

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 974 Session of  
2001

INTRODUCED BY C. WILLIAMS, BELARDI, CRUZ, FRANKEL, HASAY,  
JOSEPHS, MANDERINO, PISTELLA, STABACK, TIGUE, WALKO, WATERS,  
J. WILLIAMS, TRELLO, ROONEY, STEELMAN, YOUNGBLOOD, HARHAI AND  
GRUCELA, MARCH 14, 2001

AS REPORTED FROM COMMITTEE ON LABOR RELATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, NOVEMBER 13, 2001

## 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 providing for youth peddling.

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

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

1 definition to read:

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

8 \* \* \*

9 The term "youth peddling," when used in this act, shall mean  
10 the selling of goods or services by minors to customers at their  
11 residences, places of business or public places including, but  
12 not limited to, street corners, roadway medians, sports and  
13 performing arts facilities, public transportation stations,  
14 sales from vehicles or the placement of advertisements or  
15 literature outside of fixed retail locations. The term shall not  
16 include minors who sell products, goods or services as  
17 volunteers without compensation on behalf of nonprofit  
18 organizations including, but not limited to, organizations that  
19 qualify as nonprofit under section 501(c) of the Internal  
20 Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.)  
21 and that meet the registration requirements established by  
22 regulations of the Commonwealth, minors engaged in the delivery  
23 of newspapers to consumers at their residence or place of  
24 business or minors employed at fixed retail locations in  
25 compliance with the provisions of the Fair Labor Standards Act  
26 of 1938 (52 Stat. 1060, 29 U.S.C. § 201 et seq.). THE TERM ALSO <—  
27 SHALL NOT INCLUDE MINORS WHO SELL PRODUCTS, GOODS OR SERVICES  
28 UNDER THE IMMEDIATE SUPERVISION OF A PARENT OR LEGAL GUARDIAN  
29 AND DO NOT RESIDE AWAY FROM THEIR HOME WHILE ENGAGED IN THE  
30 SALES ACTIVITY.

1 Section 2. The act is amended by adding a section to read:

2 Section 5.2. No minor under sixteen years of age shall be  
3 employed or permitted to conduct youth peddling. Provided, that; <—  
4 HOWEVER, minors under sixteen years of age may be employed or <—  
5 permitted to conduct youth peddling in such circumstances and  
6 under such conditions as may be specified by rule or regulation  
7 of the Department of Labor and Industry. TO CONDUCT YOUTH <—  
8 PEDDLING UNDER THE FOLLOWING CONDITIONS:

9 (1) A SIGNED CONSENT HAS BEEN OBTAINED FROM THE MINOR'S  
10 PARENT OR GUARDIAN.

11 (2) APPROPRIATE ADULT SUPERVISION IS PROVIDED.

12 (3) THE MINOR IS NOT ENGAGED IN YOUTH PEDDLING PAST THE HOUR  
13 OF SIX O'CLOCK IN THE EVENING OF ANY DAY.

14 (4) THE MINOR IS ENGAGED IN YOUTH PEDDLING ON ONLY THOSE  
15 DAYS AND DURING THOSE HOURS PRESCRIBED BY THE DEPARTMENT.

16 (5) SUCH OTHER REQUIREMENTS AS THE DEPARTMENT MAY ESTABLISH,  
17 BY REGULATION, TO PROTECT THE MINOR'S SAFETY, HEALTH AND WELL-  
18 BEING.

19 (6) SCHOOL OFFICERS CHARGED WITH ISSUING EMPLOYMENT  
20 CERTIFICATES UNDER THIS ACT OR ITS REGULATIONS SHALL APPROVE THE  
21 EMPLOYMENT OF MINORS TO CONDUCT YOUTH PEDDLING IN ACCORDANCE  
22 WITH THE ABOVE CONDITIONS.

23 Section 3. This act shall take effect in 60 days.