

# PROPOSED AMENDMENT

## HB 1302 # 4

### DIGEST

Age discrimination. Transfers the administration of certain age discrimination provisions from the Indiana department of labor to the civil rights commission.

---

- 1           Page 2, between lines 13 and 14, begin a new paragraph and insert:  
2           "SECTION 2. IC 22-9-2-5 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. The ~~commissioner~~  
4           ~~of labor~~ **civil rights commission** shall investigate all complaints of  
5           discrimination, and ~~for such purpose the commissioner in doing so~~  
6           shall have full power and authority:  
7                 (1) to receive, investigate and pass upon charges of discrimination  
8                 against any person employed within the state; and  
9                 (2) to enter any place of business or employment within the state  
10                for the purpose of examination and making a transcript of records  
11                in any way appertaining to or having a bearing upon the question  
12                of the age of any person so employed.  
13           SECTION 3. IC 22-9-2-6, AS AMENDED BY P.L.136-2018,  
14           SECTION 127, IS AMENDED TO READ AS FOLLOWS  
15           [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) Every person shall keep true  
16           and accurate records of the ages of all persons employed by the person  
17           as reported by each employee, and shall upon demand furnish to the  
18           ~~commissioner of labor,~~ **civil rights commission**, or to the authorized  
19           representative of the ~~commissioner of labor,~~ **commission**, a true copy  
20           of any ~~such~~ record, verified upon oath. ~~Such record~~ **Records** shall be  
21           open to investigation by the ~~commissioner~~ **commission** at any  
22           reasonable time.  
23                 (b) If on all the testimony taken, the ~~commissioner of labor~~ **civil**  
24                 **rights commission** ~~shall make~~ **makes** a preliminary determination that  
25                 the employer has engaged in or is engaging in unfair employment  
26                 practices, the ~~commissioner~~ **commission** shall endeavor to eliminate  
27                 ~~such~~ **the** unfair employment practices by informal methods of

1 conference, conciliation and persuasion. If voluntary compliance  
 2 cannot be obtained, the ~~commissioner of labor~~ **commission** shall be  
 3 ~~empowered to~~ **may** issue a complaint stating the charges and giving not  
 4 less than ten (10) days' notice of hearing before the ~~commissioner of~~  
 5 ~~labor~~ **commission** at a place fixed in the notice.

6 (c) Any complaint issued pursuant to this section must be ~~so~~ issued  
 7 within four (4) months after the alleged unfair employment practices  
 8 were committed. The respondent ~~shall have~~ **has** the right to file an  
 9 answer to ~~such a~~ complaint and may appear at ~~such the~~ hearing with  
 10 or without counsel to present evidence and to examine and  
 11 cross-examine witnesses. Upon the completion of testimony at ~~such the~~  
 12 hearing, if determination is made that unfair practices were committed,  
 13 the ~~commissioner of labor civil rights~~ **commission** shall state ~~the~~  
 14 ~~commissioner's~~ **its** findings of fact and if ~~satisfied therewith,~~ **may issue**  
 15 ~~the commissioner's finding that~~ **may include a statement if** the  
 16 employer has ceased to engage in unfair employment practices.

17 SECTION 4. IC 22-9-2-7 IS AMENDED TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2026]: Sec. 7. If:

- 19 (1) the ~~commissioner of labor~~ shall ~~find~~ **civil rights commission**  
 20 **finds** no probable cause exists to substantiate the charges; or  
 21 (2) ~~if~~ upon all the evidence, ~~he~~ shall ~~find~~ **the civil rights**  
 22 **commission finds** that an employer has not engaged in unfair  
 23 employment practices;

24 the ~~commissioner of labor~~ **commission** shall state in writing ~~his~~  
 25 findings of fact and shall issue ~~and cause to be served on the~~  
 26 ~~complainant~~ an order dismissing the ~~said~~ complaint as to ~~such~~ **against**  
 27 **the employer. The commission shall serve the order of dismissal on**  
 28 **the complainant."**

29 Renumber all SECTIONS consecutively.

(Reference is to HB 1302 as printed January 22, 2026.)