



February 13, 2026

ENGROSSED HOUSE BILL No. 1098

DIGEST OF HB 1098 (Updated February 11, 2026 12:52 pm - DI 154)

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
(SENATE SPONSOR — ROGERS)

January 5, 2026, read first time and referred to Committee on Insurance.

January 20, 2026, amended, reported — Do Pass.

January 22, 2026, read second time, ordered engrossed.

January 23, 2026, engrossed.

January 28, 2026, read third time, passed. Yeas 89, nays 0.

SENATE ACTION

February 2, 2026, read first time and referred to Committee on Insurance and Financial Institutions.

February 12, 2026, amended, reported favorably — Do Pass.

EH 1098—LS 6533/DI 141



February 13, 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.

ENGROSSED 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. Agreements with Work Based Learning**
10 **Employers**

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

13 **Sec. 2. As used in this chapter, "school" means the following:**

- 14 (1) A school maintained by a school corporation.
15 (2) A charter school.

16 **Sec. 3. (a) As used in this chapter, "work based learning**
17 **program" refers to:**

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

9 (b) The term does not include the following:

- 10 (1) A virtual, remote, or online work based learning program
 11 in which the student performs activities primarily outside of
 12 an employer controlled physical worksite.
 13 (2) An activity that does not involve ongoing work
 14 responsibilities or recurring placement with an employer,
 15 such as a career awareness visit or field trip.

16 Sec. 4. (a) If an intermediary, an industry talent association, or
 17 a school connects a student with an employer to obtain work
 18 experience as part of a work based learning program, the
 19 intermediary, industry talent association, or school and the
 20 employer shall enter into a written agreement under which the
 21 employer assumes responsibility for obtaining worker's
 22 compensation insurance coverage for any student who performs
 23 services for the employer as part of the work based learning
 24 program.

25 (b) An intermediary, an industry talent association, or a school
 26 may comply with subsection (a) by entering into an agreement with
 27 a third party employer of record.

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



- 1 under IC 22-3-3-18 through IC 22-3-3-20; or, if the student has
 2 no dependents, to the student's parents; and
 3 (B) burial compensation under IC 22-3-3-21.
- 4 (c) For the sole purpose of modifying an award under IC 22-3-3-27,
 5 a school to work student's average weekly wage is presumed to be
 6 equal to the federal minimum wage.
- 7 (d) A school to work student is not entitled to the following
 8 compensation under this article:
- 9 (1) Temporary total disability compensation under IC 22-3-3-8.
 10 (2) Temporary partial disability compensation under IC 22-3-3-9.
- 11 (e) Except for remedies available under IC 5-2-6.1, recovery under
 12 subsection (b) is the exclusive right and remedy for:
- 13 (1) a school to work student; and
 14 (2) the personal representatives, dependents, or next of kin, at
 15 common law or otherwise, of a school to work student;
 16 on account of personal injury or death by accident arising out of and in
 17 the course of school to work employment.
- 18 SECTION 4. IC 22-3-2-2.6 IS ADDED TO THE INDIANA CODE
 19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 20 1, 2026]: **Sec. 2.6. (a) As used in this section, "work based learning
 21 program" has the meaning set forth in IC 20-20-38.6-3.**
- 22 **(b) Except as provided in subsection (c), a student who performs
 23 services for an employer as part of a work based learning
 24 program:**
- 25 **(1) is entitled to compensation and benefits under IC 22-3-2
 26 through IC 22-3-6; and**
 27 **(2) may not recover any additional benefit otherwise payable
 28 as a result of being less than seventeen (17) years of age under
 29 the definition of a minor in IC 22-3-6-1.**
- 30 **(c) The following apply if a student is unpaid for the services
 31 performed for an employer as part of a work based learning
 32 program:**
- 33 **(1) The student is not entitled to the following compensation:**
 34 **(A) Temporary total disability compensation under
 35 IC 22-3-3-8.**
 36 **(B) Temporary partial disability compensation under
 37 IC 22-3-3-9.**
- 38 **(2) In the case that death results from the injury, death
 39 benefits in a lump sum amount of one hundred seventy-five
 40 thousand dollars (\$175,000) shall be paid upon agreement or
 41 final award to any dependents of the student under
 42 IC 22-3-3-18 through IC 22-3-3-20, or, if the student has no**



1 dependents, to the student's parents.

