who  
 19 violates the provisions of section 4 of this chapter shall be liable to the  
 20 employee or employees affected in the amount of their unpaid  
 21 **minimum living** wages and in an equal additional amount as liquidated  
 22 damages. Action to recover such liability may be maintained within  
 23 three (3) years after the cause of action therefor arises in the circuit or  
 24 superior court of the county in which the services out of which the  
 25 claim arises were performed or in which the defendant resides or  
 26 transacts business. Such action may be brought by any one (1) or more  
 27 employees for and on behalf of himself or themselves and all other  
 28 employees of the same employer who are similarly situated. No  
 29 employee shall be a party plaintiff to any such action unless he gives  
 30 his consent in writing to become such a party and such consent is filed  
 31 in the court in which such action is brought. The court in such action  
 32 shall, in addition to any judgment awarded to the plaintiffs, allow  
 33 recovery of a reasonable attorney's fee and costs of the action. No  
 34 contract or agreement between the employee and the employer nor any  
 35 acceptance of a lesser wage by the employee shall be a defense to the  
 36 action.

37 SECTION 15. IC 22-2-2-10.5, AS AMENDED BY P.L.144-2016,  
 38 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2019]: Sec. 10.5. (a) As used in this section, "unit" has the  
 40 meaning set forth in IC 36-1-2-23.

41 (b) Unless federal or state law provides otherwise, a unit may not:

42 (1) establish;



1 (2) mandate; or  
 2 (3) otherwise require;  
 3 a **minimum living** wage that exceeds the **minimum living** wage  
 4 required by section 4 of this chapter or by the federal minimum hourly  
 5 wage prescribed by 29 U.S.C. 206(a)(1).

6 (c) Except as provided in IC 5-16-7.2, this section does not limit the  
 7 authority of a unit to establish wage rates in a contract to which the unit  
 8 is a party.

9 SECTION 16. IC 22-2-2-11 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) An employer or  
 11 his agent who:

12 (1) discharges or otherwise discriminates in regard to tenure or  
 13 condition of employment against any employee because the  
 14 employee has:

15 (A) instituted or participated in the institution of any action to  
 16 recover wages under this chapter; or

17 (B) demanded the payment of wages under this chapter;

18 (2) pays or agrees to pay any employee less than the **minimum**  
 19 **living** wage prescribed by section 4 of this chapter; or

20 (3) fails to keep records required by section 8 of this chapter;  
 21 commits a Class C infraction.

22 (b) An employer or the employer's agent who knowingly or  
 23 intentionally violates section 4 or 8 of this chapter commits a Class A  
 24 infraction.

25 (c) An employer or the employer's agent who violates section 4 of  
 26 this chapter, having a prior unrelated judgment for a violation of  
 27 section 4 of this chapter, commits a Class B misdemeanor.

28 (d) An employer or the employer's agent who violates section 8 of  
 29 this chapter, having a prior unrelated judgment for a violation of  
 30 section 8 of this chapter, commits a Class B misdemeanor.

31 SECTION 17. IC 22-2-2-14 IS ADDED TO THE INDIANA CODE  
 32 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
 33 1, 2019]: **Sec. 14. (a) This section applies to an employer that is**  
 34 **subject to the minimum wage provisions of the federal Fair Labor**  
 35 **Standards Act of 1938, as amended (29 U.S.C. 201-209).**

36 **(b) If the living wage required under section 4 of this chapter is**  
 37 **higher than the minimum wage provisions of the federal Fair**  
 38 **Labor Standards Act of 1938, as amended (29 U.S.C. 201-209), an**  
 39 **employer shall pay the living wage required under section 4 of this**  
 40 **chapter.**

41 SECTION 18. IC 22-4-15-2, AS AMENDED BY P.L.183-2015,  
 42 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2019]: Sec. 2. (a) With respect to benefit periods established  
 2 on and after July 3, 1977, an individual is ineligible for waiting period  
 3 or benefit rights, or extended benefit rights, if the department finds that,  
 4 being totally, partially, or part-totally unemployed at the time when the  
 5 work offer is effective or when the individual is directed to apply for  
 6 work, the individual fails without good cause:

7 (1) to apply for available, suitable work when directed by the  
 8 commissioner, the deputy, or an authorized representative of the  
 9 department of workforce development or the United States  
 10 training and employment service;

11 (2) to accept, at any time after the individual is notified of a  
 12 separation, suitable work when found for and offered to the  
 13 individual by the commissioner, the deputy, or an authorized  
 14 representative of the department of workforce development or the  
 15 United States training and employment service, or an employment  
 16 unit; or

17 (3) to return to the individual's customary self-employment when  
 18 directed by the commissioner or the deputy.

