
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 89

Session of
2005

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YOUNGBLOOD, HENNESSEY, CRAHALLA AND PALLONE, JANUARY 25, 2005

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 9, 2005

AN ACT

1 Regulating child labor; conferring powers and duties on the
2 Department of Labor and Industry and the Department of
3 Education; imposing penalties; and making a repeal.

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

11 Section 1. Short title.

12 This act shall be known and may be cited as the Child Labor
13 Act.

14 Section 2. Legislative intent.

15 In the interest of ensuring that there is a clear set of
16 standards for employers to follow in the employment of children
17 under 18 years of age, the General Assembly recognizes that the
18 current law in this area must be updated and, in order to avoid
19 confusion, must be as consistent as possible with Federal
20 standards. This act is intended to update the Commonwealth's
21 laws regulating the employment of children under 18 years of
22 age, and it is intended to promulgate standards which are as
23 consistent as possible with regulations promulgated pursuant to
24 the Fair Labor Standards Act which regulate the employment of
25 children under 18 years of age.

26 Section 3. Definitions.

27 The following words and phrases when used in this act shall
28 have the meanings given to them in this section unless the
29 context clearly indicates otherwise:

30 "Department." The Department of Labor and Industry of the

1 Commonwealth.

2 "Employer." A person that employs a minor.

3 "Enforcement officer." Any of the following:

4 (1) The Secretary of Labor and Industry, a designee who
5 is an employee of the Department of Labor and Industry or an
6 attorney of the Office of General Counsel who is assigned to
7 the department.

8 (2) A chief school administrator.

9 (3) A home and school visitor.

10 (4) An attendance officer appointed under section 1342
11 of the act of March 10, 1949 (P.L.30, No.14), known as the
12 Public School Code of 1949.

13 (5) An issuing officer.

14 (6) A law enforcement officer.

15 "Establishment." A place within this Commonwealth where work
16 is done for compensation of any kind.

17 "Fair Labor Standards Act." The Fair Labor Standards Act of
18 1938 (52 Stat. 1060, 29 U.S.C. § 201 et seq.).

19 "Hours of employment." Hours outside school hours
20 established by the appropriate school district.

21 "Issuing officer." One of the following:

22 (1) A district superintendent or supervising principal
23 of a public school district or, if a public school district
24 does not have a district superintendent or supervising
25 principal, the secretary of the board of school directors of
26 the district.

27 (2) An individual authorized in writing by the
28 appropriate individual under paragraph (1) to issue a
29 certificate or permit.

30 "Minor." An individual under 18 years of age.

1 "Person." The Commonwealth, any political subdivision or
2 instrumentality or authority of a political subdivision, an
3 individual, a partnership, a corporation, a nonprofit
4 corporation or an unincorporated association.

5 "Regular school week." The five days beginning with Monday
6 through Friday in which school is in session.

7 "Secretary." The Secretary of Labor and Industry of the
8 Commonwealth.

9 "Volunteer emergency service organization." A volunteer fire
10 company, volunteer ambulance organization, volunteer rescue
11 organization or a volunteer forest firefighting organization.

12 "Work permit." A transferable work permit entitling a minor
13 to employment.

14 "Youth peddling." The selling of goods or services by minors
15 to customers at residences, places of business or public places,
16 including street corners, roadway medians, sports and performing
17 arts facilities and public transportation stations. The term
18 includes sales from vehicles or the placement of advertisements
19 or literature outside of fixed retail locations. The term does
20 not include any of the following:

21 (1) Minors who sell products, goods or services as
22 volunteers without compensation on behalf of nonprofit
23 organizations, including organizations that:

24 (i) qualify as nonprofit under section 501(c)(3) of
25 the Internal Revenue Code of 1986 (Public Law 99-514, 26
26 U.S.C. § 501(c)(3)); and

27 (ii) meet the registration requirements established
28 by regulations of the Commonwealth.

29 (2) Minors engaged in the delivery of newspapers to
30 consumers at residences or places of business.

1 (3) Minors employed at fixed retail locations in
2 compliance with the provisions of the Fair Labor Standards
3 Act.

