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# HOUSE BILL No. 1098

Proposed Changes to introduced printing by AM109801

## DIGEST OF PROPOSED AMENDMENT

Work based learning programs. Removes the definition of "work based learning course" and adds a definition for "work based learning program". 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. 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 compensation and benefits under the worker's compensation and worker's occupational diseases compensation laws. Repels provisions relating to the federal School to Work Opportunities Act. Adds a charter school to the definition of "participant" in the chapter regarding insurance coverage for participants of work based learning courses. Removes language that prohibits an insurer from taking certain actions relating to a policy of employer's liability insurance, worker's compensation insurance, or any other class of insurance to provide coverage for a participant of a work based learning course solely on the basis that a student to be covered under the policy is less than 18 years of age or is enrolled in a work based learning course.

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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  
7        CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS  
8        **[EFFECTIVE JULY 1, 2026]:**

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

2026

IN 1098—LS 6533/DI 141



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1 Sec. 1. As used in this chapter, "intermediary" has the  
 2 meaning set forth in IC 21-18-1-3.5.1

3 1Sec. 2. As used in this chapter, "work based learning  
 4 [program" refers to:

- 5 (1) an apprenticeship program (as defined in IC 20-43-8-0.3);
- 6 (2) a modern youth apprenticeship (as defined in
- 7 IC 20-51.4-2-9.5);
- 8 (3) a pre-apprenticeship program that meets the elements of
- 9 a quality pre-apprenticeship program established by the
- 10 United States Department of Labor; and
- 11 (4) a work based learning [course<" has the meaning set
- 12 forth>[ (as defined] in IC 20-43-8-0.7[D]).

13 Sec. 3. ~~The following apply~~ 1 If an intermediary  
 14 connects a student with an employer to obtain work experience as  
 15 part of a work based learning ~~course~~:

16 (1) T>[program, t]he intermediary is responsible for:

17 (A) obtaining>[and the employer shall enter into a  
 18 written agreement that sets forth the duties and  
 19 responsibilities of the intermediary and the employer  
 20 when participating in the work based learning program.

21 (b) An agreement under subsection (a) must specify the  
 22 allocation, to either the intermediary or the employer, of the  
 23 responsibility to obtain] employer liability insurance<,>[ and]  
 24 worker's compensation insurance<, and any other type of  
 25 insurance necessary for the student to perform work for the  
 26 employer; and

27 (B)>[.

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

32 ←→(↔[1]) any requirements for participation in the  
 33 work based learning <course>[program]; and  
 34 ←→(↔[2]) all applicable federal and state laws and  
 35 regulations.<

36 —(2) The employer is responsible for directing, supervising,  
 37 training, and controlling>[

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



1 business activities of the employer.«

2 ~~(3) The intermediary shall assume liability for any legal or  
3 administrative claims arising from the student's employment  
4 as part of the»~~

5 SECTION 3. IC 22-3-2-2.5 IS REPEALED [EFFECTIVE JULY  
6 1, 2026]. Sec. 2.5. (a) As used in this section, "school to work student"  
7 refers to a student participating in on-the-job training under the federal  
8 School to Work Opportunities Act (20 U.S.C. 6101 et seq.).

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

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

13 (2) Permanent partial impairment compensation under  
14 IC 22-3-3-10. Permanent partial impairment compensation for a  
15 school to work student shall be paid in a lump sum upon  
16 agreement or final award.

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

18 (A) death benefits in a lump sum amount of one hundred  
19 seventy-five thousand dollars (\$175,000), payable upon  
20 agreement or final award to any dependents of the student  
21 under IC 22-3-3-18 through IC 22-3-3-20; or, if the student  
22 has no dependents, to the student's parents; and

23 (B) burial compensation under IC 22-3-3-21.

