

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1675 Session of  
1999

INTRODUCED BY BATTISTO, E. Z. TAYLOR, McCALL, GEIST, ROBERTS,  
HARHAI, DALLY, DeLUCA, COSTA, WOJNAROSKI, NICKOL, SEMMEL,  
ARGALL, HERSHEY, KAISER, BARRAR, LAUGHLIN, STABACK, GODSHALL  
AND RAMOS, JUNE 15, 1999

REFERRED TO COMMITTEE ON LABOR RELATIONS, JUNE 15, 1999

AN ACT

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

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

28 Section 1. Section 5 of the act of May 13, 1915 (P.L.286,

1 No.177), known as the Child Labor Law, amended August 23, 1961  
2 (P.L.1107, No.494) and October 4, 1989 (P.L.584, No.62), is  
3 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 should be

1 construed as prohibiting minors fourteen and fifteen years of  
2 age to be employed at ski resorts, golf courses and amusement  
3 parks, so long as they are not permitted to serve or handle  
4 alcoholic beverages and so long as they do not work in any room  
5 in which alcohol is concurrently being served.

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

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

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