4 (4) Minors who:

5 (i) sell products, goods or services under the
6 immediate supervision of a parent or legal guardian; and

7 (ii) do not reside away from their home while
8 engaged in the sales activity.

9 (5) Minors engaged in fundraising activities on behalf
10 of their school or school-related activities.

11 Section 4. General limitations on employment of minors.

12 (a) Rest break.--No minor may be employed for more than five
13 hours continuously without an interval of at least 30 minutes
14 for a rest break. No period of less than 30 minutes shall be
15 deemed to interrupt a continuous period of work.

16 (b) Consecutive days.--

17 (1) Except as otherwise provided for in paragraph (2), a
18 minor may not be employed for more than six consecutive days
19 in a single week.

20 (2) A minor who is engaged in newspaper delivery may be
21 employed for seven consecutive days in a single week.

22 (c) Establishments.--Minors may not be employed in the
23 following establishments:

24 (1) Billiard rooms.

25 (2) Except as set forth in section 6(a)(2) (relating to
26 employment of minors under 16 years of age) or 7(c) (relating
27 to employment of minors 16 years of age or older),
28 establishments where alcoholic beverages are produced, sold
29 or dispensed.

30 (3) Establishments determined by the department, through

1 regulation, to be hazardous to minors or injurious to health
2 or morals of minors.

3 (d) Prohibited employment.--Unless otherwise permitted by
4 this act, a minor shall not be employed:

5 (1) In any occupation designated as hazardous and
6 otherwise prohibited under the Fair Labor Standards Act and
7 regulations under that act.

8 (2) In any occupation designated as hazardous and
9 otherwise prohibited by the secretary in regulations
10 promulgated under this act.

11 Section 5. Employment of minors under 14 years of age.

12 (a) General limitations.--Except as set forth in subsection

13 (b) or in section 8 (relating to employment of minors as
14 performers in theater or film productions), no minor under 14
15 years of age may be employed.

16 (b) Exceptions.--Irrespective of the limitations set forth
17 in subsection (a), a minor under 14 years of age may be employed
18 as follows:

19 (1) A minor who is at least 12 years of age may be
20 employed as a caddy subject to the following limitations:

21 (i) The minor may not carry more than one golf bag
22 at a time.

23 (ii) Employment may not be for more than 18 holes of
24 golf in a single day.

25 (2) A minor who is at least 11 years of age may engage
26 in the delivery of newspapers as set forth under section
27 6(c)(2) (relating to employment of minors under 16 years of
28 age).

29 Section 6. Employment of minors under 16 years of age.

30 (a) Permitted employment.--

1 (1) Minors who are under 16 years of age may be employed
2 in occupations not prohibited under section 4(d) (relating to
3 general limitations on employment of minors).

4 (2) Irrespective of the limitation in section 4(c)(2), a
5 minor under 16 years of age may be employed at a continuing
6 care retirement community, ski resort, bowling alley, golf
7 course or amusement park where alcoholic beverages are served
8 as long as the minor is not permitted to handle or serve the
9 beverages and is not employed in a room where the beverages
10 are stored or served.

11 (3) A minor under 16 years of age may not be employed in
12 or permitted to conduct youth peddling.

13 (b) Hours of employment.--Except as set forth in subsection
14 (c), hours of employment for minors under 16 years of age shall
15 be limited as follows:

16 (1) Subject to regulations under section 12(a)(2)
17 (relating to administration), the minor may not be employed
18 before 7 a.m. or after 7 p.m., except that, during the school
19 vacation period from June to Labor Day, a minor shall be
20 permitted to be employed until 9 p.m.

21 (2) The minor may not be employed for more than three
22 hours on a school day nor more than eight hours on a day when
23 there is no school.

24 (3) The minor may not be employed for more than 18 hours
25 during a week school is in session.

26 (4) The minor may not be employed for more than 40 hours
27 a week when school is not in session.

28 (c) Exceptions.--The following exceptions apply to the
29 prohibitions of subsection (b):

30 (1) Poultry farms.--Minors who are at least 14 years of

1 age or older may be employed until 10 p.m. on a farm by a
2 person other than the farmer in the hatching, raising or
3 harvesting of poultry as long as the minor is not working in
4 an agricultural occupation declared hazardous by the United
5 States Secretary of Labor.

