



January 20, 2026

HOUSE BILL No. 1098

DIGEST OF HB 1098 (Updated January 20, 2026 3:24 pm - DI 141)

Citations Affected: IC 20-20; IC 22-3; IC 27-7; IC 36-8.

Synopsis: Work based learning liability. Requires an intermediary and an employer to enter into an agreement that sets forth the duties and responsibilities of the intermediary and the employer when participating in a work based learning program. Repeals provisions relating to the federal School to Work Opportunities Act under the worker's compensation and worker's occupational diseases compensation laws. Provides that, subject to certain limitations, a student who performs services for an employer as part of a work based learning program is entitled to benefits under the worker's compensation and worker's occupational diseases compensation laws. Provides that any underwriting decision made by an insurer or rating factor applied to a participant must be based on objective risk based criteria that are applied uniformly and without regard to the age of the student to be covered under the policy.

Effective: July 1, 2026.

Commons, Behning, Teshka, Burton

January 5, 2026, read first time and referred to Committee on Insurance.
January 20, 2026, amended, reported — Do Pass.

HB 1098—LS 6533/DI 141



January 20, 2026

Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

HOUSE BILL No. 1098

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

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

1 SECTION 1. IC 20-20-38.5-5.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2026]: **Sec. 5.5. A policy to provide employer**
4 **liability and worker's compensation insurance coverage under this**
5 **chapter is subject to the requirements of IC 27-7-19.**

6 SECTION 2. IC 20-20-38.6 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2026]:

9 **Chapter 38.6. Work Based Learning Intermediaries**

10 **Sec. 1. As used in this chapter, "intermediary" has the meaning**
11 **set forth in IC 21-18-1-3.5.**

12 **Sec. 2. As used in this chapter, "work based learning program"**
13 **refers to:**

14 **(1) an apprenticeship program (as defined in IC 20-43-8-0.3);**
15 **(2) a modern youth apprenticeship (as defined in**
16 **IC 20-51.4-2-9.5);**
17 **(3) a pre-apprenticeship program that meets the elements of**

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1 a quality pre-apprenticeship program established by the
 2 United States Department of Labor; and

3 (4) a work based learning course (as defined in
 4 IC 20-43-8-0.7).

5 Sec. 3. (a) If an intermediary connects a student with an
 6 employer to obtain work experience as part of a work based
 7 learning program, the intermediary and the employer shall enter
 8 into a written agreement that sets forth the duties and
 9 responsibilities of the intermediary and the employer when
 10 participating in the work based learning program.

11 (b) An agreement under subsection (a) must specify the
 12 allocation, to either the intermediary or the employer, of the
 13 responsibility to obtain employer liability insurance and worker's
 14 compensation insurance.

15 Sec. 4. An intermediary that connects a student with an
 16 employer to obtain work experience as part of a work based
 17 learning program may assume responsibility for ensuring
 18 compliance with:

19 (1) any requirements for participation in the work based
 20 learning program; and

21 (2) all applicable federal and state laws and regulations.

22 Sec. 5. Unless otherwise expressly agreed to by an intermediary
 23 and an employer in an agreement under section 3 of this chapter,
 24 an employer that employs a student in a work based learning
 25 program retains the exclusive rights to direct, supervise, train, and
 26 control the work of the student with respect to the business
 27 activities of the employer.

28 SECTION 3. IC 22-3-2-2.5 IS REPEALED [EFFECTIVE JULY 1,
 29 2026]. Sec. 2.5. (a) As used in this section, "school to work student"
 30 refers to a student participating in on-the-job training under the federal
 31 School to Work Opportunities Act (20 U.S.C. 6101 et seq.).

32 (b) Except as provided in IC 22-3-7-2.5, a school to work student is
 33 entitled to the following compensation and benefits under this article:

34 (1) Medical benefits under IC 22-3-2 through IC 22-3-6.

35 (2) Permanent partial impairment compensation under
 36 IC 22-3-3-10. Permanent partial impairment compensation for a
 37 school to work student shall be paid in a lump sum upon
 38 agreement or final award.

39 (3) In the case that death results from the injury:

40 (A) death benefits in a lump sum amount of one hundred
 41 seventy-five thousand dollars (\$175,000), payable upon
 42 agreement or final award to any dependents of the student



under IC 22-3-3-18 through IC 22-3-3-20, or, if the student has no dependents, to the student's parents; and
(B) burial compensation under IC 22-3-3-21.

(e) For the sole purpose of modifying an award under IC 22-3-3-27, a school to work student's average weekly wage is presumed to be equal to the federal minimum wage.

(d) A school to work student is not entitled to the following compensation under this article:

(1) Temporary total disability compensation under IC 22-3-3-8.

(2) Temporary partial disability compensation under IC 22-3-3-9.

(e) Except for remedies available under IC 5-2-6.1, recovery under subsection (b) is the exclusive right and remedy for:

(1) a school to work student; and

(2) the personal representatives, dependents, or next of kin, at common law or otherwise, of a school to work student;

common law or otherwise, or a school to work student, on account of personal injury or death by accident arising out of and in the course of school to work employment.

SECTION 4. IC 22-3-2-2.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 2.6. (a) As used in this section, "work based learning program" refers to:**

(1) an apprenticeship program (as defined in IC 20-43-8-0.3);

(2) a modern youth apprenticeship (as defined in IC 20-51.4-2-9.5);

(3) a pre-apprenticeship program that meets the elements of a quality pre-apprenticeship program established by the United States Department of Labor; and

(4) a work based learning course (as defined in IC 20-43-8-0.7).

b) Except as provided in subsection (c), a student who performs services for an employer as part of a work based learning

gram:

- (1) is entitled to compensation and benefits under IC 22-3-2 through IC 22-3-6; and
- (2) may not recover any additional benefit otherwise payable as a result of being less than seventeen (17) years of age under the definition of a minor in IC 22-3-6-1.

(c) The following apply if a student is unpaid for the services performed for an employer as part of a work based learning program:

(1) The student is not entitled to the following compensation:
(A) Temporary total disability compensation under



1 **IC 22-3-3-8.**
2 **(B) Temporary partial disability compensation under**
3 **IC 22-3-3-9.**

4 **(2) In the case that death results from the injury, death**
5 **benefits in a lump sum amount of one hundred seventy-five**
6 **thousand dollars (\$175,000) shall be paid upon agreement or**
7 **final award to any dependents of the student under**
8 **IC 22-3-3-18 through IC 22-3-3-20, or, if the student has no**
9 **dependents, to the student's parents.**

10 **(d) Except for remedies available under IC 5-2-6.1, recovery**
11 **under this section is the exclusive right and remedy for:**

12 **(1) a student who performs services for an employer as part**
13 **of a work based learning program; and**
14 **(2) the personal representatives, dependents, or next of kin, at**
15 **common law or otherwise, of a student who performs services**
16 **for an employer as part of a work based learning program;**
17 **on account of personal injury or death by accident arising out of**
18 **and in the course of employment as part of the work based learning**
19 **program.**

20 SECTION 5. IC 22-3-6-1, AS AMENDED BY P.L.160-2022,
21 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2026]: Sec. 1. In IC 22-3-2 through IC 22-3-6, unless the
23 context otherwise requires:

24 (a) "Employer" includes the state and any political subdivision, any
25 municipal corporation within the state, any individual or the legal
26 representative of a deceased individual, firm, association, limited
27 liability company, limited liability partnership, or corporation or the
28 receiver or trustee of the same, using the services of another for pay. A
29 corporation, limited liability company, or limited liability partnership
30 that controls the activities of another corporation, limited liability
31 company, or limited liability partnership, or a corporation and a limited
32 liability company or a corporation and a limited liability partnership
33 that are commonly owned entities, or the controlled corporation,
34 limited liability company, limited liability partnership, or commonly
35 owned entities, and a parent corporation and its subsidiaries shall each
36 be considered joint employers of the corporation's, the controlled
37 corporation's, the limited liability company's, the limited liability
38 partnership's, the commonly owned entities', the parent's, or the
39 subsidiaries' employees for purposes of IC 22-3-2-6 and IC 22-3-3-31.
40 Both a lessor and a lessee of employees shall each be considered joint
41 employers of the employees provided by the lessor to the lessee for
42 purposes of IC 22-3-2-6 and IC 22-3-3-31. If the employer is insured,



1 the term includes the employer's insurer so far as applicable. However,
2 the inclusion of an employer's insurer within this definition does not
3 allow an employer's insurer to avoid payment for services rendered to
4 an employee with the approval of the employer. The term also includes
5 an employer that ~~provides on-the-job training under the federal School~~
6 ~~to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set~~
7 ~~forth in IC 22-3-2-2.5.~~ **employs a student as part of a work based**
8 **learning program to the extent set forth in IC 22-3-2-2.6.** The term
9 does not include a nonprofit corporation that is recognized as tax
10 exempt under Section 501(c)(3) of the Internal Revenue Code (as
11 defined in IC 6-3-1-11(a)) to the extent the corporation enters into an
12 independent contractor agreement with a person for the performance
13 of youth coaching services on a part-time basis.

14 (b) "Employee" means every person, including a minor, in the
15 service of another, under any contract of hire or apprenticeship, written
16 or implied, except one whose employment is both casual and not in the
17 usual course of the trade, business, occupation, or profession of the
18 employer.

19 (1) An executive officer elected or appointed and empowered in
20 accordance with the charter and bylaws of a corporation, other
21 than a municipal corporation or governmental subdivision or a
22 charitable, religious, educational, or other nonprofit corporation,
23 is an employee of the corporation under IC 22-3-2 through
24 IC 22-3-6. An officer of a corporation who is an employee of the
25 corporation under IC 22-3-2 through IC 22-3-6 may elect not to
26 be an employee of the corporation under IC 22-3-2 through
27 IC 22-3-6. An officer of a corporation who is also an owner of any
28 interest in the corporation may elect not to be an employee of the
29 corporation under IC 22-3-2 through IC 22-3-6. If an officer
30 makes this election, the officer must serve written notice of the
31 election on the corporation's insurance carrier and the board. An
32 officer of a corporation may not be considered to be excluded as
33 an employee under IC 22-3-2 through IC 22-3-6 until the notice
34 is received by the insurance carrier and the board.

