

PROPOSED AMENDMENT

SB 264 # 1

DIGEST

Liability. Limits civil liability for employers of individuals holding a certificate of exemption in certain cases.

1 Page 3, between lines 35 and 36, begin a new paragraph and insert:

2 **"(h) An employer of an individual holding an effective certificate**
3 **of compliance is immune from civil liability in an action brought by**
4 **the individual if the claim is based on personal injury or death by**
5 **accident arising out of and in the course of the employment. This**
6 **subsection does not apply if the conduct constitutes gross**
7 **negligence or intentional, wanton, or willful misconduct."**

8 Page 19, after line 11, begin a new paragraph and insert:

9 **"(h) An employer of an individual holding an effective certificate**
10 **of compliance is immune from civil liability in an action brought by**
11 **the individual if the claim is based on disablement or death by**
12 **occupational disease arising out of and in the course of the**
13 **employment. This subsection does not apply if the conduct**
14 **constitutes gross negligence or intentional, wanton, or willful**
15 **misconduct.**

16 SECTION 6. IC 34-30-2.1-296.5 IS ADDED TO THE INDIANA
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2024]: **Sec. 296.5. IC 22-3-5-1.5 (Concerning**
19 **employers of individuals who hold an effective certificate of**
20 **exemption).**

21 SECTION 7. IC 34-30-2.1-296.7 IS ADDED TO THE INDIANA
22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2024]: **Sec. 296.7. IC 22-3-7-34.2 (Concerning**
24 **employers of individuals who hold an effective certificate of**
25 **exemption)."**

(Reference is to SB 264 as introduced.)