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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 2369** Session of  
2008

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WALKO AND YOUNGBLOOD, MARCH 17, 2008

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REFERRED TO COMMITTEE ON LABOR RELATIONS, MARCH 17, 2008

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AN ACT

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

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

11 Section 1. Short title.

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

14 Section 2. Legislative intent.

15 In the interest of ensuring that there is a clear set of  
16 standards for employers to follow in the employment of children  
17 under 18 years of age, the General Assembly recognizes that the  
18 current laws in this area must be updated and, in order to avoid  
19 confusion, must be as consistent as possible with Federal  
20 standards. This act is intended to update the Commonwealth's  
21 laws regulating the employment of children under 18 years of  
22 age, and it is intended to promulgate standards which are as  
23 consistent as possible with regulations promulgated pursuant to  
24 the Fair Labor Standards Act of 1938 (52 Stat. 1060, 29 U.S.C. §  
25 201 et seq.) which regulate the employment of children under 18  
26 years of age.

27 Section 3. Definitions.

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

1 "Department." The Department of Labor and Industry of the  
2 Commonwealth.

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

4 "Enforcement officer." Any of the following:

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

9 (2) A chief school administrator.

10 (3) A home and school visitor.

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

14 (5) An issuing officer.

15 (6) A law enforcement officer.

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

18 "Fair Labor Standards Act." The Fair Labor Standards Act of  
19 1938 (52 Stat. 1060, 29 U.S.C. § 201 et seq.).

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

22 "Issuing officer." One of the following:

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

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

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

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

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

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

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

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

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

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

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

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

30 (2) Minors engaged in the delivery of newspapers to

1 consumers at residences or places of business.

2 (3) Minors employed at fixed retail locations in  
3 compliance with the provisions of the Fair Labor Standards  
4 Act of 1938 (52 Stat. 1060, 29 U.S.C. § 201 et seq.).

5 (4) Minors who:

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

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

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

12 Section 4. General limitations on employment of minors.

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

17 (b) Consecutive days.--

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

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

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

25 (1) Billiard rooms.

26 (2) Except as set forth under section 6(a)(2) or 7(c),  
27 establishments where alcoholic beverages are produced, sold  
28 or dispensed.

29 (3) Establishments determined by the department, through  
30 regulation, to be hazardous to minors or injurious to the

1 health or morals of minors.

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

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

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

10 Section 5. Employment of individuals under 14 years of age.

11 (a) General limitations.--Except as set forth under  
12 subsection (b) or in section 8, no individual under 14 years of  
13 age may be employed.

14 (b) Exceptions.--Irrespective of the limitations set forth  
15 under subsection (a), an individual under 14 years of age may be  
16 employed as follows:

17 (1) An individual who is at least 12 years of age may be  
18 employed as a caddy, subject to the following limitations:

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

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

23 (2) An individual who is at least 11 years of age may  
24 engage in the delivery of newspapers as set forth under  
25 section 6(c)(2).

26 Section 6. Employment of individuals under 16 years of age.

27 (a) Permitted employment.--

28 (1) Individuals who are under 16 years of age may be  
29 employed in occupations not prohibited under section 4(d).

30 (2) Irrespective of the limitations under section

1 4(c)(2), an individual under 16 years of age may be employed  
2 at a continuing-care retirement community, ski resort,  
3 bowling alley, golf course or amusement park where alcoholic  
4 beverages are served as long as the minor is not permitted to  
5 handle or serve the beverages and is not employed in a room  
6 where the beverages are stored or served.

7 (3) An individual under 16 years of age may not be  
8 employed in or permitted to conduct youth peddling.

9 (b) Hours of employment.--Except as set forth under  
10 subsection (c), the hours of employment for individuals under 16  
11 years of age shall be limited as follows:

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

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

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

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

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

26 (1) Poultry farms.--Individuals who are at least 14  
27 years of age or older may be employed until 10 p.m. on a farm  
28 by a person other than the farmer in the hatching, raising or  
29 harvesting of poultry as long as the minor is not working in  
30 an agricultural occupation declared hazardous by the United

1 States Secretary of Labor.

2 (2) Newspaper and periodical delivery.--

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

7 (ii) This paragraph does not apply to the hauling of  
8 newspapers to drop centers or distribution centers or  
9 other related activities.