35 (2) An executive officer of a municipal corporation or other
36 governmental subdivision or of a charitable, religious,
37 educational, or other nonprofit corporation may, notwithstanding
38 any other provision of IC 22-3-2 through IC 22-3-6, be brought
39 within the coverage of its insurance contract by the corporation by
40 specifically including the executive officer in the contract of
41 insurance. The election to bring the executive officer within the
42 coverage shall continue for the period the contract of insurance is



1 in effect, and during this period, the executive officers thus
2 brought within the coverage of the insurance contract are
3 employees of the corporation under IC 22-3-2 through IC 22-3-6.
4 (3) Any reference to an employee who has been injured, when the
5 employee is dead, also includes the employee's legal
6 representatives, dependents, and other persons to whom
7 compensation may be payable.
8 (4) An owner of a sole proprietorship may elect to include the
9 owner as an employee under IC 22-3-2 through IC 22-3-6 if the
10 owner is actually engaged in the proprietorship business. If the
11 owner makes this election, the owner must serve upon the owner's
12 insurance carrier and upon the board written notice of the
13 election. No owner of a sole proprietorship may be considered an
14 employee under IC 22-3-2 through IC 22-3-6 until the notice has
15 been received. If the owner of a sole proprietorship:
16 (A) is an independent contractor in the construction trades and
17 does not make the election provided under this subdivision,
18 the owner must obtain a certificate of exemption under
19 IC 22-3-2-14.5; or
20 (B) is an independent contractor and does not make the
21 election provided under this subdivision, the owner may obtain
22 a certificate of exemption under IC 22-3-2-14.5.
23 (5) A partner in a partnership may elect to include the partner as
24 an employee under IC 22-3-2 through IC 22-3-6 if the partner is
25 actually engaged in the partnership business. If a partner makes
26 this election, the partner must serve upon the partner's insurance
27 carrier and upon the board written notice of the election. No
28 partner may be considered an employee under IC 22-3-2 through
29 IC 22-3-6 until the notice has been received. If a partner in a
30 partnership:
31 (A) is an independent contractor in the construction trades and
32 does not make the election provided under this subdivision,
33 the partner must obtain a certificate of exemption under
34 IC 22-3-2-14.5; or
35 (B) is an independent contractor and does not make the
36 election provided under this subdivision, the partner may
37 obtain a certificate of exemption under IC 22-3-2-14.5.
38 (6) Real estate professionals are not employees under IC 22-3-2
39 through IC 22-3-6 if:
40 (A) they are licensed real estate agents;
41 (B) substantially all their remuneration is directly related to
42 sales volume and not the number of hours worked; and



(C) they have written agreements with real estate brokers stating that they are not to be treated as employees for tax purposes.

(7) A person is an independent contractor and not an employee under IC 22-3-2 through IC 22-3-6 if the person is an independent contractor under the guidelines of the United States Internal Revenue Service.

(8) An owner-operator that provides a motor vehicle and the services of a driver under a written contract that is subject to IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 376 to a motor carrier is not an employee of the motor carrier for purposes of IC 22-3-2 through IC 22-3-6. The owner-operator may elect to be covered and have the owner-operator's drivers covered under a worker's compensation insurance policy or authorized self-insurance that insures the motor carrier if the owner-operator pays the premiums as requested by the motor carrier. An election by an owner-operator under this subdivision does not terminate the independent contractor status of the owner-operator for any purpose other than the purpose of this subdivision.

(9) A member or manager in a limited liability company may elect to include the member or manager as an employee under IC 22-3-2 through IC 22-3-6 if the member or manager is actually engaged in the limited liability company business. If a member or manager makes this election, the member or manager must serve upon the member's or manager's insurance carrier and upon the board written notice of the election. A member or manager may not be considered an employee under IC 22-3-2 through IC 22-3-6 until the notice has been received.

(10) An unpaid participant under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the extent set forth in IC 22-3-2-2.5.

(10) A student who performs services for an employer as part of a work based learning program, either paid or unpaid, is an employee to the extent set forth in IC 22-3-2-6.

(11) A person who enters into an independent contractor agreement with a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to perform youth coaching services on a part-time basis is not an employee for purposes of IC 22-3-2 through IC 22-3-6.

(12) An individual who is not an employee of the state or a political subdivision is considered to be a temporary employee of



1 the state for purposes of IC 22-3-2 through IC 22-3-6 while
2 serving as a member of a mobile support unit on duty for training,
3 an exercise, or a response, as set forth in IC 10-14-3-19(c)(2)(B).

4 (13) A driver providing drive away operations is an independent
5 contractor and not an employee when:

6 (A) the vehicle being driven is the commodity being delivered;
7 and

8 (B) the driver has entered into an agreement with the party
9 arranging for the transportation that specifies the driver is an
10 independent contractor and not an employee.

11 (c) "Minor" means an individual who has not reached seventeen
12 (17) years of age.

13 (1) Unless otherwise provided in this subsection, a minor
14 employee shall be considered as being of full age for all purposes
15 of IC 22-3-2 through IC 22-3-6.

16 (2) If the employee is a minor who, at the time of the accident, is
17 employed, required, suffered, or permitted to work in violation of
18 IC 22-2-18-40 (before its expiration on June 30, 2021) and
19 IC 22-2-18.1-23, the amount of compensation and death benefits,
20 as provided in IC 22-3-2 through IC 22-3-6, shall be double the
21 amount which would otherwise be recoverable. The insurance
22 carrier shall be liable on its policy for one-half (1/2) of the
23 compensation or benefits that may be payable on account of the
24 injury or death of the minor, and the employer shall be liable for
25 the other one-half (1/2) of the compensation or benefits. If the
26 employee is a minor who is not less than sixteen (16) years of age
27 and who has not reached seventeen (17) years of age and who at
28 the time of the accident is employed, suffered, or permitted to
29 work at any occupation which is not prohibited by law, this
30 subdivision does not apply.

31 (3) A minor employee who, at the time of the accident, is a
32 student performing services for an employer as part of an
33 approved program under IC 20-37-2-7 **or a work based learning**
34 **program (as defined in IC 22-3-2.2-2.6)** shall be considered a
35 full-time employee for the purpose of computing compensation
36 for permanent impairment under IC 22-3-3-10. The average
37 weekly wages for such a student shall be calculated as provided
38 in subsection (d)(4).

39 (4) The rights and remedies granted in this subsection to a minor
40 under IC 22-3-2 through IC 22-3-6 on account of personal injury
41 or death by accident shall exclude all rights and remedies of the
42 minor, the minor's parents, or the minor's personal



5 (d) "Average weekly wages" means the earnings of the injured
6 employee in the employment in which the employee was working at the
7 time of the injury during the period of fifty-two (52) weeks
8 immediately preceding the date of injury, divided by fifty-two (52),
9 except as follows:

10 (1) If the injured employee lost seven (7) or more calendar days
11 during this period, although not in the same week, then the
12 earnings for the remainder of the fifty-two (52) weeks shall be
13 divided by the number of weeks and parts thereof remaining after
14 the time lost has been deducted.

(3) Wherever allowances of any character made to an employee in lieu of wages are a specified part of the wage contract, they shall be deemed a part of the employee's earnings.

(4) In computing the average weekly wages to be used in calculating an award for permanent impairment under IC 22-3-3-10 for a student employee in an approved training program under **IC 20-37-2-7 or a work based learning program (as defined in IC 22-3-2.2-2.6)**, the following formula shall be used. Calculate the product of:

39 (A) the student employee's hourly wage rate; multiplied by
40 (B) forty (40) hours.

The result obtained is the amount of the average weekly wages for the student employee.



1 (e) "Injury" and "personal injury" mean only injury by accident
2 arising out of and in the course of the employment and do not include
3 a disease in any form except as it results from the injury.

4 (f) "Billing review service" refers to a person or an entity that
5 reviews a medical service provider's bills or statements for the purpose
6 of determining pecuniary liability. The term includes an employer's
7 worker's compensation insurance carrier if the insurance carrier
8 performs such a review.

9 (g) "Billing review standard" means the data used by a billing
10 review service to determine pecuniary liability.

11 (h) "Community" means a geographic service area based on ZIP
12 code districts defined by the United States Postal Service according to
13 the following groupings:

14 (1) The geographic service area served by ZIP codes with the first
15 three (3) digits 463 and 464.

16 (2) The geographic service area served by ZIP codes with the first
17 three (3) digits 465 and 466.

18 (3) The geographic service area served by ZIP codes with the first
19 three (3) digits 467 and 468.

20 (4) The geographic service area served by ZIP codes with the first
21 three (3) digits 469 and 479.

22 (5) The geographic service area served by ZIP codes with the first
23 three (3) digits 460, 461 (except 46107), and 473.

24 (6) The geographic service area served by the 46107 ZIP code and
25 ZIP codes with the first three (3) digits 462.

26 (7) The geographic service area served by ZIP codes with the first
27 three (3) digits 470, 471, 472, 474, and 478.

28 (8) The geographic service area served by ZIP codes with the first
29 three (3) digits 475, 476, and 477.

30 (i) "Medical service provider" refers to a person or an entity that
31 provides services or products to an employee under IC 22-3-2 through
32 IC 22-3-6. Except as otherwise provided in IC 22-3-2 through
33 IC 22-3-6, the term includes a medical service facility.