6 (2) Newspaper/periodical delivery.--

7 (i) Minors who are at least 11 years of age may be
8 employed in the delivery and street sale of newspapers
9 after 5 a.m. and before 8 p.m., or until 9 p.m. as set
10 forth in subsection (b)(1).

11 (ii) This paragraph does not apply to the hauling of
12 newspapers to drop centers or distribution centers or
13 other related activities.

14 Section 7. Employment of minors 16 years of age or older.

15 (a) Permitted employment.--Minors who are at least 16 years
16 of age may be employed in occupations not prohibited under
17 section 4(d) (relating to general limitations on employment of
18 minors).

19 ~~(b) Hours of employment.~~ <—

20 ~~(1) Except as set forth in paragraph (2), hours of~~
21 ~~employment for minors at least 16 years of age shall be~~
22 ~~limited as follows:~~

23 ~~(i) The minor may not be employed for more than 48~~
24 ~~hours in a single week.~~

25 ~~(ii) The minor may not be employed for more than~~
26 ~~eight hours in a single day.~~

27 ~~(iii) The minor may not be employed for more than 28~~
28 ~~hours during a regular school week.~~

29 ~~(iv) The minor may not be employed between the hours~~
30 ~~of 12 midnight and 6 a.m. on a school day, except that~~

1 ~~the minor may be employed until 1 a.m. on an evening~~
2 ~~before a nonschool day and after 5 a.m. if engaged in the~~
3 ~~delivery or street sale of newspapers.~~

4 (B) HOURS OF EMPLOYMENT.--

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5 (1) EXCEPT AS SET FORTH IN PARAGRAPHS (2), (3) AND (4),
6 HOURS OF EMPLOYMENT SHALL COMPLY WITH THE FAIR LABOR
7 STANDARDS ACT.

8 (2) WHEN SCHOOL IS IN SESSION, A MINOR AT LEAST 16 YEARS
9 OF AGE SHALL BE LIMITED AS FOLLOWS:

10 (I) THE MINOR MAY NOT BE EMPLOYED FOR MORE THAN 28
11 HOURS PER WEEK DURING A REGULAR SCHOOL WEEK.

12 (II) THE MINOR MAY NOT BE EMPLOYED FOR MORE THAN
13 EIGHT HOURS IN A SINGLE DAY.

14 (III) THE MINOR MAY NOT BE EMPLOYED FOR MORE THAN
15 TEN HOURS ON EACH SATURDAY AND SUNDAY DURING A SCHOOL
16 WEEK.

17 (3) WHEN SCHOOL IS NOT IN SESSION, A MINOR AT LEAST 16
18 YEARS OF AGE SHALL BE LIMITED AS FOLLOWS:

19 (I) THE MINOR MAY NOT BE EMPLOYED FOR MORE THAN TEN
20 HOURS IN A SINGLE DAY.

21 (II) THE MINOR MAY NOT BE EMPLOYED MORE THAN 48
22 HOURS IN A SINGLE WEEK.

23 (4) A MINOR ENROLLED IN SUMMER SCHOOL IS SUBJECT TO THE
24 LIMITATIONS SET FORTH IN PARAGRAPH (2).

25 ~~(2)~~ (5) This subsection does not apply to a minor who:

<—

26 (i) is a high school graduate; or

27 (ii) is exempt from compulsory school attendance
28 requirements under section 1330(1) of the act of March

29 10, 1949 (P.L.30, No.14), known as the Public School Code
30 of 1949.

1 (c) Employment in motels, clubs and restaurants in which
2 liquor is present.--Irrespective of the general limitation
3 delineated in section 4(c)(2), a minor who is at least 16 years
4 of age may be employed as follows in a motel, club and
5 restaurant in which liquor is present:

6 (1) The minor may be employed in that part of the
7 establishment in which alcoholic beverages are not served.

