

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1548 Session of
2011

INTRODUCED BY MURT, ADOLPH, AUMENT, BAKER, BARBIN, BARRAR, BEAR, BENNINGHOFF, BLOOM, BOBACK, BOYD, B. BOYLE, K. BOYLE, BRADFORD, BRENNAN, BRIGGS, BROOKS, BROWNLEE, CALTAGIRONE, CARROLL, CAUSER, CHRISTIANA, CLYMER, COHEN, CONKLIN, D. COSTA, P. COSTA, COX, CREIGHTON, CRUZ, CURRY, CUTLER, DAVIS, DAY, DEASY, DELOZIER, DeLUCA, DENLINGER, DePASQUALE, DeWEESE, DiGIROLAMO, DONATUCCI, ELLIS, EMRICK, J. EVANS, EVERETT, FABRIZIO, FARRY, FLECK, FRANKEL, FREEMAN, GALLOWAY, GEIST, GEORGE, GERBER, GERGELY, GIBBONS, GILLESPIE, GINGRICH, GODSHALL, GOODMAN, GROVE, HACKETT, HAHN, HARHART, HARKINS, HARPER, HARRIS, HEFFLEY, HELM, HENNESSEY, HESS, HICKERNELL, HORNAMAN, KAUFFMAN, F. KELLER, M. K. KELLER, W. KELLER, KNOWLES, KORTZ, KOTIK, KRIEGER, LONGIETTI, MAHER, MAHONEY, MAJOR, MANN, MARSHALL, MARSICO, MASSER, MATZIE, McGEEHAN, METZGAR, MICCARELLI, MILLARD, MILLER, MILNE, MOUL, MURPHY, MUSTIO, MYERS, OBERLANDER, D. O'BRIEN, M. O'BRIEN, PARKER, PASHINSKI, PAYNE, PAYTON, PEIFER, PERRY, PETRARCA, PETRI, PICKETT, PYLE, QUIGLEY, QUINN, RAVENSTAHL, READSHAW, REED, REESE, ROCK, ROEBUCK, ROSS, SABATINA, SACCONI, SAINATO, SAMUELSON, SANTARSIERO, SANTONI, SAYLOR, SCAVELLO, SHAPIRO, K. SMITH, M. SMITH, STABACK, STEPHENS, STERN, STEVENSON, SWANGER, TALLMAN, TAYLOR, TOBASH, TOEPEL, TOOIL, TRUITT, TURZAI, VEREB, VITALI, VULAKOVICH, WATERS, WATSON, YOUNGBLOOD, SONNEY, WHITE, CULVER, GILLEN, KAMPF, KULA, SCHRODER, O'NEILL, KIRKLAND, LAWRENCE, DELISSIO, PRESTON, BUXTON, GRELL, BISHOP AND DAVIDSON, MAY 18, 2011

SENATOR CORMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, OCTOBER 1, 2012

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~~

~~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 definitions, for regulated employment, for employment of children at establishments where alcoholic beverages or malt liquor is sold and for permits; imposing duties on the department; further providing for educational requirements and for prohibitions regarding work hours; providing for transfers to minor child performer trust accounts and for revocation of permit; and further providing for employment certificate.~~

REGULATING CHILD LABOR; CONFERRING POWERS AND DUTIES ON THE DEPARTMENT OF LABOR AND INDUSTRY AND THE DEPARTMENT OF EDUCATION; IMPOSING PENALTIES; AND MAKING A REPEAL.



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1 SECTION 29. REPEAL.

2 SECTION 30. EFFECTIVE DATE.

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

5 ~~Section 1. Section 1 of the act of May 13, 1915 (P.L.286,~~ ←
6 ~~No.177), known as the Child Labor Law, is amended by adding~~
7 ~~definitions to read:~~

8 ~~Section 1. * * *~~

9 ~~The term "department" when used in this act, shall mean the~~
10 ~~Department of Labor and Industry of the Commonwealth.~~

11 ~~The term "documentary program" when used in this act, shall~~
12 ~~mean a genre of motion picture program, including programming~~
13 ~~for television, that depicts or portrays a nonfiction story and~~
14 ~~may present an opinion or a specific message along with factual~~
15 ~~material.~~

16 ~~The term "minor" when used in sections 7.1 and 7.5 of this~~
17 ~~act shall mean a person under the age of 18 who is required to~~
18 ~~attend school under the act of March 10, 1949 (P.L.30, No.14),~~
19 ~~known as the "Public School Code of 1949," or the education code~~
20 ~~of the person's state of residence.~~

21 ~~The term "reality program" when used in this act, shall mean~~
22 ~~a genre of program that principally presents unscripted~~
23 ~~situations, dialogue and actions depicting or portraying actual~~
24 ~~events and generally features ordinary people and not~~
25 ~~professional actors.~~

26 ~~Section 2. Section 4 of the act, amended December 9, 2002~~
27 ~~(P.L.1347, No.161), is amended to read:~~

28 ~~Section 4. [No] Except as provided in this section and~~
29 ~~sections 7.1 and 7.5, no minor under eighteen years of age shall~~
30 ~~be employed or permitted to work in, about, or in connection~~

1 ~~with any establishment, or in any occupation, for more than six~~
2 ~~consecutive days in any one week, or more than forty four hours~~
3 ~~in any one week, or more than eight hours in any one day:—~~
4 ~~Provided, That messengers employed by telegraph companies at~~
5 ~~offices where only one such minor is employed as a messenger in~~
6 ~~which case such minor shall not be employed for more than six~~
7 ~~consecutive days in any one week, or more than fifty one hours~~
8 ~~in any one week, or more than nine hours in any one day: And~~
9 ~~provided further, That no minor under eighteen years of age, who~~
10 ~~is enrolled in regular day school and working outside school~~
11 ~~hours, shall be employed or permitted to work for more than~~
12 ~~twenty eight hours during a school week.~~

13 ~~[No] Except as provided in this section and sections 7.1 and~~
14 ~~7.5, no minor under sixteen years of age shall be employed or~~
15 ~~permitted to work in, about, or in connection with, any~~
16 ~~establishment or in any occupation before seven o'clock in the~~
17 ~~morning or after seven o'clock in the evening of any day except~~
18 ~~during school vacation period from June to Labor Day when such~~
19 ~~minor may work between the hours of seven o'clock in the morning~~
20 ~~and ten o'clock in the evening nor shall such a minor who is~~
21 ~~enrolled in school and working outside school hours be employed~~
22 ~~or permitted to work in, about, or in connection with, any~~
23 ~~establishment or in any occupation more than four hours on a~~
24 ~~school day, or more than eight hours on any other day, or more~~
25 ~~than eighteen hours during a school week: Provided, That,—~~
26 ~~students fourteen years of age and over whose employment is part~~
27 ~~of a recognized school work program, supervised by a recognized~~
28 ~~school authority, may be employed for hours which, combined with~~
29 ~~the hours spent in school, do not exceed eight a day: And~~
30 ~~further provided, That a minor under sixteen years of age—~~

1 ~~employed on a farm by a person other than the farmer in the~~
2 ~~hatching, raising or harvesting of poultry may be employed or~~
3 ~~permitted to work until 10 o'clock in the evening as long as the~~
4 ~~minor is not working in an agricultural occupation declared~~
5 ~~hazardous by the United States Secretary of Labor.~~

6 ~~[No] Except as provided in this section and sections 7.1 and~~
7 ~~7.5, no minor under eighteen years of age shall be employed or~~
8 ~~permitted to work for more than five hours continuously in,~~
9 ~~about, or in connection with, any establishment without an~~
10 ~~interval of at least thirty minutes for a lunch period and no~~
11 ~~period of less than thirty minutes shall be deemed to interrupt~~
12 ~~a continuous period of work.~~

13 ~~[No] Except as provided in this section and sections 7.1 and~~
14 ~~7.5, no minor under eighteen years of age shall be employed or~~
15 ~~permitted to work in, about, or in connection with, any~~
16 ~~establishment between the hours of twelve in the evening and six~~
17 ~~in the morning if such minor is enrolled in regular day school:~~
18 ~~Provided, That, minors sixteen and seventeen years of age may be~~
19 ~~employed until, but not after, one o'clock in the morning on~~
20 ~~Fridays and Saturdays, and on days preceding a school vacation~~
21 ~~occurring during the school year, excepting the last day of such~~
22 ~~vacation period.~~

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

1 activities.

2 ~~Section 3. Section 5 of the act, amended December 15, 1999~~
3 ~~(P.L.946, No.67), is amended to read:~~

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

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

1 ~~utilized in the course of experiments and testing procedures, in~~
2 ~~such circumstances and under such conditions and safeguards as~~
3 ~~may be specified by rule or regulation of the Department of~~
4 ~~Labor and Industry.~~

5 ~~No minor under eighteen years of age shall be employed or~~
6 ~~permitted to work in, about, or in connection with, any~~
7 ~~establishment where alcoholic liquors are distilled, rectified,~~
8 ~~compounded, brewed, manufactured, bottled, sold, or dispensed;~~
9 ~~nor in a pool or billiard room: Provided, That male or female~~
10 ~~minors sixteen years of age and over may be employed and~~
11 ~~permitted to work that part of a motel, restaurant, club or~~
12 ~~hotel in which liquor or malt or brewed beverages are not~~
13 ~~served: And, provided further, That minors sixteen years of age~~
14 ~~and over may be employed to serve food, clear tables and perform~~
15 ~~other duties, not to include the dispensing or serving of~~
16 ~~alcoholic beverages, in any licensed establishment whose sales~~
17 ~~of food and nonalcoholic beverages are equal to forty per cent~~
18 ~~or more of the combined gross sales of both food and alcoholic~~
19 ~~beverages. Before employing any minor sixteen years of age and~~
20 ~~over, any establishment licensed by the Liquor Control Board~~
21 ~~shall furnish to the school district official authorized to~~
22 ~~issue employment certificates a certification that, for a period~~
23 ~~of not less than ninety consecutive days during the twelve~~
24 ~~months immediately preceding the date of application, the sales~~
25 ~~of food and nonalcoholic beverages by the employer at the~~
26 ~~licensed premises were equal to or exceeded forty per cent of~~
27 ~~the combined gross sales of food, nonalcoholic and alcoholic~~
28 ~~beverages in conformity with the requirements set forth in~~
29 ~~Regulation 141 of the Liquor Control Board governing the sale of~~
30 ~~alcoholic beverages on Sunday. Nothing in this section shall~~

1 ~~prevent the filming of a minor in a hotel, club, restaurant or~~
2 ~~other dining or recreational facility as a part of a performance~~
3 ~~in accordance with the provisions of section 7.1 or 7.5.~~

4 ~~Nothing in this section should be construed as prohibiting~~
5 ~~minors fourteen and fifteen years of age to be employed at ski~~
6 ~~resorts, golf courses and amusement parks, or other similar~~
7 ~~recreational establishments as long as they are not permitted to~~
8 ~~serve or handle alcoholic beverages and as long as they do not~~
9 ~~work in [any room] an area in which alcohol is being served or~~
10 ~~stored.~~

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

16 ~~In addition to the foregoing, it shall be unlawful for any~~
17 ~~minor under eighteen years of age to be employed or permitted to~~
18 ~~work in any occupation dangerous to the life or limb, or~~
19 ~~injurious to the health or morals, of the said minor, as such~~
20 ~~occupations shall, from time to time, after public hearing~~
21 ~~thereon, be determined and declared by the Industrial Board of~~
22 ~~the Department of Labor and Industry: Provided, That if it~~
23 ~~should be hereafter held by the courts of this Commonwealth that~~
24 ~~the power herein sought to be granted to the said board is for~~
25 ~~any reason invalid, such holding shall not be taken in any case~~
26 ~~to affect or impair the remaining provisions of this section.~~

27 ~~Section 4. Section 7.1 of the act, amended or added August~~
28 ~~23, 1961 (P.L.1107, No.494), December 21, 1988 (P.L.1908,~~
29 ~~No.192) and December 21, 1998 (P.L.1242, No.158), is amended to~~
30 ~~read:~~

1 ~~Section 7.1. [(a) The Department of Labor and Industry is~~
2 ~~hereby authorized to issue special permits for the employment of~~
3 ~~minors seven and under eighteen years of age in theatrical~~
4 ~~productions, musical recitals or concerts, entertainment acts,~~
5 ~~modeling, radio, television, motion picture making, or in other~~
6 ~~similar forms or media of entertainment in Pennsylvania where~~
7 ~~the performance of such minor is not hazardous to his safety or~~
8 ~~well being, except as follows:~~

9 ~~(1) No such minor shall be permitted to perform after the~~
10 ~~hour of eleven thirty in the evening.~~

11 ~~(2) No such minor shall be permitted to perform in any place~~
12 ~~or establishment where alcoholic beverages are sold or~~
13 ~~dispensed.~~

14 ~~(3) No such minor shall be permitted to perform in a boxing,~~
15 ~~sparring or wrestling match or exhibition or in an acrobatic or~~
16 ~~other act, performance or exhibition hazardous to his safety or~~
17 ~~well being.~~

18 ~~(4) No such minor shall appear in more than two performances~~
19 ~~in any one day nor in more than eight performances in any one~~
20 ~~week.~~

21 ~~(a.1) In addition to any permit authorized by subsection~~
22 ~~(a), the department shall be authorized to issue special permits~~
23 ~~for the temporary employment of minors as part of the performing~~
24 ~~cast in the production of a motion picture, if the department~~
25 ~~determines that adequate provision has been made for the~~
26 ~~educational instruction, supervision, health and welfare of the~~
27 ~~minor. Unless the department determines that more restrictive~~
28 ~~conditions are necessary, special permits authorized by this~~
29 ~~subsection shall authorize minors to work as part of the~~
30 ~~performing cast for forty four hours in any one week and eight~~

~~1 hours in any one day. Time spent on the set or on location while
2 on call shall be excluded from any calculation of the maximum
3 number of hours authorized by this subsection if the department
4 determines that adequate provision has been made for the child's
5 education, supervision and welfare during such intervals. The
6 department may restrict the number of hours which may be spent
7 on call by the minor. The department may waive, in whole or in
8 part, restrictions contained in this act and in any other act,
9 on the time of day or night allowed for engaging in the
10 employment authorized by this subsection, if the department
11 determines that such waiver is necessary to preserve the
12 artistic integrity of the motion picture and further determines
13 that such waiver will not impair the educational instruction,
14 supervision, health and welfare of the minor. Special permits
15 authorized by this subsection shall be valid for a period of
16 time not to exceed six months. An issued permit shall state that
17 no minor, allowed under the permit to be temporarily employed,
18 may be allowed on a set during, or may otherwise watch, the
19 filming or rehearsal for filming of any sexual act. Nothing in
20 this section shall be construed to supersede or repeal in part
21 18 Pa.C.S. § 5903 (relating to obscene and other sexual
22 materials) or 6312 (relating to sexual abuse of children).~~

~~23 (a.2) A special permit shall not be required under this
24 section for a minor who participates in a nonprofit,
25 educational, theatrical production if there is informed, written
26 consent of a parent or guardian; if the participation is for a
27 period of no more than fourteen consecutive days; if the
28 participation is not during school hours; and if the minor
29 receives no direct or indirect remuneration. All other existing
30 limitations of this section shall remain applicable.~~

1 ~~(b) Rehearsals for performances as set forth in this section~~
2 ~~shall be permitted, providing the length of time and hours of~~
3 ~~starting and finishing such rehearsals added to performance~~
4 ~~duties are not such as to be injurious or harmful to the minor.~~
5 ~~Rehearsal time, if any, expected and the hours of starting and~~
6 ~~finishing same shall be set forth in the application as provided~~
7 ~~in this section, and the special permit issued shall state what~~
8 ~~rehearsal time is permissible.~~