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

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

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

9 on account of personal injury or death by accident arising out of
10 and in the course of employment as part of the work based learning
11 program.

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

16 (a) "Employer" includes the state and any political subdivision, any
17 municipal corporation within the state, any individual or the legal
18 representative of a deceased individual, firm, association, limited
19 liability company, limited liability partnership, or corporation or the
20 receiver or trustee of the same, using the services of another for pay. A
21 corporation, limited liability company, or limited liability partnership
22 that controls the activities of another corporation, limited liability
23 company, or limited liability partnership, or a corporation and a limited
24 liability company or a corporation and a limited liability partnership
25 that are commonly owned entities, or the controlled corporation,
26 limited liability company, limited liability partnership, or commonly
27 owned entities, and a parent corporation and its subsidiaries shall each
28 be considered joint employers of the corporation's, the controlled
29 corporation's, the limited liability company's, the limited liability
30 partnership's, the commonly owned entities', the parent's, or the
31 subsidiaries' employees for purposes of IC 22-3-2-6 and IC 22-3-3-31.
32 Both a lessor and a lessee of employees shall each be considered joint
33 employers of the employees provided by the lessor to the lessee for
34 purposes of IC 22-3-2-6 and IC 22-3-3-31. If the employer is insured,
35 the term includes the employer's insurer so far as applicable. However,
36 the inclusion of an employer's insurer within this definition does not
37 allow an employer's insurer to avoid payment for services rendered to
38 an employee with the approval of the employer. The term also includes
39 an employer that provides on-the-job training under the federal School
40 to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set
41 forth in IC 22-3-2-2.5. employs a student as part of a work based
42 learning program to the extent set forth in IC 22-3-2-2.6. The term



1 does not include a nonprofit corporation that is recognized as tax
2 exempt under Section 501(c)(3) of the Internal Revenue Code (as
3 defined in IC 6-3-1-11(a)) to the extent the corporation enters into an
4 independent contractor agreement with a person for the performance
5 of youth coaching services on a part-time basis.

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

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

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

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

42 (4) An owner of a sole proprietorship may elect to include the



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

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

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

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

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

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

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

32 (A) they are licensed real estate agents;

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

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

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

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



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

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

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

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

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

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

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

- 40 (A) the vehicle being driven is the commodity being delivered;
 41 and
 42 (B) the driver has entered into an agreement with the party



- 1 arranging for the transportation that specifies the driver is an
 2 independent contractor and not an employee.
- 3 (c) "Minor" means an individual who has not reached seventeen
 4 (17) years of age.
- 5 (1) Unless otherwise provided in this subsection, a minor
 6 employee shall be considered as being of full age for all purposes
 7 of IC 22-3-2 through IC 22-3-6.
- 8 (2) If the employee is a minor who, at the time of the accident, is
 9 employed, required, suffered, or permitted to work in violation of
 10 IC 22-2-18-40 (before its expiration on June 30, 2021) and
 11 IC 22-2-18.1-23, the amount of compensation and death benefits,
 12 as provided in IC 22-3-2 through IC 22-3-6, shall be double the
 13 amount which would otherwise be recoverable. The insurance
 14 carrier shall be liable on its policy for one-half (1/2) of the
 15 compensation or benefits that may be payable on account of the
 16 injury or death of the minor, and the employer shall be liable for
 17 the other one-half (1/2) of the compensation or benefits. If the
 18 employee is a minor who is not less than sixteen (16) years of age
 19 and who has not reached seventeen (17) years of age and who at
 20 the time of the accident is employed, suffered, or permitted to
 21 work at any occupation which is not prohibited by law, this
 22 subdivision does not apply.
- 23 (3) A minor employee who, at the time of the accident, is a
 24 student performing services for an employer as part of an
 25 approved program under IC 20-37-2-7 **or a work based learning**
 26 **program (as defined in IC 20-20-38.6-3)** shall be considered a
 27 full-time employee for the purpose of computing compensation
 28 for permanent impairment under IC 22-3-3-10. The average
 29 weekly wages for such a student shall be calculated as provided
 30 in subsection (d)(4).
- 31 (4) The rights and remedies granted in this subsection to a minor
 32 under IC 22-3-2 through IC 22-3-6 on account of personal injury
 33 or death by accident shall exclude all rights and remedies of the
 34 minor, the minor's parents, or the minor's personal
 35 representatives, dependents, or next of kin at common law,
 36 statutory or otherwise, on account of the injury or death. This
 37 subsection does not apply to minors who have reached seventeen
 38 (17) years of age.
- 39 (d) "Average weekly wages" means the earnings of the injured
 40 employee in the employment in which the employee was working at the
 41 time of the injury during the period of fifty-two (52) weeks
 42 immediately preceding the date of injury, divided by fifty-two (52),