8 (2) The minor may be employed to serve food, clear
9 tables and perform other duties in a licensed establishment
10 whose sales of food and nonalcoholic beverages are equal to
11 at least 40% of the combined gross sales of both food and
12 alcoholic beverages, if duties do not include the dispensing
13 or serving of alcoholic beverages. Before employing a minor
14 under this paragraph, an establishment licensed by the
15 Pennsylvania Liquor Control Board must furnish to the issuing
16 officer a certification that, for a period of not less than
17 90 days during the 12 months immediately preceding the date
18 of application, the establishment met the 40% threshold of
19 this paragraph in conformity with the regulations of the
20 board governing the sale of alcoholic beverages on Sunday.

21 (d) Employment of minors in religious or scout organization
22 summer camps or retreats.--A minor at least 16 years of age who
23 is employed during the months of June, July, August or September
24 by a summer resident camp or a conference or retreat operated by
25 a religious or scout organization shall receive 24 consecutive
26 hours of rest, during every seven-day period. This subsection
27 does not apply to a minor employed primarily for general
28 maintenance work or food service activities.

29 Section 8. Employment of minors as performers in theater or
30 film productions.

1 (a) Authorization.--A minor may be employed in a theatrical
2 production, a musical recital or concert, an entertainment act,
3 modeling, radio, television, motion picture making or a similar
4 form or medium of entertainment if all of the following apply:

5 (1) Except as set forth in subsection (b)(4), the minor
6 has an entertainment permit from the department.

7 (2) The performance is not hazardous to the minor's
8 safety or well-being.

9 (3) The minor does not perform after midnight.

10 (4) No alcoholic beverages are sold or dispensed during
11 the performance.

12 (5) The minor does not appear in more than:

13 (i) three performances in a single day; or

14 (ii) ten performances in a single week.

15 (6) For rehearsals for performances, length of time and
16 hours of starting and finishing rehearsals added to
17 performance duties are not such as to be injurious or harmful
18 to the minor.

19 (b) Entertainment permits.--

20 (1) The department may issue an entertainment permit to
21 a minor to be employed in a theatrical production, a musical
22 recital or concert, an entertainment act, modeling, radio,
23 television, motion picture making or a similar form or medium
24 of entertainment. The entertainment permit shall insure
25 compliance with subsection (a)(2) through (6).

26 (2) The department may issue an entertainment permit to
27 a minor for temporary employment as part of the performing
28 cast in the production of motion pictures or television
29 programming as follows:

30 (i) The department must determine that adequate

1 provision has been made for the minor's educational
2 instruction, supervision, health and welfare.

3 (ii) Unless the department determines that more
4 restrictive conditions are necessary, an entertainment
5 permit under this paragraph shall authorize a minor to
6 work as part of the performing cast for no more than 44
7 hours in a single week nor eight hours in a single day.
8 Time spent on the set or on location while on call shall
9 be excluded from any calculation of the maximum number of
10 hours under this subparagraph if the department
11 determines that adequate provision has been made for the
12 minor's education, supervision and welfare during such
13 intervals. The department may restrict the number of
14 hours which may be spent on call by the minor.

15 (iii) The department may waive restrictions
16 contained in this act and in any other act on the time of
17 day or night allowed for engaging in the employment
18 authorized by this paragraph if the department determines
19 that the waiver:

20 (A) is necessary to preserve the artistic
21 integrity of the motion picture or television
22 programming; and

23 (B) will not impair the educational instruction,
24 supervision, health or welfare of the minor.

25 (iv) An entertainment permit under this paragraph
26 shall be valid for up to six months.

27 (v) An entertainment permit under this paragraph
28 shall state that the minor for whom the entertainment
29 permit is issued may not be allowed on a set during nor
30 otherwise watch the filming or rehearsal for filming of a

1 sexual act.

2 (3) Expected rehearsal time and the hours of starting
3 and finishing the rehearsal must be set forth in the
4 application for an entertainment permit. The entertainment
5 permit issued shall state what rehearsal time is permissible.

6 (4) The application must comply with all of the
7 following:

8 (i) Be made on a form signed by the employer of the
9 minor and the parent or guardian of the minor.

10 (ii) Contain a statement that the facts as set forth
11 in the application are correct subject to the provisions
12 of 18 Pa.C.S. § 4904 (relating to unsworn falsification
13 to authorities).