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

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

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

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

32 (E) Except for remedies available under IC 5-2-6.1, recovery under  
33 subsection (B) is the exclusive right and remedy for:

34 (1) a school to work student; and

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

39 SECTION 4. IC 22-3-2-2.6 IS ADDED TO THE INDIANA CODE  
40 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
41 1, 2026]: Sec. 2.6. (a) As used in this section, "work based learning  
42 program" refers to:

2026

IN 1098—LS 6533/DI 141



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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.

8                   SECTION 3. (as defined in IC 20-43-8-0.7).

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

12                  (1) is entitled to compensation and benefits under IC 22-3-2  
 13                  through IC 22-3-6; and  
 14                  (2) may not recover any additional benefit otherwise payable  
 15                  as a result of being less than seventeen (17) years of age  
 16                  under the definition of a minor in IC 22-3-6-1.  
 17                  (c) The following apply if a student is unpaid for the services  
 18                  performed for an employer as part of a work based learning  
 19                  program:

20                  (1) The student is not entitled to the following compensation:  
 21                    (A) Temporary total disability compensation under  
 22                    IC 22-3-3-8.  
 23                    (B) Temporary partial disability compensation under  
 24                    IC 22-3-3-9.  
 25                  (2) In the case that death results from the injury, death  
 26                  benefits in a lump sum amount of one hundred seventy-five  
 27                  thousand dollars (\$175,000) shall be paid upon agreement or  
 28                  final award to any dependents of the student under  
 29                  IC 22-3-3-18 through IC 22-3-3-20, or, if the student has no  
 30                  dependents, to the student's parents.

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

33                  (1) a student who performs services for an employer as part  
 34                  of a work based learning program; and  
 35                  (2) the personal representatives, dependents, or next of kin,  
 36                  at common law or otherwise, of a student who performs  
 37                  services for an employer as part of a work based learning  
 38                  program;

39                  on account of personal injury or death by accident arising out of  
 40                  and in the course of employment as part of the work based learning  
 41                  program.

42                  SECTION 5. IC 22-3-6-1, AS AMENDED BY P.L.160-2022,



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

4 (a) "Employer" includes the state and any political subdivision,  
 5 any municipal corporation within the state, any individual or the legal  
 6 representative of a deceased individual, firm, association, limited  
 7 liability company, limited liability partnership, or corporation or the  
 8 receiver or trustee of the same, using the services of another for pay. A  
 9 corporation, limited liability company, or limited liability partnership  
 10 that controls the activities of another corporation, limited liability  
 11 company, or limited liability partnership, or a corporation and a limited  
 12 liability company or a corporation and a limited liability partnership  
 13 that are commonly owned entities, or the controlled corporation,  
 14 limited liability company, limited liability partnership, or commonly  
 15 owned entities, and a parent corporation and its subsidiaries shall each  
 16 be considered joint employers of the corporation's, the controlled  
 17 corporation's, the limited liability company's, the limited liability  
 18 partnership's, the commonly owned entities', the parent's, or the  
 19 subsidiaries' employees for purposes of IC 22-3-2-6 and IC 22-3-3-31.  
 20 Both a lessor and a lessee of employees shall each be considered joint  
 21 employers of the employees provided by the lessor to the lessee for  
 22 purposes of IC 22-3-2-6 and IC 22-3-3-31. If the employer is insured,  
 23 the term includes the employer's insurer so far as applicable. However,  
 24 the inclusion of an employer's insurer within this definition does not  
 25 allow an employer's insurer to avoid payment for services rendered to  
 26 an employee with the approval of the employer. The term also includes  
 27 an employer that provides on-the-job training under the federal School  
 28 to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set  
 29 forth in IC 22-3-2-2.5. **employs a student as part of a work based**  
 30 **learning program to the extent set forth in IC 22-3-2-2.6.** The term  
 31 does not include a nonprofit corporation that is recognized as tax  
 32 exempt under Section 501(c)(3) of the Internal Revenue Code (as  
 33 defined in IC 6-3-1-11(a)) to the extent the corporation enters into an  
 34 independent contractor agreement with a person for the performance  
 35 of youth coaching services on a part-time basis.

