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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. Repeals 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.

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.[]

3 []Sec. 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)].

13 Sec. 3. ~~<The following apply i>~~[(a) I]f 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



business activities of the employer.<

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

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 IC 22-3-2-2.5 IS REPEALED [EFFECTIVE JULY 1, 2026].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

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

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

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

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

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

(B) burial compensation under IC 22-3-3-21:

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

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

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

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

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

(1) a school to work student; and

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

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



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

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

(4) a] work based learning course←

—~~SECTION 3~~→ (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



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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



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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



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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.

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

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

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

(1) Medical benefits:

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

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

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

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

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

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

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

(2) Temporary partial disability compensation under section 19



of this chapter:

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

(1) a school to work student; and

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

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

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

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

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

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

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

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



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

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

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

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

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



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



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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



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



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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



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.

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

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

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

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

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

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 ~~<course>~~ [program].

(2) A student who is enrolled in a work based learning ~~<course>~~ [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 ~~<course" has the meaning set forth>~~ [program]" refers to:

(1) an apprenticeship program (as defined] in IC 20-43-8-0. <7.

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

~~— (1) deny or refuse to issue;~~

~~— (2) refuse to renew or reissue;~~

~~— (3) add a surcharge to a premium for;~~

~~— (4) impose exclusions of;~~

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

~~— (6) otherwise terminate or restrict;~~

~~coverage under the policy solely on the basis that a student to be covered under the policy is less than eighteen (18) years of age or is enrolled in >[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. ~~<7>~~ [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 ~~<section 6 of this chapter>~~ [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.<

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

~~— (1) against public policy; and~~

~~— (2) void and unenforceable.>]~~

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

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

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

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

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

"Employer" means:

(1) a political subdivision;

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

(3) a firm;

(4) an association;



1 (5) a limited liability company; or
 2 (6) an employer that provides on-the-job training under the
 3 federal School to Work Opportunities Act (20 U.S.C. 6101 et
 4 seq.) to the extent set forth in IC 22-3-2-2.5(a); or
 5 (7) (6) a corporation or its receiver or trustee;
 6 that uses the services of another person for pay.
 7 "Essential employee" means an employee:
 8 (1) who the employer has determined to be essential to the
 9 operation of the employer's daily enterprise; and
 10 (2) without whom the employer is likely to suffer economic
 11 injury as a result of the absence of the essential employee.
 12 "Nominal compensation" means annual compensation of not more
 13 than twenty thousand dollars (\$20,000).
 14 "Public servant" has the meaning set forth in IC 35-31.5-2-261.
 15 "Responsible party" has the meaning set forth in
 16 IC 13-11-2-191(d).
 17 "Volunteer fire department" means a department or association
 18 organized for the purpose of answering fire alarms, extinguishing fires,
 19 and providing other emergency services, the majority of members of
 20 which receive no compensation or nominal compensation for their
 21 services.
 22 "Volunteer firefighter" means a firefighter:
 23 (1) who, as a result of a written application, has been elected or
 24 appointed to membership in a volunteer fire department;
 25 (2) who has executed a pledge to faithfully perform, with or
 26 without nominal compensation, the work related duties assigned
 27 and orders given to the firefighter by the chief of the volunteer
 28 fire department or an officer of the volunteer fire department,
 29 including orders or duties involving education and training as
 30 prescribed by the volunteer fire department or the state; and
 31 (3) whose name has been entered on a roster of volunteer
 32 firefighters that is kept by the volunteer fire department and that
 33 has been approved by the proper officers of the unit.
 34 "Volunteer member" means a member of a volunteer emergency
 35 medical services association connected with a unit as set forth in
 36 IC 16-31-5-1(6).
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