9 ~~(c) Nothing in this section shall be deemed to supersede or~~
10 ~~repeal any provisions of this act unless and until such special~~
11 ~~permit is issued for any such performance or series of~~
12 ~~performances.~~

13 ~~(d) Application forms shall be in such form as shall be~~
14 ~~provided by the Department of Labor and Industry. Such forms~~
15 ~~shall be signed by both the employer of the minor and the parent~~
16 ~~or guardian of the minor, and shall contain the seal of a notary~~
17 ~~public and a statement that the facts as set forth in the~~
18 ~~application are true and correct. The application shall state~~
19 ~~what provisions are in effect to provide for the minor's~~
20 ~~educational instruction, supervision, health and welfare and the~~
21 ~~safeguarding and conservation for the minor of the moneys~~
22 ~~derived from such performances. No special permit shall be~~
23 ~~issued for any performance where there is no adequate provision~~
24 ~~for such educational instruction, supervision, health and~~
25 ~~welfare and the safeguarding and conservation for the minor of~~
26 ~~the moneys derived from such performances.~~

27 ~~(e) Appeals of any decision under this section made by the~~
28 ~~Department of Labor and Industry shall be to the Industrial~~
29 ~~Board which will hold a hearing on same.]~~

30 ~~(a) The Department of Labor and Industry is hereby~~

1 ~~authorized to issue a special work permit to a minor who renders~~
2 ~~artistic or creative services in theater, radio, television,~~
3 ~~movies, the Internet, publications or a medium that may be~~
4 ~~transmitted to an audience and the minor receives remuneration~~
5 ~~for the performance.~~

6 ~~(b) A minor may engage in a performance if the following~~
7 ~~requirements are satisfied:~~

8 ~~(1) The minor has a valid permit issued by the department.~~

9 ~~(2) The performance is not hazardous to the health and~~
10 ~~safety of the minor.~~

11 ~~(3) The minor's performance is limited to hours specified in~~
12 ~~subsection (e) and those established in regulations promulgated~~
13 ~~by the department.~~

14 ~~(4) The performance would not constitute a violation of 18~~
15 ~~Pa.C.S. § 5903 (relating to obscene and other sexual materials~~
16 ~~and performances) or 6312 (relating to sexual abuse of~~
17 ~~children).~~

18 ~~(5) A minor who is under sixteen years of age must be~~
19 ~~accompanied by a parent or guardian who must be within sight or~~
20 ~~sound of the minor at all times.~~

21 ~~(c) The department shall issue a permit, valid for six~~
22 ~~months from its issuance, upon presentment of the following~~
23 ~~information in an application prescribed by the department:~~

24 ~~(1) If a minor is subject to compulsory education~~
25 ~~requirements, a letter or other document from the minor's school~~
26 ~~or school district indicating that the minor is a pupil in good~~
27 ~~standing. If the application is made while school is not in~~
28 ~~session, the minor must present his or her most recent report~~
29 ~~card.~~

30 ~~(2) Verification of the minor's age.~~

1 ~~(3) Permission of a parent or guardian; signature on the~~
2 ~~application shall indicate the parent's or guardian's~~
3 ~~permission.~~

4 ~~(d) An employer who employs one or more minors in a~~
5 ~~performance must possess a permit to employ minors issued by the~~
6 ~~department. The department shall issue a permit to employ minors~~
7 ~~upon the employer's providing to the department proof of~~
8 ~~workers' compensation coverage, if required. The permit to~~
9 ~~employ minors shall be valid for three years. The employer shall~~
10 ~~be required to pay a fee set by the department, but not to~~
11 ~~exceed three hundred fifty (\$350.00) dollars for initial~~
12 ~~registration and two hundred (\$200.00) dollars for subsequent~~
13 ~~registration.~~

14 ~~(e) (1) A minor is prohibited from working more than eight~~
15 ~~hours in any workday or more than forty eight hours in one week.~~
16 ~~A minor may not work past ten o'clock on the night before a~~
17 ~~school day or past twelve thirty in the morning on other nights,~~
18 ~~and a minor may not work before five o'clock in the morning.~~

19 ~~(2) The department may waive or modify the restrictions~~
20 ~~contained in this subsection if the department reasonably~~
21 ~~determines: the parent or guardian approves of the waiver, the~~
22 ~~waiver will not impair the educational instruction of the minor;~~
23 ~~and the waiver will not compromise the health or safety of the~~
24 ~~minor.~~

25 ~~(3) No infant under the age of one month may be employed in~~
26 ~~a performance unless a licensed physician provides written~~
27 ~~certification that the infant is at least fifteen days old and,~~
28 ~~in his medical opinion:~~

29 ~~(i) The infant was carried to full term.~~

30 ~~(ii) The infant was of normal birth weight.~~

1 ~~(iii) The infant is physically capable of handling the~~
2 ~~requirements of the performance.~~

3 ~~(iv) The infant's lungs, eyes, heart and immune system are~~
4 ~~sufficiently developed to withstand any potential risks.~~

5 ~~(4) The department may promulgate further regulations~~
6 ~~governing the working hours for minors under this subsection.~~

7 ~~(f) (1) A minor performer shall fulfill educational~~
8 ~~requirements as set forth in the act of March 10, 1949 (P.L.30,~~
9 ~~No.14), known as the "Public School Code of 1949," or the~~
10 ~~requirements of the state in which the minor performer resides.~~
11 ~~A minor who has not completed such requirements shall be subject~~
12 ~~to paragraph (2).~~

13 ~~(2) An employer employing, either directly or indirectly~~
14 ~~through a third person, a minor for three or more school days in~~
15 ~~a thirty day period shall provide a teacher who has credentials~~
16 ~~issued by the Department of Education, a state recognized by the~~
17 ~~Department of Education, or a state in which the minor resides.~~
18 ~~This requirement shall apply beginning on the second day that~~
19 ~~the minor renders services for that employer and shall continue~~
20 ~~on each day thereafter that the school of the minor's place of~~
21 ~~residence is in session and the minor is rendering services. A~~
22 ~~minor receiving instruction from a teacher provided pursuant to~~
23 ~~this provision shall not be declared absent from school while~~
24 ~~working under the permit requirement in accordance with this~~
25 ~~section. The requirements of this section shall only be~~
26 ~~applicable when school is in session and the minor is not~~
27 ~~receiving educational instruction at his regular school due to~~
28 ~~his employment schedule.~~

29 ~~(3) A minor receiving educational instruction under this~~
30 ~~section, and such minor's parent or guardian, shall work with~~

1 ~~the teacher provided to the minor and the minor's school of~~
2 ~~enrollment to fulfill the educational requirements.~~

3 ~~(4) If there is a hiatus in a production that employs a~~
4 ~~minor under this section, a teacher shall be provided to the~~
5 ~~minor during the hiatus for periods when school is in session,~~
6 ~~pursuant to the requirements described in the section, unless~~
7 ~~the minor is able to attend his regular school.~~

8 ~~(5) Where this section requires that an employer provide a~~
9 ~~teacher to a minor, the employer shall provide a ratio of at~~
10 ~~least one teacher for every ten minors unless the minors are~~
11 ~~within two grade levels, in which case the employer shall~~
12 ~~provide a ratio of at least one teacher for every twenty minors.~~

13 ~~(6) School districts shall have the authority, in~~
14 ~~cooperation with the Department of Education and the parent or~~
15 ~~guardian of the minor, to develop alternative methods by which~~
16 ~~minors may satisfy their educational requirements at times~~
17 ~~outside the normal school day. Alternative methods under this~~
18 ~~paragraph shall be no more restrictive than those set forth in~~
19 ~~this section.~~

20 ~~(g) (1) (i) Within thirty days following the final day of~~
21 ~~employment, except when the period of employment is longer than~~
22 ~~thirty days, a minor's employer is required to transfer fifteen~~
23 ~~percent of gross earnings to the custodian or trustee of the~~
24 ~~minor's trust account established under 20 Pa.C.S. Ch. 53~~
25 ~~(relating to Pennsylvania Uniform Transfers to Minors Act) or an~~
26 ~~account previously established under a similar law in another~~
27 ~~state. When the employment is longer than thirty days, the~~
28 ~~employer shall make the required transfer every payroll period.~~

29 ~~(ii) If the minor's employer has not been notified within~~
30 ~~fifteen days of commencement of employment of the existence of a~~

1 ~~trust account established under 20 Pa.C.S. Ch. 53, or no such~~
2 ~~account has been established by the minor's parent or guardian,~~
3 ~~then the minor's employer shall transfer such monies together~~
4 ~~with the minor's name and last known address to the State~~
5 ~~Treasurer for placement into an account for the benefit of the~~
6 ~~minor.~~

7 ~~(iii) Once the transfers have been made to the trust account~~
8 ~~established under 20 Pa.C.S. Ch. 53 or the treasurer's account,~~
9 ~~the minor's employer has no further duty under this subsection.~~

10 ~~(iv) The employer's obligations under this subsection shall~~
11 ~~terminate when the minor reaches eighteen years of age.~~

12 ~~(2) (i) Within fifteen days of the commencement of~~
13 ~~employment, the minor's parent or guardian must establish a~~
14 ~~trust account in accordance with 20 Pa.C.S. Ch. 53, unless an~~
15 ~~account has previously been established in this Commonwealth or~~
16 ~~under a similar law in another state. Once the trust account has~~
17 ~~been established, the minor's parent or guardian shall notify~~
18 ~~the minor's employer of the existence of the account and any~~
19 ~~additional information required by the employer to comply with~~
20 ~~this subsection.~~

21 ~~(ii) The trustee of the account shall promptly notify the~~
22 ~~minor's employer of a change in facts that affects the~~
23 ~~employer's obligation to set aside funds under this subsection.~~

24 ~~(iii) Upon written request of the minor's parent or~~
25 ~~guardian, the trustee may require the minor's employer to~~
26 ~~transfer more than fifteen percent of the gross earnings to the~~
27 ~~child performer's trust account.~~

28 ~~(iv) The minor's parent or guardian may serve as trustee of~~
29 ~~the child performer trust account.~~

30 ~~(v) Once the minor's trust account balance reaches one~~

1 ~~hundred fifty thousand (\$150,000.00) dollars or more, a trust~~
2 ~~company shall be appointed by the minor's parent or guardian to~~
3 ~~serve as trustee of the account.~~

4 ~~(3) The minor may terminate the child performer trust~~
5 ~~account upon reaching the age of eighteen.~~

6 ~~(h) Nothing in this section shall be construed to require a~~
7 ~~permit for a minor's participation in a church, school,~~
8 ~~community or charitable activity, for which the minor receives~~
9 ~~no compensation or remuneration.~~

10 Section 5. The act is amended by adding sections to read:

11 Section 7.5. (a) A minor may participate in a reality or
12 documentary program if the following conditions are met:

13 (1) Participation in the reality or documentary program is
14 not hazardous to the health and safety of the minor.

15 (2) Participation would not constitute a violation of 18
16 Pa.C.S. § 5903 (relating to obscene and other sexual materials
17 and performances) or 6312 (relating to sexual abuse of
18 children).

19 (b) Where a minor or one or more members of the minor's
20 family receive compensation that expressly depends upon the
21 minor's participation in a reality or documentary program and
22 the minor's participation is substantial, the minor shall have a
23 valid permit issued by the Department of Labor and Industry. For
24 the purposes of this subsection, the following terms shall have
25 the following meanings:

26 (1) "Family" shall mean members of a minor's immediate
27 family, including the minor's mother, father, brother or sister.

28 (2) "Compensation" shall include one or more monetary
29 payments, but shall not include reimbursement for expenses
30 incurred by the minor or the minor's family, any prize or goods

1 ~~or services received in connection with the program with a value~~
2 ~~less than \$2,500.~~

3 ~~(3) "Substantial" shall mean the minor is a principal~~
4 ~~subject of the reality or documentary program or the minor~~
5 ~~participates in the filming of the reality or documentary~~
6 ~~program for ten (10) or more days in a thirty (30) day period.~~

7 ~~(c) The department shall issue a permit under the following~~
8 ~~conditions:~~

9 ~~(1) The department determines that adequate provision has~~
10 ~~been made for the minor's educational instruction, supervision,~~
11 ~~health and safety.~~

12 ~~(2) The minor may not work past ten o'clock on the night~~
13 ~~before a school day or past twelve thirty in the morning on~~
14 ~~other nights, and a minor may not work before five o'clock in~~
15 ~~the morning.~~

16 ~~(3) The minor's participation does not exceed eight hours in~~
17 ~~a day or forty eight hours in a week.~~

18 ~~(4) The department may waive or modify the restrictions~~
19 ~~contained in this section if the department reasonably~~
20 ~~determines:~~

21 ~~(i) The waiver is necessary in light of the nature of the~~
22 ~~program.~~

23 ~~(ii) The parent or guardian approves the waiver.~~

24 ~~(iii) The waiver will not impair the educational instruction~~
25 ~~of the minor.~~

26 ~~(iv) The waiver will not compromise the health or safety of~~
27 ~~the minor.~~

28 ~~(5) The application for a minor's work permit must comply~~
29 ~~with the following:~~

30 ~~(i) Be made on a form issued by the department and signed by~~

1 ~~the person or entity responsible for filming and the parent or~~
2 ~~guardian.~~

3 ~~(ii) State the legal name, address and date of birth of the~~
4 ~~minor.~~

5 ~~(iii) State the name and type of production and the nature~~
6 ~~of the minor's participation.~~

7 ~~(iv) State the name and address of the parent or guardian~~
8 ~~who will supervise the minor's participation in the reality or~~
9 ~~documentary program.~~

10 ~~(v) State the dates of the minor's expected participation,~~
11 ~~hours of the minor's participation and length of time the minor~~
12 ~~will participate.~~

13 ~~(vi) State the name and contact information of the person or~~
14 ~~entity responsible for filming.~~

15 ~~(vii) Contain proof of workers' compensation insurance by~~
16 ~~the person or entity responsible for filming in accordance with~~
17 ~~the act of June 2, 1915 (P.L.736, No.338), known as the Workers'~~
18 ~~Compensation Act, if required.~~

19 ~~(viii) Contain a description of the compensation for the~~
20 ~~minor's participation.~~

21 ~~(ix) If applicable, satisfy the requirements of section 7.1~~
22 ~~regarding the preservation of the minor's earnings.~~

23 ~~(x) Where participation in the reality or documentary~~
24 ~~program necessitates the minor's absence from his regular~~
25 ~~school, satisfy the education and schooling requirements of~~
26 ~~section 7.1.~~

27 ~~(d) (Reserved).~~

28 ~~(e) A permit is valid for the duration of the minor's~~
29 ~~participation in the reality or documentary program for which it~~
30 ~~is issued. The department may, on a semi annual basis, review a~~

1 ~~reality or documentary program and the participation of the~~
2 ~~minor to ensure:~~

3 ~~(1) The minor's health and safety is protected.~~

4 ~~(2) The educational instruction of the minor is not~~
5 ~~impaired.~~

6 ~~(3) The minor's earnings, if any, are properly preserved in~~
7 ~~a trust in accordance with section 7.1(g).~~

8 ~~(f) The permit requirements of this section shall not apply~~
9 ~~to news gathering activities or game shows.~~

10 ~~(g) Nothing in this section shall be construed to require a~~
11 ~~permit for a minor's participation in a church, school,~~
12 ~~community or charitable activity, for which the minor receives~~
13 ~~no compensation or remuneration.~~

14 ~~Section 7.6. (a) The department may revoke a special permit~~
15 ~~if:~~

16 ~~(1) there has been a violation of this act related to the~~
17 ~~employment of the minor in the performance;~~

