

No. 1999-67

AN ACT

HB 1675

Amending the act of May 13, 1915 (P.L.286, No.177), entitled, as amended, "An act to provide for the health, safety, and welfare of minors: By forbidding their employment or work in certain establishments and occupations, and under certain specified ages; by restricting their hours of labor, and regulating certain conditions of their employment; by requiring employment certificates or transferable work permits for certain minors, and prescribing the kinds thereof, and the rules for the issuance, reissuance, filing, return, and recording of the same; by providing that the Industrial Board shall, under certain conditions, determine and declare whether certain occupations are within the prohibitions of this act; requiring certain abstracts and notices to be posted; providing for the enforcement of this act by the Secretary of Labor and Industry, the representative of school districts, and police officers; and defining the procedure in prosecutions thereunder, and establishing certain presumptions in relation thereto; providing for the issuance of special permits for minors engaging in the entertainment and related fields; providing penalties for the violation of the provisions thereof; and repealing all acts or parts of acts inconsistent therewith," further providing for employment of children at establishments where alcoholic beverages or malt liquor is sold.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 5 of the act of May 13, 1915 (P.L.286, No.177), known as the Child Labor Law, amended August 23, 1961 (P.L.1107, No.494) and October 4, 1989 (P.L.584, No.62), is amended to read:

Section 5. No minor under sixteen years of age shall be employed or permitted to work in, about, or in connection with, any manufacturing or mechanical occupation or process; nor on scaffolding; nor in heavy work in the building trades; nor in stripping or assorting tobacco; nor in any tunnel; nor upon any railroad, steam, electric or otherwise; nor upon any boat engaged in the transportation of passengers or merchandise; nor in operating motor-vehicles of any description; nor in any anthracite or bituminous coal-mine, or in any other mine.

No minor under eighteen years of age shall be employed or permitted to work in the operation or management of hoisting machines, in oiling or cleaning machinery, in motion; at switch-tending, at gate-tending, at track-repairing; as a brakeman, fireman, engineer, or motorman or conductor, upon a railroad or railway; as a pilot, fireman, or engineer upon any boat or vessel; in the manufacture of paints, colors or white lead in any capacity; in preparing compositions in which dangerous leads or acids are used; in the manufacture or use of dangerous or poisonous dyes; in any dangerous occupation in or about any mine; nor in or about any establishment wherein gunpowder, nitroglycerine, dynamite, or other high or dangerous explosive is manufactured or compounded: Provided, That minors age fourteen and over

may operate power lawn mowing equipment: And provided further, That such minors may be employed in bowling centers as snack bar attendants, porters, control desk clerks and scorer attendants: And provided further, That such minors may work where such chemicals, compounds, dyes and acids are utilized in the course of experiments and testing procedures, in such circumstances and under such conditions and safeguards as may be specified by rule or regulation of the Department of Labor and Industry.

No minor under eighteen years of age shall be employed or permitted to work in, about, or in connection with, any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, sold, or dispensed; nor in a pool or billiard room: Provided, That male or female minors sixteen years of age and over may be employed and permitted to work that part of a motel, restaurant, club or hotel in which liquor or malt or brewed beverages are not served: And, provided further, That minors sixteen years of age and over may be employed to serve food, clear tables and perform other duties, not to include the dispensing or serving of alcoholic beverages, in any licensed establishment whose sales of food and nonalcoholic beverages are equal to forty per cent or more of the combined gross sales of both food and alcoholic beverages. Before employing any minor sixteen years of age and over, any establishment licensed by the Liquor Control Board shall furnish to the school district official authorized to issue employment certificates a certification that, for a period of not less than ninety consecutive days during the twelve months immediately preceding the date of application, the sales of food and nonalcoholic beverages by the employer at the licensed premises were equal to or exceeded forty per cent of the combined gross sales of food, nonalcoholic and alcoholic beverages in conformity with the requirements set forth in Regulation 141 of the Liquor Control Board governing the sale of alcoholic beverages on Sunday. *Nothing in this section should be construed as prohibiting minors fourteen and fifteen years of age to be employed at ski resorts, golf courses and amusement parks as long as they are not permitted to serve or handle alcoholic beverages and as long as they do not work in any room in which alcohol is being served or stored.*

No minor shall be employed or permitted to serve or handle alcoholic liquor in any establishment where alcoholic liquors are sold or dispensed; nor be employed or permitted to work in violation of the laws relating to the operation of motor vehicles by minors.

In addition to the foregoing, it shall be unlawful for any minor under eighteen years of age to be employed or permitted to work in any occupation dangerous to the life or limb, or injurious to the health or morals, of the said minor, as such occupations shall, from time to time, after public hearing thereon, be determined and declared by the Industrial Board of the Department of Labor and Industry: Provided, That if it should be hereafter held by the courts of this Commonwealth that the power herein sought to be

granted to the said board is for any reason invalid, such holding shall not be taken in any case to affect or impair the remaining provisions of this section.

Section 2. Section 23 of the act, amended December 21, 1988 (P.L.1908, No.192), is amended to read:

Section 23. Any person, or any agent or manager for any person, who shall violate any of the provisions of this act, or who shall compel or permit any minor to violate any of the provisions of this act, or who shall hinder or delay any officer in the performance of his duty in the enforcement of this act, shall, upon conviction thereof, be sentenced to pay a fine, for a first offense, of not less than **[one hundred (\$100.00)]** *two hundred (\$200.00)* dollars nor more than **[three hundred (\$300.00)]** *four hundred (\$400.00)* dollars, and, on a subsequent offense, to pay a fine of not less than **[two hundred fifty (\$250.00)]** *seven hundred fifty (\$750.00)* dollars nor more than **[one thousand (\$1,000.00)]** *one thousand five hundred (\$1,500.00)* dollars, or to undergo an imprisonment of not more than ten days, or both, at the discretion of the court.

Section 3. This act shall take effect in 60 days.

APPROVED—The 15th day of December, A.D. 1999.

THOMAS J. RIDGE