34 (j) "Medical service facility" means any of the following that
35 provides a service or product under IC 22-3-2 through IC 22-3-6 and
36 uses the CMS 1450 (UB-04) form or the CMS 1500 (HCFA-1500)
37 form for Medicare reimbursement:

38 (1) An ambulatory outpatient surgical center (as defined in
39 IC 16-18-2-14).

40 (2) A hospital (as defined in IC 16-18-2-179).

41 (3) A hospital based health facility (as defined in
42 IC 16-18-2-180).



(4) A medical center (as defined in IC 16-18-2-223.4).

(k) "Pecuniary liability" means the responsibility of an employer or the employer's insurance carrier for the payment of the charges for each specific service or product for human medical treatment provided under IC 22-3-2 through IC 22-3-6, as follows:

(1) This subdivision applies before July 1, 2014, to all medical service providers, and after June 30, 2014, to a medical service provider that is not a medical service facility. Payment of the charges in a defined community, equal to or less than the charges made by medical service providers at the eightieth percentile in the same community for like services or products.

(2) Payment of the charges in a reasonable amount, which is established by payment of one (1) of the following:

(A) The amount negotiated at any time between the medical service facility and any of the following, if an amount has been negotiated:

(i) The employer.

(ii) The employer's insurance carrier.

(iii) A billing review service on behalf of a person described in item (i) or (ii).

(iv) A direct provider network that has contracted with a person described in item (i) or (ii).

(B) Two hundred percent (200%) of the amount that would be paid to the medical service facility on the same date for the same service or product under the medical service facility's Medicare reimbursement rate, if, after conducting the negotiations described in clause (A), an agreement has not been reached.

(I) "Service or product" or "services and products" refers to medical, hospital, surgical, or nursing service, treatment, and supplies provided under IC 22-3-2 through IC 22-3-6.

SECTION 6. IC 22-3-7-2.5 IS REPEALED [EFFECTIVE JULY 1, 2026]. See. 2.5. (a) As used in this section, "school to work student" refers to a student participating in on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.).

(b) A school to work student is entitled to the following compensation and benefits under this chapter:

(1) ~~Medical benefits~~

(2) Permanent partial impairment compensation under section 16 of this chapter. Permanent partial impairment compensation for a school to work student shall be paid in a lump sum upon agreement or final award.



(3) In the case that death results from the injury:

- (A) death benefits in a lump sum amount of one hundred seventy-five thousand dollars (\$175,000), payable upon agreement or final award to any dependents of the student under sections 11 through 14 of this chapter, or, if the student has no dependents, to the student's parents; and
- (B) burial compensation under section 15 of this chapter.

For the sole purpose of modifying an award under section 27

(c) For the sole purpose of modifying an award under section 27 of this chapter, a school to work student's average weekly wage is presumed to be equal to the federal minimum wage.

(d) A school to work student is not entitled to the following compensation under this chapter:

(1) Temporary total disability compensation under section 16 of this chapter.

(2) Temporary partial disability compensation under section 19 of this chapter.

(e) Except for remedies available under IC 5-2-6.1, recovery under subsection (b) is the exclusive right and remedy for:

(1) a school to work student; and

(2) the personal representatives, dependents, or next of kin, at common law or otherwise, of a school to work student;

on account of disablement or death by occupational disease arising out of and in the course of school to work employment.

SECTION 7. IC 22-3-7-2.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.6. (a) As used in this section, "work based learning program" refers to:

- (1) an apprenticeship program (as defined in IC 20-43-8-0.3);
- (2) a modern youth apprenticeship (as defined in IC 20-51.4-2-9.5);

(3) a pre-apprenticeship program that meets the elements of a quality pre-apprenticeship program established by the United States Department of Labor; and

(4) a work based learning course (as defined in IC 20-43-8-0.7).

(b) Except as provided in subsection (c), a student who performs services for an employer as part of a work based learning

(1) is entitled to compensation and benefits under this

chapter; and
(2) may not recover any additional benefit otherwise payable as a result of being less than seventeen (17) years of age under



the definition of a minor in section 9 of this chapter.

(c) The following apply if a student is unpaid for the services performed for an employer as part of a work based learning program:

(1) The student is not entitled to the following compensation:

(A) Temporary total disability compensation under section 16 of this chapter.

(B) Temporary partial disability compensation under section 16 of this chapter.

(2) In the case that death results from the injury, death benefits in a lump sum amount of one hundred seventy-five thousand dollars (\$175,000) shall be paid upon agreement or final award to any dependents of the student under sections 11 through 14 of this chapter, or, if the student has no dependents, to the student's parents.

(d) Except for remedies available under IC 5-2-6.1, recovery under this section is the exclusive right and remedy for:

(1) a student who performs services for an employer as part of a work based learning program; and

(2) the personal representatives, dependents, or next of kin, at common law or otherwise, of a student who performs services for an employer as part of a work based learning program;

on account of disablement or death by occupational disease arising out of and in the course of employment as part of the work based learning program.

SECTION 8. IC 22-3-7-9, AS AMENDED BY P.L.160-2022, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) As used in this chapter, "employer" includes the state and any political subdivision, any municipal corporation within the state, any individual or the legal representative of a deceased individual, firm, association, limited liability company, limited liability partnership, or corporation or the receiver or trustee of the same, using the services of another for pay. A corporation, limited liability company, or limited liability partnership that controls the activities of another corporation, limited liability company, or limited liability partnership, or a corporation and a limited liability company or a corporation and a limited liability partnership that are commonly owned entities, or the controlled corporation, limited liability company, limited liability partnership, or commonly owned entities, and a parent corporation and its subsidiaries shall each be considered joint employers of the corporation's, the controlled corporation's, the limited liability company's, the limited liability partnership's, the commonly



1 owned entities', the parent's, or the subsidiaries' employees for purposes
2 of sections 6 and 33 of this chapter. Both a lessor and a lessee of
3 employees shall each be considered joint employers of the employees
4 provided by the lessor to the lessee for purposes of sections 6 and 33
5 of this chapter. The term also includes an employer that ~~provides~~
6 ~~on-the-job training under the federal School to Work Opportunities Act~~
7 ~~(20 U.S.C. 6101 et seq.) to the extent set forth under section 2.5 of this~~
8 ~~chapter employs a student as part of a work based learning~~
9 ~~program to the extent set forth in section 2.6 of this chapter.~~ If the
10 employer is insured, the term includes the employer's insurer so far as
11 applicable. However, the inclusion of an employer's insurer within this
12 definition does not allow an employer's insurer to avoid payment for
13 services rendered to an employee with the approval of the employer.
14 The term does not include a nonprofit corporation that is recognized as
15 tax exempt under Section 501(c)(3) of the Internal Revenue Code (as
16 defined in IC 6-3-1-11(a)) to the extent the corporation enters into an
17 independent contractor agreement with a person for the performance
18 of youth coaching services on a part-time basis.

19 (b) As used in this chapter, "employee" means every person,
20 including a minor, in the service of another, under any contract of hire
21 or apprenticeship written or implied, except one whose employment is
22 both casual and not in the usual course of the trade, business,
23 occupation, or profession of the employer. For purposes of this chapter
24 the following apply:

25 (1) Any reference to an employee who has suffered disablement,
26 when the employee is dead, also includes the employee's legal
27 representative, dependents, and other persons to whom
28 compensation may be payable.

29 (2) An owner of a sole proprietorship may elect to include the
30 owner as an employee under this chapter if the owner is actually
31 engaged in the proprietorship business. If the owner makes this
32 election, the owner must serve upon the owner's insurance carrier
33 and upon the board written notice of the election. No owner of a
34 sole proprietorship may be considered an employee under this
35 chapter unless the notice has been received. If the owner of a sole
36 proprietorship:

37 (A) is an independent contractor in the construction trades and
38 does not make the election provided under this subdivision,
39 the owner must obtain a certificate of exemption under section
40 34.5 of this chapter; or

41 (B) is an independent contractor and does not make the
42 election provided under this subdivision, the owner may obtain



a certificate of exemption under section 34.5 of this chapter.

(3) A partner in a partnership may elect to include the partner as an employee under this chapter if the partner is actually engaged in the partnership business. If a partner makes this election, the partner must serve upon the partner's insurance carrier and upon the board written notice of the election. No partner may be considered an employee under this chapter until the notice has been received. If a partner in a partnership:

(A) is an independent contractor in the construction trades and does not make the election provided under this subdivision, the partner must obtain a certificate of exemption under section 34.5 of this chapter; or

(B) is an independent contractor and does not make the election provided under this subdivision, the partner may obtain a certificate of exemption under section 34.5 of this chapter.

(4) Real estate professionals are not employees under this chapter if:

(A) they are licensed real estate agents;

(B) substantially all their remuneration is directly related to sales volume and not the number of hours worked; and

(C) they have written agreements with real estate brokers stating that they are not to be treated as employees for tax purposes.

(5) A person is an independent contractor in the construction trades and not an employee under this chapter if the person is an independent contractor under the guidelines of the United States Internal Revenue Service.

(6) An owner-operator that provides a motor vehicle and the services of a driver under a written contract that is subject to IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 376, to a motor carrier is not an employee of the motor carrier for purposes of this chapter. The owner-operator may elect to be covered and have the owner-operator's drivers covered under a worker's compensation insurance policy or authorized self-insurance that insures the motor carrier if the owner-operator pays the premiums as requested by the motor carrier. An election by an owner-operator under this subdivision does not terminate the independent contractor status of the owner-operator for any purpose other than the purpose of this subdivision.

(7) An unpaid participant under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the



extent set forth under section 2.5 of this chapter.

(7) A student who performs services for an employer as part of a work based learning program, either paid or unpaid, is an employee to the extent set forth in section 2.6 of this chapter.

(8) A person who enters into an independent contractor agreement with a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to perform youth coaching services on a part-time basis is not an employee for purposes of this chapter.