19 (b) With respect to benefit periods established on and after July 6,  
 20 1980, the ineligibility shall continue for the week in which the failure  
 21 occurs and until the individual earns:

22 (1) remuneration in employment in at least each of eight (8)  
 23 weeks; and

24 (2) remuneration equal to or exceeding the product of the  
 25 individual's weekly benefit amount multiplied by eight (8).

26 If the qualification amount has not been earned at the expiration of an  
 27 individual's benefit period, the unearned amount shall be carried  
 28 forward to an extended benefit period or to the benefit period of a  
 29 subsequent claim.

30 (c) With respect to extended benefit periods established on and after  
 31 July 5, 1981, the ineligibility shall continue for the week in which the  
 32 failure occurs and until the individual earns remuneration in  
 33 employment equal to or exceeding the weekly benefit amount of the  
 34 individual's claim in each of four (4) weeks.

35 (d) If an individual failed to apply for or accept suitable work as  
 36 outlined in this section, the maximum benefit amount of the  
 37 individual's current claim, as initially determined, shall be reduced by  
 38 an amount determined as follows:

39 (1) For the first failure to apply for or accept suitable work, the  
 40 maximum benefit amount of the individual's current claim is  
 41 equal to the result of:

42 (A) the maximum benefit amount of the individual's current



- 1 claim, as initially determined; multiplied by  
 2 (B) seventy-five percent (75%);  
 3 rounded (if not already a multiple of one dollar (\$1)) to the next  
 4 higher dollar.  
 5 (2) For the second failure to apply for or accept suitable work, the  
 6 maximum benefit amount of the individual's current claim is  
 7 equal to the result of:  
 8 (A) the maximum benefit amount of the individual's current  
 9 claim determined under subdivision (1); multiplied by  
 10 (B) eighty-five percent (85%);  
 11 rounded (if not already a multiple of one dollar (\$1)) to the next  
 12 higher dollar.  
 13 (3) For the third and any subsequent failure to apply for or accept  
 14 suitable work, the maximum benefit amount of the individual's  
 15 current claim is equal to the result of:  
 16 (A) the maximum benefit amount of the individual's current  
 17 claim determined under subdivision (2); multiplied by  
 18 (B) ninety percent (90%);  
 19 rounded (if not already a multiple of one dollar (\$1)) to the next  
 20 higher dollar.  
 21 (e) In determining whether or not any such work is suitable for an  
 22 individual, the department shall consider:  
 23 (1) the degree of risk involved to such individual's health, safety,  
 24 and morals;  
 25 (2) the individual's physical fitness and prior training and  
 26 experience;  
 27 (3) the individual's length of unemployment and prospects for  
 28 securing local work in the individual's customary occupation; and  
 29 (4) the distance of the available work from the individual's  
 30 residence.  
 31 However, work under substantially the same terms and conditions  
 32 under which the individual was employed by a base-period employer,  
 33 which is within the individual's prior training and experience and  
 34 physical capacity to perform, shall be considered to be suitable work  
 35 unless the claimant has made a bona fide change in residence which  
 36 makes such offered work unsuitable to the individual because of the  
 37 distance involved. During the fifth through the eighth consecutive week  
 38 of claiming benefits, work is not considered unsuitable solely because  
 39 the work pays not less than ninety percent (90%) of the individual's  
 40 prior weekly wage. After eight (8) consecutive weeks of claiming  
 41 benefits, work is not considered unsuitable solely because the work  
 42 pays not less than eighty percent (80%) of the individual's prior weekly





1 wage. However, work is not considered suitable under this section if  
 2 the work pays less than Indiana's **minimum living** wage as determined  
 3 under IC 22-2-2. For an individual who is subject to section 1(c)(8) of  
 4 this chapter, the determination of suitable work for the individual must  
 5 reasonably accommodate the individual's need to address the physical,  
 6 psychological, legal, and other effects of domestic or family violence.

7 (f) Notwithstanding any other provisions of this article, no work  
 8 shall be considered suitable and benefits shall not be denied under this  
 9 article to any otherwise eligible individual for refusing to accept new  
 10 work under any of the following conditions:

11 (1) If the position offered is vacant due directly to a strike,  
 12 lockout, or other labor dispute.

13 (2) If the remuneration, hours, or other conditions of the work  
 14 offered are substantially less favorable to the individual than  
 15 those prevailing for similar work in the locality.

