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# HOUSE BILL No. 1098

AM109803 has been incorporated into January 20, 2026 printing.

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**Synopsis:** Work based learning liability.

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HB 1098—LS 6533/DI 141



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January 20, 2026

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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

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## HOUSE BILL No. 1098

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

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

- 1 SECTION 1. IC 20-20-38.5-5.5 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2026]: **Sec. 5.5. A policy to provide employer**
- 4 **liability and worker's compensation insurance coverage under this**
- 5 **chapter is subject to the requirements of IC 27-7-19.**
- 6 SECTION 2. IC 20-20-38.6 IS ADDED TO THE INDIANA
- 7 CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS
- 8 [EFFECTIVE JULY 1, 2026]:
- 9 **Chapter 38.6. Agreements with Work Based Learning**
- 10 **Employers**
- 11 **Sec. 1. As used in this chapter, "intermediary" has the**
- 12 **meaning set forth in IC 21-18-1-3.5.**
- 13 **Sec. 2. As used in this chapter, "school" means the following:**
- 14 **(1) A school maintained by a school corporation.**
- 15 **(2) A charter school.**
- 16 **Sec. 3. (a) As used in this chapter, "work based learning**
- 17 **program" refers to:**

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

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

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

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

28 SECTION 3. IC 22-3-2-2.5 IS REPEALED [EFFECTIVE JULY  
 29 1, 2026]. Sec. 2-5: (a) As used in this section, "school to work student"  
 30 refers to a student participating in on-the-job training under the federal  
 31 School to Work Opportunities Act (20 U.S.C. 6101 et seq.).

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

- 35 (1) Medical benefits under IC 22-3-2 through IC 22-3-6.
- 36 (2) Permanent partial impairment compensation under
- 37 IC 22-3-3-10. Permanent partial impairment compensation for a
- 38 school to work student shall be paid in a lump sum upon
- 39 agreement or final award.
- 40 (3) In the case that death results from the injury:
- 41 (A) death benefits in a lump sum amount of one hundred
- 42 seventy-five thousand dollars (\$175,000), payable upon

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1 agreement or final award to any dependents of the student  
 2 under IC 22-3-3-18 through IC 22-3-3-20; or, if the student  
 3 has no dependents; to the student's parents; and

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

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

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

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

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

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

15 (1) a school to work student; and

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

18 on account of personal injury or death by accident arising out of and in  
 19 the course of school to work employment.

20 SECTION 4. IC 22-3-2-2.6 IS ADDED TO THE INDIANA CODE  
 21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 22 1, 2026]: Sec. 2.6. (a) As used in this section, "work based learning  
 23 program" has the meaning set forth in IC 20-20-38.6-3.

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

27 (1) is entitled to compensation and benefits under IC 22-3-2  
 28 through IC 22-3-6; and

29 (2) may not recover any additional benefit otherwise payable  
 30 as a result of being less than seventeen (17) years of age  
 31 under the definition of a minor in IC 22-3-6-1.

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

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

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

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

40 (2) In the case that death results from the injury, death  
 41 benefits in a lump sum amount of one hundred seventy-five  
 42 thousand dollars (\$175,000) shall be paid upon agreement or

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1 final award to any dependents of the student under  
 2 IC 22-3-3-18 through IC 22-3-3-20, or, if the student has no  
 3 dependents, to the student's parents.  
 4 (d) Except for remedies available under IC 5-2-6.1, recovery  
 5 under this section is the exclusive right and remedy for:  
 6 (1) a student who performs services for an employer as part  
 7 of a work based learning program; and  
 8 (2) the personal representatives, dependents, or next of kin,  
 9 at common law or otherwise, of a student who performs  
 10 services for an employer as part of a work based learning  
 11 program;  
 12 on account of personal injury or death by accident arising out of  
 13 and in the course of employment as part of the work based learning  
 14 program.

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

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

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1 to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set  
 2 forth in IC 22-3-2-2.5. **employs a student as part of a work based**  
 3 **learning program to the extent set forth in IC 22-3-2-2.6.** The term  
 4 does not include a nonprofit corporation that is recognized as tax  
 5 exempt under Section 501(c)(3) of the Internal Revenue Code (as  
 6 defined in IC 6-3-1-11(a)) to the extent the corporation enters into an  
 7 independent contractor agreement with a person for the performance  
 8 of youth coaching services on a part-time basis.