18 ~~(2) the permit application contained false, misleading and~~
19 ~~substantially incorrect information or the applicant or minor is~~
20 ~~no longer performing in accordance with the information provided~~
21 ~~on the application;~~

22 ~~(3) a condition of issuance of the permit is not being met;~~
23 ~~or~~

24 ~~(4) there is danger to the minor's health, safety or~~
25 ~~welfare.~~

26 ~~(b) The department may revoke a special permit under this~~
27 ~~section without a hearing. Revocation may be appealed to the~~
28 ~~Secretary of Labor and Industry, who shall conduct a hearing~~
29 ~~subject to 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and~~
30 ~~procedure of Commonwealth agencies) and 7 Subch. A (relating to~~

1 ~~judicial review of Commonwealth agency action). The revocation~~
2 ~~may remain in effect until the Secretary of Labor and Industry~~
3 ~~issues a decision.~~

4 Section 6. ~~Sections 8 and 10 of the act, amended December~~
5 ~~21, 1988 (P.L.1908, No.192), are amended to read:~~

6 Section 8. (a) ~~[Before] Except as provided for in sections~~
7 ~~7.1 and 7.5, before any minor under eighteen years of age shall~~
8 ~~be employed, permitted or suffered to work in, about, or in~~
9 ~~connection with, any establishment, or in any occupation, the~~
10 ~~person employing such minor shall procure and keep on file, and~~
11 ~~accessible to any attendance officer, deputy factory inspector,~~
12 ~~or other authorized inspector or officer charged with the~~
13 ~~enforcement of this act, an employment certificate as~~
14 ~~hereinafter provided, issued for said minor.~~

15 (b) ~~Any minor who has reached the age of sixteen may receive~~
16 ~~a transferable work permit instead of an employment certificate~~
17 ~~from the appropriate issuing official. All transferable work~~
18 ~~permits shall be valid for the entire period the minor is~~
19 ~~eligible for work and is under the age of eighteen. The employer~~
20 ~~shall ensure that the minors have valid transferable work~~
21 ~~permits in accordance with sections 17 and 17.1.~~

22 Section 10. ~~[Application] Except as provided for in sections~~
23 ~~7.1 and 7.5, application for the employment certificate must be~~
24 ~~made by the parent, guardian, or legal custodian of the minor~~
25 ~~for whom such employment certificate or transferable work permit~~
26 ~~is requested; or, if said minor have no parent, guardian, or~~
27 ~~legal custodian, then by the next friend, who must be over~~
28 ~~eighteen years of age. In lieu of the personal appearance of the~~
29 ~~parent, guardian, legal custodian, or next friend of the minor,~~
30 ~~such person may execute a statement before a notary public or~~

1 ~~other person authorized to administer oaths attesting to the~~
2 ~~accuracy of the facts set forth in the application on a form~~
3 ~~prescribed by the Department of Education, which statement shall~~
4 ~~be attached to the application. No employment certificate shall~~
5 ~~be issued until the said minor has personally appeared before,~~
6 ~~and been examined by, the officer issuing the certificate,~~
7 ~~except that where the applicant is a graduate of an accredited~~
8 ~~high school and exhibits official proof of such graduation, no~~
9 ~~personal appearance or countersigned application shall be~~
10 ~~required.~~

11 ~~Section 7. This act shall take effect October 1, 2011.~~

12 SECTION 1. SHORT TITLE.

13 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE CHILD LABOR
14 ACT.

15 SECTION 2. DEFINITIONS.

16 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
17 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
18 CONTEXT CLEARLY INDICATES OTHERWISE:

19 "DEPARTMENT." THE DEPARTMENT OF LABOR AND INDUSTRY OF THE
20 COMMONWEALTH.

21 "DOCUMENTARY PROGRAM." A GENRE OF MOTION PICTURE PROGRAM,
22 INCLUDING PROGRAMMING FOR TELEVISION, THAT DEPICTS OR PORTRAYS A
23 NONFICTION STORY AND MAY PRESENT AN OPINION OR A SPECIFIC
24 MESSAGE ALONG WITH FACTUAL MATERIAL.

25 "EMPLOY." TO HIRE, PERMIT OR ALLOW A MINOR TO WORK FOR
26 COMPENSATION TO THE MINOR OR ANY OTHER PERSON.

27 "EMPLOYER." A PERSON THAT EMPLOYS A MINOR.

28 "ENFORCEMENT OFFICER." ANY OF THE FOLLOWING:

29 (1) THE SECRETARY OF LABOR AND INDUSTRY, A DESIGNEE WHO
30 IS AN EMPLOYEE OF THE DEPARTMENT OF LABOR AND INDUSTRY OR AN

1 ATTORNEY OF THE OFFICE OF GENERAL COUNSEL WHO IS ASSIGNED TO
2 THE DEPARTMENT.

3 (2) A CHIEF SCHOOL ADMINISTRATOR.

4 (3) A HOME AND SCHOOL VISITOR.

5 (4) AN ATTENDANCE OFFICER APPOINTED UNDER SECTIONS 1341
6 AND 1342 OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN
7 AS THE PUBLIC SCHOOL CODE OF 1949.

8 (5) AN ISSUING OFFICER.

9 (6) A LAW ENFORCEMENT OFFICER.

10 "ESTABLISHMENT." A PLACE WITHIN THIS COMMONWEALTH WHERE WORK
11 IS DONE FOR COMPENSATION OF ANY KIND.

12 "FAIR LABOR STANDARDS ACT." THE FAIR LABOR STANDARDS ACT OF
13 1938 (52 STAT. 1060, 29 U.S.C. § 201 ET SEQ.).

14 "HOURS OF EMPLOYMENT." HOURS OUTSIDE SCHOOL HOURS
15 ESTABLISHED BY THE APPROPRIATE SCHOOL DISTRICT, EXCEPT THAT THE
16 PROVISIONS OF SECTION 5 SHALL APPLY TO A MINOR ENGAGED IN A
17 PERFORMANCE.

18 "ISSUING OFFICER." ONE OF THE FOLLOWING:

19 (1) A DISTRICT SUPERINTENDENT OR SUPERVISING PRINCIPAL
20 OF A PUBLIC SCHOOL DISTRICT OR, IF A PUBLIC SCHOOL DISTRICT
21 DOES NOT HAVE A DISTRICT SUPERINTENDENT OR SUPERVISING
22 PRINCIPAL, THE SECRETARY OF THE BOARD OF SCHOOL DIRECTORS OF
23 THE DISTRICT.

24 (2) AN INDIVIDUAL AUTHORIZED IN WRITING BY THE
25 APPROPRIATE INDIVIDUAL UNDER PARAGRAPH (1) TO ISSUE A
26 CERTIFICATE OR PERMIT.

27 "MINOR." AN INDIVIDUAL UNDER 18 YEARS OF AGE.

28 "PERFORM" OR "PERFORMANCE." THE PROVIDING OF ARTISTIC OR
29 CREATIVE SERVICES TO A LIVE AUDIENCE OR RECORDED FOR EXHIBITION
30 OR BROADCAST TO AN AUDIENCE. THIS TERM SHALL INCLUDE MODELING.

1 "PERSON." THE COMMONWEALTH, ANY POLITICAL SUBDIVISION,
2 INSTRUMENTALITY OR AUTHORITY OF A POLITICAL SUBDIVISION, AN
3 INDIVIDUAL, A PARTNERSHIP, A CORPORATION, A NONPROFIT
4 CORPORATION OR AN UNINCORPORATED ASSOCIATION.

5 "REALITY PROGRAM." A GENRE OF PROGRAM THAT PRINCIPALLY
6 PRESENTS ACTUAL EVENTS AND GENERALLY FEATURES ORDINARY PEOPLE
7 AND NOT PROFESSIONAL ACTORS.

8 "REGULAR SCHOOL WEEK." THE FIVE DAYS BEGINNING WITH MONDAY
9 THROUGH FRIDAY WHEN SCHOOL IS IN SESSION.

10 "SCHOOL VACATION." THE PERIOD OF TIME A MINOR IS NOT
11 REQUIRED TO BE IN SCHOOL AS ESTABLISHED BY THE SCHOOL DISTRICT
12 WHERE THE MINOR RESIDES. THE TERM DOES NOT INCLUDE SATURDAYS AND
13 SUNDAYS, EXCEPT WHERE ONE OR MORE VACATION DAYS PRECEDE OR
14 FOLLOW SATURDAY OR SUNDAY.

15 "SECRETARY." THE SECRETARY OF LABOR AND INDUSTRY OF THE
16 COMMONWEALTH OR THE SECRETARY'S DESIGNEE.

17 "VOLUNTEER EMERGENCY SERVICE ORGANIZATION." A VOLUNTEER FIRE
18 COMPANY, VOLUNTEER AMBULANCE ORGANIZATION, VOLUNTEER RESCUE
19 ORGANIZATION, A VOLUNTEER FOREST FIREFIGHTING ORGANIZATION OR A
20 VOLUNTEER ORGANIZATION OF EMERGENCY SERVICE PERSONNEL WHO ARE
21 EXPECTED TO RESPOND TO MEDICAL EMERGENCIES OR LARGE-SCALE
22 DISASTERS.

23 "WORK PERMIT." A TRANSFERABLE WORK PERMIT ALLOWING
24 EMPLOYMENT OF A MINOR.

25 SECTION 3. TIME LIMITATIONS ON EMPLOYMENT OF MINORS.

26 (A) REST BREAK.--NO MINOR MAY BE EMPLOYED FOR MORE THAN FIVE
27 HOURS CONTINUOUSLY WITHOUT AN INTERVAL OF AT LEAST 30 MINUTES
28 FOR A REST BREAK. NO PERIOD OF LESS THAN 30 MINUTES SHALL BE
29 DEEMED TO INTERRUPT A CONTINUOUS PERIOD OF WORK.

30 (B) TIME RESTRICTION.--EXCEPT FOR NEWSPAPER DELIVERY UNDER

1 SECTION 14, A MINOR MAY NOT BE EMPLOYED FOR MORE THAN SIX
2 CONSECUTIVE DAYS.

3 (C) AGE RESTRICTION.--EXCEPT AS SET FORTH UNDER SECTIONS
4 4(D) AND 5, NO INDIVIDUAL UNDER 14 YEARS OF AGE MAY BE EMPLOYED.

5 (D) HOURS OF EMPLOYMENT FOR MINORS 14 AND 15 YEARS OF AGE.--
6 EXCEPT AS SET FORTH UNDER SUBSECTION (E) AND PERFORMANCES UNDER
7 SECTION 5, THE HOURS OF EMPLOYMENT FOR INDIVIDUALS 14 AND 15
8 YEARS OF AGE SHALL BE LIMITED AS FOLLOWS:

9 (1) THE MINOR MAY NOT BE EMPLOYED BEFORE 7 A.M. OR AFTER
10 7 P.M., EXCEPT THAT DURING A SCHOOL VACATION PERIOD A MINOR
11 SHALL BE PERMITTED TO BE EMPLOYED UNTIL 9 P.M. THE DEPARTMENT
12 MAY PROMULGATE REGULATIONS UNDER THIS PARAGRAPH WHICH
13 ESTABLISH A PROCEDURE FOR AN EMPLOYER THAT IS NOT SUBJECT TO
14 THE FAIR LABOR STANDARDS ACT TO RECEIVE AN EXTENSION UNTIL 10
15 P.M.

16 (2) THE MINOR MAY NOT BE EMPLOYED FOR MORE THAN THREE
17 HOURS ON A SCHOOL DAY OR MORE THAN EIGHT HOURS ON A DAY WHEN
18 THERE IS NO SCHOOL.

19 (3) THE MINOR MAY NOT BE EMPLOYED FOR MORE THAN 18 HOURS
20 DURING A REGULAR SCHOOL WEEK.

21 (4) THE MINOR MAY NOT BE EMPLOYED FOR MORE THAN 40 HOURS
22 DURING A WEEK WHEN SCHOOL IS NOT IN SESSION.

23 (5) A MINOR ENROLLED IN SUMMER SCHOOL IS SUBJECT TO THE
24 LIMITATION SET FORTH IN PARAGRAPH (3).

25 (E) EXCEPTIONS.--THE FOLLOWING EXCEPTIONS APPLY TO THE
26 PROHIBITIONS OF SUBSECTION (D):

27 (1) INDIVIDUALS WHO ARE AT LEAST 14 YEARS OF AGE OR
28 OLDER MAY BE EMPLOYED UNTIL 10 P.M. ON A FARM BY A PERSON
29 OTHER THAN THE FARMER IN THE HATCHING, RAISING OR HARVESTING
30 OF POULTRY AS LONG AS THE MINOR IS NOT WORKING IN AN

1 AGRICULTURAL OCCUPATION DECLARED HAZARDOUS BY THE UNITED
2 STATES SECRETARY OF LABOR.

3 (2) NEWSPAPER AND PERIODICAL DELIVERY UNDER SECTION 14.

4 (3) STUDENTS 14 YEARS OF AGE OR OLDER WHOSE EMPLOYMENT
5 IS PART OF A RECOGNIZED SCHOOL-WORK PROGRAM SUPERVISED BY A
6 RECOGNIZED SCHOOL AUTHORITY MAY BE EMPLOYED FOR HOURS WHICH,
7 COMBINED WITH THE HOURS SPENT IN SCHOOL, DO NOT EXCEED EIGHT
8 HOURS IN A DAY.

9 (F) HOURS OF EMPLOYMENT FOR MINORS 16 YEARS OF AGE OR
10 OLDER.--THE HOURS ~~FOR~~ OF EMPLOYMENT FOR MINORS WHO ARE 16 YEARS
11 OF AGE OR OLDER ARE AS FOLLOWS: ←

12 (1) WHEN SCHOOL IS IN SESSION, AN INDIVIDUAL WHO IS 16
13 YEARS OF AGE OR OLDER SHALL BE LIMITED AS FOLLOWS:

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

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

18 (III) THE MINOR MAY NOT BE EMPLOYED BEFORE 6 A.M. OR
19 AFTER 12 MIDNIGHT, EXCEPT THAT DURING A SCHOOL VACATION
20 PERIOD A MINOR SHALL BE PERMITTED TO BE EMPLOYED UNTIL 1
21 A.M.

22 (2) DURING A SCHOOL VACATION, AN INDIVIDUAL WHO IS 16
23 YEARS OF AGE OR OLDER SHALL BE LIMITED AS FOLLOWS:

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

26 (II) THE MINOR MAY NOT BE EMPLOYED FOR MORE THAN 48
27 HOURS IN A SINGLE WEEK PROVIDED THAT ANY HOURS WORKED
28 MORE THAN 44 IN A SINGLE WEEK SHALL BE VOLUNTARILY AGREED
29 TO BY THE MINOR AND FURTHER PROVIDED THAT THE MINOR MAY
30 REJECT ANY REQUEST FOR EMPLOYMENT IN EXCESS OF 44 HOURS

1 IN A SINGLE WEEK WITHOUT RETALIATION.

2 (3) A MINOR ENROLLED IN SUMMER SCHOOL IS SUBJECT TO THE
3 LIMITATIONS SET FORTH UNDER PARAGRAPH (1).

4 (4) AN INDIVIDUAL WHO IS 16 YEARS OF AGE OR OLDER WHO IS
5 EMPLOYED AS A COUNSELOR, COUNSELOR-IN-TRAINING OR JUNIOR
6 COUNSELOR DURING THE SCHOOL VACATION PERIOD BY A SUMMER
7 RESIDENT CAMP OR A CONFERENCE OR RETREAT OPERATED BY A
8 RELIGIOUS OR SCOUT ORGANIZATION SHALL RECEIVE 24 CONSECUTIVE
9 HOURS OF REST DURING EVERY SEVEN-DAY PERIOD. THIS PARAGRAPH
10 DOES NOT APPLY TO A MINOR EMPLOYED PRIMARILY FOR GENERAL
11 MAINTENANCE WORK OR FOOD SERVICE ACTIVITIES.