(9) An officer of a corporation who is an employee of the corporation under this chapter may elect not to be an employee of the corporation under this chapter. An officer of a corporation who is also an owner of any interest in the corporation may elect not to be an employee of the corporation under this chapter. If an officer makes this election, the officer must serve written notice of the election on the corporation's insurance carrier and the board. An officer of a corporation may not be considered to be excluded as an employee under this chapter until the notice is received by the insurance carrier and the board.

(10) An individual who is not an employee of the state or a political subdivision is considered to be a temporary employee of the state for purposes of this chapter while serving as a member of a mobile support unit on duty for training, an exercise, or a response, as set forth in IC 10-14-3-19(c)(2)(B).

(c) As used in this chapter, "minor" means an individual who has not reached seventeen (17) years of age. A minor employee shall be considered as being of full age for all purposes of this chapter. However, if the employee is a minor who, at the time of the last exposure, is employed, required, suffered, or permitted to work in violation of the employment of minors laws of this state, the amount of compensation and death benefits, as provided in this chapter, shall be double the amount which would otherwise be recoverable. The insurance carrier shall be liable on its policy for one-half (1/2) of the compensation or benefits that may be payable on account of the disability or death of the minor, and the employer shall be wholly liable for the other one-half (1/2) of the compensation or benefits. If the employee is a minor who is not less than sixteen (16) years of age and who has not reached seventeen (17) years of age, and who at the time of the last exposure is employed, suffered, or permitted to work at any occupation which is not prohibited by law, the provisions of this subsection prescribing double the amount otherwise recoverable do not apply. The rights and remedies granted to a minor under this chapter on



1 account of disease shall exclude all rights and remedies of the minor,
2 the minor's parents, the minor's personal representatives, dependents,
3 or next of kin at common law, statutory or otherwise, on account of any
4 disease.

5 (d) This chapter does not apply to casual laborers as defined in
6 subsection (b), nor to farm or agricultural employees, nor to household
7 employees, nor to railroad employees engaged in train service as
8 engineers, firemen, conductors, brakemen, flagmen, baggagemen, or
9 foremen in charge of yard engines and helpers assigned thereto, nor to
10 their employers with respect to these employees. Also, this chapter
11 does not apply to employees or their employers with respect to
12 employments in which the laws of the United States provide for
13 compensation or liability for injury to the health, disability, or death by
14 reason of diseases suffered by these employees.

15 (e) As used in this chapter, "disablement" means the event of
16 becoming disabled from earning full wages at the work in which the
17 employee was engaged when last exposed to the hazards of the
18 occupational disease by the employer from whom the employee claims
19 compensation or equal wages in other suitable employment, and
20 "disability" means the state of being so incapacitated.

21 (f) For the purposes of this chapter, no compensation shall be
22 payable for or on account of any occupational diseases unless
23 disablement, as defined in subsection (e), occurs within two (2) years
24 after the last day of the last exposure to the hazards of the disease
25 except for the following:

26 (1) In all cases of occupational diseases caused by the inhalation
27 of silica dust or coal dust, no compensation shall be payable
28 unless disablement, as defined in subsection (e), occurs within
29 three (3) years after the last day of the last exposure to the hazards
30 of the disease.

31 (2) In all cases of occupational disease caused by the exposure to
32 radiation, no compensation shall be payable unless disablement,
33 as defined in subsection (e), occurs within two (2) years from the
34 date on which the employee had knowledge of the nature of the
35 employee's occupational disease or, by exercise of reasonable
36 diligence, should have known of the existence of such disease and
37 its causal relationship to the employee's employment.

38 (3) In all cases of occupational diseases caused by the inhalation
39 of asbestos dust, no compensation shall be payable unless
40 disablement, as defined in subsection (e), occurs within three (3)
41 years after the last day of the last exposure to the hazards of the
42 disease if the last day of the last exposure was before July 1, 1985.



(4) In all cases of occupational disease caused by the inhalation of asbestos dust in which the last date of the last exposure occurs on or after July 1, 1985, and before July 1, 1988, no compensation shall be payable unless disablement, as defined in subsection (e), occurs within twenty (20) years after the last day of the last exposure.

(5) In all cases of occupational disease caused by the inhalation of asbestos dust in which the last date of the last exposure occurs on or after July 1, 1988, no compensation shall be payable unless disablement (as defined in subsection (e)) occurs within thirty-five (35) years after the last day of the last exposure.

(g) For the purposes of this chapter, no compensation shall be payable for or on account of death resulting from any occupational disease unless death occurs within two (2) years after the date of disablement. However, this subsection does not bar compensation for death:

(1) where death occurs during the pendency of a claim filed by an employee within two (2) years after the date of disablement and which claim has not resulted in a decision or has resulted in a decision which is in process of review or appeal; or

(2) where, by agreement filed or decision rendered, a compensable period of disability has been fixed and death occurs within two (2) years after the end of such fixed period, but in no event later than three hundred (300) weeks after the date of disablement.

(h) As used in this chapter, "billing review service" refers to a person or an entity that reviews a medical service provider's bills or statements for the purpose of determining pecuniary liability. The term includes an employer's worker's compensation insurance carrier if the insurance carrier performs such a review.

(i) As used in this chapter, "billing review standard" means the data used by a billing review service to determine pecuniary liability.

(j) As used in this chapter, "community" means a geographic service area based on ZIP code districts defined by the United States Postal Service according to the following groupings:

(1) The geographic service area served by ZIP codes with the first three (3) digits 463 and 464.

(2) The geographic service area served by ZIP codes with the first three (3) digits 465 and 466.

(3) The geographic service area served by ZIP codes with the first three (3) digits 467 and 468.

(4) The geographic service area served by ZIP codes with the first

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three (3) digits 469 and 479.

(5) The geographic service area served by ZIP codes with the first three (3) digits 460, 461 (except 46107), and 473.

(6) The geographic service area served by the 46107 ZIP code and ZIP codes with the first three (3) digits 462.

(7) The geographic service area served by ZIP codes with the first three (3) digits 470, 471, 472, 474, and 478.

(8) The geographic service area served by ZIP codes with the first three (3) digits 475, 476, and 477.

k) As used in this chapter, "medical service provider" refers to a

11 person or an entity that provides services or products to an employee
12 under this chapter. Except as otherwise provided in this chapter, the
13 term includes a medical service facility.

(l) As used in this chapter, "medical service facility" means any of the following that provides a service or product under this chapter and uses the CMS 1450 (UB-04) form or the CMS 1500 (HCFA-1500) form for Medicare reimbursement:

(1) An ambulatory outpatient surgical center (as defined in IC 16-18-2-14).

(2) A hospital (as defined in IC 16-18-2-179).

(3) A hospital based health facility (as defined in IC 16-18-2-180).

(4) A medical center (as defined in IC 16-18-2-223.4).

(m) As used in this chapter, "pecuniary liability" means the responsibility of an employer or the employer's insurance carrier for the payment of the charges for each specific service or product for human medical treatment provided under this chapter as follows:

(1) This subdivision applies before July 1, 2014, to all medical service providers, and after June 30, 2014, to a medical service provider that is not a medical service facility. Payment of the charges in a defined community, equal to or less than the charges made by medical service providers at the eightieth percentile in the same community for like services or products.

(2) Payment of the charges in a reasonable amount, which is established by payment of one (1) of the following:

(A) The amount negotiated at any time between the medical service facility and any of the following, if an amount has been negotiated:

(i) The employer.

(ii) The employer's insurance carrier.

(iii) A billing review service on behalf of a person described in item (i) or (ii).



(iv) A direct provider network that has contracted with a person described in item (i) or (ii).

(B) Two hundred percent (200%) of the amount that would be paid to the medical service facility on the same date for the same service or product under the medical service facility's Medicare reimbursement rate, if, after conducting the negotiations described in clause (A), an agreement has not been reached.

12 SECTION 9. IC 27-7-19 IS ADDED TO THE INDIANA CODE AS
13 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2026]:

Chapter 19. Insurance Coverage for Participants of Work Based Learning Courses

17 Sec. 1. This chapter applies to a policy that is entered into,
18 amended, or renewed after June 30, 2026.

19 **Sec. 2. As used in this chapter, "employer's liability insurance"**
20 means the type of insurance described in IC 27-1-5-1, Class 2(b).

21 Sec. 3. As used in this chapter, "insurer" means a company that
22 is authorized under IC 27-1-3-20 to engage in the business of
23 insurance in Indiana.

24 Sec. 4. As used in this chapter, "participant" refers to any of the
25 following:

26 **(1) An employer that employs a student in a work based**
27 **learning program.**

28 (2) A student who is enrolled in a work based learning
29 program.
30 (3) An intermediary (as defined in IC 21-18-1-3.5).
31 (4) A school corporation (as defined in IC 20-18-2-16(a)).
32 (5) A charter school (as defined in IC 20-24-1-4).

38 (3) a pre-apprenticeship program that meets the elements of
39 a quality pre-apprenticeship program established by the
40 United States Department of Labor; and



Sec. 6. Any:

(1) underwriting decision made by an insurer that issues a policy of employer's liability insurance or worker's compensation insurance to provide coverage for a participant; or

(2) rating factor applied to a participant for a policy described in subdivision (1);

must be based on objective risk based criteria that are applied uniformly and without regard to the age of the student to be covered under the policy.

SECTION 10. IC 36-8-12-2, AS AMENDED BY P.L.10-2019, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. As used in this chapter:

"Emergency medical services personnel" means individuals certified by the emergency medical services commission established by IC 16-31-2-1 who:

(1) as a result of a written application, have been elected or appointed to membership in a volunteer fire department; and (2) have executed a pledge to faithfully perform, with or without nominal compensation, the work related duties assigned and orders given to the individuals by the chief of the volunteer fire department or an officer of the volunteer fire department, including orders or duties involving education and training.