16 (3) If as a condition of being employed the individual would be  
 17 required to join a company union or to resign from or refrain from  
 18 joining a bona fide labor organization.

19 (4) If as a condition of being employed the individual would be  
 20 required to discontinue training into which the individual had  
 21 entered with the approval of the department.

22 (g) Notwithstanding subsection (e), with respect to extended benefit  
 23 periods established on and after July 5, 1981, "suitable work" means  
 24 any work which is within an individual's capabilities. However, if the  
 25 individual furnishes evidence satisfactory to the department that the  
 26 individual's prospects for obtaining work in the individual's customary  
 27 occupation within a reasonably short period are good, the  
 28 determination of whether any work is suitable work shall be made as  
 29 provided in subsection (e).

30 (h) With respect to extended benefit periods established on and after  
 31 July 5, 1981, no work shall be considered suitable and extended  
 32 benefits shall not be denied under this article to any otherwise eligible  
 33 individual for refusing to accept new work under any of the following  
 34 conditions:

35 (1) If the gross average weekly remuneration payable to the  
 36 individual for the position would not exceed the sum of:

37 (A) the individual's average weekly benefit amount for the  
 38 individual's benefit year; plus

39 (B) the amount (if any) of supplemental unemployment  
 40 compensation benefits (as defined in Section 501(c)(17)(D) of  
 41 the Internal Revenue Code) payable to the individual for such  
 42 week.



- 1 (2) If the position was not offered to the individual in writing or  
 2 was not listed with the department of workforce development.  
 3 (3) If such failure would not result in a denial of compensation  
 4 under the provisions of this article to the extent that such  
 5 provisions are not inconsistent with the applicable federal law.  
 6 (4) If the position pays wages less than the higher of:  
 7 (A) the minimum wage provided by 29 U.S.C. 206(a)(1) (the  
 8 Fair Labor Standards Act of 1938), without regard to any  
 9 exemption; or  
 10 (B) the state **minimum living** wage (IC 22-2-2).  
 11 (i) The department of workforce development shall refer individuals  
 12 eligible for extended benefits to any suitable work (as defined in  
 13 subsection (g)) to which subsection (h) would not apply.  
 14 (j) An individual is considered to have refused an offer of suitable  
 15 work under subsection (a) if an offer of work is withdrawn by an  
 16 employer after an individual:  
 17 (1) tests positive for drugs after a drug test given on behalf of the  
 18 prospective employer as a condition of an offer of employment;  
 19 or  
 20 (2) refuses, without good cause, to submit to a drug test required  
 21 by the prospective employer as a condition of an offer of  
 22 employment.  
 23 (k) The department's records concerning the results of a drug test  
 24 described in subsection (j) may not be admitted against a defendant in  
 25 a criminal proceeding.  
 26 SECTION 19. IC 35-50-5-3, AS AMENDED BY P.L.111-2018,  
 27 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2019]: Sec. 3. (a) Except as provided in subsection (i), (j), (l),  
 29 or (m), in addition to any sentence imposed under this article for a  
 30 felony or misdemeanor, the court may, as a condition of probation or  
 31 without placing the person on probation, order the person to make  
 32 restitution to the victim of the crime, the victim's estate, or the family  
 33 of a victim who is deceased. The court shall base its restitution order  
 34 upon a consideration of:  
 35 (1) property damages of the victim incurred as a result of the  
 36 crime, based on the actual cost of repair (or replacement if repair  
 37 is inappropriate);  
 38 (2) medical and hospital costs incurred by the victim (before the  
 39 date of sentencing) as a result of the crime;  
 40 (3) the cost of medical laboratory tests to determine if the crime  
 41 has caused the victim to contract a disease or other medical  
 42 condition;



1 (4) earnings lost by the victim (before the date of sentencing) as  
 2 a result of the crime including earnings lost while the victim was  
 3 hospitalized or participating in the investigation or trial of the  
 4 crime; and

5 (5) funeral, burial, or cremation costs incurred by the family or  
 6 estate of a homicide victim as a result of the crime.

7 (b) A restitution order under subsection (a), (i), (j), (l), or (m) is a  
 8 judgment lien that:

9 (1) attaches to the property of the person subject to the order;

10 (2) may be perfected;

11 (3) may be enforced to satisfy any payment that is delinquent  
 12 under the restitution order by the person in whose favor the order  
 13 is issued or the person's assignee; and

14 (4) expires;

15 in the same manner as a judgment lien created in a civil proceeding.