12 (5) THIS SUBSECTION DOES NOT APPLY TO A MINOR WHO:

13 (I) IS A HIGH SCHOOL GRADUATE; OR

14 (II) IS EXEMPT FROM COMPULSORY SCHOOL ATTENDANCE
15 REQUIREMENTS UNDER SECTION 1330(1) OF THE ACT OF MARCH
16 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE
17 OF 1949.

18 (G) APPLICABILITY.--THIS SECTION SHALL NOT APPLY TO MINORS
19 ENGAGING IN A PERFORMANCE UNDER SECTION 5.

20 SECTION 4. OCCUPATIONS AND ESTABLISHMENTS.

21 (A) PROHIBITION.--MINORS MAY NOT BE EMPLOYED IN THE
22 FOLLOWING:

23 (1) ESTABLISHMENTS WHERE ALCOHOLIC BEVERAGES ARE
24 PRODUCED, SOLD OR DISPENSED EXCEPT AS FOLLOWS:

25 (I) NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, A
26 HOTEL, RESTAURANT OR CLUB LIQUOR LICENSEE OR ANY RETAIL
27 DISPENSER MAY ALLOW STUDENTS RECEIVING INSTRUCTION IN A
28 PERFORMING ART TO PERFORM AN EXHIBITION IF THE STUDENTS
29 ARE NOT COMPENSATED AND ARE UNDER PROPER SUPERVISION IN
30 ACCORDANCE WITH THE ACT OF APRIL 12, 1951 (P.L.90, NO.21)

1 KNOWN AS THE LIQUOR CODE.

2 (II) AN INDIVIDUAL UNDER 16 YEARS OF AGE MAY BE
3 EMPLOYED AT A CONTINUING-CARE RETIREMENT COMMUNITY, SKI
4 RESORT, BOWLING ALLEY, GOLF COURSE, AMUSEMENT PARK OR
5 OTHER SIMILAR RECREATIONAL ESTABLISHMENT WHERE ALCOHOLIC
6 BEVERAGES ARE SERVED AS LONG AS THE INDIVIDUAL IS NOT
7 PERMITTED TO HANDLE OR SERVE THE BEVERAGES AND IS NOT
8 EMPLOYED IN AN AREA WHERE THE BEVERAGES ARE STORED OR
9 SERVED.

10 (III) A MINOR 16 YEARS OF AGE OR OLDER MAY BE
11 EMPLOYED IN THAT PART OF THE ESTABLISHMENT IN WHICH
12 ALCOHOLIC BEVERAGES ARE NOT SERVED.

13 (IV) A MINOR 16 YEARS OF AGE OR OLDER MAY BE
14 EMPLOYED IN A HOTEL, CLUB OR RESTAURANT WHERE ALCOHOLIC
15 BEVERAGES ARE SERVED IF THE EMPLOYMENT CONSISTS OF
16 SERVING FOOD, CLEARING TABLES AND RELATED DUTIES,
17 PROVIDED ~~THAT~~ THAT THE ESTABLISHMENT HAS A VALID PERMIT ←
18 FOR SUNDAY SALES ISSUED BY THE PENNSYLVANIA LIQUOR
19 CONTROL BOARD AND THE MINOR'S DUTIES DO NOT INCLUDE
20 DISPENSING OR SERVING ALCOHOLIC BEVERAGES. BEFORE
21 EMPLOYING A MINOR UNDER THIS SUBSECTION, AN ESTABLISHMENT
22 LICENSED BY THE PENNSYLVANIA LIQUOR CONTROL BOARD FOR
23 SUNDAY SALES MUST SUBMIT TO THE ISSUING OFFICER A COPY OF
24 THE CURRENT VALID PERMIT FOR SUNDAY SALES.

25 (2) IN ANY OCCUPATION OR ESTABLISHMENT DESIGNATED AS
26 HAZARDOUS AND OTHERWISE PROHIBITED UNDER THE FAIR LABOR
27 STANDARDS ACT AND REGULATIONS UNDER THAT ACT.

28 (3) AS A PILOT, FIREMAN OR ENGINEER UPON A BOAT OR
29 VESSEL; ON A RAILROAD OR RAILWAY AS A TRACK REPAIRMAN, GATE-
30 TENDER, SWITCH-TENDER, BRAKEMAN, FIREMAN, ENGINEER, MOTORMAN

1 OR CONDUCTOR; OR IN THE MANUFACTURE OF PAINT, COLOR OR WHITE-
2 LEAD, POISONOUS DYES OR COMPOSITIONS USING DANGEROUS LEAD OR
3 ACIDS; AND MINORS UNDER 16 YEARS OF AGE SHALL NOT BE
4 PERMITTED TO STRIP OR SORT TOBACCO, WORK ON SCAFFOLDING OR
5 WORK IN A TUNNEL.

6 (4) AN INDIVIDUAL UNDER 16 YEARS OF AGE MAY NOT BE
7 EMPLOYED OR PERMITTED TO CONDUCT YOUTH PEDDLING, WHICH
8 ENTAILS THE SELLING OF GOODS OR SERVICES TO CUSTOMERS AT
9 LOCATIONS OTHER THAN THE MINOR-EMPLOYER'S ESTABLISHMENT, SUCH
10 AS THE CUSTOMERS' RESIDENCES OR PLACES OF BUSINESS OR PUBLIC
11 PLACES SUCH AS STREET CORNERS AND PUBLIC TRANSPORTATION
12 STATIONS. PROHIBITED ACTIVITIES ASSOCIATED WITH YOUTH
13 PEDDLING NOT ONLY INCLUDE THE ATTEMPT TO MAKE A SALE OR THE
14 ACTUAL CONSUMMATION OF A SALE, BUT ALSO THE PREPARATORY AND
15 CONCLUDING TASKS NORMALLY PERFORMED BY A YOUTH PEDDLER IN
16 CONJUNCTION WITH HIS OR HER SALES, SUCH AS THE LOADING AND
17 UNLOADING OF VANS OR OTHER MOTOR VEHICLES, THE STOCKING AND
18 RESTOCKING OF SALES KITS AND TRAYS, THE EXCHANGING OF CASH
19 AND CHECKS WITH THE EMPLOYER AND THE TRANSPORTATION OF MINORS
20 TO AND FROM THE VARIOUS SALES AREAS BY THE EMPLOYER.
21 PROHIBITED YOUTH PEDDLING ALSO INCLUDES SUCH PROMOTION
22 ACTIVITIES AS THE HOLDING, WEARING OR WAVING OF SIGNS,
23 MERCHANDISE, COSTUMES, SANDWICH BOARDS OR PLACARDS IN ORDER
24 TO ATTRACT POTENTIAL CUSTOMERS, EXCEPT WHEN PERFORMED INSIDE
25 OR DIRECTLY IN FRONT OF THE EMPLOYER'S ESTABLISHMENT
26 PROVIDING THE PRODUCT, SERVICE OR EVENT BEING ADVERTISED.
27 THIS PARAGRAPH DOES NOT PROHIBIT A MINOR SALESPERSON FROM
28 CONDUCTING SALES FOR HIS OR HER EMPLOYER ON PROPERTY
29 CONTROLLED BY THE EMPLOYER THAT IS OUT OF DOORS BUT MAY
30 PROPERLY BE CONSIDERED PART OF THE EMPLOYER'S ESTABLISHMENT.

1 MINORS MAY CONDUCT SALES IN SUCH EMPLOYER EXTERIOR
2 FACILITIES, WHETHER TEMPORARY OR PERMANENT, AS GARDEN
3 CENTERS, SIDEWALK SALES AND PARKING LOT SALES, WHEN EMPLOYED
4 BY THAT ESTABLISHMENT. YOUTH PEDDLING DOES NOT INCLUDE THE
5 ACTIVITIES OF PERSONS WHO, AS VOLUNTEERS AND WITHOUT
6 COMPENSATION, SELL GOODS OR SERVICES ON BEHALF OF
7 ELEEMOSYNARY ORGANIZATIONS OR PUBLIC AGENCIES.

8 (B) LIST.--THE DEPARTMENT SHALL PUBLISH A LIST IN THE
9 PENNSYLVANIA BULLETIN WHICH SHALL CONSTITUTE HAZARDOUS OR
10 OTHERWISE PROHIBITED ESTABLISHMENTS OR OCCUPATIONS UNDER THIS
11 ACT. THE LIST SHALL CONSIST OF THOSE OCCUPATIONS AND
12 ESTABLISHMENTS PROHIBITED UNDER SUBSECTION (A) (2) AND THOSE
13 ESTABLISHMENTS AND OCCUPATIONS SPECIFICALLY ENUMERATED AS
14 HAZARDOUS OR PROHIBITED IN THIS ACT.

15 (C) ADDITIONAL OCCUPATIONS.--THE DEPARTMENT MAY ESTABLISH
16 ADDITIONAL PROHIBITED OR HAZARDOUS OCCUPATIONS OR ESTABLISHMENTS
17 WHICH ARE NOT INCLUDED IN SUBSECTION (B), THROUGH REGULATION.

18 (D) OCCUPATIONS FOR MINORS LESS THAN 14 YEARS OF AGE.--AN
19 INDIVIDUAL LESS THAN 14 YEARS OF AGE MAY BE EMPLOYED AS FOLLOWS:

20 (1) AN INDIVIDUAL WHO IS AT LEAST 12 YEARS OF AGE MAY BE
21 EMPLOYED AS A CADDY IF THE MINOR DOES NOT CARRY MORE THAN ONE
22 GOLF BAG AT A TIME AND EMPLOYMENT IS NOT FOR MORE THAN 18
23 HOLES OF GOLF IN A SINGLE DAY.

24 (2) AN INDIVIDUAL WHO IS AT LEAST 11 YEARS OF AGE MAY
25 ENGAGE IN THE DELIVERY OF NEWSPAPERS AS SET FORTH UNDER
26 SECTION 14.

27 SECTION 5. EMPLOYMENT OF MINORS IN A PERFORMANCE.

28 (A) GENERAL RULE.--FOR PURPOSES OF THIS SECTION, A MINOR IS
29 ENGAGED IN A PERFORMANCE IF:

30 (1) THE MINOR MODELS OR RENDERS ARTISTIC OR CREATIVE

1 EXPRESSION IN A LIVE PERFORMANCE, ON THE RADIO, ON
2 TELEVISION, IN A MOVIE, OVER THE INTERNET, IN A PUBLICATION
3 OR VIA ANY OTHER BROADCAST MEDIUM THAT MAY BE TRANSMITTED TO
4 AN AUDIENCE AND ANY PERSON RECEIVES REMUNERATION FOR THE
5 PERFORMANCE. REHEARSAL FOR THIS ACTIVITY IS PART OF THE
6 PERFORMANCE.

7 (2) THE MINOR PARTICIPATES IN A REALITY OR DOCUMENTARY
8 PROGRAM THAT EXPRESSLY DEPENDS UPON THE MINOR'S
9 PARTICIPATION, THE MINOR'S PARTICIPATION IS SUBSTANTIAL AND
10 ANY PERSON RECEIVES REMUNERATION FOR THE MINOR'S
11 PARTICIPATION. FOR THE PURPOSES OF THIS SUBSECTION:

12 (I) REMUNERATION SHALL INCLUDE ONE OR MORE MONETARY
13 PAYMENTS, BUT SHALL NOT INCLUDE REIMBURSEMENT FOR
14 EXPENSES INCURRED BY THE MINOR OR THE MINOR'S FAMILY, ANY
15 PRIZE OR GOODS OR SERVICES RECEIVED IN CONNECTION WITH
16 THE PROGRAM WITH A VALUE OF LESS THAN \$2,500.

17 (II) "SUBSTANTIAL" SHALL MEAN THE MINOR IS A
18 PRINCIPAL SUBJECT OF THE REALITY OR DOCUMENTARY PROGRAM
19 OR THE MINOR PARTICIPATES IN THE FILMING OF THE REALITY
20 OR DOCUMENTARY PROGRAM FOR TEN OR MORE DAYS IN A 30-DAY
21 PERIOD.

22 (B) REQUIREMENTS.--NO MINOR MAY ENGAGE IN A PERFORMANCE
23 WITHOUT AN ENTERTAINMENT PERMIT ISSUED BY THE DEPARTMENT. A
24 MINOR MAY ENGAGE IN A PERFORMANCE IF THE MINOR HAS AN
25 ENTERTAINMENT PERMIT FROM THE DEPARTMENT FOR THE LENGTH OF THE
26 PERFORMANCE AS PROVIDED FOR IN SUBSECTION (C) AND ~~ALL OF THE~~ ←
27 FOLLOWING REQUIREMENTS ARE SATISFIED:

28 (1) THE PERFORMANCE IS NOT HAZARDOUS TO THE MINOR'S
29 SAFETY OR WELL-BEING.

30 (2) THE MINOR'S WORK HOURS DO NOT EXCEED THOSE

1 PERMISSIBLE UNDER SUBSECTION (D) .

2 (3) FOR LIVE PRODUCTIONS, THE MINOR DOES NOT APPEAR IN
3 MORE THAN THREE PERFORMANCES IN A SINGLE DAY OR TEN
4 PERFORMANCES IN A SINGLE CALENDAR WEEK. FOR PURPOSES OF THIS
5 PARAGRAPH, A CALENDAR WEEK SHALL BE SUNDAY TO SATURDAY.

6 (4) THE PERFORMANCE DOES NOT INVOLVE:

7 (I) AN ACT THAT CONSTITUTES SEXUAL ABUSE OR SEXUAL
8 EXPLOITATION OF MINORS;

9 (II) BOXING, SPARRING OR WRESTLING, EXCEPT FOR A
10 BONA FIDE SCHOOL-RELATED ATHLETIC OR RECOGNIZED AMATEUR
11 COMPETITION OR ACTIVITY OR NONCONTACT PORTRAYAL;

12 (III) ACTIVITIES HAVING A HIGH LEVEL OF INHERENT
13 DANGER INCLUDING ACTIVITIES INVOLVING SPEED, HEIGHT, A
14 HIGH LEVEL OF PHYSICAL EXERTION AND HIGHLY SPECIALIZED
15 GEAR OR SPECTACULAR STUNTS;

16 (IV) AN ACROBATIC ACT THAT IS HAZARDOUS TO THE
17 MINOR'S SAFETY OR WELL-BEING;

18 (V) USE OF OR EXPOSURE TO A DANGEROUS WEAPON OR
19 PYROTECHNICAL DEVICE;

20 (VI) A HAZARDOUS PERFORMANCE, ACT OR EXHIBITION AS
21 DEFINED BY THE DEPARTMENT. THE DEPARTMENT SHALL PUBLISH A
22 LIST IN THE PENNSYLVANIA BULLETIN WHICH SHALL CONSTITUTE
23 PROHIBITED HAZARDOUS PERFORMANCES, ACTS OR EXHIBITIONS
24 UNDER THIS SECTION, PROVIDED THAT THE DEPARTMENT, WITHIN
25 THREE YEARS OF SUCH PUBLICATION, PROMULGATE A REGULATION
26 SETTING FORTH HAZARDOUS PERFORMANCES, ACTS OR
27 EXHIBITIONS; OR

28 (VII) IN ANY OCCUPATION DESIGNATED AS HAZARDOUS AND
29 OTHERWISE PROHIBITED UNDER THE FAIR LABOR STANDARDS ACT.