"Employee" means a person in the service of another person under a written or implied contract of hire or apprenticeship.

"Employer" means:

(1) a political subdivision;

(2) an individual or the legal representative of a deceased individual;

(3) a firm;

(4) an association;

(5) a limited liability company; or

(6) an employer that provides on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set forth in IC 22-3-2-2.5(a); or

(7) (8) a corporation or its receiver or trustee;

(7) (3) a corporation or its receiver or trustee that uses the services of another person for pay.

"Essential employee" means an employee:
(1) who the employer has determined to be essential to the

(1) who the employer has determined to be essential to the operation of the employer's daily enterprise; and
(2) without whom the employer is likely to suffer economic injury as a result of the absence of the essential employee.



1 "Nominal compensation" means annual compensation of not more
2 than twenty thousand dollars (\$20,000).

3 "Public servant" has the meaning set forth in IC 35-31.5-2-261.

4 "Responsible party" has the meaning set forth in IC 13-11-2-191(d).

5 "Volunteer fire department" means a department or association
6 organized for the purpose of answering fire alarms, extinguishing fires,
7 and providing other emergency services, the majority of members of
8 which receive no compensation or nominal compensation for their
9 services.

10 "Volunteer firefighter" means a firefighter:

11 (1) who, as a result of a written application, has been elected or
12 appointed to membership in a volunteer fire department;

13 (2) who has executed a pledge to faithfully perform, with or
14 without nominal compensation, the work related duties assigned
15 and orders given to the firefighter by the chief of the volunteer
16 fire department or an officer of the volunteer fire department,
17 including orders or duties involving education and training as
18 prescribed by the volunteer fire department or the state; and

19 (3) whose name has been entered on a roster of volunteer
20 firefighters that is kept by the volunteer fire department and that
21 has been approved by the proper officers of the unit.

22 "Volunteer member" means a member of a volunteer emergency
23 medical services association connected with a unit as set forth in
24 IC 16-31-5-1(6).



COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1098, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 12 through 17.

Page 2, delete lines 1 through 14, begin a new paragraph and insert:

"Sec. 2. As used in this chapter, "work based learning program" refers to:

- (1) an apprenticeship program (as defined in IC 20-43-8-0.3);
- (2) a modern youth apprenticeship (as defined in IC 20-51.4-2-9.5);
- (3) a pre-apprenticeship program that meets the elements of a quality pre-apprenticeship program established by the United States Department of Labor; and
- (4) a work based learning course (as defined in IC 20-43-8-0.7).

Sec. 3. (a) If an intermediary connects a student with an employer to obtain work experience as part of a work based learning program, the intermediary and the employer shall enter into a written agreement that sets forth the duties and responsibilities of the intermediary and the employer when participating in the work based learning program.

(b) An agreement under subsection (a) must specify the allocation, to either the intermediary or the employer, of the responsibility to obtain employer liability insurance and worker's compensation insurance.

Sec. 4. An intermediary that connects a student with an employer to obtain work experience as part of a work based learning program may assume responsibility for ensuring compliance with:

- (1) any requirements for participation in the work based learning program; and
- (2) all applicable federal and state laws and regulations.

Sec. 5. Unless otherwise expressly agreed to by an intermediary and an employer in an agreement under section 3 of this chapter, an employer that employs a student in a work based learning program retains the exclusive rights to direct, supervise, train, and control the work of the student with respect to the business activities of the employer.

SECTION 3. IC 22-3-2-2.5 IS REPEALED [EFFECTIVE JULY 1, 2026]. **Sec. 2.5. (a) As used in this section, "school to work student"**



refers to a student participating in on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.).

(b) Except as provided in IC 22-3-7-2.5, a school to work student is entitled to the following compensation and benefits under this article:

- (1) Medical benefits under IC 22-3-2 through IC 22-3-6.
- (2) Permanent partial impairment compensation under IC 22-3-3-10. Permanent partial impairment compensation for a school to work student shall be paid in a lump sum upon agreement or final award.
- (3) In the case that death results from the injury:
 - (A) death benefits in a lump sum amount of one hundred seventy-five thousand dollars (\$175,000), payable upon agreement or final award to any dependents of the student under IC 22-3-3-18 through IC 22-3-3-20; or, if the student has no dependents, to the student's parents; and
 - (B) burial compensation under IC 22-3-3-21.

(c) For the sole purpose of modifying an award under IC 22-3-3-27, a school to work student's average weekly wage is presumed to be equal to the federal minimum wage.

(d) A school to work student is not entitled to the following compensation under this article:

- (1) Temporary total disability compensation under IC 22-3-3-8.
- (2) Temporary partial disability compensation under IC 22-3-3-9.

(e) Except for remedies available under IC 5-2-6.1, recovery under subsection (b) is the exclusive right and remedy for:

(1) a school to work student; and

(2) the personal representatives, dependents, or next of kin, at common law or otherwise, of a school to work student; on account of personal injury or death by accident arising out of and in the course of school to work employment.

SECTION 4. IC 22-3-2-2.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.6. (a) As used in this section, "work based learning program" refers to:

- (1) an apprenticeship program (as defined in IC 20-43-8-0.3);
- (2) a modern youth apprenticeship (as defined in IC 20-51.4-2-9.5);
- (3) a pre-apprenticeship program that meets the elements of a quality pre-apprenticeship program established by the United States Department of Labor; and
- (4) a work based learning course (as defined in IC 20-43-8-0.7).



(b) Except as provided in subsection (c), a student who performs services for an employer as part of a work based learning program:

- (1) is entitled to compensation and benefits under IC 22-3-2 through IC 22-3-6; and**
- (2) may not recover any additional benefit otherwise payable as a result of being less than seventeen (17) years of age under the definition of a minor in IC 22-3-6-1.**

(c) The following apply if a student is unpaid for the services performed for an employer as part of a work based learning program:

- (1) The student is not entitled to the following compensation:**

(A) Temporary total disability compensation under IC 22-3-3-8.

(B) Temporary partial disability compensation under IC 22-3-3-9.

- (2) In the case that death results from the injury, death benefits in a lump sum amount of one hundred seventy-five thousand dollars (\$175,000) shall be paid upon agreement or final award to any dependents of the student under IC 22-3-3-18 through IC 22-3-3-20, or, if the student has no dependents, to the student's parents.**

(d) Except for remedies available under IC 5-2-6.1, recovery under this section is the exclusive right and remedy for:

- (1) a student who performs services for an employer as part of a work based learning program; and**
- (2) the personal representatives, dependents, or next of kin, at common law or otherwise, of a student who performs services for an employer as part of a work based learning program; on account of personal injury or death by accident arising out of and in the course of employment as part of the work based learning program.**

SECTION 5. IC 22-3-6-1, AS AMENDED BY P.L.160-2022, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. In IC 22-3-2 through IC 22-3-6, unless the context otherwise requires:

(a) "Employer" includes the state and any political subdivision, any municipal corporation within the state, any individual or the legal representative of a deceased individual, firm, association, limited liability company, limited liability partnership, or corporation or the receiver or trustee of the same, using the services of another for pay. A corporation, limited liability company, or limited liability partnership



that controls the activities of another corporation, limited liability company, or limited liability partnership, or a corporation and a limited liability company or a corporation and a limited liability partnership that are commonly owned entities, or the controlled corporation, limited liability company, limited liability partnership, or commonly owned entities, and a parent corporation and its subsidiaries shall each be considered joint employers of the corporation's, the controlled corporation's, the limited liability company's, the limited liability partnership's, the commonly owned entities', the parent's, or the subsidiaries' employees for purposes of IC 22-3-2-6 and IC 22-3-3-31. Both a lessor and a lessee of employees shall each be considered joint employers of the employees provided by the lessor to the lessee for purposes of IC 22-3-2-6 and IC 22-3-3-31. If the employer is insured, the term includes the employer's insurer so far as applicable. However, the inclusion of an employer's insurer within this definition does not allow an employer's insurer to avoid payment for services rendered to an employee with the approval of the employer. The term also includes an employer that ~~provides on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set forth in~~ **employs a student as part of a work based learning program to the extent set forth in IC 22-3-2-2.6.** The term does not include a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to the extent the corporation enters into an independent contractor agreement with a person for the performance of youth coaching services on a part-time basis.

(b) "Employee" means every person, including a minor, in the service of another, under any contract of hire or apprenticeship, written or implied, except one whose employment is both casual and not in the usual course of the trade, business, occupation, or profession of the employer.

(1) An executive officer elected or appointed and empowered in accordance with the charter and bylaws of a corporation, other than a municipal corporation or governmental subdivision or a charitable, religious, educational, or other nonprofit corporation, is an employee of the corporation under IC 22-3-2 through IC 22-3-6. An officer of a corporation who is an employee of the corporation under IC 22-3-2 through IC 22-3-6 may elect not to be an employee of the corporation under IC 22-3-2 through IC 22-3-6. An officer of a corporation who is also an owner of any interest in the corporation may elect not to be an employee of the corporation under IC 22-3-2 through IC 22-3-6. If an officer



makes this election, the officer must serve written notice of the election on the corporation's insurance carrier and the board. An officer of a corporation may not be considered to be excluded as an employee under IC 22-3-2 through IC 22-3-6 until the notice is received by the insurance carrier and the board.

(2) An executive officer of a municipal corporation or other governmental subdivision or of a charitable, religious, educational, or other nonprofit corporation may, notwithstanding any other provision of IC 22-3-2 through IC 22-3-6, be brought within the coverage of its insurance contract by the corporation by specifically including the executive officer in the contract of insurance. The election to bring the executive officer within the coverage shall continue for the period the contract of insurance is in effect, and during this period, the executive officers thus brought within the coverage of the insurance contract are employees of the corporation under IC 22-3-2 through IC 22-3-6.