10 Section 7. Employment of individuals 16 years of age or older.

11 (a) Permitted employment.--Individuals who are 16 years of  
12 age or older may be employed in occupations not prohibited under  
13 section 4(d).

14 (b) Hours of employment.--

15 (1) Except as set forth under paragraphs (2), (3) and  
16 (4), hours of employment shall comply with the Fair Labor  
17 Standards Act.

18 (2) When school is in session, an individual who is 16  
19 years of age or older shall be limited as follows:

20 (i) The minor may not be employed for more than 28  
21 hours per week during a regular school week.

22 (ii) The minor may not be employed for more than  
23 eight hours in a single day.

24 (iii) The minor may not be employed for more than  
25 ten hours on each Saturday and Sunday during a school  
26 week.

27 (3) When school is not in session, an individual who is  
28 16 years of age or older shall be limited as follows:

29 (i) The minor may not be employed for more than ten  
30 hours in a single day.



1           (ii) The minor may not be employed more than 48  
2 hours in a single week.

3           (4) A minor enrolled in summer school is subject to the  
4 limitations set forth under paragraph (2).

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

6           (i) is a high school graduate; or

7           (ii) is exempt from compulsory school attendance  
8 requirements under section 1330(1) of the act of March  
9 10, 1949 (P.L.30, No.14), known as the Public School Code  
10 of 1949.

11          (c) Employment in motels, clubs and restaurants in which  
12 liquor is present.--Irrespective of the general limitations set  
13 forth under section 4(c)(2), an individual who is 16 years of  
14 age or older may be employed as follows in a motel, club and  
15 restaurant in which liquor is present:

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

18           (2) The minor may be employed to serve food, clear  
19 tables and perform other duties in a licensed establishment  
20 whose sales of food and nonalcoholic beverages are equal to  
21 at least 40% of the combined gross sales of both food and  
22 alcoholic beverages, if duties do not include the dispensing  
23 or serving of alcoholic beverages. Before employing a minor  
24 under this paragraph, an establishment licensed by the  
25 Pennsylvania Liquor Control Board must furnish to the issuing  
26 officer a certification that, for a period of not less than  
27 90 days during the 12 months immediately preceding the date  
28 of application, the establishment met the 40% threshold of  
29 this paragraph in conformity with the regulations of the  
30 board governing the sale of alcoholic beverages on Sunday.

1 (d) Employment of minors in religious or scout organization  
2 summer camps or retreats.--An individual who is 16 years of age  
3 or older who is employed during the months of June, July, August  
4 or September by a summer resident camp or a conference or  
5 retreat operated by a religious or scout organization shall  
6 receive 24 consecutive hours of rest during every seven-day  
7 period. This subsection does not apply to a minor employed  
8 primarily for general maintenance work or food service  
9 activities.

10 Section 8. Employment of minors as performers in theater or  
11 film productions.

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

16 (1) Except as set forth under subsection (b)(4), the  
17 minor has an entertainment permit from the department.

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

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

21 (4) No alcoholic beverages are sold or dispensed during  
22 the performance.

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

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

25 (ii) ten performances in a single week.

26 (6) For rehearsals for performances, length of time and  
27 hours of starting and finishing rehearsals added to  
28 performance duties are not such as to be injurious or harmful  
29 to the minor.

30 (b) Entertainment permits.--

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

7           (2) The department may issue an entertainment permit to  
8 a minor for temporary employment as part of the performing  
9 cast in the production of motion pictures or television  
10 programming as follows:

11           (i) The department must determine that adequate  
12 provision has been made for the minor's educational  
13 instruction, supervision, health and welfare.

14           (ii) Unless the department determines that more  
15 restrictive conditions are necessary, an entertainment  
16 permit under this paragraph shall authorize a minor to  
17 work as part of the performing cast for no more than 44  
18 hours in a single week nor eight hours in a single day.  
19 Time spent on the set or on location while on call shall  
20 be excluded from any calculation of the maximum number of  
21 hours under this subparagraph if the department  
22 determines that adequate provision has been made for the  
23 minor's education, supervision and welfare during such  
24 intervals. The department may restrict the number of  
25 hours which may be spent on call by the minor.