30 (5) A PARENT OR GUARDIAN OF A MINOR IS PERMITTED TO BE

1 WITHIN SIGHT OR SOUND OF THE MINOR AT ALL TIMES.

2 (C) ENTERTAINMENT PERMITS.--THE FOLLOWING SHALL APPLY:

3 (1) AN ENTERTAINMENT PERMIT SHALL BE VALID FOR UP TO SIX
4 MONTHS AND MAY BE RENEWED UNDER THIS SUBSECTION.

5 (2) THE DEPARTMENT MAY CHARGE A FEE FOR EACH
6 ENTERTAINMENT PERMIT WHICH SHALL BE SET THROUGH REGULATION.

7 (3) AN APPLICATION FOR AN ENTERTAINMENT PERMIT SHALL:

8 (I) BE MADE ON A FORM ISSUED BY THE DEPARTMENT AND
9 SIGNED BY THE EMPLOYER OF THE MINOR, IF KNOWN, AND THE
10 PARENT OR LEGAL GUARDIAN OF THE MINOR;

11 (II) CONTAIN A STATEMENT THAT THE FACTS AS SET FORTH
12 IN THE APPLICATION ARE CORRECT SUBJECT TO THE PROVISIONS
13 OF 18 PA.C.S. § 4904 (RELATING TO UNSWORN FALSIFICATION
14 TO AUTHORITIES);

15 (III) STATE THE LEGAL AND PROFESSIONAL NAME OF THE
16 MINOR, THE DATE AND PLACE OF THE MINOR'S BIRTH, THE NAME
17 AND PERMANENT ADDRESS OF A PARENT OR GUARDIAN OF THE
18 MINOR, THE NAME OF THE MINOR'S PARENT OR REPRESENTATIVE
19 OF THE PARENT WHO WILL ACCOMPANY THE MINOR TO REHEARSALS
20 AND PERFORMANCES, WHETHER THE MINOR HAS PERFORMED IN
21 OTHER STATES REQUIRING A PERMIT OR CERTIFICATE TO PERFORM
22 AND WHETHER THE PERMIT OR CERTIFICATE WAS OBTAINED;

23 (IV) FOR INFANTS UNDER THE AGE OF ONE MONTH, INCLUDE
24 WRITTEN CERTIFICATION FROM A LICENSED PHYSICIAN THAT THE
25 INFANT IS PHYSICALLY CAPABLE OF HANDLING THE REQUIREMENTS
26 OF THE PERFORMANCE;

27 (V) SET FORTH, FOR ALL PERFORMANCES DURING SCHOOL
28 HOURS, ACCURATE INFORMATION REGARDING:

29 (A) THE NAME AND ADDRESS OF THE SCHOOL ATTENDED
30 AND OF THE SCHOOL DISTRICT WHERE THE MINOR RESIDES;



1 (B) THE GRADE THE MINOR HAS COMPLETED IN SCHOOL;

2 (C) THE HOURS PER WEEK THE MINOR ATTENDS SCHOOL;

3 AND

4 (D) A VERIFICATION SIGNED BY THE PRINCIPAL OF
5 THE SCHOOL ATTENDED BY THE MINOR OR THE ISSUING
6 OFFICER OF THE MINOR'S SCHOOL DISTRICT THAT THE
7 PERFORMANCE AND REHEARSALS WILL NOT INTERFERE WITH
8 THE EDUCATIONAL INSTRUCTION OR SCHOOL PROGRESS OF THE
9 MINOR OR A GUARANTEE THAT ARRANGEMENTS ARE MADE FOR A
10 QUALIFIED TUTOR FOR THE MINOR. IF THE MINOR IS TO BE
11 TUTORED, THE APPLICATION SHALL SET FORTH THE NAME AND
12 ADDRESS OF THE TUTOR, WHETHER THE TUTOR IS A
13 CERTIFIED TEACHER, THE NAME AND ADDRESS OF THE SCHOOL
14 OFFICIAL APPROVING THE SUBJECTS FOR TUTORING AND THE
15 TUTORING ARRANGEMENTS AND THE NUMBER OF HOURS PER
16 WEEK THE MINOR IS TO BE TUTORED; AND

17 (VI) PROVIDE ANY ADDITIONAL REQUIREMENTS SET BY THE
18 DEPARTMENT THROUGH REGULATION.

19 (4) AN APPEAL OF A DECISION BY THE DEPARTMENT UNDER THIS
20 SUBSECTION MUST BE MADE TO THE SECRETARY. THE SECRETARY SHALL
21 HOLD A HEARING ON THE APPEAL.

22 (5) THE WORK PERMIT REQUIREMENTS OF SECTION 9 DO NOT
23 APPLY TO THE ISSUANCE OF PERMITS UNDER THIS SECTION.

24 (6) THE DEPARTMENT MAY REQUIRE BY REGULATION EMPLOYERS
25 EMPLOYING MINORS IN PERFORMANCES TO OBTAIN PERMITS AND MAY
26 CHARGE A FEE FOR SUCH PERMITS.

27 (7) THE DEPARTMENT MAY WAIVE ANY OR ALL REQUIREMENTS IN
28 THIS SECTION, WITH THE EXCEPTION OF PARAGRAPH (3) (IV) FOR A
29 PERFORMANCE OF ONE DAY OR LESS. THE DEPARTMENT SHALL INDICATE
30 ANY WAIVER BY ANY WRITTEN MEANS OF COMMUNICATION, INCLUDING,

1 BUT NOT LIMITED TO, FACSIMILE OR E-MAIL.

2 (D) WORKING HOURS FOR CHILD PERFORMERS.--THE AMOUNT OF TIME
3 MINORS ARE PERMITTED AT THE PLACE OF EMPLOYMENT WITHIN A 24-HOUR
4 PERIOD IS LIMITED ACCORDING TO AGE, AS FOLLOWS:

5 (1) INFANTS WHO HAVE NOT REACHED SIX MONTHS OF AGE MAY
6 BE PERMITTED TO REMAIN AT THE PLACE OF EMPLOYMENT FOR A
7 MAXIMUM OF TWO HOURS.

8 (2) MINORS WHO HAVE REACHED THE AGE OF SIX MONTHS OF AGE
9 BUT WHO HAVE NOT ATTAINED TWO YEARS OF AGE MAY BE PERMITTED
10 AT THE PLACE OF EMPLOYMENT FOR A MAXIMUM OF FOUR HOURS AND
11 MAY WORK NO MORE THAN TWO HOURS.

12 (3) MINORS WHO HAVE REACHED TWO YEARS OF AGE BUT WHO
13 HAVE NOT ATTAINED SIX YEARS OF AGE MAY BE PERMITTED AT THE
14 PLACE OF EMPLOYMENT FOR A MAXIMUM OF SIX HOURS AND MAY WORK
15 NO MORE THAN THREE HOURS.

16 (4) MINORS WHO HAVE REACHED SIX YEARS OF AGE BUT WHO
17 HAVE NOT ATTAINED NINE YEARS OF AGE MAY BE PERMITTED AT THE
18 PLACE OF EMPLOYMENT FOR EIGHT HOURS AND MAY WORK NO MORE THAN
19 FOUR HOURS.

20 (5) MINORS WHO HAVE REACHED NINE YEARS OF AGE BUT WHO
21 HAVE NOT ATTAINED SIXTEEN YEARS OF AGE MAY BE PERMITTED AT
22 THE PLACE OF EMPLOYMENT FOR NINE HOURS AND MAY NOT WORK MORE
23 THAN FIVE HOURS.

24 (6) MINORS WHO HAVE REACHED SIXTEEN YEARS OF AGE BUT WHO
25 HAVE NOT ATTAINED EIGHTEEN YEARS OF AGE MAY BE PERMITTED AT
26 THE PLACE OF EMPLOYMENT FOR TEN HOURS AND MAY NOT WORK MORE
27 THAN SIX HOURS.

28 (7) WHEN ANY MINOR BETWEEN 14 AND 18 YEARS OF AGE
29 OBTAINS PERMISSION FROM SCHOOL AUTHORITIES TO WORK DURING
30 SCHOOL HOURS FOR A PERIOD NOT TO EXCEED TWO CONSECUTIVE DAYS,

1 THE WORKING HOURS FOR SUCH MINOR DURING EITHER OR BOTH OF
2 SUCH DAYS MAY BE EXTENDED TO BUT SHALL NOT EXCEED EIGHT HOURS
3 IN A 24-HOUR PERIOD.

4 (8) ALLOWABLE MEAL PERIODS SHALL NOT BE COUNTED TOWARD
5 MAXIMUM HOURS PERMITTED AT THE PLACE OF EMPLOYMENT NOR
6 COUNTED AS WORK TIME FOR ANY PURPOSE. A MEAL PERIOD SHALL NOT
7 BE LESS THAN ONE-HALF HOUR NOR MORE THAN ONE HOUR IN LENGTH.

8 (9) FOR MINORS OF SCHOOL AGE WHO HAVE NOT FULFILLED
9 COMPULSORY EDUCATION REQUIREMENTS AND WHO HAVE A WORK
10 SCHEDULE THAT REQUIRES EDUCATION WHILE EMPLOYED AS PROVIDED
11 IN SUBSECTION (G), THE NONWORK TIME AT THE PLACE OF
12 EMPLOYMENT SHALL INCLUDE EDUCATION, REST AND RECREATION.

13 (10) THE WORK DAY FOR A MINOR SHALL BEGIN NO EARLIER
14 THAN 5 A.M. AND SHALL END NO LATER THAN 10 P.M. ON EVENINGS
15 PRECEDING SCHOOL DAYS. ON EVENINGS PRECEDING NONSCHOOL DAYS,
16 THE MINOR'S WORK DAY SHALL END NO LATER THAN 12:30 A.M. ON
17 THE MORNING OF THE NONSCHOOL DAY.

18 (11) TWELVE HOURS MUST ELAPSE BETWEEN THE MINOR'S TIME
19 OF DISMISSAL AND TIME OF CALL ON THE FOLLOWING DAY. IF THE
20 MINOR'S REGULAR SCHOOL STARTS LESS THAN 12 HOURS AFTER HIS OR
21 HER DISMISSAL TIME, THE MINOR MUST BE SCHOOLED THE FOLLOWING
22 DAY AT THE EMPLOYER'S PLACE OF BUSINESS.

23 (12) WITH RESPECT TO ANY MINOR PROVIDING SERVICES AT THE
24 MINOR'S RESIDENCE, THIS SECTION SHALL NOT GOVERN OR LIMIT THE
25 NUMBER OF HOURS THE MINOR IS PRESENT AT THE RESIDENCE, BUT
26 SHALL INSTEAD APPLY SOLELY TO THE HOURS THE MINOR IS
27 PROVIDING SUCH SERVICES.

28 (E) CHILD PERFORMER TRUST ACCOUNT.--

29 (1) AN IRREVOCABLE CHILD PERFORMER TRUST ACCOUNT OR A
30 QUALIFIED TUITION PROGRAM ESTABLISHED AND MAINTAINED IN

1 ACCORDANCE WITH SECTION 529 OF THE INTERNAL REVENUE CODE OF
2 1086 (PUBLIC LAW 99-154, 26 U.S.C. § 529) BY THIS
3 COMMONWEALTH, ANOTHER STATE, AN AGENCY OR INSTRUMENTALITY OF
4 THIS COMMONWEALTH OR ANOTHER STATE, OR BY ONE OR MORE
5 ELIGIBLE EDUCATIONAL INSTITUTIONS SHALL BE ESTABLISHED FOR A
6 MINOR IF THE MINOR IS ENTITLED TO RECEIVE RESIDUALS IN
7 ACCORDANCE WITH A PRINCIPAL AGREEMENT OR EARNINGS ARE
8 ANTICIPATED TO EXCEED \$2,500 FOR THE PRODUCTION OR IF THE
9 MINOR HAS ALREADY EARNED IN EXCESS OF \$2,500 IN PRIOR
10 EMPLOYMENT IN PERFORMANCE. A CHILD PERFORMER TRUST ACCOUNT
11 ESTABLISHED IN ANOTHER STATE SHALL MEET THE REQUIREMENTS OF
12 THIS SUBSECTION.

13 (2) ALL OF THE FOLLOWING GOVERN THE CHILD PERFORMER
14 TRUST ACCOUNT OR QUALIFIED TUITION PROGRAM ESTABLISHED UNDER
15 PARAGRAPH (1):

16 (I) THE PARENT OR LEGAL GUARDIAN SHALL ESTABLISH THE
17 ACCOUNT FOR THE BENEFIT OF THE MINOR.

18 (II) THE PARENT OR LEGAL GUARDIAN SHALL PROVIDE TO
19 THE EMPLOYER THE INFORMATION NECESSARY TO ENABLE THE
20 EMPLOYER TO TRANSFER FUNDS INTO A CHILD PERFORMER TRUST
21 ACCOUNT OR QUALIFIED TUITION PROGRAM. THE INFORMATION
22 SHALL BE PROVIDED ON OR BEFORE THE START OF PAID
23 EMPLOYMENT.

24 (III) THE EMPLOYER SHALL TRANSFER TO THE CHILD
25 PERFORMER TRUST ACCOUNT NOT LESS THAN 15% OF:

26 (A) TOTAL COMPENSATION PRIOR TO ALL TAXES,
27 DEDUCTIONS AND COMMISSIONS PAYABLE TO THE MINOR OR
28 THE MINOR'S PARENT OR GUARDIAN UNDER CONTRACT; OR

29 (B) IN THE CASE OF PAYMENT TO A THIRD PARTY,
30 TOTAL COMPENSATION PAID TO THE THIRD PARTY FOR THE

1 MINOR'S SERVICES.

2 (IV) IN THE CASE OF EMPLOYMENT FOR 30 DAYS OR LESS,
3 THE EMPLOYER SHALL TRANSFER THE REQUIRED AMOUNT TO THE
4 CHILD PERFORMER TRUST ACCOUNT OR QUALIFIED TUITION
5 PROGRAM WITHIN 30 DAYS OF THE FINAL DAY OF EMPLOYMENT.
6 SUCH TRANSFER SHALL BE MADE IN ACCORDANCE WITH 20 PA.C.S.
7 CH. 53 (RELATING TO PENNSYLVANIA UNIFORM TRANSFERS TO
8 MINORS ACT).

9 (V) IN THE CASE OF EMPLOYMENT FOR LONGER THAN 30
10 DAYS, THE EMPLOYER SHALL TRANSFER THE REQUIRED AMOUNT TO
11 THE CHILD PERFORMER TRUST ACCOUNT OR QUALIFIED TUITION
12 PROGRAM EVERY PAYROLL PERIOD. SUCH TRANSFER SHALL BE MADE
13 IN ACCORDANCE WITH 20 PA.C.S. CH 53.

14 (VI) IF THE MINOR'S EMPLOYER HAS NOT BEEN NOTIFIED
15 WITHIN 15 DAYS OF COMMENCEMENT OF EMPLOYMENT OF THE
16 EXISTENCE OF A CHILD PERFORMER TRUST ACCOUNT OR A
17 QUALIFIED TUITION PROGRAM OR NO SUCH CHILD PERFORMER
18 TRUST ACCOUNT OR TUITION PROGRAM HAS BEEN ESTABLISHED BY
19 THE MINOR'S PARENT OR GUARDIAN, THEN THE MINOR'S EMPLOYER
20 SHALL TRANSFER SUCH MONEYS TOGETHER WITH THE MINOR'S NAME
21 AND LAST KNOWN ADDRESS TO THE STATE TREASURER FOR
22 PLACEMENT INTO A CHILD PERFORMER TRUST ACCOUNT FOR THE
23 BENEFIT OF THE MINOR.