(3) Any reference to an employee who has been injured, when the employee is dead, also includes the employee's legal representatives, dependents, and other persons to whom compensation may be payable.

(4) An owner of a sole proprietorship may elect to include the owner as an employee under IC 22-3-2 through IC 22-3-6 if the owner is actually engaged in the proprietorship business. If the owner makes this election, the owner must serve upon the owner's insurance carrier and upon the board written notice of the election. No owner of a sole proprietorship may be considered an employee under IC 22-3-2 through IC 22-3-6 until the notice has been received. If the owner of a sole proprietorship:

(A) is an independent contractor in the construction trades and does not make the election provided under this subdivision, the owner must obtain a certificate of exemption under IC 22-3-2-14.5; or

(B) is an independent contractor and does not make the election provided under this subdivision, the owner may obtain a certificate of exemption under IC 22-3-2-14.5.

(5) A partner in a partnership may elect to include the partner as an employee under IC 22-3-2 through IC 22-3-6 if the partner is actually engaged in the partnership business. If a partner makes this election, the partner must serve upon the partner's insurance carrier and upon the board written notice of the election. No partner may be considered an employee under IC 22-3-2 through IC 22-3-6 until the notice has been received. If a partner in a



partnership:

(A) is an independent contractor in the construction trades and does not make the election provided under this subdivision, the partner must obtain a certificate of exemption under IC 22-3-2-14.5; or

(B) is an independent contractor and does not make the election provided under this subdivision, the partner may obtain a certificate of exemption under IC 22-3-2-14.5.

(6) Real estate professionals are not employees under IC 22-3-2 through IC 22-3-6 if:

(A) they are licensed real estate agents;

(B) substantially all their remuneration is directly related to sales volume and not the number of hours worked; and

(C) they have written agreements with real estate brokers stating that they are not to be treated as employees for tax purposes.

(7) A person is an independent contractor and not an employee under IC 22-3-2 through IC 22-3-6 if the person is an independent contractor under the guidelines of the United States Internal Revenue Service.

(8) An owner-operator that provides a motor vehicle and the services of a driver under a written contract that is subject to IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 376 to a motor carrier is not an employee of the motor carrier for purposes of IC 22-3-2 through IC 22-3-6. The owner-operator may elect to be covered and have the owner-operator's drivers covered under a worker's compensation insurance policy or authorized self-insurance that insures the motor carrier if the owner-operator pays the premiums as requested by the motor carrier. An election by an owner-operator under this subdivision does not terminate the independent contractor status of the owner-operator for any purpose other than the purpose of this subdivision.

(9) A member or manager in a limited liability company may elect to include the member or manager as an employee under IC 22-3-2 through IC 22-3-6 if the member or manager is actually engaged in the limited liability company business. If a member or manager makes this election, the member or manager must serve upon the member's or manager's insurance carrier and upon the board written notice of the election. A member or manager may not be considered an employee under IC 22-3-2 through IC 22-3-6 until the notice has been received.

(10) An unpaid participant under the federal School to Work



Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the extent set forth in IC 22-3-2-2.5.

(10) A student who performs services for an employer as part of a work based learning program, either paid or unpaid, is an employee to the extent set forth in IC 22-3-2-2.6.

(11) A person who enters into an independent contractor agreement with a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to perform youth coaching services on a part-time basis is not an employee for purposes of IC 22-3-2 through IC 22-3-6.

(12) An individual who is not an employee of the state or a political subdivision is considered to be a temporary employee of the state for purposes of IC 22-3-2 through IC 22-3-6 while serving as a member of a mobile support unit on duty for training, an exercise, or a response, as set forth in IC 10-14-3-19(c)(2)(B).

(13) A driver providing drive away operations is an independent contractor and not an employee when:

(A) the vehicle being driven is the commodity being delivered; and

(B) the driver has entered into an agreement with the party arranging for the transportation that specifies the driver is an independent contractor and not an employee.

(c) "Minor" means an individual who has not reached seventeen (17) years of age.

(1) Unless otherwise provided in this subsection, a minor employee shall be considered as being of full age for all purposes of IC 22-3-2 through IC 22-3-6.

(2) If the employee is a minor who, at the time of the accident, is employed, required, suffered, or permitted to work in violation of IC 22-2-18-40 (before its expiration on June 30, 2021) and IC 22-2-18.1-23, the amount of compensation and death benefits, as provided in IC 22-3-2 through IC 22-3-6, shall be double the amount which would otherwise be recoverable. The insurance carrier shall be liable on its policy for one-half (1/2) of the compensation or benefits that may be payable on account of the injury or death of the minor, and the employer shall be liable for the other one-half (1/2) of the compensation or benefits. If the employee is a minor who is not less than sixteen (16) years of age and who has not reached seventeen (17) years of age and who at the time of the accident is employed, suffered, or permitted to work at any occupation which is not prohibited by law, this



subdivision does not apply.

(3) A minor employee who, at the time of the accident, is a student performing services for an employer as part of an approved program under IC 20-37-2-7 **or a work based learning program (as defined in IC 22-3-2.2-2.6)** shall be considered a full-time employee for the purpose of computing compensation for permanent impairment under IC 22-3-3-10. The average weekly wages for such a student shall be calculated as provided in subsection (d)(4).

(4) The rights and remedies granted in this subsection to a minor under IC 22-3-2 through IC 22-3-6 on account of personal injury or death by accident shall exclude all rights and remedies of the minor, the minor's parents, or the minor's personal representatives, dependents, or next of kin at common law, statutory or otherwise, on account of the injury or death. This subsection does not apply to minors who have reached seventeen (17) years of age.

(d) "Average weekly wages" means the earnings of the injured employee in the employment in which the employee was working at the time of the injury during the period of fifty-two (52) weeks immediately preceding the date of injury, divided by fifty-two (52), except as follows:

(1) If the injured employee lost seven (7) or more calendar days during this period, although not in the same week, then the earnings for the remainder of the fifty-two (52) weeks shall be divided by the number of weeks and parts thereof remaining after the time lost has been deducted.

(2) Where the employment prior to the injury extended over a period of less than fifty-two (52) weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed, if results just and fair to both parties will be obtained. Where by reason of the shortness of the time during which the employee has been in the employment of the employee's employer or of the casual nature or terms of the employment it is impracticable to compute the average weekly wages, as defined in this subsection, regard shall be had to the average weekly amount which during the fifty-two (52) weeks previous to the injury was being earned by a person in the same grade employed at the same work by the same employer or, if there is no person so employed, by a person in the same grade employed in the same class of employment in the same district.



(3) Wherever allowances of any character made to an employee in lieu of wages are a specified part of the wage contract, they shall be deemed a part of the employee's earnings.

(4) In computing the average weekly wages to be used in calculating an award for permanent impairment under IC 22-3-3-10 for a student employee in an approved training program under IC 20-37-2-7 **or a work based learning program (as defined in IC 22-3-2.2-2.6)**, the following formula shall be used. Calculate the product of:

- (A) the student employee's hourly wage rate; multiplied by
- (B) forty (40) hours.

The result obtained is the amount of the average weekly wages for the student employee.

(e) "Injury" and "personal injury" mean only injury by accident arising out of and in the course of the employment and do not include a disease in any form except as it results from the injury.

(f) "Billing review service" refers to a person or an entity that reviews a medical service provider's bills or statements for the purpose of determining pecuniary liability. The term includes an employer's worker's compensation insurance carrier if the insurance carrier performs such a review.

(g) "Billing review standard" means the data used by a billing review service to determine pecuniary liability.

(h) "Community" means a geographic service area based on ZIP code districts defined by the United States Postal Service according to the following groupings:

- (1) The geographic service area served by ZIP codes with the first three (3) digits 463 and 464.
- (2) The geographic service area served by ZIP codes with the first three (3) digits 465 and 466.
- (3) The geographic service area served by ZIP codes with the first three (3) digits 467 and 468.
- (4) The geographic service area served by ZIP codes with the first three (3) digits 469 and 479.
- (5) The geographic service area served by ZIP codes with the first three (3) digits 460, 461 (except 46107), and 473.
- (6) The geographic service area served by the 46107 ZIP code and ZIP codes with the first three (3) digits 462.
- (7) The geographic service area served by ZIP codes with the first three (3) digits 470, 471, 472, 474, and 478.
- (8) The geographic service area served by ZIP codes with the first three (3) digits 475, 476, and 477.



(i) "Medical service provider" refers to a person or an entity that provides services or products to an employee under IC 22-3-2 through IC 22-3-6. Except as otherwise provided in IC 22-3-2 through IC 22-3-6, the term includes a medical service facility.

(j) "Medical service facility" means any of the following that provides a service or product under IC 22-3-2 through IC 22-3-6 and uses the CMS 1450 (UB-04) form or the CMS 1500 (HCFA-1500) form for Medicare reimbursement:

- (1) An ambulatory outpatient surgical center (as defined in IC 16-18-2-14).
- (2) A hospital (as defined in IC 16-18-2-179).
- (3) A hospital based health facility (as defined in IC 16-18-2-180).
- (4) A medical center (as defined in IC 16-18-2-223.4).

(k) "Pecuniary liability" means the responsibility of an employer or the employer's insurance carrier for the payment of the charges for each specific service or product for human medical treatment provided under IC 22-3-2 through IC 22-3-6, as follows:

(1) This subdivision applies before July 1, 2014, to all medical service providers, and after June 30, 2014, to a medical service provider that is not a medical service facility. Payment of the charges in a defined community, equal to or less than the charges made by medical service providers at the eightieth percentile in the same community for like services or products.