14 (iii) State what provisions are in effect to provide
15 for:

16 (A) the minor's educational instruction,
17 supervision, health and welfare; and

18 (B) safeguarding and conservation for the minor
19 of the money derived from performance.

20 (5) No entertainment permit shall be issued for a
21 performance if there is no adequate provision for the matters
22 set forth in paragraph (4)(iii).

23 (6) An appeal of a decision by the department under this
24 subsection must be made to the secretary. The secretary shall
25 hold a hearing on the appeal.

26 (7) An entertainment permit is not to be required for a
27 minor who participates in a nonprofit, educational,
28 theatrical production if all of the following apply:

29 (i) There is informed, written consent of the
30 minor's parent or guardian.

(ii) Participation is:

(A) for a period of no more than 14 consecutive days; and

(B) not during school hours.

(iii) The minor receives no direct or indirect remuneration.

(c) Conflicts.--Nothing in this section shall be construed to supersede or repeal:

(1) any provision of this act unless an entertainment permit is issued; or

(2) 18 Pa.C.S. § 5903 (relating to obscene and other sexual materials and performances) or 6312 (relating to sexual abuse of children).

Section 8.1. Sports-attendant services.

(a) General rule.--Section 6(b)(1) through (3) (relating to employment of minors under 16 years of age) do not apply to a minor 14 through 15 years of age and section 7(b)(1)(ii) through (iv) (relating to employment of minors 16 years of age or older) do not apply to a minor 16 through 17 years, if the minor is employed to perform sports-attendant services at professional sporting events under this section.

(b) Sports-attendant duties.--A minor is employed to perform sports-attendant duties if the minor performs the following duties at a baseball, basketball, football, soccer, tennis or similar athletic event:

(1) Pre-game and post-game or practice setup of balls, items and equipment.

(2) Supplying and retrieving balls, items and equipment during a sporting event.

(3) Clearing the field or court of debris and moisture

1 during play.

2 (4) Providing ice, drinks and towels to players during
3 play.

4 (5) Running errands for trainers, managers, coaches and
5 players before, during and after a sporting event.

6 (6) Returning or storing balls, items and equipment in
7 clubhouse or locker room after a sporting event.

8 Section 9. Minors serving in volunteer emergency service
9 organizations.

10 (a) General rule.--A minor at least 14 years of age who is a
11 member of a volunteer emergency service organization may
12 participate in training and emergency service activities except
13 as follows:

14 (1) A minor may not operate a truck, ambulance or other
15 official fire vehicle.

16 (2) A minor may not operate an aerial ladder, aerial
17 platform or hydraulic jack.

18 (3) A minor may not use rubber electrical gloves,
19 insulated wire gloves, insulated wire cutters, life nets or
20 acetylene cutting units.

21 (4) A minor may not operate the pump of a fire vehicle
22 while at the scene of a fire.

23 (5) A minor may not enter a burning structure.

24 (6) A minor may not engage in firefighting activities
25 unless all of the following apply:

26 (i) The minor is at least 16 years of age.

27 (ii) The minor has successfully completed a course
28 of training equal to the standards for basic firefighting
29 established by the Department of Education and the
30 Department of Conservation and Natural Resources.

1 (iii) The minor is under the direct supervision and
2 control of the fire chief, an experienced line officer or
3 a designated forest fire warden.

4 (b) Additional limitations for minors under 16 years of
5 age.--In addition to the limitations delineated in subsection
6 (a), the activities of minors over 13 years of age and under 16
7 years of age shall be further limited as follows:

8 (1) A minor over 13 years of age and under 16 years of
9 age shall only be permitted to perform the following
10 activities:

11 (i) Training.

12 (ii) First aid.

13 (iii) Cleanup service at the scene of a fire,
14 outside the structure and after the fire has been
15 declared by the fire official in charge to be under
16 control.

17 (iv) Assist a coffee wagon and food services.

18 (2) A minor over 13 years of age and under 16 years of
19 age may not do any of the following:

20 (i) Operate high pressure hose lines except during
21 training activities.

22 (ii) Ascend ladders except during training
23 activities.

24 (c) Other prohibited activities.--The department may
25 prohibit through regulation other activities that it deems
26 hazardous to the health of minors.