24 (VII) ONCE THE TRANSFERS HAVE BEEN MADE TO THE CHILD
25 PERFORMER TRUST ACCOUNT, TUITION PROGRAM OR THE STATE
26 TREASURER'S OFFICE, THE EMPLOYER HAS NO FURTHER DUTY
27 UNDER THIS SUBSECTION.

28 (VIII) THE EMPLOYER'S OBLIGATIONS UNDER THIS
29 SUBSECTION SHALL TERMINATE WHEN THE MINOR REACHES 18
30 YEARS OF AGE.

1 (IX) THERE SHALL BE NO OBLIGATIONS UNDER THIS
2 SUBSECTION WHERE A MINOR IS EMANCIPATED.

3 (X) THE MINOR'S PARENT OR LEGAL GUARDIAN MAY SERVE
4 AS CUSTODIAN. IF THE CHILD PERFORMER TRUST ACCOUNT
5 REACHES AT LEAST \$150,000 OR A HIGHER AMOUNT SET BY THE
6 DEPARTMENT THROUGH REGULATION, A TRUST COMPANY OR
7 INDEPENDENT CUSTODIAN SHALL BE APPOINTED.

8 (XI) PROCEEDS OF THE CHILD PERFORMER TRUST ACCOUNT
9 SHALL REMAIN IN TRUST UNTIL THE MINOR REACHES AT LEAST 18
10 YEARS OF AGE. PROCEEDS MAY BE DISTRIBUTED TO THE MINOR
11 BEFORE 18 YEARS OF AGE ONLY FOR THE MINOR'S LEGITIMATE
12 HEALTH AND EDUCATIONAL NEEDS. PROCEEDS MAY REMAIN IN
13 TRUST FOR DISTRIBUTION TO THE MINOR AFTER 18 YEARS OF AGE
14 IF THE PARENT OR GUARDIAN DETERMINES THAT IT WOULD SERVE
15 THE HEALTH, EDUCATION AND FINANCIAL INTERESTS OF THE
16 MINOR.

17 (F) EDUCATION.--

18 (1) AN EMPLOYER EMPLOYING, EITHER DIRECTLY OR INDIRECTLY
19 THROUGH A THIRD PERSON, A MINOR WHO IS GUARANTEED THREE OR
20 MORE CONSECUTIVE DAYS OF EMPLOYMENT SHALL PROVIDE A TEACHER
21 OR PROPERLY QUALIFIED PRIVATE TUTOR AS SET FORTH IN THE ACT
22 OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL
23 CODE OF 1949, WHO HAS AN INSTRUCTIONAL CERTIFICATE ISSUED BY
24 THE DEPARTMENT OF EDUCATION, OR A TEACHER WITH A COMPARABLE
25 CERTIFICATE IN THE STATE IN WHICH THE MINOR RESIDES. THIS
26 REQUIREMENT SHALL APPLY BEGINNING ON THE FIRST DAY THAT THE
27 MINOR RENDERS SERVICES FOR THAT EMPLOYER AND SHALL CONTINUE
28 ON EACH DAY THEREAFTER THAT THE SCHOOL OF THE MINOR'S PLACE
29 OF RESIDENCE IS IN SESSION AND THE MINOR IS RENDERING
30 SERVICES. THE REQUIREMENTS OF THIS SECTION SHALL ONLY BE

1 APPLICABLE WHEN SCHOOL IS IN SESSION AND THE MINOR IS NOT
2 RECEIVING EDUCATIONAL INSTRUCTION AT THE MINOR'S SCHOOL OF
3 ENROLLMENT DUE TO HIS EMPLOYMENT.

4 (2) IN THE EVENT THE MINOR IS NOT GUARANTEED THREE OR
5 MORE CONSECUTIVE DAYS OF EMPLOYMENT, AN EMPLOYER SHALL
6 PROVIDE A TEACHER OR PROPERLY QUALIFIED PRIVATE TUTOR AS SET
7 FORTH IN THE PUBLIC SCHOOL CODE OF 1949 WHO HAS AN
8 INSTRUCTIONAL CERTIFICATE ISSUED BY THE DEPARTMENT OF
9 EDUCATION, OR A TEACHER WITH A COMPARABLE CERTIFICATE IN THE
10 STATE IN WHICH THE MINOR RESIDES ON THE THIRD DAY OF MISSED
11 EDUCATIONAL INSTRUCTION THROUGH THE REMAINDER OF THE MINOR'S
12 EMPLOYMENT ON THE PRODUCTION.

13 (3) IF THERE IS A HIATUS IN A PRODUCTION THAT EMPLOYS A
14 MINOR UNDER THIS SECTION, A TEACHER OR PROPERLY QUALIFIED
15 PRIVATE TUTOR SHALL BE PROVIDED TO THE MINOR DURING THE
16 HIATUS FOR PERIODS WHEN SCHOOL IS IN SESSION, PURSUANT TO THE
17 REQUIREMENTS DESCRIBED IN THIS SECTION, UNLESS THE MINOR IS
18 ABLE TO ATTEND HIS SCHOOL OF ENROLLMENT.

19 (4) WHERE THIS SECTION REQUIRES THAT AN EMPLOYER PROVIDE
20 A TEACHER OR PROPERLY QUALIFIED PRIVATE TUTOR TO A MINOR, THE
21 EMPLOYER SHALL PROVIDE A RATIO OF AT LEAST ONE TEACHER OR
22 PROPERLY QUALIFIED PRIVATE TUTOR FOR EVERY TEN MINORS UNLESS
23 THE MINORS ARE WITHIN TWO GRADE LEVELS, IN WHICH CASE THE
24 EMPLOYER SHALL PROVIDE A RATIO OF AT LEAST ONE TEACHER OR
25 PROPERLY QUALIFIED PRIVATE TUTOR FOR EVERY 20 MINORS.

26 (5) SCHOOL DISTRICTS SHALL HAVE THE AUTHORITY, IN
27 COOPERATION WITH THE PARENT OR GUARDIAN OF THE MINOR, TO
28 DEVELOP ALTERNATIVE METHODS BY WHICH MINORS MAY SATISFY THEIR
29 EDUCATIONAL REQUIREMENTS AT TIMES OUTSIDE THE NORMAL SCHOOL
30 DAY. ALTERNATIVE METHODS UNDER THIS PARAGRAPH SHALL BE NO

1 MORE RESTRICTIVE THAN THOSE SET FORTH IN THIS SECTION.

2 ~~(G) WAIVER. THE DEPARTMENT MAY WAIVE ONE OR MORE~~ ←
3 ~~RESTRICTIONS CONTAINED IN THIS SECTION IF THE DEPARTMENT~~
4 ~~DETERMINES THE WAIVER IS NECESSARY TO PRESERVE THE ARTISTIC~~
5 ~~INTEGRITY OF THE PERFORMANCE, WILL NOT IMPAIR THE EDUCATIONAL~~
6 ~~INSTRUCTION, HEALTH OR SAFETY OF THE MINOR AND WRITTEN~~
7 ~~PERMISSION IS OBTAINED FROM THE MINOR'S PARENT OR GUARDIAN. ANY~~
8 ~~REQUEST FOR A WAIVER SHALL BE CONSIDERED BY THE DEPARTMENT AND~~
9 ~~SHALL BE SUBMITTED IN WRITING AT LEAST 48 HOURS IN ADVANCE OF~~
10 ~~THE TIME NEEDED FOR THE WAIVER.~~

11 (G) WAIVER.--THE DEPARTMENT MAY WAIVE ONE OR MORE ←
12 RESTRICTIONS CONTAINED IN THIS SECTION, INCLUDING, BUT NOT
13 LIMITED TO, SUBSECTION (B) (4) (III), (IV) AND (V), IF THE
14 DEPARTMENT DETERMINES THE WAIVER IS NECESSARY TO PRESERVE THE
15 ARTISTIC INTEGRITY OF THE PERFORMANCE, WILL NOT IMPAIR THE
16 EDUCATIONAL INSTRUCTION, HEALTH OR SAFETY OF THE MINOR AND
17 WRITTEN PERMISSION IS OBTAINED FROM THE MINOR'S PARENT OR
18 GUARDIAN. THE WAIVER REQUEST SHALL BE SUBMITTED IN WRITING AT
19 LEAST 48 HOURS IN ADVANCE OF THE TIME NEEDED FOR THE WAIVER AND
20 THE DEPARTMENT SHALL APPROVE OR REJECT THE WAIVER.

21 (H) FOREIGN NATIONALS.--IN THE CASE OF A MINOR WHO IS A
22 FOREIGN NATIONAL TEMPORARILY IN THE UNITED STATES AND WHO WILL
23 NOT BE RESIDING IN THIS COMMONWEALTH FOR MORE THAN 35 DAYS IN A
24 CALENDAR YEAR, THE REQUIREMENTS OF SUBSECTIONS (E) AND (F) SHALL
25 NOT BE APPLICABLE PROVIDED THE EMPLOYER CERTIFIES THAT THE MINOR
26 HAS SATISFIED THE EDUCATIONAL REQUIREMENTS OF THE MINOR'S
27 COUNTRY OF CITIZENSHIP OR IS BEING OFFERED ACCESS TO
28 AGE-APPROPRIATE EDUCATIONAL INSTRUCTION AND THAT THE MINOR'S
29 EARNINGS ARE BEING PAID TO THE MINOR OR A THIRD PARTY IN A
30 MANNER THAT ENSURES CONSERVATION OF THE MINOR'S EARNINGS.

1 (I) CONFLICT.--NOTHING IN THIS SECTION SHALL BE CONSTRUED TO
2 SUPERSEDE OR REPEAL:

3 (1) ANY PROVISION OF THIS ACT, UNLESS AN ENTERTAINMENT
4 PERMIT IS ISSUED IN ACCORDANCE WITH THIS SECTION; OR

5 (2) 18 PA.C.S. § 5903 (RELATING TO OBSCENE AND OTHER
6 SEXUAL MATERIALS AND PERFORMANCES) OR 6312 (RELATING TO
7 SEXUAL ABUSE OF CHILDREN).

8 (3) ANY COLLECTIVE BARGAINING AGREEMENT OR ANY CONTRACT ←
9 THAT ESTABLISHES MORE STRINGENT REQUIREMENTS THAN THOSE IN
10 THIS ACT.

11 (J) REVOCATION OF PERMIT.--THE FOLLOWING SHALL APPLY:

12 (1) THE DEPARTMENT MAY REVOKE AN ENTERTAINMENT PERMIT
13 IF:

14 (I) THERE HAS BEEN A VIOLATION OF THIS ACT RELATED
15 TO THE EMPLOYMENT OF THE MINOR IN THE PERFORMANCE;

16 (II) THE PERMIT APPLICATION CONTAINED FALSE,
17 MISLEADING OR SUBSTANTIALLY INCORRECT INFORMATION OR THE
18 APPLICANT OR MINOR IS NO LONGER PERFORMING IN ACCORDANCE
19 WITH THE INFORMATION PROVIDED ON THE APPLICATION;

20 (III) A CONDITION OF ISSUANCE OF THE PERMIT IS NOT
21 BEING MET; OR

22 (IV) THERE IS DANGER TO THE MINOR'S HEALTH, SAFETY
23 OR WELFARE.

24 (2) THE DEPARTMENT MAY REVOKE A PERMIT UNDER THIS
25 SECTION WITHOUT A PRIOR HEARING. REVOCATION MAY BE APPEALED
26 TO THE SECRETARY, WHO SHALL CONDUCT A HEARING SUBJECT TO 2
27 PA.C.S. CHS. 5 SUBCH. A (RELATING TO PRACTICE AND PROCEDURE
28 OF COMMONWEALTH AGENCIES) AND 7 SUBCH. A (RELATING TO
29 JUDICIAL REVIEW OF COMMONWEALTH AGENCY ACTION). THE
30 REVOCATION SHALL REMAIN IN EFFECT UNTIL THE SECRETARY ISSUES

1 A DECISION.

2 (K) SPECIAL ENTERTAINMENT PERMITS.--THE DEPARTMENT MAY ISSUE
3 ENTERTAINMENT PERMITS REQUIRED BY THIS SECTION TO MINORS WHO
4 PARTICIPATE IN PROFESSIONAL ACROBATIC PERFORMANCES, IRRESPECTIVE
5 OF THE LIMITATION IN SUBSECTION (B) (4) (IV) IF THE FOLLOWING
6 CRITERIA ARE MET:

7 (1) THE PERFORMANCE IS PART OF A NATIONALLY RECOGNIZED
8 OR INTERNATIONALLY RECOGNIZED CIRCUS.

9 (2) APPROPRIATE TRAINED MEDICAL PERSONNEL ARE ONSITE AT
10 ALL PERFORMANCE TIMES.

11 (3) THE MINOR HAS A PHYSICIAN'S STATEMENT OF HEALTH
12 ISSUED WITHIN THE PREVIOUS 12 MONTHS.

13 (4) THE EMPLOYER MAKES A PROFESSIONAL TEACHER AVAILABLE
14 TO ALL MINOR PERFORMERS.

15 (5) THE PERFORMANCES DO NOT INVOLVE HIGH-WIRE OR TRAPEZE
16 ACTS.

17 (L) APPLICABILITY.--THIS SECTION DOES NOT APPLY TO A MINOR
18 WHO:

19 (1) IS A HIGH SCHOOL GRADUATE; OR

20 (2) IS EXEMPT FROM COMPULSORY SCHOOL ATTENDANCE
21 REQUIREMENTS UNDER SECTION 1330(1) OF THE PUBLIC SCHOOL CODE
22 OF 1949.

23 SECTION 6. SPORTS-ATTENDANT SERVICES.

24 (A) GENERAL RULE.--SECTION 3(D) (1), (2) AND (3) SHALL NOT
25 APPLY TO AN INDIVIDUAL 14 THROUGH 15 YEARS OF AGE AND SECTION
26 3(F) (1), AND (2) SHALL NOT APPLY TO AN INDIVIDUAL 16 THROUGH 17
27 YEARS OF AGE, IF THE MINOR IS EMPLOYED TO PERFORM SPORTS-
28 ATTENDANT SERVICES AT PROFESSIONAL SPORTING EVENTS UNDER THIS
29 SECTION.

30 (B) SPORTS-ATTENDANT DUTIES.--A MINOR IS EMPLOYED TO PERFORM

1 SPORTS-ATTENDANT DUTIES IF THE MINOR PERFORMS ANY OF THE
2 FOLLOWING DUTIES AT A BASEBALL, BASKETBALL, FOOTBALL, SOCCER,
3 TENNIS OR SIMILAR ATHLETIC EVENT:

4 (1) PREGAME AND POSTGAME OR PRACTICE SETUP OF BALLS,
5 ITEMS AND EQUIPMENT.

6 (2) SUPPLYING AND RETRIEVING BALLS, ITEMS AND EQUIPMENT
7 DURING A SPORTING EVENT.

8 (3) CLEARING THE FIELD OR COURT OF DEBRIS AND MOISTURE
9 DURING PLAY.

10 (4) PROVIDING ICE, DRINKS AND TOWELS TO PLAYERS DURING
11 PLAY.

12 (5) RUNNING ERRANDS FOR TRAINERS, MANAGERS, COACHES AND
13 PLAYERS BEFORE, DURING AND AFTER A SPORTING EVENT.

14 (6) RETURNING OR STORING BALLS, ITEMS AND EQUIPMENT IN
15 CLUBHOUSE OR LOCKER ROOMS AFTER A SPORTING EVENT.