(2) Payment of the charges in a reasonable amount, which is established by payment of one (1) of the following:

(A) The amount negotiated at any time between the medical service facility and any of the following, if an amount has been negotiated:

- (i) The employer.
- (ii) The employer's insurance carrier.
- (iii) A billing review service on behalf of a person described in item (i) or (ii).
- (iv) A direct provider network that has contracted with a person described in item (i) or (ii).

(B) Two hundred percent (200%) of the amount that would be paid to the medical service facility on the same date for the same service or product under the medical service facility's Medicare reimbursement rate, if, after conducting the negotiations described in clause (A), an agreement has not been reached.

(l) "Service or product" or "services and products" refers to medical,



hospital, surgical, or nursing service, treatment, and supplies provided under IC 22-3-2 through IC 22-3-6.

SECTION 1. IC 22-3-7-2.5 IS REPEALED [EFFECTIVE JULY 1, 2026]. See: 2.5. (a) As used in this section, "school to work student" refers to a student participating in on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.).

(b) A school to work student is entitled to the following compensation and benefits under this chapter:

(1) Medical benefits.

(2) Permanent partial impairment compensation under section 16 of this chapter. Permanent partial impairment compensation for a school to work student shall be paid in a lump sum upon agreement or final award.

(3) In the case that death results from the injury:

(A) death benefits in a lump sum amount of one hundred seventy-five thousand dollars (\$175,000), payable upon agreement or final award to any dependents of the student under sections 11 through 14 of this chapter; or, if the student has no dependents, to the student's parents; and

(B) burial compensation under section 15 of this chapter.

(c) For the sole purpose of modifying an award under section 27 of this chapter, a school to work student's average weekly wage is presumed to be equal to the federal minimum wage.

(d) A school to work student is not entitled to the following compensation under this chapter:

(1) Temporary total disability compensation under section 16 of this chapter.

(2) Temporary partial disability compensation under section 19 of this chapter.

(e) Except for remedies available under IC 5-2-6.1, recovery under subsection (b) is the exclusive right and remedy for:

(1) a school to work student; and

(2) the personal representatives, dependents, or next of kin, at common law or otherwise, of a school to work student; on account of disablement or death by occupational disease arising out of and in the course of school to work employment.

SECTION 6. IC 22-3-7-2.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.6. (a) As used in this section, "work based learning program" refers to:

(1) an apprenticeship program (as defined in IC 20-43-8-0.3);

(2) a modern youth apprenticeship (as defined in



IC 20-51.4-2-9.5);

(3) a pre-apprenticeship program that meets the elements of a quality pre-apprenticeship program established by the United States Department of Labor; and

(4) a work based learning course (as defined in IC 20-43-8-0.7).

(b) Except as provided in subsection (c), a student who performs services for an employer as part of a work based learning program:

(1) is entitled to compensation and benefits under this chapter; and

(2) may not recover any additional benefit otherwise payable as a result of being less than seventeen (17) years of age under the definition of a minor in section 9 of this chapter.

(c) The following apply if a student is unpaid for the services performed for an employer as part of a work based learning program:

(1) The student is not entitled to the following compensation:

(A) Temporary total disability compensation under section 16 of this chapter.

(B) Temporary partial disability compensation under section 16 of this chapter.

(2) In the case that death results from the injury, death benefits in a lump sum amount of one hundred seventy-five thousand dollars (\$175,000) shall be paid upon agreement or final award to any dependents of the student under sections 11 through 14 of this chapter, or, if the student has no dependents, to the student's parents.

(d) Except for remedies available under IC 5-2-6.1, recovery under this section is the exclusive right and remedy for:

(1) a student who performs services for an employer as part of a work based learning program; and

(2) the personal representatives, dependents, or next of kin, at common law or otherwise, of a student who performs services for an employer as part of a work based learning program; on account of disablement or death by occupational disease arising out of and in the course of employment as part of the work based learning program.

SECTION 7. IC 22-3-7-9, AS AMENDED BY P.L.160-2022, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) As used in this chapter, "employer" includes the state and any political subdivision, any municipal corporation



within the state, any individual or the legal representative of a deceased individual, firm, association, limited liability company, limited liability partnership, or corporation or the receiver or trustee of the same, using the services of another for pay. A corporation, limited liability company, or limited liability partnership that controls the activities of another corporation, limited liability company, or limited liability partnership, or a corporation and a limited liability company or a corporation and a limited liability partnership that are commonly owned entities, or the controlled corporation, limited liability company, limited liability partnership, or commonly owned entities, and a parent corporation and its subsidiaries shall each be considered joint employers of the corporation's, the controlled corporation's, the limited liability company's, the limited liability partnership's, the commonly owned entities', the parent's, or the subsidiaries' employees for purposes of sections 6 and 33 of this chapter. Both a lessor and a lessee of employees shall each be considered joint employers of the employees provided by the lessor to the lessee for purposes of sections 6 and 33 of this chapter. The term also includes an employer that ~~provides on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set forth under section 2.5 of this chapter employs a student as part of a work based learning program to the extent set forth in section 2.6 of this chapter.~~ If the employer is insured, the term includes the employer's insurer so far as applicable. However, the inclusion of an employer's insurer within this definition does not allow an employer's insurer to avoid payment for services rendered to an employee with the approval of the employer. The term does not include a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to the extent the corporation enters into an independent contractor agreement with a person for the performance of youth coaching services on a part-time basis.

(b) As used in this chapter, "employee" means every person, including a minor, in the service of another, under any contract of hire or apprenticeship written or implied, except one whose employment is both casual and not in the usual course of the trade, business, occupation, or profession of the employer. For purposes of this chapter the following apply:

- (1) Any reference to an employee who has suffered disablement, when the employee is dead, also includes the employee's legal representative, dependents, and other persons to whom compensation may be payable.
- (2) An owner of a sole proprietorship may elect to include the



owner as an employee under this chapter if the owner is actually engaged in the proprietorship business. If the owner makes this election, the owner must serve upon the owner's insurance carrier and upon the board written notice of the election. No owner of a sole proprietorship may be considered an employee under this chapter unless the notice has been received. If the owner of a sole proprietorship:

(A) is an independent contractor in the construction trades and does not make the election provided under this subdivision, the owner must obtain a certificate of exemption under section 34.5 of this chapter; or

(B) is an independent contractor and does not make the election provided under this subdivision, the owner may obtain a certificate of exemption under section 34.5 of this chapter.

(3) A partner in a partnership may elect to include the partner as an employee under this chapter if the partner is actually engaged in the partnership business. If a partner makes this election, the partner must serve upon the partner's insurance carrier and upon the board written notice of the election. No partner may be considered an employee under this chapter until the notice has been received. If a partner in a partnership:

(A) is an independent contractor in the construction trades and does not make the election provided under this subdivision, the partner must obtain a certificate of exemption under section 34.5 of this chapter; or

(B) is an independent contractor and does not make the election provided under this subdivision, the partner may obtain a certificate of exemption under section 34.5 of this chapter.

(4) Real estate professionals are not employees under this chapter if:

(A) they are licensed real estate agents;

(B) substantially all their remuneration is directly related to sales volume and not the number of hours worked; and

(C) they have written agreements with real estate brokers stating that they are not to be treated as employees for tax purposes.

(5) A person is an independent contractor in the construction trades and not an employee under this chapter if the person is an independent contractor under the guidelines of the United States Internal Revenue Service.

(6) An owner-operator that provides a motor vehicle and the



services of a driver under a written contract that is subject to IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 376, to a motor carrier is not an employee of the motor carrier for purposes of this chapter. The owner-operator may elect to be covered and have the owner-operator's drivers covered under a worker's compensation insurance policy or authorized self-insurance that insures the motor carrier if the owner-operator pays the premiums as requested by the motor carrier. An election by an owner-operator under this subdivision does not terminate the independent contractor status of the owner-operator for any purpose other than the purpose of this subdivision.

(7) ~~An unpaid participant under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the extent set forth under section 2.5 of this chapter.~~

(7) **A student who performs services for an employer as part of a work based learning program, either paid or unpaid, is an employee to the extent set forth in section 2.6 of this chapter.**

(8) A person who enters into an independent contractor agreement with a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to perform youth coaching services on a part-time basis is not an employee for purposes of this chapter.

(9) An officer of a corporation who is an employee of the corporation under this chapter may elect not to be an employee of the corporation under this chapter. An officer of a corporation who is also an owner of any interest in the corporation may elect not to be an employee of the corporation under this chapter. If an officer makes this election, the officer must serve written notice of the election on the corporation's insurance carrier and the board. An officer of a corporation may not be considered to be excluded as an employee under this chapter until the notice is received by the insurance carrier and the board.

(10) An individual who is not an employee of the state or a political subdivision is considered to be a temporary employee of the state for purposes of this chapter while serving as a member of a mobile support unit on duty for training, an exercise, or a response, as set forth in IC 10-14-3-19(c)(2)(B).

(c) As used in this chapter, "minor" means an individual who has not reached seventeen (17) years of age. A minor employee shall be considered as being of full age for all purposes of this chapter. However, if the employee is a minor who, at the time of the last exposure, is employed, required, suffered, or permitted to work in



violation of the employment of minors laws of this state, the amount of compensation and death benefits, as provided in this chapter, shall be double the amount which would otherwise be recoverable. The insurance carrier shall be liable on its policy for one-half (1/2) of the compensation or benefits that may be payable on account of the disability or death of the minor, and the employer shall be wholly liable for the other one-half (1/2) of the compensation or benefits. If the employee is a minor who is not less than sixteen (16) years of age and who has not reached seventeen (17) years of age, and who at the time of the last exposure is employed, suffered, or permitted to work at any occupation which is not prohibited by law, the provisions of this subsection prescribing double the amount otherwise recoverable do not apply. The rights and remedies granted to a minor under this chapter on account of disease shall exclude all rights and remedies of the minor, the minor's parents, the minor's personal representatives, dependents, or next of kin at common law, statutory or otherwise, on account of any disease.