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

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

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

42 (3) Any reference to an employee who has been injured, when

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

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- 1 (7) A person is an independent contractor and not an employee  
 2 under IC 22-3-2 through IC 22-3-6 if the person is an  
 3 independent contractor under the guidelines of the United States  
 4 Internal Revenue Service.
- 5 (8) An owner-operator that provides a motor vehicle and the  
 6 services of a driver under a written contract that is subject to  
 7 IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 376 to a motor  
 8 carrier is not an employee of the motor carrier for purposes of  
 9 IC 22-3-2 through IC 22-3-6. The owner-operator may elect to be  
 10 covered and have the owner-operator's drivers covered under a  
 11 worker's compensation insurance policy or authorized  
 12 self-insurance that insures the motor carrier if the  
 13 owner-operator pays the premiums as requested by the motor  
 14 carrier. An election by an owner-operator under this subdivision  
 15 does not terminate the independent contractor status of the  
 16 owner-operator for any purpose other than the purpose of this  
 17 subdivision.
- 18 (9) A member or manager in a limited liability company may  
 19 elect to include the member or manager as an employee under  
 20 IC 22-3-2 through IC 22-3-6 if the member or manager is  
 21 actually engaged in the limited liability company business. If a  
 22 member or manager makes this election, the member or manager  
 23 must serve upon the member's or manager's insurance carrier and  
 24 upon the board written notice of the election. A member or  
 25 manager may not be considered an employee under IC 22-3-2  
 26 through IC 22-3-6 until the notice has been received.
- 27 ~~(10) An unpaid participant under the federal School to Work~~  
 28 ~~Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the~~  
 29 ~~extent set forth in IC 22-3-2-2.5.~~
- 30 **(10) A student who performs services for an employer as**  
 31 **part of a work based learning program, either paid or**  
 32 **unpaid, is an employee to the extent set forth in**  
 33 **IC 22-3-2-2.6.**
- 34 (11) A person who enters into an independent contractor  
 35 agreement with a nonprofit corporation that is recognized as tax  
 36 exempt under Section 501(c)(3) of the Internal Revenue Code  
 37 (as defined in IC 6-3-1-11(a)) to perform youth coaching  
 38 services on a part-time basis is not an employee for purposes of  
 39 IC 22-3-2 through IC 22-3-6.
- 40 (12) An individual who is not an employee of the state or a  
 41 political subdivision is considered to be a temporary employee  
 42 of the state for purposes of IC 22-3-2 through IC 22-3-6 while

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1 serving as a member of a mobile support unit on duty for  
 2 training, an exercise, or a response, as set forth in  
 3 IC 10-14-3-19(c)(2)(B).  
 4 (13) A driver providing drive away operations is an independent  
 5 contractor and not an employee when:  
 6 (A) the vehicle being driven is the commodity being  
 7 delivered; and  
 8 (B) the driver has entered into an agreement with the party  
 9 arranging for the transportation that specifies the driver is  
 10 an independent contractor and not an employee.  
 11 (c) "Minor" means an individual who has not reached seventeen  
 12 (17) years of age.  
 13 (1) Unless otherwise provided in this subsection, a minor  
 14 employee shall be considered as being of full age for all  
 15 purposes of IC 22-3-2 through IC 22-3-6.  
 16 (2) If the employee is a minor who, at the time of the accident,  
 17 is employed, required, suffered, or permitted to work in violation  
 18 of IC 22-2-18-40 (before its expiration on June 30, 2021) and  
 19 IC 22-2-18.1-23, the amount of compensation and death benefits,  
 20 as provided in IC 22-3-2 through IC 22-3-6, shall be double the  
 21 amount which would otherwise be recoverable. The insurance  
 22 carrier shall be liable on its policy for one-half (1/2) of the  
 23 compensation or benefits that may be payable on account of the  
 24 injury or death of the minor, and the employer shall be liable for  
 25 the other one-half (1/2) of the compensation or benefits. If the  
 26 employee is a minor who is not less than sixteen (16) years of  
 27 age and who has not reached seventeen (17) years of age and  
 28 who at the time of the accident is employed, suffered, or  
 29 permitted to work at any occupation which is not prohibited by  
 30 law, this subdivision does not apply.  
 31 (3) A minor employee who, at the time of the accident, is a  
 32 student performing services for an employer as part of an  
 33 approved program under IC 20-37-2-7 **or a work based**  
 34 **learning program (as defined in IC 20-20-38.6-3)** shall be  
 35 considered a full-time employee for the purpose of computing  
 36 compensation for permanent impairment under IC 22-3-3-10.  
 37 The average weekly wages for such a student shall be calculated  
 38 as provided in subsection (d)(4).  
 39 (4) The rights and remedies granted in this subsection to a minor  
 40 under IC 22-3-2 through IC 22-3-6 on account of personal injury  
 41 or death by accident shall exclude all rights and remedies of the  
 42 minor, the minor's parents, or the minor's personal