26           (iii) The department may waive restrictions  
27 contained in this act and in any other act on the time of  
28 day or night allowed for engaging in the employment  
29 authorized by this paragraph if the department determines  
30 that the waiver:

1 (A) is necessary to preserve the artistic  
2 integrity of the motion picture or television  
3 programming; and

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

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

8 (v) An entertainment permit under this paragraph  
9 shall state that the minor for whom the entertainment  
10 permit is issued may not be allowed on a set during nor  
11 otherwise watch the filming or rehearsal for filming of a  
12 sexual act.

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

17 (4) The application must comply with all of the  
18 following:

19 (i) Be made on a form signed by the employer of the  
20 minor and the parent or legal guardian of the minor.

21 (ii) Contain a statement that the facts as set forth  
22 in the application are correct subject to the provisions  
23 of 18 Pa.C.S. § 4904 (relating to unsworn falsification  
24 to authorities).

25 (iii) State what provisions are in effect to provide  
26 for:

27 (A) the minor's educational instruction,  
28 supervision, health and welfare; and

29 (B) safeguarding and conservation for the minor  
30 of the money derived from performance.

1 (5) No entertainment permit shall be issued for a  
2 performance if there is no adequate provision for the matters  
3 set forth under paragraph (4)(iii).

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

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

10 (i) There is informed, written consent by the  
11 minor's parent or legal guardian.

12 (ii) Participation is:

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

15 (B) not during school hours.

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

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

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

22 (2) 18 Pa.C.S. § 5903 (relating to obscene and other  
23 sexual materials and performances) or 6312 (relating to  
24 sexual abuse of children).

25 Section 8.1. Sports-attendant services.

26 (a) General rule.--Section 6(b)(1) through (3) do not apply  
27 to an individual 14 through 15 years of age and section 7(b)(2)  
28 does not apply to an individual 16 through 17 years of age, if  
29 the minor is employed to perform sports-attendant services at  
30 professional sporting events under this section.

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

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

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

9 (3) Clearing the field or court of debris and moisture  
10 during play.

11 (4) Providing ice, drinks and towels to players during  
12 play.

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

15 (6) Returning or storing balls, items and equipment in  
16 clubhouse or locker rooms after a sporting event.

17 Section 9. Minors serving in volunteer emergency service  
18 organizations.

19 (a) General rule.--An individual who is 14 years of age or  
20 older who is a member of a volunteer emergency service  
21 organization may participate in training and emergency service  
22 activities except as follows:

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

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

27 (3) A minor may not use rubber electrical gloves,  
28 insulated wire gloves, insulated wire cutters, life nets or  
29 acetylene cutting units.

30 (4) A minor may not operate the pump of a fire vehicle

1 while at the scene of a fire.

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

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 Department of Education 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 for individuals under 16 years of  
14 age.--In addition to the limitations set forth under subsection  
15 (a), the activities of individuals over 13 years of age and  
16 under 16 years of age shall be further limited as follows:

17 (1) An individual who is over 13 years of age and under  
18 16 years of age shall only be permitted to perform the  
19 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) Assist a coffee wagon and food services.

27 (2) An individual who is over 13 years of age and under  
28 16 years of age may not do any of the following:

29 (i) Operate high pressure hose lines except during  
30 training activities.

1           (ii) Ascend ladders except during training  
2           activities.

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

6           (d) Other provisions.--

7           (1) Except as set forth under this subsection, this  
8 section does not supersede any other provision of this act or  
9 any regulation promulgated under this act.

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

13           (i) is 16 years of age or older;

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

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

16          (3) An individual who is 14 or 15 years of age may  
17 perform the training or firefighting activities permitted  
18 under this section until 10 p.m. before a school day if the  
19 minor:

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

21           (ii) has the written consent of a parent or legal  
22 guardian.

23 Section 10. Duties of employer.

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

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

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

27           (i) in, about or in connection with an  
28 establishment; or

29           (ii) in an occupation.

30           (2) To be permitted to work under paragraph (1), a minor



1 must have all of the following:

2 (i) A work permit.

3 (ii) A written statement by the minor's parent or  
4 legal guardian acknowledging understanding of the duties  
5 and hours of employment and granting permission to work  
6 subject to the provisions of 18 Pa.C.S. § 4904 (relating  
7 to unsworn falsification to authorities).

