

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1231

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

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

SECTION 1. IC 22-8-1.1-25.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 25.1. (a) **As used in this section, "employer's representative" means:**

- (1) **any employee of the employer with whom the commissioner or the commissioner's representative opens an inspection; or**
- (2) **an individual who identifies himself as an authorized employer representative to the commissioner or the commissioner's representative.**

(b) If, as a result of the inspection, the commissioner or ~~his~~ **the commissioner's** designated representative determines there is a violation of this chapter, or any standard promulgated under it, the commissioner shall issue a safety order. Such safety order shall:

- (1) be in writing;
- (2) describe with particularity the nature of the violation with reference to the provision of this chapter, or the standard alleged to have been violated; and
- (3) fix a reasonable time for the abatement of the violation.

~~(b)~~ (c) Except as provided under section 51 of this chapter, either at the time the safety order is issued, or within five (5) working days thereafter, the commissioner shall notify the employer of the penalty, if any, being assessed.

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~~(e)~~ **(d)** Notwithstanding IC 4-21.5-3-1, all safety orders and penalty assessments shall be served **on the employer:**

**(1) personally or sent by personal service or registered or certified mail: to the employer**

**(A) at the place where an alleged violation of this chapter or an alleged violation of a standard set by a rule adopted under this chapter exists;**

**(B) at the employer's address registered with the secretary of state;**

**(C) at the address of the employer's registered agent; or**

**(D) unless another address is provided to the commissioner or the commissioner's representative:**

**(i) by the employer or the employer's representative;**

**(ii) during an inspection; and**

**(iii) on a form supplied by the commissioner's representative; or**

**(2) to an electronic mail address provided to the commissioner's representative:**

**(A) by the employer or the employer's representative;**

**(B) during an inspection; and**

**(C) on a form supplied by the commissioner's representative.**

A safety order or penalty assessment served by electronic mail under subdivision (2) shall be transmitted with a read receipt or another form of electronic confirmation to ensure that the recipient has received the electronic mail. If the commissioner or commissioner's representative does not receive a receipt or electronic confirmation within five (5) days of transmission, the commissioner or commissioner's representative shall, as soon as practicable, mail a physical copy of the order or assessment by registered or certified mail. The commissioner or the commissioner's representative shall give notice of safety orders and penalty assessments under IC 4-21.5-3-6. No safety order may be issued after the expiration of six (6) months following the occurrence of any violation.

~~(d)~~ **(e)** The commissioner may prescribe procedures for the issuance of a notice of de minimis violations, in lieu of a safety order, which have no direct or immediate relationship to safety or health.



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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