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1           representatives, dependents, or next of kin at common law,  
2           statutory or otherwise, on account of the injury or death. This  
3           subsection does not apply to minors who have reached seventeen  
4           (17) years of age.

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

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

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

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

33           (4) In computing the average weekly wages to be used in  
34           calculating an award for permanent impairment under  
35           IC 22-3-3-10 for a student employee in an approved training  
36           program under IC 20-37-2-7 **or a work based learning**  
37           **program (as defined in IC 20-20-38.6-3)**, the following  
38           formula shall be used. Calculate the product of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 (4) A medical center (as defined in IC 16-18-2-223.4).  
2 (k) "Pecuniary liability" means the responsibility of an employer  
3 or the employer's insurance carrier for the payment of the charges for  
4 each specific service or product for human medical treatment provided  
5 under IC 22-3-2 through IC 22-3-6, as follows:  
6 (1) This subdivision applies before July 1, 2014, to all medical  
7 service providers, and after June 30, 2014, to a medical service  
8 provider that is not a medical service facility. Payment of the  
9 charges in a defined community, equal to or less than the charges  
10 made by medical service providers at the eightieth percentile in  
11 the same community for like services or products.  
12 (2) Payment of the charges in a reasonable amount, which is  
13 established by payment of one (1) of the following:  
14 (A) The amount negotiated at any time between the medical  
15 service facility and any of the following, if an amount has  
16 been negotiated:  
17 (i) The employer.  
18 (ii) The employer's insurance carrier.  
19 (iii) A billing review service on behalf of a person  
20 described in item (i) or (ii).  
21 (iv) A direct provider network that has contracted with  
22 a person described in item (i) or (ii).  
23 (B) Two hundred percent (200%) of the amount that would  
24 be paid to the medical service facility on the same date for  
25 the same service or product under the medical service  
26 facility's Medicare reimbursement rate, if, after conducting  
27 the negotiations described in clause (A), an agreement has  
28 not been reached.  
29 (l) "Service or product" or "services and products" refers to  
30 medical, hospital, surgical, or nursing service, treatment, and supplies  
31 provided under IC 22-3-2 through IC 22-3-6.  
32 SECTION 6. IC 22-3-7-2.5 IS REPEALED [EFFECTIVE JULY  
33 1, 2026]. Sec. 2.5: (a) As used in this section, "school to work student"  
34 refers to a student participating in on-the-job training under the federal  
35 School to Work Opportunities Act (20 U.S.C. 6101 et seq.).  
36 (b) A school to work student is entitled to the following  
37 compensation and benefits under this chapter:  
38 (1) Medical benefits.  
39 (2) Permanent partial impairment compensation under section 16  
40 of this chapter. Permanent partial impairment compensation for  
41 a school to work student shall be paid in a lump sum upon  
42 agreement or final award.

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

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**section 16 of this chapter.**

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

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

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

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

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

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

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1 **chapter employs a student as part of a work based learning**  
 2 **program to the extent set forth in section 2.6 of this chapter.** If the  
 3 employer is insured, the term includes the employer's insurer so far as  
 4 applicable. However, the inclusion of an employer's insurer within this  
 5 definition does not allow an employer's insurer to avoid payment for  
 6 services rendered to an employee with the approval of the employer.  
 7 The term does not include a nonprofit corporation that is recognized as  
 8 tax exempt under Section 501(c)(3) of the Internal Revenue Code (as  
 9 defined in IC 6-3-1-11(a)) to the extent the corporation enters into an  
 10 independent contractor agreement with a person for the performance  
 11 of youth coaching services on a part-time basis.