16 (c) When a restitution order is issued under subsection (a), the  
 17 issuing court may order the person to pay the restitution, or part of the  
 18 restitution, directly to:

19 (1) the victim services division of the Indiana criminal justice  
 20 institute in an amount not exceeding:

21 (A) the amount of the award, if any, paid to the victim under  
 22 IC 5-2-6.1; and

23 (B) the cost of the reimbursements, if any, for emergency  
 24 services provided to the victim under IC 16-10-1.5 (before its  
 25 repeal) or IC 16-21-8; or

26 (2) a probation department that shall forward restitution or part of  
 27 restitution to:

28 (A) a victim of a crime;

29 (B) a victim's estate; or

30 (C) the family of a victim who is deceased.

31 The victim services division of the Indiana criminal justice institute  
 32 shall deposit the restitution it receives under this subsection in the  
 33 violent crime victims compensation fund established by IC 5-2-6.1-40.

34 (d) When a restitution order is issued under subsection (a), (i), (j),  
 35 (l), or (m), the issuing court shall send a certified copy of the order to  
 36 the clerk of the circuit court in the county where the felony or  
 37 misdemeanor charge was filed. The restitution order must include the  
 38 following information:

39 (1) The name and address of the person that is to receive the  
 40 restitution.

41 (2) The amount of restitution the person is to receive.

42 Upon receiving the order, the clerk shall enter and index the order in



1 the circuit court judgment docket in the manner prescribed by  
2 IC 33-32-3-2. The clerk shall also notify the department of insurance  
3 of an order of restitution under subsection (i).

4 (e) An order of restitution under subsection (a), (i), (j), (l), or (m)  
5 does not bar a civil action for:

6 (1) damages that the court did not require the person to pay to the  
7 victim under the restitution order but arise from an injury or  
8 property damage that is the basis of restitution ordered by the  
9 court; and

10 (2) other damages suffered by the victim.

11 (f) Regardless of whether restitution is required under subsection (a)  
12 as a condition of probation or other sentence, the restitution order is not  
13 discharged by the completion of any probationary period or other  
14 sentence imposed for a felony or misdemeanor.

15 (g) A restitution order under subsection (a), (i), (j), (l), or (m) is not  
16 discharged by the liquidation of a person's estate by a receiver under  
17 IC 32-30-5 (or IC 34-48-1, IC 34-48-4, IC 34-48-5, IC 34-48-6,  
18 IC 34-1-12, or IC 34-2-7 before their repeal).

19 (h) The attorney general may pursue restitution ordered by the court  
20 under subsections (a) and (c) on behalf of the victim services division  
21 of the Indiana criminal justice institute established under IC 5-2-6-8.

22 (i) The court may order the person convicted of an offense under  
23 IC 35-43-9 to make restitution to the victim of the crime. The court  
24 shall base its restitution order upon a consideration of the amount of  
25 money that the convicted person converted, misappropriated, or  
26 received, or for which the convicted person conspired. The restitution  
27 order issued for a violation of IC 35-43-9 must comply with  
28 subsections (b), (d), (e), and (g), and is not discharged by the  
29 completion of any probationary period or other sentence imposed for  
30 a violation of IC 35-43-9.

31 (j) The court may order the person convicted of an offense under  
32 IC 35-43-5-3.5 to make restitution to the victim of the crime, the  
33 victim's estate, or the family of a victim who is deceased. The court  
34 shall base its restitution order upon a consideration of the amount of  
35 fraud or harm caused by the convicted person and any reasonable  
36 expenses (including lost wages) incurred by the victim in correcting the  
37 victim's credit report and addressing any other issues caused by the  
38 commission of the offense under IC 35-43-5-3.5. If, after a person is  
39 sentenced for an offense under IC 35-43-5-3.5, a victim, a victim's  
40 estate, or the family of a victim discovers or incurs additional expenses  
41 that result from the convicted person's commission of the offense under  
42 IC 35-43-5-3.5, the court may issue one (1) or more restitution orders



1 to require the convicted person to make restitution, even if the court  
 2 issued a restitution order at the time of sentencing. For purposes of  
 3 entering a restitution order after sentencing, a court has continuing  
 4 jurisdiction over a person convicted of an offense under IC 35-43-5-3.5  
 5 for five (5) years after the date of sentencing. Each restitution order  
 6 issued for a violation of IC 35-43-5-3.5 must comply with subsections  
 7 (b), (d), (e), and (g), and is not discharged by the completion of any  
 8 probationary period or other sentence imposed for an offense under  
 9 IC 35-43-5-3.5.

10 (k) The court shall order a person convicted of an offense under  
 11 IC 35-42-3.5 to make restitution to the victim of the crime in an amount  
 12 equal to the greater of the following:

13 (1) The gross income or value to the person of the victim's labor  
 14 or services.