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

41 (1) An executive officer elected or appointed and empowered in  
 42 accordance with the charter and bylaws of a corporation, other



1       than a municipal corporation or governmental subdivision or a  
2       charitable, religious, educational, or other nonprofit corporation,  
3       is an employee of the corporation under IC 22-3-2 through  
4       IC 22-3-6. An officer of a corporation who is an employee of the  
5       corporation under IC 22-3-2 through IC 22-3-6 may elect not to  
6       be an employee of the corporation under IC 22-3-2 through  
7       IC 22-3-6. An officer of a corporation who is also an owner of  
8       any interest in the corporation may elect not to be an employee  
9       of the corporation under IC 22-3-2 through IC 22-3-6. If an  
10      officer makes this election, the officer must serve written notice  
11      of the election on the corporation's insurance carrier and the  
12      board. An officer of a corporation may not be considered to be  
13      excluded as an employee under IC 22-3-2 through IC 22-3-6  
14      until the notice is received by the insurance carrier and the  
15      board.

16      (2) An executive officer of a municipal corporation or other  
17      governmental subdivision or of a charitable, religious,  
18      educational, or other nonprofit corporation may, notwithstanding  
19      any other provision of IC 22-3-2 through IC 22-3-6, be brought  
20      within the coverage of its insurance contract by the corporation  
21      by specifically including the executive officer in the contract of  
22      insurance. The election to bring the executive officer within the  
23      coverage shall continue for the period the contract of insurance  
24      is in effect, and during this period, the executive officers thus  
25      brought within the coverage of the insurance contract are  
26      employees of the corporation under IC 22-3-2 through IC 22-3-6.  
27      (3) Any reference to an employee who has been injured, when  
28      the employee is dead, also includes the employee's legal  
29      representatives, dependents, and other persons to whom  
30      compensation may be payable.

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

40       (A) is an independent contractor in the construction trades  
41       and does not make the election provided under this  
42       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

2026

IN 1098—LS 6533/DI 141



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1 owner-operator for any purpose other than the purpose of this  
 2 subdivision.

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

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

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

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

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

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

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

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

38 (c) "Minor" means an individual who has not reached seventeen

39 (17) years of age.

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



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

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42 (2) Where the employment prior to the injury extended over a



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

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

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

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

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

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

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

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

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

41       (1) The geographic service area served by ZIP codes with the  
 42       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

2026

IN 1098—LS 6533/DI 141



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

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

### (1) Medical benefits.

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

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

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

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

## (2) Temporary partial disability compensation under section 19



of this chapter.

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

(1) a school to work student; and

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

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

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

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

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

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

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

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

2026

IN 1098—LS 6533/DI 141



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

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

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

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



1       tax exempt under Section 501(c)(3) of the Internal Revenue Code (as  
 2       defined in IC 6-3-1-11(a)) to the extent the corporation enters into an  
 3       independent contractor agreement with a person for the performance  
 4       of youth coaching services on a part-time basis.

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

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

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

23      (A) is an independent contractor in the construction trades  
 24      and does not make the election provided under this  
 25      subdivision, the owner must obtain a certificate of  
 26      exemption under section 34.5 of this chapter; or  
 27      (B) is an independent contractor and does not make the  
 28      election provided under this subdivision, the owner may  
 29      obtain a certificate of exemption under section 34.5 of this  
 30      chapter.

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

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



1                   election provided under this subdivision, the partner may  
 2                   obtain a certificate of exemption under section 34.5 of this  
 3                   chapter.

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

6                   (A) they are licensed real estate agents;  
 7                   (B) substantially all their remuneration is directly related to  
 8                   sales volume and not the number of hours worked; and  
 9                   (C) they have written agreements with real estate brokers  
 10                  stating that they are not to be treated as employees for tax  
 11                  purposes.