- 1 except as follows:
- 2 (1) If the injured employee lost seven (7) or more calendar days
- 3 during this period, although not in the same week, then the
- 4 earnings for the remainder of the fifty-two (52) weeks shall be
- 5 divided by the number of weeks and parts thereof remaining after
- 6 the time lost has been deducted.
- 7 (2) Where the employment prior to the injury extended over a
- 8 period of less than fifty-two (52) weeks, the method of dividing
- 9 the earnings during that period by the number of weeks and parts
- 10 thereof during which the employee earned wages shall be
- 11 followed, if results just and fair to both parties will be obtained.
- 12 Where by reason of the shortness of the time during which the
- 13 employee has been in the employment of the employee's employer
- 14 or of the casual nature or terms of the employment it is
- 15 impracticable to compute the average weekly wages, as defined
- 16 in this subsection, regard shall be had to the average weekly
- 17 amount which during the fifty-two (52) weeks previous to the
- 18 injury was being earned by a person in the same grade employed
- 19 at the same work by the same employer or, if there is no person so
- 20 employed, by a person in the same grade employed in the same
- 21 class of employment in the same district.
- 22 (3) Wherever allowances of any character made to an employee
- 23 in lieu of wages are a specified part of the wage contract, they
- 24 shall be deemed a part of the employee's earnings.
- 25 (4) In computing the average weekly wages to be used in
- 26 calculating an award for permanent impairment under
- 27 IC 22-3-3-10 for a student employee in an approved training
- 28 program under IC 20-37-2-7 **or a work based learning program**
- 29 **(as defined in IC 20-20-38.6-3)**, the following formula shall be
- 30 used. Calculate the product of:
- 31 (A) the student employee's hourly wage rate; multiplied by
- 32 (B) forty (40) hours.
- 33 The result obtained is the amount of the average weekly wages for
- 34 the student employee.
- 35 (e) "Injury" and "personal injury" mean only injury by accident
- 36 arising out of and in the course of the employment and do not include
- 37 a disease in any form except as it results from the injury.
- 38 (f) "Billing review service" refers to a person or an entity that
- 39 reviews a medical service provider's bills or statements for the purpose
- 40 of determining pecuniary liability. The term includes an employer's
- 41 worker's compensation insurance carrier if the insurance carrier
- 42 performs such a review.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (1) This subdivision applies before July 1, 2014, to all medical
41 service providers, and after June 30, 2014, to a medical service
42 provider that is not a medical service facility. Payment of the