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

10 (i) Verify the work permit under paragraph (2)(i).

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

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

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

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

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

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

30 (3) A schedule of the hours of labor of the minors

1 listed in subparagraph (ii). The schedule of hours of labor  
2 shall contain:

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

5 (ii) the weekly total for each minor; and

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

8 (d) Records.--

9 (1) An employer shall maintain a record of minors at the  
10 work site which contains, for each holder, a copy of the work  
11 permit, the original notarized permission statement required  
12 in subsection (a) and a copy of the letter sent to the  
13 issuing official announcing the employment of the minor.

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

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

22 Section 11. Work permit.

23 (a) Form and content.--

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

27 (i) Name.

28 (ii) Sex.

29 (iii) Date and place of birth.

30 (iv) Place of residence.

1 (v) Color of hair and eyes.

2 (vi) Any distinguishing physical characteristics or  
3 physical limitations.

4 (2) The work permit shall certify that:

5 (i) the holder has personally appeared before the  
6 issuing officer and has been examined;

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

9 (iii) all conditions and requirements for issuing a  
10 permit have been fulfilled.

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

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

15 (b) Application.--

16 (1) Documentation.--

17 (i) Except as set forth under subparagraph (ii),  
18 application for a work permit must be verified as  
19 follows:

20 (A) The applicant's parent or legal guardian  
21 must sign the application.

22 (B) In lieu of a signature under clause (A), the  
23 applicant may execute a statement before a notary  
24 public or other person authorized to administer oaths  
25 attesting to the accuracy of the facts set forth in  
26 the application on a form prescribed by the  
27 department. The statement shall be attached to the  
28 application.

29 (ii) Subparagraph (i) does not apply if the  
30 applicant can demonstrate official proof of high school

1 graduation.

2 (2) Examination.--

3 (i) Except as set forth under subparagraph (ii), a  
4 work permit shall not be issued until the applicant has  
5 personally appeared before and been examined by the  
6 issuing officer.

7 (ii) Subparagraph (i) does not apply if the  
8 applicant can demonstrate official proof of high school  
9 graduation.

10 (3) Documentation.--The issuing officer shall not issue  
11 a work permit until the issuing officer has received,  
12 examined, approved and filed the following papers which  
13 verify the applicant's age:

14 (i) If proof of age is an official document or  
15 record of the Commonwealth or government of another state  
16 or governmental subdivision of another state, it need not  
17 be filed if the issuing officer records the information  
18 necessary to enable the document or record to be located  
19 at the place where it is filed. If proof of age is other  
20 than an official document or record of the Commonwealth  
21 or government of another state or governmental  
22 subdivision of another state, the following is the order  
23 of preference for acceptable proof under this  
24 subparagraph:

25 (A) An attested transcript of the birth  
26 certificate, filed according to law with a register  
27 of vital statistics or other officer charged with the  
28 duty of recording births.

29 (B) A certified baptismal certificate or  
30 transcript of the record of baptism showing the date

1 of birth.

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

3 (D) Any certified documentary record of age  
4 other than a school record or an affidavit of age,  
5 which appears to the satisfaction of the issuing  
6 officer to be sufficient evidence of age.

7 (E) The signed statement of a physician,  
8 physician's assistant or nurse practitioner, approved  
9 by the board of school directors, stating that, after  
10 examination, it is the opinion of the individual  
11 signing the statement that the applicant has attained  
12 the age required by law for the occupation in which  
13 the applicant expects to engage. The statement must  
14 be accompanied by an affidavit signed by the  
15 applicant's parent or legal guardian or, if there is  
16 no parent or legal guardian, by the applicant's next  
17 friend and certifying to the name, date and place of  
18 birth of the applicant and that the individual  
19 signing the statement is unable to produce any of the  
20 proofs of age specified in clauses (A) through (D).

21 (ii) (Reserved).

22 (c) Issuance.--If all application requirements are met, a  
23 work permit shall be issued by an issuing officer unless it is  
24 the issuing officer's judgment that the applicant cannot  
25 maintain adequate academic achievement if permitted to work  
26 during the school year.