16 SECTION 7. MINORS SERVING IN VOLUNTEER EMERGENCY SERVICE
17 ORGANIZATIONS.

18 (A) GENERAL RULE.--AN INDIVIDUAL WHO IS 14 YEARS OF AGE OR
19 OLDER WHO IS A MEMBER OF A VOLUNTEER EMERGENCY SERVICE
20 ORGANIZATION MAY PARTICIPATE IN TRAINING AND EMERGENCY SERVICE
21 ACTIVITIES EXCEPT AS FOLLOWS:

22 (1) A MINOR MAY NOT OPERATE A TRUCK, AMBULANCE OR OTHER
23 OFFICIAL FIRE VEHICLE.

24 (2) A MINOR MAY NOT OPERATE AN AERIAL LADDER, AERIAL
25 PLATFORM OR HYDRAULIC JACK.

26 (3) A MINOR MAY NOT USE RUBBER ELECTRICAL GLOVES,
27 INSULATED WIRE GLOVES, INSULATED WIRE CUTTERS, LIFE NETS OR
28 ACETYLENE CUTTING UNITS.

29 (4) A MINOR MAY NOT OPERATE THE PUMP OF A FIRE VEHICLE
30 WHILE AT THE SCENE OF A FIRE.

1 (5) A MINOR MAY NOT ENTER A BURNING STRUCTURE UNDER ANY
2 CIRCUMSTANCE INCLUDING A TRAINING EXERCISE.

3 (6) A MINOR MAY NOT ENGAGE IN FIREFIGHTING ACTIVITIES
4 UNLESS ALL OF THE FOLLOWING APPLY:

5 (I) THE MINOR IS 16 YEARS OF AGE OR OLDER.

6 (II) THE MINOR HAS SUCCESSFULLY COMPLETED A COURSE
7 OF TRAINING EQUAL TO THE STANDARDS FOR BASIC FIREFIGHTING
8 ESTABLISHED BY THE STATE FIRE COMMISSIONER AND THE
9 DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.

10 (III) THE MINOR IS UNDER THE DIRECT SUPERVISION AND
11 CONTROL OF THE FIRE CHIEF, AN EXPERIENCED LINE OFFICER OR
12 A DESIGNATED FOREST FIRE WARDEN.

13 (B) ADDITIONAL LIMITATIONS.--IN ADDITION TO THE LIMITATIONS
14 SET FORTH UNDER SUBSECTION (A), THE ACTIVITIES OF INDIVIDUALS
15 MORE THAN 13 YEARS OF AGE AND LESS THAN 16 YEARS OF AGE SHALL BE
16 FURTHER LIMITED AS FOLLOWS:

17 (1) AN INDIVIDUAL WHO IS MORE THAN 13 YEARS OF AGE AND
18 LESS THAN 16 YEARS OF AGE SHALL ONLY BE PERMITTED TO PERFORM
19 THE FOLLOWING ACTIVITIES:

20 (I) TRAINING.

21 (II) FIRST AID.

22 (III) CLEANUP SERVICE AT THE SCENE OF A FIRE,
23 OUTSIDE THE STRUCTURE AND AFTER THE FIRE HAS BEEN
24 DECLARED BY THE FIRE OFFICIAL IN CHARGE TO BE UNDER
25 CONTROL.

26 (IV) SERVING FOOD AND BEVERAGES.

27 (2) AN INDIVIDUAL WHO IS MORE THAN 13 YEARS OF AGE AND
28 LESS THAN 16 YEARS OF AGE MAY NOT DO ANY OF THE FOLLOWING:

29 (I) OPERATE HIGH PRESSURE HOSE LINES EXCEPT DURING
30 TRAINING ACTIVITIES. A HIGH PRESSURE HOSE LINE IS ANY

1 WATER HOSE USED FOR FIRE SUPPRESSION WITH A PRESSURE
2 GREATER THAN 150 PSI, ANY AIR HOSE WITH A PRESSURE
3 GREATER THAN 100 PSI AND ANY HYDRAULIC HOSE USED FOR
4 RESCUE TOOLS WITH A PRESSURE GREATER THAN 1,000 PSI.

5 (II) ASCEND LADDERS EXCEPT DURING TRAINING
6 ACTIVITIES.

7 (C) OTHER PROHIBITED ACTIVITIES.--THE DEPARTMENT MAY
8 PROHIBIT OTHER ACTIVITIES THAT IT DEEMS HAZARDOUS TO THE HEALTH
9 OF MINORS THROUGH REGULATION.

10 (D) OTHER PROVISIONS.--

11 (1) EXCEPT AS SET FORTH UNDER THIS SUBSECTION, THIS
12 SECTION DOES NOT SUPERSEDE ANY OTHER PROVISION OF THIS ACT OR
13 ANY REGULATION PROMULGATED UNDER THIS ACT.

14 (2) A MINOR MAY CONTINUE SERVING IN ANSWER TO A FIRE
15 CALL UNTIL EXCUSED BY THE INDIVIDUAL ACTING AS CHIEF OF THE
16 FIRE COMPANY IF THE MINOR:

17 (I) IS 16 YEARS OF AGE OR OLDER;

18 (II) IS A MEMBER OF A VOLUNTEER FIRE COMPANY; AND

19 (III) ANSWERS A FIRE CALL WHILE LAWFULLY EMPLOYED.

20 (3) AN INDIVIDUAL WHO IS 14 OR 15 YEARS OF AGE MAY
21 ENGAGE IN TRAINING OR FIREFIGHTING ACTIVITIES PERMITTED UNDER
22 THIS SECTION UNTIL 10 P.M. BEFORE A SCHOOL DAY IF THE MINOR:

23 (I) IS A MEMBER OF A VOLUNTEER FIRE COMPANY; AND

24 (II) HAS THE WRITTEN CONSENT OF THE MINOR'S PARENT
25 OR LEGAL GUARDIAN.

26 SECTION 8. DUTIES OF EMPLOYER.

27 (A) WORK PERMITS AND PARENTAL AUTHORIZATION.--

28 (1) UNLESS A MINOR HAS THE ITEMS LISTED IN PARAGRAPH

29 (2), A MINOR MAY NOT BE EMPLOYED OR PERMITTED TO WORK:

30 (I) IN, ABOUT OR IN CONNECTION WITH AN

1 ESTABLISHMENT; OR

2 (II) IN AN OCCUPATION.

3 (2) TO BE EMPLOYED, A MINOR MUST HAVE ALL OF THE
4 FOLLOWING:

5 (I) A WORK PERMIT.

6 (II) ~~A~~ FOR INDIVIDUALS WHO ARE UNDER 16 YEARS OF ←
7 AGE, A WRITTEN STATEMENT BY THE MINOR'S PARENT OR LEGAL
8 GUARDIAN ACKNOWLEDGING UNDERSTANDING OF THE DUTIES AND
9 HOURS OF EMPLOYMENT AND GRANTING PERMISSION TO WORK
10 SUBJECT TO THE PROVISIONS OF 18 PA.C.S. § 4904 (RELATING
11 TO UNSWORN FALSIFICATION TO AUTHORITIES).

12 (3) BEFORE EMPLOYING A MINOR, AN EMPLOYER SHALL DO ALL
13 OF THE FOLLOWING:

14 (I) VERIFY THE WORK PERMIT UNDER PARAGRAPH (2) (I).

15 (II) RECEIVE THE VERIFIED STATEMENT UNDER PARAGRAPH
16 (2) (II).

17 (4) AN INDIVIDUAL WHO IS MORE THAN 16 YEARS OF AGE
18 EMPLOYED IN THE DISTRIBUTION, SALE, EXPOSING OR OFFERING FOR
19 SALE OF ANY NEWSPAPER, OR ANY MINOR WHO CAN DEMONSTRATE THAT
20 HE IS WORKING INDEPENDENTLY OF THE NEWSPAPER PUBLISHER IN
21 THIS WORK, SHALL NOT BE REQUIRED TO PROCURE A WORK PERMIT.

22 (B) NOTIFICATION.--THE EMPLOYER SHALL NOTIFY THE ISSUING
23 OFFICER IN WRITING OF THE EMPLOYMENT OF A MINOR AND SHALL DETAIL
24 THE NORMAL DUTIES AND HOURS OF EMPLOYMENT WITHIN FIVE DAYS AFTER
25 THE BEGINNING OF EMPLOYMENT AND SHALL INCLUDE THE AGE AND PERMIT
26 NUMBER OF THE MINOR. ON TERMINATION OF EMPLOYMENT OF A MINOR,
27 THE EMPLOYER SHALL NOTIFY THE ISSUING ~~OFFICIAL~~ OFFICER WITHIN ←
28 FIVE DAYS OF THE FINAL DAY OF EMPLOYMENT THAT THE MINOR NO
29 LONGER IS EMPLOYED BY THE EMPLOYER.

30 (C) POSTING REQUIREMENT.--AN EMPLOYER SHALL POST A PRINTED

1 ABSTRACT OF THE SECTIONS OF THIS ACT RELATING TO THE HOURS OF
2 LABOR IN A CONSPICUOUS PLACE IN THE ESTABLISHMENT.

3 (D) RECORDS.--AN EMPLOYER SHALL MAINTAIN THE FOLLOWING
4 RECORDS AT THE WORKPLACE:

5 (1) A LIST OF ALL THE MINORS EMPLOYED IN THE
6 ESTABLISHMENT.

7 (2) A SCHEDULE OF THE HOURS OF LABOR OF THE MINORS
8 LISTED IN SUBPARAGRAPH (II). THE SCHEDULE OF HOURS OF LABOR
9 SHALL CONTAIN:

10 (I) THE MAXIMUM NUMBER OF HOURS EACH MINOR IS
11 REQUIRED OR PERMITTED TO WORK ON EACH DAY OF THE WEEK;

12 (II) THE WEEKLY TOTAL FOR EACH MINOR; AND

13 (III) THE DAILY HOURS FOR COMMENCING AND STOPPING
14 WORK AND FOR TIME ALLOWED FOR MEALS.

15 (3) FOR EACH MINOR, THE EMPLOYER SHALL KEEP A COPY OF
16 THE WORK PERMIT, THE ORIGINAL VERIFIED PERMISSION STATEMENT
17 REQUIRED IN SUBSECTION (A) AND A COPY OF THE LETTER SENT TO
18 THE ISSUING ~~OFFICIAL~~ OFFICER ANNOUNCING THE EMPLOYMENT OF THE ←
19 MINOR.

20 (4) AN EMPLOYER SHALL MAINTAIN RECORDS FOR EMPLOYED
21 MINORS IN COMPLIANCE WITH THE RECORDKEEPING REQUIREMENTS OF
22 THE ACT OF JANUARY 17, 1968 (P.L.11, NO.5), KNOWN AS THE
23 MINIMUM WAGE ACT OF 1968, AND SHALL MAINTAIN ACCURATE RECORDS
24 OF THE ACTUAL DAYS, HOURS AND TIMES OF DAY THE MINORS WORKED,
25 INCLUDING BREAKS.

26 (5) AN EMPLOYER SHALL PROVIDE AN ENFORCEMENT OFFICER
27 WITH ACCESS TO RECORDS KEPT UNDER THIS SUBSECTION AT ALL
28 REASONABLE TIMES.

29 SECTION 9. WORK PERMIT.

30 (A) FORM AND CONTENT.--

1 (1) A WORK PERMIT SHALL BE ISSUED ON A WALLET-SIZED FORM
2 PRESCRIBED BY THE DEPARTMENT. THE WORK PERMIT SHALL CONTAIN
3 THE FOLLOWING INFORMATION RELATED TO THE MINOR:

4 (I) NAME.

5 (II) SEX.

6 (III) DATE AND PLACE OF BIRTH.

7 (IV) PLACE OF RESIDENCE.

8 (V) COLOR OF HAIR AND EYES.

9 (VI) ANY PHYSICAL WORK RESTRICTIONS.

10 (2) THE WORK PERMIT SHALL CERTIFY THAT:

11 (I) THE HOLDER HAS PERSONALLY APPEARED BEFORE THE
12 ISSUING OFFICER AND HAS BEEN EXAMINED;

13 (II) ALL PAPERS REQUIRED BY LAW HAVE BEEN EXAMINED,
14 APPROVED AND FILED; AND

15 (III) ALL CONDITIONS AND REQUIREMENTS FOR ISSUING A
16 PERMIT HAVE BEEN FULFILLED.

17 (3) THE WORK PERMIT SHALL BE SIGNED IN THE PRESENCE OF
18 THE ISSUING OFFICER BY THE MINOR.

19 (4) THE WORK PERMIT SHALL BEAR A NUMBER, THE DATE OF
20 ISSUANCE AND THE SIGNATURE OF THE ISSUING OFFICER.

21 (B) APPLICATION.--

22 (1) DOCUMENTATION SHALL BE AS FOLLOWS:

23 (I) EXCEPT AS SET FORTH UNDER SUBPARAGRAPH (II), THE
24 APPLICATION FOR A WORK PERMIT MUST BE VERIFIED AS
25 FOLLOWS:

26 (A) THE APPLICANT'S PARENT OR LEGAL GUARDIAN
27 MUST SIGN THE APPLICATION.

28 (B) IN LIEU OF A SIGNATURE UNDER CLAUSE (A), THE
29 APPLICANT MAY EXECUTE A STATEMENT BEFORE A NOTARY
30 PUBLIC OR OTHER PERSON AUTHORIZED TO ADMINISTER OATHS

1 ATTESTING TO THE ACCURACY OF THE FACTS SET FORTH IN
2 THE APPLICATION ON A FORM PRESCRIBED BY THE
3 DEPARTMENT. THE STATEMENT SHALL BE ATTACHED TO THE
4 APPLICATION.

5 (II) SUBPARAGRAPH (I) DOES NOT APPLY IF THE
6 APPLICANT CAN DEMONSTRATE OFFICIAL PROOF OF HIGH SCHOOL
7 GRADUATION.

8 (III) THE ISSUING OFFICER SHALL NOT ISSUE A WORK
9 PERMIT UNTIL THE ISSUING OFFICER HAS RECEIVED, EXAMINED,
10 APPROVED AND FILED THE FOLLOWING PAPERS WHICH VERIFY THE
11 APPLICANT'S AGE:

12 (A) IF PROOF OF AGE IS AN OFFICIAL DOCUMENT OR
13 RECORD OF THE COMMONWEALTH OR GOVERNMENT OF ANOTHER
14 STATE OR GOVERNMENTAL SUBDIVISION OF ANOTHER STATE,
15 IT NEED NOT BE FILED IF THE ISSUING OFFICER RECORDS
16 THE INFORMATION NECESSARY TO ENABLE THE DOCUMENT OR
17 RECORD TO BE LOCATED AT THE PLACE WHERE IT IS FILED.
18 IF PROOF OF AGE IS OTHER THAN AN OFFICIAL DOCUMENT OR
19 RECORD OF THE COMMONWEALTH OR GOVERNMENT OF ANOTHER
20 STATE OR GOVERNMENTAL SUBDIVISION OF ANOTHER STATE,
21 THE FOLLOWING IS THE ORDER OF PREFERENCE FOR
22 ACCEPTABLE PROOF UNDER THIS CLAUSE:

23 (I) AN ATTESTED TRANSCRIPT OF THE BIRTH
24 CERTIFICATE, FILED ACCORDING TO LAW WITH A
25 REGISTER OF VITAL STATISTICS OR OTHER OFFICER
26 CHARGED WITH THE DUTY OF RECORDING BIRTHS.

27 (II) A CERTIFIED BAPTISMAL CERTIFICATE OR
28 TRANSCRIPT OF THE RECORD OF BAPTISM SHOWING THE
29 DATE OF BIRTH.