- 1 charges in a defined community, equal to or less than the charges
- 2 made by medical service providers at the eightieth percentile in
- 3 the same community for like services or products.
- 4 (2) Payment of the charges in a reasonable amount, which is
- 5 established by payment of one (1) of the following:
- 6 (A) The amount negotiated at any time between the medical
- 7 service facility and any of the following, if an amount has been
- 8 negotiated:
- 9 (i) The employer.
- 10 (ii) The employer's insurance carrier.
- 11 (iii) A billing review service on behalf of a person described
- 12 in item (i) or (ii).
- 13 (iv) A direct provider network that has contracted with a
- 14 person described in item (i) or (ii).
- 15 (B) Two hundred percent (200%) of the amount that would be
- 16 paid to the medical service facility on the same date for the
- 17 same service or product under the medical service facility's
- 18 Medicare reimbursement rate, if, after conducting the
- 19 negotiations described in clause (A), an agreement has not
- 20 been reached.
- 21 (l) "Service or product" or "services and products" refers to medical,
- 22 hospital, surgical, or nursing service, treatment, and supplies provided
- 23 under IC 22-3-2 through IC 22-3-6.
- 24 SECTION 6. IC 22-3-7-2.5 IS REPEALED [EFFECTIVE JULY 1,
- 25 2026]. Sec. 2-5: (a) As used in this section, "school to work student"
- 26 refers to a student participating in on-the-job training under the federal
- 27 School to Work Opportunities Act (20 U.S.C. 6101 et seq.).
- 28 (b) A school to work student is entitled to the following
- 29 compensation and benefits under this chapter:
- 30 (1) Medical benefits.
- 31 (2) Permanent partial impairment compensation under section 16
- 32 of this chapter. Permanent partial impairment compensation for
- 33 a school to work student shall be paid in a lump sum upon
- 34 agreement or final award.
- 35 (3) In the case that death results from the injury:
- 36 (A) death benefits in a lump sum amount of one hundred
- 37 seventy-five thousand dollars (\$175,000); payable upon
- 38 agreement or final award to any dependents of the student
- 39 under sections 11 through 14 of this chapter; or, if the student
- 40 has no dependents; to the student's parents; and
- 41 (B) burial compensation under section 15 of this chapter.
- 42 (c) For the sole purpose of modifying an award under section 27 of



1 this chapter; a school to work student's average weekly wage is
2 presumed to be equal to the federal minimum wage:

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

5 (1) Temporary total disability compensation under section 16 of
6 this chapter:

7 (2) Temporary partial disability compensation under section 19 of
8 this chapter:

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

11 (1) a school to work student; and

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

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

16 SECTION 7. IC 22-3-7-2.6 IS ADDED TO THE INDIANA CODE
17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
18 1, 2026]: **Sec. 2.6. (a) As used in this section, "work based learning
19 program" has the meaning set forth in IC 20-20-38.6-3.**

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

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

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

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

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

32 (A) Temporary total disability compensation under section
33 16 of this chapter.

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

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

42 (d) Except for remedies available under IC 5-2-6.1, recovery



1 **under this section is the exclusive right and remedy for:**

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

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

10 SECTION 8. IC 22-3-7-9, AS AMENDED BY P.L.160-2022,
 11 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2026]: Sec. 9. (a) As used in this chapter, "employer" includes
 13 the state and any political subdivision, any municipal corporation
 14 within the state, any individual or the legal representative of a deceased
 15 individual, firm, association, limited liability company, limited liability
 16 partnership, or corporation or the receiver or trustee of the same, using
 17 the services of another for pay. A corporation, limited liability
 18 company, or limited liability partnership that controls the activities of
 19 another corporation, limited liability company, or limited liability
 20 partnership, or a corporation and a limited liability company or a
 21 corporation and a limited liability partnership that are commonly
 22 owned entities, or the controlled corporation, limited liability company,
 23 limited liability partnership, or commonly owned entities, and a parent
 24 corporation and its subsidiaries shall each be considered joint
 25 employers of the corporation's, the controlled corporation's, the limited
 26 liability company's, the limited liability partnership's, the commonly
 27 owned entities', the parent's, or the subsidiaries' employees for purposes
 28 of sections 6 and 33 of this chapter. Both a lessor and a lessee of
 29 employees shall each be considered joint employers of the employees
 30 provided by the lessor to the lessee for purposes of sections 6 and 33
 31 of this chapter. The term also includes an employer that ~~provides~~
 32 ~~on-the-job training under the federal School to Work Opportunities Act~~
 33 ~~(20 U.S.C. 6101 et seq.) to the extent set forth under section 2.5 of this~~
 34 ~~chapter~~ **employs a student as part of a work based learning**
 35 **program to the extent set forth in section 2.6 of this chapter.** If the
 36 employer is insured, the term includes the employer's insurer so far as
 37 applicable. However, the inclusion of an employer's insurer within this
 38 definition does not allow an employer's insurer to avoid payment for
 39 services rendered to an employee with the approval of the employer.
 40 The term does not include a nonprofit corporation that is recognized as
 41 tax exempt under Section 501(c)(3) of the Internal Revenue Code (as
 42 defined in IC 6-3-1-11(a)) to the extent the corporation enters into an