15 (2) The value of the victim's labor as guaranteed under the  
 16 minimum wage and overtime provisions of:

17 (A) the federal Fair Labor Standards Act of 1938, as amended  
 18 (29 U.S.C. 201-209); or

19 (B) IC 22-2-2 (~~Minimum~~ **Living Wage**);

20 whichever is greater.

21 (l) The court shall order a person who:

22 (1) is convicted of dealing in methamphetamine under  
 23 IC 35-48-4-1.1 or manufacturing methamphetamine under  
 24 IC 35-48-4-1.2; and

25 (2) manufactured the methamphetamine on property owned by  
 26 another person, without the consent of the property owner;

27 to pay liquidated damages to the property owner in the amount of ten  
 28 thousand dollars (\$10,000) or to pay actual damages to the property  
 29 owner, including lost rent and the costs of decontamination by a  
 30 qualified inspector certified under IC 16-19-3.1.

31 (m) The court shall order a person who:

32 (1) is convicted of dealing in marijuana under  
 33 IC 35-48-4-10(a)(1)(A); and

34 (2) manufactured the marijuana on property owned by another  
 35 person, without the consent of the property owner;

36 to pay liquidated damages to the property owner in the amount of two  
 37 thousand dollars (\$2,000).

38 SECTION 20. IC 36-7-18-17 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 17. A housing authority  
 40 may contract with a person or a public or private agency for:

41 (1) services;

42 (2) privileges;



- 1 (3) works; or  
 2 (4) facilities;  
 3 related to a housing project or its occupants. Notwithstanding any other  
 4 law, a contract let under this section may require the contractor and any  
 5 subcontractors to comply with requirements as to **minimum living**  
 6 wages and maximum hours of labor, and with any conditions that the  
 7 federal government attaches to its financial aid of the project.
- 8 SECTION 21. IC 36-8-3-23, AS ADDED BY P.L.180-2017,  
 9 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2019]: Sec. 23. (a) This section applies after December 31,  
 11 2017, to a police reserve officer who is unable to pursue the officer's  
 12 usual vocation as the result of an injury or illness occurring in the  
 13 course of or as the result of the performance of duties as a police  
 14 reserve officer.
- 15 (b) A unit shall pay a police reserve officer a weekly amount that  
 16 may not be less than the Indiana **minimum living** wage established  
 17 under IC 22-2-2 and computed on the basis of a forty (40) hour work  
 18 week.
- 19 (c) A unit shall pay the police reserve officer the weekly amount  
 20 described in subsection (b) for the lesser of:
- 21 (1) the period the police reserve officer is unable to pursue the  
 22 officer's usual vocation; or  
 23 (2) two hundred sixty (260) weeks.
- 24 SECTION 22. IC 36-8-12-7, AS AMENDED BY P.L.174-2009,  
 25 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2019]: Sec. 7. Each policy of insurance must provide for  
 27 payment to a member of a volunteer fire department, for accidental  
 28 injury or smoke inhalation caused by or occurring in the course of the  
 29 performance of the duties of a volunteer firefighter or member of the  
 30 emergency medical services personnel and for a cardiac disease event  
 31 proximately caused within forty-eight (48) hours by or occurring in the  
 32 course of the performance of the duties of a volunteer firefighter or  
 33 member of the emergency medical services personnel while in an  
 34 emergency situation, as follows:
- 35 (1) For total disability that prevents the member from pursuing  
 36 the member's usual vocation:
- 37 (A) after June 30, 2009, and before July 24, 2009, a weekly  
 38 indemnity of not less than two hundred sixty-two dollars  
 39 (\$262); and  
 40 (B) after July 23, 2009, a weekly indemnity of not less than  
 41 two hundred ninety dollars (\$290);  
 42 up to a maximum of two hundred sixty (260) weeks. After July



1           23, 2009, the weekly indemnity may not be less than the Indiana  
2           ~~minimum living~~ wage computed on the basis of a forty (40) hour  
3           week.  
4           (2) For medical expenses, coverage for incurred expenses.  
5           However, the policy may not have medical expense limits of less  
6           than seventy-five thousand dollars (\$75,000).  
7           SECTION 23. [EFFECTIVE JULY 1, 2019] **(a) The legislative**  
8           **services agency shall prepare legislation for introduction in the**  
9           **2020 session of the general assembly to correct the statutory law as**  
10          **necessary to be in conformity with this act.**  
11          **(b) This SECTION expires January 1, 2021.**