27 (d) Other provisions.--

28 (1) Except as set forth in this subsection, this section
29 does not supersede any other provision of this act or any
30 regulation promulgated under this act.

1 (2) A minor may continue serving in answer to a fire
2 call until excused by the individual acting as chief of the
3 fire company if the minor:

4 (i) is at least 16 years of age;

5 (ii) is a member of a volunteer fire company; and

6 (iii) answers a fire call while lawfully employed.

7 (3) A minor 14 or 15 years of age may perform the
8 training or firefighting activities permitted under this
9 section until 10 p.m. before a school day if the minor:

10 (i) is a member of a volunteer fire company; and

11 (ii) has the written consent of a parent or

12 guardian.

13 Section 10. Duties of employer.

14 (a) Work permits and parental authorization.--

15 (1) Unless a minor has the items listed in paragraph

16 (2), a minor may not be employed or permitted to work:

17 (i) in, about or in connection with an

18 establishment; or

19 (ii) in an occupation.

20 (2) To be permitted to work under paragraph (1), a minor
21 must have all of the following:

22 (i) A work permit.

23 (ii) A written statement by the minor's parent or

24 guardian acknowledging understanding of the duties and

25 hours of employment and granting permission to work

26 subject to the provisions of 18 Pa.C.S. § 4904 (relating

27 to unsworn falsification to authorities).

28 (3) Before employing a minor, an employer shall do all
29 of the following:

30 (i) Verify work permit under paragraph (2)(i).

(ii) Receive the statement under paragraph (2)(ii).

(4) A minor over 16 years of age employed in the distribution, sale, exposing or offering for sale of any newspaper, or any minor who can demonstrate that he is working independently of the newspaper publisher in this work, shall not be required to procure a work permit.

(b) Notification.--The employer shall acknowledge to the issuing official in writing the employment of a minor and shall detail the normal duties and hours of employment within five days after the beginning of employment and shall include the age and permit number of the minor. On termination of employment of a minor, the employer shall notify the issuing official within five days of the final day of employment that the minor no longer is employed by the employer.

(c) Posting requirement.--An employer shall post in a conspicuous place in the establishment all of the following:

(1) A printed abstract of the sections of this act relating to the hours of labor.

(2) A list of the minors employed in the establishment.

(3) A schedule of the hours of labor of the minors listed in subparagraph (ii). The schedule of hours of labor shall contain:

(i) the maximum number of hours each minor is required or permitted to work on each day of the week;

(ii) the weekly total for each minor; and

(iii) the daily hours for commencing and stopping work and for time allowed for meals.

(d) Records.--

(1) An employer shall maintain a record of minors at the work site which contains, for each holder, a copy of the work

1 permit, the original notarized permission statement required
2 in subsection (a) and a copy of the letter sent to the
3 issuing official announcing the employment of the minor.

4 (2) An employer shall maintain records for employed
5 minors in compliance with the recordkeeping requirements of
6 the act of January 17, 1968 (P.L.11, No.5), known as The
7 Minimum Wage Act of 1968, and shall maintain accurate records
8 of the actual days, hours and times of day the minors worked,
9 including breaks.

10 (3) An employer shall provide an enforcement officer
11 with access to records kept under this subsection.

12 Section 11. Work permit.

13 (a) Form and content.--

14 (1) A work permit shall be issued on a wallet-sized form
15 prescribed by the department. The certificate shall contain
16 the following information related to the holder:

17 (i) Name.

18 (ii) Sex.

19 (iii) Date and place of birth.

20 (iv) Place of residence.

21 (v) Color of hair and eyes.

22 (vi) Any distinguishing physical characteristics or
23 physical limitation.

24 (2) The work permit shall certify that:

25 (i) the holder has personally appeared before the
26 issuing officer and has been examined;

27 (ii) all papers required by law have been examined,
28 approved and filed; and

29 (iii) all conditions and requirements for issuing a
30 permit have been fulfilled.

1 (3) The work permit shall be signed, in the presence of
2 the issuing officer, by the holder.

3 (4) The work permit shall bear a number, the date of
4 issuance and the signature of the issuing officer.