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

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

22 (2) An owner of a sole proprietorship may elect to include the  
 23 owner as an employee under this chapter if the owner is actually  
 24 engaged in the proprietorship business. If the owner makes this  
 25 election, the owner must serve upon the owner's insurance  
 26 carrier and upon the board written notice of the election. No  
 27 owner of a sole proprietorship may be considered an employee  
 28 under this chapter unless the notice has been received. If the  
 29 owner of a sole proprietorship:

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

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

38 (3) A partner in a partnership may elect to include the partner as  
 39 an employee under this chapter if the partner is actually engaged  
 40 in the partnership business. If a partner makes this election, the  
 41 partner must serve upon the partner's insurance carrier and upon  
 42 the board written notice of the election. No partner may be

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1 considered an employee under this chapter until the notice has  
2 been received. If a partner in a partnership:

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

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

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

13 (A) they are licensed real estate agents;

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

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

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

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

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

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

42 (8) A person who enters into an independent contractor

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1 agreement with a nonprofit corporation that is recognized as tax  
 2 exempt under Section 501(c)(3) of the Internal Revenue Code  
 3 (as defined in IC 6-3-1-11(a)) to perform youth coaching  
 4 services on a part-time basis is not an employee for purposes of  
 5 this chapter.  
 6 (9) An officer of a corporation who is an employee of the  
 7 corporation under this chapter may elect not to be an employee  
 8 of the corporation under this chapter. An officer of a corporation  
 9 who is also an owner of any interest in the corporation may elect  
 10 not to be an employee of the corporation under this chapter. If an  
 11 officer makes this election, the officer must serve written notice  
 12 of the election on the corporation's insurance carrier and the  
 13 board. An officer of a corporation may not be considered to be  
 14 excluded as an employee under this chapter until the notice is  
 15 received by the insurance carrier and the board.  
 16 (10) An individual who is not an employee of the state or a  
 17 political subdivision is considered to be a temporary employee  
 18 of the state for purposes of this chapter while serving as a  
 19 member of a mobile support unit on duty for training, an  
 20 exercise, or a response, as set forth in IC 10-14-3-19(c)(2)(B).  
 21 (c) As used in this chapter, "minor" means an individual who has  
 22 not reached seventeen (17) years of age. A minor employee shall be  
 23 considered as being of full age for all purposes of this chapter.  
 24 However, if the employee is a minor who, at the time of the last  
 25 exposure, is employed, required, suffered, or permitted to work in  
 26 violation of the employment of minors laws of this state, the amount of  
 27 compensation and death benefits, as provided in this chapter, shall be  
 28 double the amount which would otherwise be recoverable. The  
 29 insurance carrier shall be liable on its policy for one-half (1/2) of the  
 30 compensation or benefits that may be payable on account of the  
 31 disability or death of the minor, and the employer shall be wholly liable  
 32 for the other one-half (1/2) of the compensation or benefits. If the  
 33 employee is a minor who is not less than sixteen (16) years of age and  
 34 who has not reached seventeen (17) years of age, and who at the time  
 35 of the last exposure is employed, suffered, or permitted to work at any  
 36 occupation which is not prohibited by law, the provisions of this  
 37 subsection prescribing double the amount otherwise recoverable do not  
 38 apply. The rights and remedies granted to a minor under this chapter on  
 39 account of disease shall exclude all rights and remedies of the minor,  
 40 the minor's parents, the minor's personal representatives, dependents,  
 41 or next of kin at common law, statutory or otherwise, on account of any  
 42 disease.

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

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

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

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

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

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

41 (4) In all cases of occupational disease caused by the inhalation  
42 of asbestos dust in which the last date of the last exposure occurs

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1 on or after July 1, 1985, and before July 1, 1988, no  
 2 compensation shall be payable unless disablement, as defined in  
 3 subsection (e), occurs within twenty (20) years after the last day  
 4 of the last exposure.