1 independent contractor agreement with a person for the performance
2 of youth coaching services on a part-time basis.

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

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

13 (2) An owner of a sole proprietorship may elect to include the
14 owner as an employee under this chapter if the owner is actually
15 engaged in the proprietorship business. If the owner makes this
16 election, the owner must serve upon the owner's insurance carrier
17 and upon the board written notice of the election. No owner of a
18 sole proprietorship may be considered an employee under this
19 chapter unless the notice has been received. If the owner of a sole
20 proprietorship:

21 (A) is an independent contractor in the construction trades and
22 does not make the election provided under this subdivision,
23 the owner must obtain a certificate of exemption under section
24 34.5 of this chapter; or

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

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

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

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



- 1 (4) Real estate professionals are not employees under this chapter
 2 if:
 3 (A) they are licensed real estate agents;
 4 (B) substantially all their remuneration is directly related to
 5 sales volume and not the number of hours worked; and
 6 (C) they have written agreements with real estate brokers
 7 stating that they are not to be treated as employees for tax
 8 purposes.
- 9 (5) A person is an independent contractor in the construction
 10 trades and not an employee under this chapter if the person is an
 11 independent contractor under the guidelines of the United States
 12 Internal Revenue Service.
- 13 (6) An owner-operator that provides a motor vehicle and the
 14 services of a driver under a written contract that is subject to
 15 IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 376, to a motor
 16 carrier is not an employee of the motor carrier for purposes of this
 17 chapter. The owner-operator may elect to be covered and have the
 18 owner-operator's drivers covered under a worker's compensation
 19 insurance policy or authorized self-insurance that insures the
 20 motor carrier if the owner-operator pays the premiums as
 21 requested by the motor carrier. An election by an owner-operator
 22 under this subdivision does not terminate the independent
 23 contractor status of the owner-operator for any purpose other than
 24 the purpose of this subdivision.
- 25 ~~(7) An unpaid participant under the federal School to Work~~
 26 ~~Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the~~
 27 ~~extent set forth under section 2.5 of this chapter.~~
- 28 **(7) A student who performs services for an employer as part**
 29 **of a work based learning program, either paid or unpaid, is an**
 30 **employee to the extent set forth in section 2.6 of this chapter.**
- 31 (8) A person who enters into an independent contractor agreement
 32 with a nonprofit corporation that is recognized as tax exempt
 33 under Section 501(c)(3) of the Internal Revenue Code (as defined
 34 in IC 6-3-1-11(a)) to perform youth coaching services on a
 35 part-time basis is not an employee for purposes of this chapter.
- 36 (9) An officer of a corporation who is an employee of the
 37 corporation under this chapter may elect not to be an employee of
 38 the corporation under this chapter. An officer of a corporation
 39 who is also an owner of any interest in the corporation may elect
 40 not to be an employee of the corporation under this chapter. If an
 41 officer makes this election, the officer must serve written notice
 42 of the election on the corporation's insurance carrier and the



1 board. An officer of a corporation may not be considered to be
2 excluded as an employee under this chapter until the notice is
3 received by the insurance carrier and the board.

