

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2334 Session of
1993

INTRODUCED BY STRITTMATTER, DECEMBER 7, 1993

REFERRED TO COMMITTEE ON LABOR RELATIONS, DECEMBER 7, 1993

AN ACT

1 Amending the act of May 13, 1915 (P.L.286, No.177), entitled, as
2 amended, "An act to provide for the health, safety, and
3 welfare of minors: By forbidding their employment or work in
4 certain establishments and occupations, and under certain
5 specified ages; by restricting their hours of labor, and
6 regulating certain conditions of their employment; by
7 requiring employment certificates or transferable work
8 permits for certain minors, and prescribing the kinds
9 thereof, and the rules for the issuance, reissuance, filing,
10 return, and recording of the same; by providing that the
11 Industrial Board shall, under certain conditions, determine
12 and declare whether certain occupations are within the
13 prohibitions of this act; requiring certain abstracts and
14 notices to be posted; providing for the enforcement of this
15 act by the Secretary of Labor and Industry, the
16 representative of school districts, and police officers; and
17 defining the procedure in prosecutions thereunder, and
18 establishing certain presumptions in relation thereto;
19 providing for the issuance of special permits for minors
20 engaging in the entertainment and related fields; providing
21 penalties for the violation of the provisions thereof; and
22 repealing all acts or parts of acts inconsistent therewith,"
23 further providing for employment of minors in poolrooms or
24 billiard rooms.

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

27 Section 1. Section 5 of the act of May 13, 1915 (P.L.286,
28 No.177), known as the Child Labor Law, amended August 23, 1961

1 (P.L.1107, No.494) and October 4, 1989 (P.L.584, No.62), is
2 amended to read:

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

12 No minor under eighteen years of age shall be employed or
13 permitted to work in the operation or management of hoisting
14 machines, in oiling or cleaning machinery, in motion; at switch-
15 tending, at gate-tending, at track-repairing; as a brakeman,
16 fireman, engineer, or motorman or conductor, upon a railroad or
17 railway; as a pilot, fireman, or engineer upon any boat or
18 vessel; in the manufacture of paints, colors or white lead in
19 any capacity; in preparing compositions in which dangerous leads
20 or acids are used; in the manufacture or use of dangerous or
21 poisonous dyes; in any dangerous occupation in or about any
22 mine; nor in or about any establishment wherein gunpowder,
23 nitroglycerine, dynamite, or other high or dangerous explosive
24 is manufactured or compounded: Provided, That minors age
25 fourteen and over may operate power lawn mowing equipment: And
26 provided further, That such minors may be employed in bowling
27 centers as snack bar attendants, porters, control desk clerks
28 and scorer attendants: And provided further, That such minors
29 may work where such chemicals, compounds, dyes and acids are
30 utilized in the course of experiments and testing procedures, in

1 such circumstances and under such conditions and safeguards as
2 may be specified by rule or regulation of the Department of
3 Labor and Industry.

4 No minor under eighteen years of age shall be employed or
5 permitted to work in, about, or in connection with, any
6 establishment where alcoholic liquors are distilled, rectified,
7 compounded, brewed, manufactured, bottled, sold, or dispensed[;
8 nor in a pool or billiard room]: Provided, That male or female
9 minors sixteen years of age and over may be employed and
10 permitted to work that part of a motel, restaurant, club or
11 hotel in which liquor or malt or brewed beverages are not
12 served: And, provided further, That minors sixteen years of age
13 and over may be employed to serve food, clear tables and perform
14 other duties, not to include the dispensing or serving of
15 alcoholic beverages, in any licensed establishment whose sales
16 of food and nonalcoholic beverages are equal to forty per cent
17 or more of the combined gross sales of both food and alcoholic
18 beverages. Before employing any minor sixteen years of age and
19 over, any establishment licensed by the Liquor Control Board
20 shall furnish to the school district official authorized to
21 issue employment certificates a certification that, for a period
22 of not less than ninety consecutive days during the twelve
23 months immediately preceding the date of application, the sales
24 of food and nonalcoholic beverages by the employer at the
25 licensed premises were equal to or exceeded forty per cent of
26 the combined gross sales of food, nonalcoholic and alcoholic
27 beverages in conformity with the requirements set forth in
28 Regulation 141 of the Liquor Control Board governing the sale of
29 alcoholic beverages on Sunday.

30 No minor shall be employed or permitted to serve or handle

1 alcoholic liquor in any establishment where alcoholic liquors
2 are sold or dispensed; nor be employed or permitted to work in
3 violation of the laws relating to the operation of motor
4 vehicles by minors.

5 In addition to the foregoing, it shall be unlawful for any
6 minor under eighteen years of age to be employed or permitted to
7 work in any occupation dangerous to the life or limb, or
8 injurious to the health or morals, of the said minor, as such
9 occupations shall, from time to time, after public hearing
10 thereon, be determined and declared by the Industrial Board of
11 the Department of Labor and Industry: Provided, That if it
12 should be hereafter held by the courts of this Commonwealth that
13 the power herein sought to be granted to the said board is for
14 any reason invalid, such holding shall not be taken in any case
15 to affect or impair the remaining provisions of this section.

16 Section 2. This act shall take effect in 60 days.