27 (d) Revocation.--An issuing officer may revoke a work permit  
28 if it is the issuing officer's judgment that the applicant  
29 cannot maintain adequate academic achievement if permitted to  
30 work during the school year.

1 Section 12. Administration.

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

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

5 (2) Promulgate regulations to administer this act which  
6 are as consistent as possible with the regulations  
7 promulgated under the Fair Labor Standards Act. Regulations  
8 under this paragraph may establish a procedure for an  
9 employer that is not subject to the Fair Labor Standards Act  
10 to receive an extension until 10 p.m. of the 9 p.m. time  
11 limitation under section 6(b)(1). An extension granted under  
12 this procedure shall specify that the extension does not  
13 apply to Federal enforcement or administration of the Fair  
14 Labor Standards Act.

15 (3) Provide copies of this act and blank forms for  
16 compliance with its provisions to employers and prospective  
17 employers.

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

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

26 (c) Duties of Department of Education.--The Department of  
27 Education shall distribute to school districts all forms  
28 necessary for the enforcement of this act.

29 (d) Duties of school districts.--School districts shall  
30 administer applications and issuance of work permits pursuant to

1 section 11 and may initiate enforcement actions under subsection  
2 (e).

3 (e) Enforcement.--Enforcement officers may initiate  
4 prosecution for violations of this act.

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

6 (1) If an enforcement officer has reason to believe that  
7 an individual working without a work permit is a minor or  
8 that a minor with a work permit is working in violation of  
9 the age restrictions set forth under this act, the officer  
10 may demand that the person employing the individual within  
11 ten days:

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

13 (ii) cease to employ or permit the individual to  
14 work.

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

18 (3) Compliance with paragraph (1)(ii) does not relieve a  
19 person from liability under section 13.

20 Section 13. Penalties.

21 (a) Criminal.--

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

23 (i) Intentionally violate this act.

24 (ii) Interfere with the functions of an enforcement  
25 officer.

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

27 (iv) Fail, after notice, to provide records under  
28 section 10(d)(3) or 12(b).

29 (v) Falsify records under this act.

30 (2) Except as set forth under paragraph (3), a person

1 that violates paragraph (1) commits a summary offense and  
2 shall, upon conviction, be sentenced to pay a fine of not  
3 less than \$250 nor more than \$500 for each violation.

4 (3) A person that, after being sentenced under paragraph  
5 (2), violates paragraph (1) commits a summary offense and  
6 shall, upon conviction, be sentenced to pay a fine of not  
7 less than \$750 nor more than \$1,500 for each violation or to  
8 imprisonment for not more than ten days, or both.

9 (b) Administrative penalties.--

10 (1) Except as set forth under paragraph (2) or  
11 subsection (c), the department may impose an administrative  
12 penalty of not less than \$100 nor more than \$1,000 for each  
13 violation of this act.

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

18 (3) This subsection is subject to 2 Pa.C.S. Chs. 5  
19 Subch. A (relating to practice and procedure of Commonwealth  
20 agencies) and 7 Subch. A (relating to judicial review of  
21 Commonwealth agency action).

22 (c) Multiple prosecution.--Imposition of a criminal, civil  
23 or administrative penalty under the Fair Labor Standards Act  
24 shall bar prosecution under subsection (a) and imposition of an  
25 administrative penalty under subsection (b) if the same conduct  
26 constitutes the basis of the Federal action and the basis of the  
27 prosecution under subsection (a) or the administrative penalty  
28 under subsection (b).

29 Section 14. Employment of minors in student-learner and  
30 apprenticeship programs.



1 A minor may be employed in a work experience and career  
2 exploration program, an apprenticeship program and a school-to-  
3 work program, to the extent permitted by regulations promulgated  
4 under this act and not prohibited by the Fair Labor Standards  
5 Act.

6 Section 15. Applicability.

7 (a) Domestic service.--This act shall not apply to the  
8 employment of a minor in domestic service in or around private  
9 homes.

10 (b) Agricultural employment.--Agricultural employment which  
11 is exempt from coverage of the child labor provisions of the  
12 Fair Labor Standards Act shall be exempt from coverage of this  
13 act.

14 Section 29. Repeal.

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

17 Section 30. Effective date.

18 This act shall take effect immediately.