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

9 (c) As used in this chapter, "minor" means an individual who has
10 not reached seventeen (17) years of age. A minor employee shall be
11 considered as being of full age for all purposes of this chapter.
12 However, if the employee is a minor who, at the time of the last
13 exposure, is employed, required, suffered, or permitted to work in
14 violation of the employment of minors laws of this state, the amount of
15 compensation and death benefits, as provided in this chapter, shall be
16 double the amount which would otherwise be recoverable. The
17 insurance carrier shall be liable on its policy for one-half (1/2) of the
18 compensation or benefits that may be payable on account of the
19 disability or death of the minor, and the employer shall be wholly liable
20 for the other one-half (1/2) of the compensation or benefits. If the
21 employee is a minor who is not less than sixteen (16) years of age and
22 who has not reached seventeen (17) years of age, and who at the time
23 of the last exposure is employed, suffered, or permitted to work at any
24 occupation which is not prohibited by law, the provisions of this
25 subsection prescribing double the amount otherwise recoverable do not
26 apply. The rights and remedies granted to a minor under this chapter on
27 account of disease shall exclude all rights and remedies of the minor,
28 the minor's parents, the minor's personal representatives, dependents,
29 or next of kin at common law, statutory or otherwise, on account of any
30 disease.

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

41 (e) As used in this chapter, "disablement" means the event of
42 becoming disabled from earning full wages at the work in which the



1 employee was engaged when last exposed to the hazards of the
2 occupational disease by the employer from whom the employee claims
3 compensation or equal wages in other suitable employment, and
4 "disability" means the state of being so incapacitated.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



- 1 form for Medicare reimbursement:
- 2 (1) An ambulatory outpatient surgical center (as defined in
- 3 IC 16-18-2-14).
- 4 (2) A hospital (as defined in IC 16-18-2-179).
- 5 (3) A hospital based health facility (as defined in
- 6 IC 16-18-2-180).
- 7 (4) A medical center (as defined in IC 16-18-2-223.4).
- 8 (m) As used in this chapter, "pecuniary liability" means the
- 9 responsibility of an employer or the employer's insurance carrier for the
- 10 payment of the charges for each specific service or product for human
- 11 medical treatment provided under this chapter as follows:
- 12 (1) This subdivision applies before July 1, 2014, to all medical
- 13 service providers, and after June 30, 2014, to a medical service
- 14 provider that is not a medical service facility. Payment of the
- 15 charges in a defined community, equal to or less than the charges
- 16 made by medical service providers at the eightieth percentile in
- 17 the same community for like services or products.
- 18 (2) Payment of the charges in a reasonable amount, which is
- 19 established by payment of one (1) of the following:
- 20 (A) The amount negotiated at any time between the medical
- 21 service facility and any of the following, if an amount has been
- 22 negotiated:
- 23 (i) The employer.
- 24 (ii) The employer's insurance carrier.
- 25 (iii) A billing review service on behalf of a person described
- 26 in item (i) or (ii).
- 27 (iv) A direct provider network that has contracted with a
- 28 person described in item (i) or (ii).
- 29 (B) Two hundred percent (200%) of the amount that would be
- 30 paid to the medical service facility on the same date for the
- 31 same service or product under the medical service facility's
- 32 Medicare reimbursement rate, if, after conducting the
- 33 negotiations described in clause (A), an agreement has not
- 34 been reached.
- 35 (n) "Service or product" or "services and products" refers to
- 36 medical, hospital, surgical, or nursing service, treatment, and supplies
- 37 provided under this chapter.
- 38 SECTION 9. IC 27-7-19 IS ADDED TO THE INDIANA CODE AS
- 39 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 40 1, 2026]:
- 41 **Chapter 19. Insurance Coverage for Participants of Work**
- 42 **Based Learning Programs**



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

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

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

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

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

12 **(2) A student who is enrolled in a work based learning**
13 **program.**

14 **(3) An intermediary (as defined in IC 21-18-1-3.5).**

15 **(4) A school corporation (as defined in IC 20-18-2-16(a)).**

16 **(5) A charter school (as defined in IC 20-24-1-4).**

17 **Sec. 5. As used in this chapter, "work based learning program"**
18 **has the meaning set forth in IC 20-20-38.6-3.**

19 **Sec. 6. Any:**

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

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

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

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

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

35 (1) as a result of a written application, have been elected or
36 appointed to membership in a volunteer fire department; and

37 (2) have executed a pledge to faithfully perform, with or without
38 nominal compensation, the work related duties assigned and
39 orders given to the individuals by the chief of the volunteer fire
40 department or an officer of the volunteer fire department,
41 including orders or duties involving education and training.