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

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

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

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

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

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

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

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

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

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

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

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

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- 1 first three (3) digits 460, 461 (except 46107), and 473.
- 2 (6) The geographic service area served by the 46107 ZIP code
- 3 and ZIP codes with the first three (3) digits 462.
- 4 (7) The geographic service area served by ZIP codes with the
- 5 first three (3) digits 470, 471, 472, 474, and 478.
- 6 (8) The geographic service area served by ZIP codes with the
- 7 first three (3) digits 475, 476, and 477.
- 8 (k) As used in this chapter, "medical service provider" refers to a
- 9 person or an entity that provides services or products to an employee
- 10 under this chapter. Except as otherwise provided in this chapter, the
- 11 term includes a medical service facility.
- 12 (l) As used in this chapter, "medical service facility" means any of
- 13 the following that provides a service or product under this chapter and
- 14 uses the CMS 1450 (UB-04) form or the CMS 1500 (HCFA-1500)
- 15 form for Medicare reimbursement:
- 16 (1) An ambulatory outpatient surgical center (as defined in
- 17 IC 16-18-2-14).
- 18 (2) A hospital (as defined in IC 16-18-2-179).
- 19 (3) A hospital based health facility (as defined in
- 20 IC 16-18-2-180).
- 21 (4) A medical center (as defined in IC 16-18-2-223.4).
- 22 (m) As used in this chapter, "pecuniary liability" means the
- 23 responsibility of an employer or the employer's insurance carrier for the
- 24 payment of the charges for each specific service or product for human
- 25 medical treatment provided under this chapter as follows:
- 26 (1) This subdivision applies before July 1, 2014, to all medical
- 27 service providers, and after June 30, 2014, to a medical service
- 28 provider that is not a medical service facility. Payment of the
- 29 charges in a defined community, equal to or less than the charges
- 30 made by medical service providers at the eightieth percentile in
- 31 the same community for like services or products.
- 32 (2) Payment of the charges in a reasonable amount, which is
- 33 established by payment of one (1) of the following:
- 34 (A) The amount negotiated at any time between the medical
- 35 service facility and any of the following, if an amount has
- 36 been negotiated:
- 37 (i) The employer.
- 38 (ii) The employer's insurance carrier.
- 39 (iii) A billing review service on behalf of a person
- 40 described in item (i) or (ii).
- 41 (iv) A direct provider network that has contracted with
- 42 a person described in item (i) or (ii).

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

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

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

13 **Chapter 19. Insurance Coverage for Participants of Work**  
14 **Based Learning Programs**

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

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

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

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

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

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

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

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

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

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

33 **Sec. 6. Any:**

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

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

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

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

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

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

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

16 "Employer" means:

- 17 (1) a political subdivision;  
 18 (2) an individual or the legal representative of a deceased  
 19 individual;  
 20 (3) a firm;  
 21 (4) an association;  
 22 (5) a limited liability company; **or**  
 23 ~~(6) an employer that provides on-the-job training under the~~  
 24 ~~federal School to Work Opportunities Act (20 U.S.C. 6101 et~~  
 25 ~~seq.) to the extent set forth in IC 22-3-2-2.5(a); or~~  
 26 ~~(7)~~ **(6)** a corporation or its receiver or trustee;

27 that uses the services of another person for pay.

28 "Essential employee" means an employee:

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

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

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

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

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

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1 "Volunteer firefighter" means a firefighter:  
2 (1) who, as a result of a written application, has been elected or  
3 appointed to membership in a volunteer fire department;  
4 (2) who has executed a pledge to faithfully perform, with or  
5 without nominal compensation, the work related duties assigned  
6 and orders given to the firefighter by the chief of the volunteer  
7 fire department or an officer of the volunteer fire department,  
8 including orders or duties involving education and training as  
9 prescribed by the volunteer fire department or the state; and  
10 (3) whose name has been entered on a roster of volunteer  
11 firefighters that is kept by the volunteer fire department and that  
12 has been approved by the proper officers of the unit.  
13 "Volunteer member" means a member of a volunteer emergency  
14 medical services association connected with a unit as set forth in  
15 IC 16-31-5-1(6).

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