(d) This chapter does not apply to casual laborers as defined in subsection (b), nor to farm or agricultural employees, nor to household employees, nor to railroad employees engaged in train service as engineers, firemen, conductors, brakemen, flagmen, baggagemen, or foremen in charge of yard engines and helpers assigned thereto, nor to their employers with respect to these employees. Also, this chapter does not apply to employees or their employers with respect to employments in which the laws of the United States provide for compensation or liability for injury to the health, disability, or death by reason of diseases suffered by these employees.

(e) As used in this chapter, "disablement" means the event of becoming disabled from earning full wages at the work in which the employee was engaged when last exposed to the hazards of the occupational disease by the employer from whom the employee claims compensation or equal wages in other suitable employment, and "disability" means the state of being so incapacitated.

(f) For the purposes of this chapter, no compensation shall be payable for or on account of any occupational diseases unless disablement, as defined in subsection (e), occurs within two (2) years after the last day of the last exposure to the hazards of the disease except for the following:

(1) In all cases of occupational diseases caused by the inhalation of silica dust or coal dust, no compensation shall be payable unless disablement, as defined in subsection (e), occurs within three (3) years after the last day of the last exposure to the hazards



of the disease.

(2) In all cases of occupational disease caused by the exposure to radiation, no compensation shall be payable unless disablement, as defined in subsection (e), occurs within two (2) years from the date on which the employee had knowledge of the nature of the employee's occupational disease or, by exercise of reasonable diligence, should have known of the existence of such disease and its causal relationship to the employee's employment.

(3) In all cases of occupational diseases caused by the inhalation of asbestos dust, no compensation shall be payable unless disablement, as defined in subsection (e), occurs within three (3) years after the last day of the last exposure to the hazards of the disease if the last day of the last exposure was before July 1, 1985.

(4) In all cases of occupational disease caused by the inhalation of asbestos dust in which the last date of the last exposure occurs on or after July 1, 1985, and before July 1, 1988, no compensation shall be payable unless disablement, as defined in subsection (e), occurs within twenty (20) years after the last day of the last exposure.

(5) In all cases of occupational disease caused by the inhalation of asbestos dust in which the last date of the last exposure occurs on or after July 1, 1988, no compensation shall be payable unless disablement (as defined in subsection (e)) occurs within thirty-five (35) years after the last day of the last exposure.

(g) For the purposes of this chapter, no compensation shall be payable for or on account of death resulting from any occupational disease unless death occurs within two (2) years after the date of disablement. However, this subsection does not bar compensation for death:

(1) where death occurs during the pendency of a claim filed by an employee within two (2) years after the date of disablement and which claim has not resulted in a decision or has resulted in a decision which is in process of review or appeal; or

(2) where, by agreement filed or decision rendered, a compensable period of disability has been fixed and death occurs within two (2) years after the end of such fixed period, but in no event later than three hundred (300) weeks after the date of disablement.

(h) As used in this chapter, "billing review service" refers to a person or an entity that reviews a medical service provider's bills or statements for the purpose of determining pecuniary liability. The term includes an employer's worker's compensation insurance carrier if the



insurance carrier performs such a review.

(i) As used in this chapter, "billing review standard" means the data used by a billing review service to determine pecuniary liability.

(j) As used in this chapter, "community" means a geographic service area based on ZIP code districts defined by the United States Postal Service according to the following groupings:

(1) The geographic service area served by ZIP codes with the first three (3) digits 463 and 464.

(2) The geographic service area served by ZIP codes with the first three (3) digits 465 and 466.

(3) The geographic service area served by ZIP codes with the first three (3) digits 467 and 468.

(4) The geographic service area served by ZIP codes with the first three (3) digits 469 and 479.

(5) The geographic service area served by ZIP codes with the first three (3) digits 460, 461 (except 46107), and 473.

(6) The geographic service area served by the 46107 ZIP code and ZIP codes with the first three (3) digits 462.

(7) The geographic service area served by ZIP codes with the first three (3) digits 470, 471, 472, 474, and 478.

(8) The geographic service area served by ZIP codes with the first three (3) digits 475, 476, and 477.

(k) As used in this chapter, "medical service provider" refers to a person or an entity that provides services or products to an employee under this chapter. Except as otherwise provided in this chapter, the term includes a medical service facility.

(l) As used in this chapter, "medical service facility" means any of the following that provides a service or product under this chapter and uses the CMS 1450 (UB-04) form or the CMS 1500 (HCFA-1500) form for Medicare reimbursement:

(1) An ambulatory outpatient surgical center (as defined in IC 16-18-2-14).

(2) A hospital (as defined in IC 16-18-2-179).

(3) A hospital based health facility (as defined in IC 16-18-2-180).

(4) A medical center (as defined in IC 16-18-2-223.4).

(m) As used in this chapter, "pecuniary liability" means the responsibility of an employer or the employer's insurance carrier for the payment of the charges for each specific service or product for human medical treatment provided under this chapter as follows:

(1) This subdivision applies before July 1, 2014, to all medical service providers, and after June 30, 2014, to a medical service



provider that is not a medical service facility. Payment of the charges in a defined community, equal to or less than the charges made by medical service providers at the eightieth percentile in the same community for like services or products.

(2) Payment of the charges in a reasonable amount, which is established by payment of one (1) of the following:

(A) The amount negotiated at any time between the medical service facility and any of the following, if an amount has been negotiated:

- (i) The employer.
- (ii) The employer's insurance carrier.
- (iii) A billing review service on behalf of a person described in item (i) or (ii).
- (iv) A direct provider network that has contracted with a person described in item (i) or (ii).

(B) Two hundred percent (200%) of the amount that would be paid to the medical service facility on the same date for the same service or product under the medical service facility's Medicare reimbursement rate, if, after conducting the negotiations described in clause (A), an agreement has not been reached.

(n) "Service or product" or "services and products" refers to medical, hospital, surgical, or nursing service, treatment, and supplies provided under this chapter.".

Page 2, delete lines 27 through 42, begin a new paragraph and insert:

"Sec. 4. As used in this chapter, "participant" refers to any of the following:

- (1) An employer that employs a student in a work based learning program.**
- (2) A student who is enrolled in a work based learning program.**
- (3) An intermediary (as defined in IC 21-18-1-3.5).**
- (4) A school corporation (as defined in IC 20-18-2-16(a)).**
- (5) A charter school (as defined in IC 20-24-1-4).**

Sec. 5. As used in this chapter, "work based learning program" refers to:

- (1) an apprenticeship program (as defined in IC 20-43-8-0.3);**
- (2) a modern youth apprenticeship (as defined in IC 20-51.4-2-9.5);**
- (3) a pre-apprenticeship program that meets the elements of a quality pre-apprenticeship program established by the**



United States Department of Labor; and
(4) a work based learning course (as defined in
IC 20-43-8-0.7).

Sec. 6. Any:

(1) underwriting decision made by an insurer that issues a
policy of employer's liability insurance or worker's
compensation insurance to provide coverage for a
participant; or

(2) rating factor applied to a participant for a policy described
in subdivision (1);

must be based on objective risk based criteria that are applied
uniformly and without regard to the age of the student to be
covered under the policy.

SECTION 9. IC 36-8-12-2, AS AMENDED BY P.L.10-2019,
 SECTION 139, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2026]: Sec. 2. As used in this chapter:

"Emergency medical services personnel" means individuals certified
 by the emergency medical services commission established by
 IC 16-31-2-1 who:

(1) as a result of a written application, have been elected or
 appointed to membership in a volunteer fire department; and
 (2) have executed a pledge to faithfully perform, with or without
 nominal compensation, the work related duties assigned and
 orders given to the individuals by the chief of the volunteer fire
 department or an officer of the volunteer fire department,
 including orders or duties involving education and training.

"Employee" means a person in the service of another person under
 a written or implied contract of hire or apprenticeship.

"Employer" means:

(1) a political subdivision;
 (2) an individual or the legal representative of a deceased
 individual;
 (3) a firm;
 (4) an association;
 (5) a limited liability company; **or**
 (6) an employer that provides on-the-job training under the
 federal School to Work Opportunities Act (20 U.S.C. 6101 et
 seq.) to the extent set forth in IC 22-3-2-2.5(a); **or**
 (7) (6) a corporation or its receiver or trustee;

that uses the services of another person for pay.

"Essential employee" means an employee:

(1) who the employer has determined to be essential to the



operation of the employer's daily enterprise; and
 (2) without whom the employer is likely to suffer economic injury
 as a result of the absence of the essential employee.

"Nominal compensation" means annual compensation of not more
 than twenty thousand dollars (\$20,000).

"Public servant" has the meaning set forth in IC 35-31.5-2-261.

"Responsible party" has the meaning set forth in IC 13-11-2-191(d).

"Volunteer fire department" means a department or association
 organized for the purpose of answering fire alarms, extinguishing fires,
 and providing other emergency services, the majority of members of
 which receive no compensation or nominal compensation for their
 services.

"Volunteer firefighter" means a firefighter:

- (1) who, as a result of a written application, has been elected or appointed to membership in a volunteer fire department;
- (2) who has executed a pledge to faithfully perform, with or without nominal compensation, the work related duties assigned and orders given to the firefighter by the chief of the volunteer fire department or an officer of the volunteer fire department, including orders or duties involving education and training as prescribed by the volunteer fire department or the state; and
- (3) whose name has been entered on a roster of volunteer firefighters that is kept by the volunteer fire department and that has been approved by the proper officers of the unit.

"Volunteer member" means a member of a volunteer emergency medical services association connected with a unit as set forth in IC 16-31-5-1(6).".

Delete page 3.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1098 as introduced.)

CARBAUGH

Committee Vote: yeas 12, nays 0.

HB 1098—LS 6533/DI 141