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

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

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

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

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

41                  (9) An officer of a corporation who is an employee of the  
 42                  corporation under this chapter may elect not to be an employee



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

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

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

36           (d) This chapter does not apply to casual laborers as defined in  
 37           subsection (b), nor to farm or agricultural employees, nor to household  
 38           employees, nor to railroad employees engaged in train service as  
 39           engineers, firemen, conductors, brakemen, flagmen, baggagemen, or  
 40           foremen in charge of yard engines and helpers assigned thereto, nor to  
 41           their employers with respect to these employees. Also, this chapter  
 42           does not apply to employees or their employers with respect to



1        employments in which the laws of the United States provide for  
 2        compensation or liability for injury to the health, disability, or death by  
 3        reason of diseases suffered by these employees.

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

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

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

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

28       (3) In all cases of occupational diseases caused by the inhalation  
 29       of asbestos dust, no compensation shall be payable unless  
 30       disablement, as defined in subsection (e), occurs within three (3)  
 31       years after the last day of the last exposure to the hazards of the  
 32       disease if the last day of the last exposure was before July 1,  
 33       1985.

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

40       (5) In all cases of occupational disease caused by the inhalation  
 41       of asbestos dust in which the last date of the last exposure occurs  
 42       on or after July 1, 1988, no compensation shall be payable unless



1                   disablement (as defined in subsection (e)) occurs within  
 2                   thirty-five (35) years after the last day of the last exposure.

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

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

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

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

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

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

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

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

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

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

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

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

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

41                   (8) The geographic service area served by ZIP codes with the  
 42                   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

2026

IN 1098—LS 6533/DI 141



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1       medical, hospital, surgical, or nursing service, treatment, and supplies  
 2       provided under this chapter.

3       **SECTION 91.** IC 27-7-19 IS ADDED TO THE INDIANA CODE  
 4       AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 5       JULY 1, 2026]:

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

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

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

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

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

17       (1) An employer that employs a student in a work based  
 18       learning ~~course~~ [program].

19       (2) A student who is enrolled in a work based learning  
 20       ~~course~~ [program].

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

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

23       **[5] A charter school (as defined in IC 20-24-1-4).**

24       **[1] Sec. 5.** As used in this chapter, "work based learning ~~course~~"  
 25       has the meaning set forth [program] refers to:

26       (1) an apprenticeship program (as defined) in  
 27       IC 20-43-8-0. ~~7.~~

28       **~~Sec. 6. An insurer that issues a policy of employer's liability  
 29       insurance, worker's compensation insurance, or any other class of  
 30       insurance described in IC 27-1-5-1 to provide coverage for a  
 31       participant may not:~~**

32       **~~(1) deny or refuse to issue;~~**

33       **~~(2) refuse to renew or reissue;~~**

34       **~~(3) add a surcharge to a premium for;~~**

35       **~~(4) impose exclusions of;~~**

36       **~~(5) require a participant to obtain supplemental or  
 37       alternative insurance coverage as a condition of; or~~**

38       **~~(6) otherwise terminate or restrict;~~**

39       **~~coverage under the policy solely on the basis that a student to be  
 40       covered under the policy is less than eighteen (18) years of age or  
 41       is enrolled in [3];~~**

42       **(2) a modern youth apprenticeship (as defined in**



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

7                   Sec. ~~6~~[6]. Any:

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

12                   (2) rating factor applied to a participant~~for a~~

13                   >[1] for a policy described in <section 6 of this chapter>[subdivision  
 14                   (1);

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

18                   Sec. 8. A policy provision or underwriting guideline that  
 19                   conflicts with this chapter is:

20                   (1) against public policy; and

21                   (2) void and unenforceable.]

22                   SECTION 10. IC 36-8-12-2, AS AMENDED BY P.L.10-2019,

23                   SECTION 139, IS AMENDED TO READ AS FOLLOWS

24                   [EFFECTIVE JULY 1, 2026]: Sec. 2. As used in this chapter:

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

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

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

37                   "Employer" means:

38                   (1) a political subdivision;

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

41                   (3) a firm;

42                   (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  
3-11-2-191(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

prescribed by the volunteer fire department of 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).

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2026

IN 1098—LS 6533/DI 141



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