42 "Employee" means a person in the service of another person under



1 a written or implied contract of hire or apprenticeship.

2 "Employer" means:

3 (1) a political subdivision;

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

6 (3) a firm;

7 (4) an association;

8 (5) a limited liability company; **or**

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

12 ~~(7) (6) a corporation or its receiver or trustee;~~

13 that uses the services of another person for pay.

14 "Essential employee" means an employee:

15 (1) who the employer has determined to be essential to the
16 operation of the employer's daily enterprise; and

17 (2) without whom the employer is likely to suffer economic injury
18 as a result of the absence of the essential employee.

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

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

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

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

28 "Volunteer firefighter" means a firefighter:

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

31 (2) who has executed a pledge to faithfully perform, with or
32 without nominal compensation, the work related duties assigned
33 and orders given to the firefighter by the chief of the volunteer
34 fire department or an officer of the volunteer fire department,
35 including orders or duties involving education and training as
36 prescribed by the volunteer fire department or the state; and

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

40 "Volunteer member" means a member of a volunteer emergency
41 medical services association connected with a unit as set forth in
42 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"

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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 IC 22-3-2-2.5.~~ **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]. 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) 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.



COMMITTEE REPORT

Mr. President: The Senate Committee on Insurance and Financial Institutions, to which was referred House Bill No. 1098, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 9, delete "Work Based Learning Intermediaries" and insert "**Agreements with Work Based Learning Employers**".

Page 1, delete lines 12 through 17.

Page 2, delete lines 1 through 27, begin a new paragraph and insert: "**Sec. 2. As used in this chapter, "school" means the following:**

- (1) **A school maintained by a school corporation.**
- (2) **A charter school.**

Sec. 3. (a) 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).**

(b) The term does not include the following:

- (1) **A virtual, remote, or online work based learning program in which the student performs activities primarily outside of an employer controlled physical worksite.**
- (2) **An activity that does not involve ongoing work responsibilities or recurring placement with an employer, such as a career awareness visit or field trip.**

Sec. 4. (a) If an intermediary, an industry talent association, or a school connects a student with an employer to obtain work experience as part of a work based learning program, the intermediary, industry talent association, or school and the employer shall enter into a written agreement under which the employer assumes responsibility for obtaining worker's compensation insurance coverage for any student who performs services for the employer as part of the work based learning program.

(b) An intermediary, an industry talent association, or a school may comply with subsection (a) by entering into an agreement with a third party employer of record."



Page 3, line 21, delete "refers to:" and insert **"has the meaning set forth in IC 20-20-38.6-3."**

Page 3, delete lines 22 through 29.

Page 8, line 34, delete "IC 22-3-2.2-2.6)" and insert **"IC 20-20-38.6-3)"**.

Page 9, line 37, delete "IC 22-3-2.2-2.6)," and insert **"IC 20-20-38.6-3),"**.

Page 12, line 27, delete "refers to:" and insert **"has the meaning set forth in IC 20-20-38.6-3."**

Page 12, delete lines 28 through 35.

Page 20, line 16, delete "Courses" and insert **"Programs"**.

Page 20, line 33, after "program"" insert **"has the meaning set forth in IC 20-20-38.6-3."**

Page 20, delete lines 34 through 42.

and when so amended that said bill do pass.

(Reference is to HB 1098 as printed January 20, 2026.)

BALDWIN, Chairperson

Committee Vote: Yeas 7, Nays 0.

