

No. 2002-161

AN ACT

HB 974

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 regulated employment; and providing for youth peddling.

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

Section 1. Section 1 of the act of May 13, 1915 (P.L.286, No.177), known as the Child Labor Law, is amended by adding a definition to read:

Section 1. Be it enacted, &c., That wherever the term "establishment" is used in this act, it shall mean any place within this Commonwealth where work is done for compensation of any kind, to whomever payable: Provided, That this act shall not apply to children employed on the farm, or in domestic service in private homes.

* * *

The term "youth peddling," when used in this act, shall mean the selling of goods or services by minors to customers at their residences, places of business or public places, including, but not limited to, street corners, roadway medians, sports and performing arts facilities, public transportation stations, sales from vehicles or the placement of advertisements or literature outside of fixed retail locations. The term shall not include minors who sell products, goods or services as volunteers without compensation on behalf of nonprofit organizations, including, but not limited to, organizations that qualify as nonprofit under section 501(c) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.) and that meet the registration requirements established by regulations of the Commonwealth, minors engaged in the delivery of newspapers to consumers at their residence or place of business or minors employed at fixed retail locations in compliance with the provisions of the Fair Labor Standards Act of 1938 (52 Stat. 1060, 29 U.S.C. § 201 et seq.). The term also shall not include minors who sell

products, goods or services under the immediate supervision of a parent or legal guardian and do not reside away from their home while engaged in the sales activity.

Section 2. Section 4 of the act, amended October 4, 1989 (P.L.584, No.62), is amended to read:

Section 4. No minor under eighteen years of age shall be employed or permitted to work in, about, or in connection with any establishment, or in any occupation, for more than six consecutive days in any one week, or more than forty-four hours in any one week, or more than eight hours in any one day: Provided, That messengers employed by telegraph companies at offices where only one such minor is employed as a messenger in which case such minor shall not be employed for more than six consecutive days in any one week, or more than fifty-one hours in any one week, or more than nine hours in any one day: And provided further, That no minor under eighteen years of age, who is enrolled in regular day school and working outside school hours, shall be employed or permitted to work for more than twenty-eight hours during a school week.

No minor under sixteen years of age shall be employed or permitted to work in, about, or in connection with, any establishment or in any occupation before seven o'clock in the morning or after seven o'clock in the evening of any day except during school vacation period from June to Labor Day when such minor may work between the hours of seven o'clock in the morning and ten o'clock in the evening nor shall such a minor who is enrolled in school and working outside school hours be employed or permitted to work in, about, or in connection with, any establishment or in any occupation more than four hours on a school day, or more than eight hours on any other day, or more than eighteen hours during a school week: Provided, That, students fourteen years of age and over whose employment is part of a recognized school-work program, supervised by a recognized school authority, may be employed for hours which, combined with the hours spent in school, do not exceed eight a day. **[And further provided, That minors over the age of fourteen may be employed in the distribution, sale, exposing or offering for sale, of any newspaper, magazine, periodical or other publication for not more than fifty-one hours in any one week, or more than nine hours in any one day, and after six o'clock in the morning and before eight o'clock in the evening:]** And further provided, That a minor under sixteen years of age employed on a farm by a person other than the farmer in the hatching, raising or harvesting of poultry may be employed or permitted to work until 10 o'clock in the evening as long as the minor is not working in an agricultural occupation declared hazardous by the United States Secretary of Labor.

No minor under eighteen years of age shall be employed or permitted to work for more than five hours continuously in, about, or in connection with, any establishment without an interval of at least thirty minutes for a lunch

period and no period of less than thirty minutes shall be deemed to interrupt a continuous period of work.

No minor under eighteen years of age shall be employed or permitted to work in, about, or in connection with, any establishment between the hours of twelve in the evening and six in the morning if such minor is enrolled in regular day school: Provided, That, minors sixteen and seventeen years of age may be employed until, but not after, one o'clock in the morning on Fridays and Saturdays, and on days preceding a school vacation occurring during the school year, excepting the last day of such vacation period.

Notwithstanding any other provision of this section, a minor who is sixteen or seventeen years of age who is employed during the months of June, July, August or September by a summer resident camp or a conference or retreat operated by a religious or scout organization shall receive one day of rest (twenty-four consecutive hours of rest) during every seven-day period: Provided, That this paragraph shall not apply to a minor employed primarily for general maintenance work or food service activities.

Section 3. The act is amended by adding a section to read:

Section 5.2. No minor under sixteen years of age shall be employed or permitted to conduct youth peddling; however, minors under sixteen years of age may be employed to conduct youth peddling under the following conditions:

(1) A signed consent has been obtained from the minor's parent or guardian.

(2) Appropriate adult supervision is provided.

(3) The minor is not engaged in youth peddling past the hour of six o'clock in the evening of any day.

(4) The minor is engaged in youth peddling on only those days and during those hours prescribed by the department.

(5) Such other requirements as the department may establish by regulation to protect the minor's safety, health and well-being.

(6) School officers charged with issuing employment certificates under this act or its regulations shall approve the employment of minors to conduct youth peddling in accordance with the above conditions.

Section 4. This act shall take effect in 60 days.

APPROVED—The 9th day of December, A.D. 2002.

MARK S. SCHWEIKER