5 (b) Application.--

6 (1) Documentation.--

7 (i) Except as set forth in subparagraph (ii),
8 application for a work permit must be verified as
9 follows:

10 (A) The applicant's parent or guardian must sign
11 the application.

12 (B) In lieu of a signature under clause (A), the
13 applicant may execute a statement before a notary
14 public or other person authorized to administer oaths
15 attesting to the accuracy of the facts set forth in
16 the application on a form prescribed by the
17 department. The statement shall be attached to the
18 application.

19 (ii) Subparagraph (i) does not apply if the
20 applicant can demonstrate official proof of high school
21 graduation.

22 (2) Examination.--

23 (i) Except as set forth in paragraph (ii), a work
24 permit shall not be issued until the applicant has
25 personally appeared before and been examined by the
26 issuing officer.

27 (ii) Subparagraph (i) does not apply if the
28 applicant can demonstrate official proof of high school
29 graduation.

30 (3) Documentation.--The issuing officer shall not issue

1 a work permit until the issuing officer has received,
2 examined, approved and filed the following papers which
3 verify the minor's age:

4 (i) If proof of age is an official document or
5 record of the Commonwealth or government of another state
6 or governmental subdivision of another state, it need not
7 be filed if the issuing officer records the information
8 necessary to enable the document or record to be located
9 at the place where it is filed. If proof of age is other
10 than an official document or record of the Commonwealth
11 or government of another state or governmental
12 subdivision of another state, the following is the order
13 of preference for acceptable proof under this
14 subparagraph:

15 (A) An attested transcript of the birth
16 certificate, filed according to law with a register
17 of vital statistics or other officer charged with the
18 duty of recording birth.

19 (B) A certified baptismal certificate or
20 transcript of the record of baptism showing the date
21 of birth.

22 (C) A passport showing the age of immigrant.

23 (D) Any certified documentary record of age
24 other than a school record or an affidavit of age,
25 which appears to the satisfaction of the issuing
26 officer to be sufficient evidence of age.

27 (E) The signed statement of a physician,
28 PHYSICIAN'S ASSISTANT OR NURSE PRACTITIONER, approved <—
29 by the board of school directors, stating that, after
30 examination, it is the opinion of the ~~physician~~ <—

1 INDIVIDUAL SIGNING THE STATEMENT that the applicant <—
2 has attained the age required by the law for the
3 occupation in which the minor expects to engage. The
4 statement must be accompanied by an affidavit signed
5 by the applicant's parent or guardian or, if there is
6 no parent or guardian, by the applicant's next friend
7 and certifying to the name, date and place of birth
8 of the applicant and that the individual signing the
9 statement is unable to produce any of the proofs of
10 age specified in clauses (A) through (D).

11 (ii) (Reserved).

12 (d) Issuance.--If all application requirements are met, a
13 work permit shall be issued by an issuing officer unless it is
14 the issuing officer's judgment that the minor cannot maintain
15 adequate academic achievement if permitted to work during the
16 school year.

17 (e) Revocation.--An issuing officer may revoke a work permit
18 if it is the issuing officer's judgment that the minor cannot
19 maintain adequate academic achievement if permitted to work
20 during the school year.

21 Section 12. Administration.

22 (a) Duties of department.--The department has the following
23 powers and duties:

24 (1) Prescribe the forms necessary to implement this act.

25 (2) Promulgate regulations to administer this act which
26 are as consistent as possible with the regulations

27 promulgated under the Fair Labor Standards Act. Regulations

28 under this paragraph may establish a procedure for an

29 employer that is not subject to the Fair Labor Standards Act

30 to receive an extension until 10 p.m. of the 9 p.m. time

1 limitation under section 6(b)(1) (relating to employment of
2 minors under 16 years of age). An extension granted under
3 this procedure shall specify that the extension does not
4 apply to Federal enforcement or administration of the Fair
5 Labor Standards Act.

6 (3) Provide copies of this act and blank forms for
7 compliance with its provisions to employers and prospective
8 employers.

9 (b) Secretary.--For the enforcement of this act, the
10 secretary or a designee has investigatory subpoena power and the
11 duty to issue a subpoena upon application of an attorney of the
12 Office of General Counsel assigned to the department.