30 (III) A PASSPORT SHOWING THE AGE OF THE

1 MINOR.

2 (IV) ANY CERTIFIED DOCUMENTARY RECORD OF AGE
3 OTHER THAN A SCHOOL RECORD OR AN AFFIDAVIT OF
4 AGE, WHICH APPEARS TO THE SATISFACTION OF THE
5 ISSUING OFFICER TO BE SUFFICIENT EVIDENCE OF AGE.

6 (V) THE SIGNED STATEMENT OF A PHYSICIAN,
7 PHYSICIAN'S ASSISTANT OR NURSE PRACTITIONER,
8 APPROVED BY THE BOARD OF SCHOOL DIRECTORS,
9 STATING THAT, AFTER EXAMINATION, IT IS THE
10 OPINION OF THE INDIVIDUAL SIGNING THE STATEMENT
11 THAT THE APPLICANT HAS ATTAINED THE AGE REQUIRED
12 BY LAW FOR THE OCCUPATION IN WHICH THE APPLICANT
13 EXPECTS TO ENGAGE. THE STATEMENT MUST BE
14 ACCOMPANIED BY AN AFFIDAVIT SIGNED BY THE
15 APPLICANT'S PARENT OR LEGAL GUARDIAN OR, IF THERE
16 IS NO PARENT OR LEGAL GUARDIAN, BY THE
17 APPLICANT'S NEXT FRIEND AND CERTIFYING TO THE
18 NAME, DATE AND PLACE OF BIRTH OF THE APPLICANT
19 AND THAT THE INDIVIDUAL SIGNING THE STATEMENT IS
20 UNABLE TO PRODUCE ANY OF THE PROOFS OF AGE
21 SPECIFIED IN SUBCLAUSES (I), (II), (III) AND
22 (IV).

23 (B) (RESERVED).

24 (2) EXAMINATION SHALL BE AS FOLLOWS:

25 (I) EXCEPT AS SET FORTH UNDER SUBPARAGRAPH (II), A
26 WORK PERMIT SHALL NOT BE ISSUED UNTIL THE APPLICANT HAS
27 PERSONALLY APPEARED BEFORE AND HAS BEEN EXAMINED BY THE
28 ISSUING OFFICER.

29 (II) SUBPARAGRAPH (I) DOES NOT APPLY IF THE
30 APPLICANT CAN DEMONSTRATE OFFICIAL PROOF OF HIGH SCHOOL

1 GRADUATION.

2 (C) ISSUANCE.--IF ALL APPLICATION REQUIREMENTS ARE MET, A
3 WORK PERMIT SHALL BE ISSUED BY AN ISSUING OFFICER UNLESS IT IS
4 THE ISSUING OFFICER'S JUDGMENT THAT THE APPLICANT CANNOT
5 MAINTAIN ADEQUATE ACADEMIC ACHIEVEMENT IF PERMITTED TO WORK
6 DURING THE SCHOOL YEAR.

7 (D) REVOCATION.--AN ISSUING OFFICER MAY REVOKE A WORK PERMIT
8 IF IT IS THE ISSUING OFFICER'S JUDGMENT THAT THE APPLICANT
9 CANNOT MAINTAIN ADEQUATE ACADEMIC ACHIEVEMENT IF PERMITTED TO
10 WORK DURING THE SCHOOL YEAR.

11 (E) COOPERATION.--THE ISSUING OFFICER SHALL COOPERATE WITH
12 AN ENFORCEMENT OFFICER WITH INVESTIGATION AND ENFORCEMENT OF
13 THIS ACT.

14 SECTION 10. ADMINISTRATION.

15 (A) DUTIES OF DEPARTMENT.--THE DEPARTMENT HAS THE FOLLOWING
16 POWERS AND DUTIES:

17 (1) PRESCRIBE THE FORMS NECESSARY TO IMPLEMENT THIS ACT.

18 (2) PROMULGATE REGULATIONS TO ADMINISTER THIS ACT.

19 (3) PROVIDE COPIES OF THIS ACT AND BLANK FORMS FOR
20 COMPLIANCE WITH ITS PROVISIONS TO EMPLOYERS AND PROSPECTIVE
21 EMPLOYERS AND PLACE THESE DOCUMENTS ON ITS INTERNET WEBSITE.

22 (B) SUBPOENAS AND INSPECTIONS.--

23 (1) THE SECRETARY OR A DESIGNEE HAS INVESTIGATORY
24 SUBPOENA POWER AND MAY ISSUE A SUBPOENA UPON APPLICATION OF
25 AN ATTORNEY OF THE OFFICE OF GENERAL COUNSEL ASSIGNED TO THE
26 DEPARTMENT. APPLICATION MAY BE MADE TO THE COMMONWEALTH COURT
27 TO ENFORCE A SUBPOENA. NOTHING IN THIS SECTION SHALL BE
28 CONSTRUED TO EXCUSE A PERSON FROM PRODUCING DOCUMENTS AND
29 RECORDS AS REQUESTED BY THE DEPARTMENT UNDER ANY OTHER
30 PROVISION OF LAW.

1 (2) THE DEPARTMENT IS AUTHORIZED TO OBTAIN INFORMATION
2 TO INVESTIGATE ALLEGED VIOLATIONS OR TO DETERMINE COMPLIANCE
3 WITH THIS ACT. THIS INCLUDES ENTERING AND INSPECTING AN
4 ESTABLISHMENT, INCLUDING WHERE A PERFORMANCE IS BEING HELD,
5 AT ANY REASONABLE TIME TO ASCERTAIN THE WORKING CONDITIONS,
6 INTERVIEWING WORKERS AND INSPECTING AND OBTAINING COPIES OF
7 ANY RECORDS, DOCUMENTS OR INFORMATION IN ANY MEDIUM THAT IN
8 ANY WAY RELATES TO EMPLOYMENT OF MINORS OR ACTIVITIES
9 GOVERNED UNDER THIS ACT.

10 (C) DUTIES OF DEPARTMENT OF EDUCATION.--THE DEPARTMENT OF
11 EDUCATION SHALL SUPPLY AND DISTRIBUTE TO SCHOOL DISTRICTS ALL
12 FORMS NECESSARY FOR THE ENFORCEMENT OF THIS ACT.

13 (D) DUTIES OF SCHOOL DISTRICTS.--SCHOOL DISTRICTS SHALL
14 ADMINISTER APPLICATIONS AND ISSUANCE OF WORK PERMITS UNDER
15 SECTION 9 AND SHALL NOTIFY THE DEPARTMENT OF ALLEGED VIOLATIONS
16 OF THIS ACT.

17 (E) SUSPECTED VIOLATIONS OF AGE REQUIREMENTS.--

18 (1) IF AN ENFORCEMENT OFFICER HAS REASON TO BELIEVE THAT
19 AN INDIVIDUAL WORKING WITHOUT A WORK PERMIT IS A MINOR OR
20 THAT A MINOR WITH A WORK PERMIT IS WORKING IN VIOLATION OF
21 THE AGE RESTRICTIONS SET FORTH UNDER THIS ACT, THE OFFICER
22 MAY DEMAND THAT THE PERSON EMPLOYING THE INDIVIDUAL WITHIN
23 TEN DAYS:

24 (I) FURNISH TO THE OFFICER PROOF OF AGE; OR

25 (II) CEASE TO EMPLOY OR PERMIT THE INDIVIDUAL TO
26 WORK.

27 (2) PROOF OF A DEMAND UNDER PARAGRAPH (1) AND OF FAILURE
28 TO COMPLY WITH PARAGRAPH (1) (I) CONSTITUTES PRIMA FACIE
29 EVIDENCE OF THE ILLEGAL EMPLOYMENT OF A MINOR.

30 (3) COMPLIANCE WITH THIS SUBSECTION DOES NOT RELIEVE A

1 PERSON FROM LIABILITY UNDER SECTION 11.

2 SECTION 11. PENALTIES.

3 (A) VIOLATIONS.--

4 (1) A PERSON MAY NOT DO ANY OF THE FOLLOWING:

5 (I) VIOLATE THIS ACT.

6 (II) INTERFERE WITH THE FUNCTIONS OF AN ENFORCEMENT
7 OFFICER.

8 (III) COMPEL OR PERMIT A MINOR TO VIOLATE THIS ACT.

9 (IV) FAIL TO PROVIDE RECORDS UNDER SECTIONS 8(D) OR
10 10(B).

11 (V) FALSIFY RECORDS UNDER THIS ACT.

12 (VI) VIOLATE THE TERMS OF ANY PERMIT ISSUED UNDER
13 SECTION 5.

14 (B) CRIMINAL PENALTIES.--

15 (1) EXCEPT AS SET FORTH UNDER PARAGRAPH (2), A PERSON
16 THAT VIOLATES SUBSECTION (A) COMMITS A SUMMARY OFFENSE AND
17 SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$500
18 FOR EACH VIOLATION.

19 (2) A PERSON THAT, AFTER BEING SENTENCED UNDER PARAGRAPH
20 (1), VIOLATES SUBSECTION (A) COMMITS A SUMMARY OFFENSE AND
21 SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$1,500
22 FOR EACH VIOLATION OR TO IMPRISONMENT FOR NOT MORE THAN TEN
23 DAYS, OR BOTH.

24 (C) ADMINISTRATIVE PENALTIES.--

25 (1) EXCEPT AS SET FORTH UNDER SUBSECTION (D), THE
26 DEPARTMENT MAY IMPOSE AN ADMINISTRATIVE PENALTY OF NOT MORE
27 THAN \$5,000 FOR EACH VIOLATION OF SUBSECTION (A).

28 (2) THE DEPARTMENT MAY ORDER A PERSON TO TAKE A
29 CORRECTIVE ACTION WHICH THE DEPARTMENT DEEMS NECESSARY TO
30 ADDRESS A VIOLATION OF THIS ACT.

1 (3) THIS SUBSECTION IS SUBJECT TO 2 PA.C.S. CHS. 5
2 SUBCH. A (RELATING TO PRACTICE AND PROCEDURE OF COMMONWEALTH
3 AGENCIES) AND 7 SUBCH. A (RELATING TO JUDICIAL REVIEW OF
4 COMMONWEALTH AGENCY ACTION) .

5 (4) THE DEPARTMENT MAY NOT IMPOSE A PENALTY UNDER THIS
6 SUBSECTION IF A PERSON HAS BEEN SENTENCED UNDER SUBSECTION
7 (B) FOR AN OFFENSE ARISING OUT OF THE SAME CONDUCT WHICH
8 WOULD GIVE RISE TO A PENALTY UNDER THIS SUBSECTION.

9 (D) MULTIPLE PROSECUTION.--IMPOSITION OF A CRIMINAL, CIVIL
10 OR ADMINISTRATIVE PENALTY UNDER THE FAIR LABOR STANDARDS ACT
11 SHALL BAR PROSECUTION UNDER SUBSECTION (A) AND IMPOSITION OF A
12 CRIMINAL PENALTY UNDER SUBSECTION (B) OR AN ADMINISTRATIVE
13 PENALTY UNDER SUBSECTION (C) IF THE SAME CONDUCT CONSTITUTES THE
14 BASIS OF THE FEDERAL ACTION AND THE BASIS OF THE PROSECUTION
15 UNDER SUBSECTION (A) OR THE ADMINISTRATIVE PENALTY UNDER
16 SUBSECTION (B) .

17 SECTION 12. EMPLOYMENT OF MINORS IN STUDENT-LEARNER AND
18 APPRENTICESHIP PROGRAMS.

19 A MINOR MAY BE EMPLOYED IN A WORK EXPERIENCE AND CAREER
20 EXPLORATION PROGRAM, AN APPRENTICESHIP PROGRAM AND A SCHOOL-TO-
21 WORK PROGRAM TO THE EXTENT PERMITTED BY REGULATIONS PROMULGATED
22 UNDER THIS ACT AND NOT PROHIBITED BY THE FAIR LABOR STANDARDS
23 ACT.

24 SECTION 13. EXCLUSIONS.

25 (A) DOMESTIC SERVICE.--THIS ACT SHALL NOT APPLY TO
26 EMPLOYMENT OF A MINOR IN DOMESTIC SERVICE IN OR ABOUT THE
27 PRIVATE HOME OF A PARENT OR GUARDIAN, TO BABY-SITTING AND TO
28 PERFORMANCE OF MINOR CHORES IN OR ABOUT A PRIVATE HOME OF THE
29 EMPLOYER. MINOR CHORES SHALL:

30 (1) INCLUDE LAWN CARE, SNOW SHOVELING AND RESIDENTIAL

1 CHORES PERFORMED BY MINORS ON A CASUAL OR INFREQUENT BASIS.

2 (2) EXCLUDE ACTIVITIES OTHERWISE PROHIBITED BY THE
3 DEPARTMENT IN REGULATIONS PROMULGATED UNDER THIS ACT AND
4 ACTIVITIES OR OCCUPATIONS DESIGNATED AS HAZARDOUS AND
5 OTHERWISE PROHIBITED UNDER THE FAIR LABOR STANDARDS ACT AND
6 REGULATIONS PROMULGATED UNDER THAT ACT.

7 (B) AGRICULTURAL EMPLOYMENT.--AGRICULTURAL EMPLOYMENT WHICH
8 IS EXEMPT FROM COVERAGE OF THE CHILD LABOR PROVISIONS OF THE
9 FAIR LABOR STANDARDS ACT SHALL BE EXEMPT FROM COVERAGE OF THIS
10 ACT.

11 SECTION 14. NEWSPAPER DELIVERY.

12 (A) DELIVERY.--A MINOR ENGAGED IN NEWSPAPER DELIVERY MAY BE
13 EMPLOYED FOR SEVEN CONSECUTIVE DAYS IN A WEEK.

14 (B) DELIVERY AND SALE.--INDIVIDUALS WHO ARE AT LEAST 11
15 YEARS OF AGE MAY BE EMPLOYED IN THE DELIVERY AND STREET SALE OF
16 NEWSPAPERS AFTER 5 A.M. AND BEFORE 8 P.M., EXCEPT THAT DURING
17 THE SCHOOL VACATION PERIOD A MINOR SHALL BE PERMITTED TO BE
18 EMPLOYED UNTIL 9 P.M. THIS PARAGRAPH DOES NOT APPLY TO THE
19 HAULING OF NEWSPAPERS TO DROP CENTERS ~~OR DISTRIBUTION CENTERS OR~~ ←
20 ~~OTHER RELATED ACTIVITIES~~, NEWSSTANDS OR DISTRIBUTION CENTERS. ←

21 (C) WORK PERMIT.--AN INDIVIDUAL WHO IS MORE THAN 16 YEARS OF
22 AGE EMPLOYED IN THE DISTRIBUTION, SALE, OFFERING FOR SALE OF ANY
23 NEWSPAPER, OR ANY MINOR WHO CAN DEMONSTRATE THAT HE IS WORKING
24 INDEPENDENTLY OF THE NEWSPAPER PUBLISHER, SHALL NOT BE REQUIRED
25 TO PROCURE A WORK PERMIT.

26 SECTION 29. REPEAL.

27 THIS ACT AND THE RULES AND REGULATIONS ADOPTED UNDER THIS ACT
28 SHALL REPEAL THE ACT OF MAY 13, 1915 (P.L.286, NO.177), KNOWN AS
29 THE CHILD LABOR LAW, AND REPLACE ALL PARTS OF ACTS THAT ARE
30 INCONSISTENT WITH THIS ACT. UNTIL MODIFIED OR DELETED BY THE

1 DEPARTMENT, THE CURRENT REGULATIONS ON THE CHILD LABOR LAW SHALL
2 BE THE REGULATIONS OF THE DEPARTMENT.
3 SECTION 30. EFFECTIVE DATE.
4 THIS ACT SHALL TAKE EFFECT IN ~~60~~ 90 DAYS. ←