13 Application may be made to Commonwealth Court to enforce a
14 subpoena. Nothing in this section shall be construed to excuse a
15 person from producing documents and records as requested by the
16 department under any other provision of law.

17 (c) Duties of Department of Education.--The Department of
18 Education shall distribute to school districts all forms
19 necessary for the enforcement of this act.

20 (d) Duties of school districts.--School districts shall
21 administer applications and issuance of work permits pursuant to
22 section 11 (relating to work permit) and may initiate
23 enforcement actions under subsection (e).

24 (e) Enforcement.--Enforcement officers may initiate
25 prosecution for violations of this act.

26 (f) Suspected violations of age requirements.--

27 (1) If an enforcement officer has reason to believe that
28 an individual working without a work permit is a minor or
29 that a minor with a work permit is working in violation of
30 the age restrictions set forth in this act, the officer may

1 demand that the person employing the individual within ten
2 days:

3 (i) furnish to the officer proof of age; or

4 (ii) cease to employ or permit the individual to
5 work.

6 (2) Proof of a demand under paragraph (1) and of failure
7 to comply with paragraph (1)(i) constitutes prima facie
8 evidence of the illegal employment of a minor.

9 (3) Compliance with paragraph (1)(ii) does not relieve a
10 person from liability under section 13 (relating to
11 penalties).

12 Section 13. Penalties.

13 (a) Criminal.--

14 (1) A person may not do any of the following:

15 (i) Intentionally violate this act.

16 (ii) Interfere with the functions of an enforcement
17 officer.

18 (iii) Compel or permit a minor to violate this act.

19 (iv) Fail, after notice, to provide records under
20 section 10(d)(3) (relating to duties of employer) or
21 12(b) (relating to administration).

22 (v) Falsify records under this act.

23 (2) Except as set forth in paragraph (3), a person that
24 violates paragraph (1) commits a summary offense and shall,
25 upon conviction, be sentenced to pay a fine of not less than
26 \$250 nor more than \$500 for each violation.

27 (3) A person that, after being sentenced under paragraph
28 (2), violates paragraph (1) commits a summary offense and
29 shall, upon conviction, be sentenced to pay a fine of not
30 less than \$750 nor more than \$1,500 for each violation or to

1 imprisonment for not more than ten days, or both.

2 (b) Administrative penalties.--

3 (1) Except as set forth in paragraph (2) or subsection
4 (c), the department may impose an administrative penalty of
5 not less than \$100 nor more than \$1,000 for each violation of
6 this act.

7 (2) The department may not impose a penalty under this
8 subsection on a person if the person has been sentenced under
9 subsection (a) for an offense arising out of the same conduct
10 which would give rise to a penalty under this subsection.

11 (3) This subsection is subject to 2 Pa.C.S. Chs. 5
12 Subch. A (relating to practice and procedure of Commonwealth
13 agencies) and 7 Subch. A (relating to judicial review of
14 Commonwealth agency action).

15 (c) Multiple prosecution.--Imposition of a criminal, civil
16 or administrative penalty under the Fair Labor Standards Act
17 shall bar prosecution under subsection (a) and imposition of an
18 administrative penalty under subsection (b) if the same conduct
19 constitutes the basis of the Federal action and the basis of the
20 prosecution under subsection (a) or the administrative penalty
21 under subsection (b).

22 Section 14. Employment of minors in student-learner and
23 apprenticeship programs.

24 A minor may be employed in a work experience and career
25 exploration program, an apprenticeship program and a school-to-
26 work program, to the extent permitted by regulations promulgated
27 under this act and not prohibited by the Fair Labor Standards
28 Act.

29 Section 15. Applicability.

30 (a) Domestic service.--This act shall not apply to the

1 employment of a minor in domestic service in or around private
2 homes.

3 (b) Agricultural employment.--Agricultural employment which
4 is exempt from coverage of the child labor provisions of the
5 Fair Labor Standards Act shall be exempt from coverage of this
6 act.

7 Section 29. Repeal.

8 The act of May 13, 1915 (P.L.286, No.177), known as the Child
9 Labor Law, is repealed.

10 Section 30. Effective date.

11 This act shall take effect January 1, 2006.