

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, TOOHIL, TRUITT, TURZAI, VEREB, VITALI, VULAKOVICH, WATERS, WATSON, YOUNGBLOOD AND SONNEY, MAY 18, 2011

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MAY 18, 2011

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

1 and declare whether certain occupations are within the
2 prohibitions of this act; requiring certain abstracts and
3 notices to be posted; providing for the enforcement of this
4 act by the Secretary of Labor and Industry, the
5 representative of school districts, and police officers; and
6 defining the procedure in prosecutions thereunder, and
7 establishing certain presumptions in relation thereto;
8 providing for the issuance of special permits for minors
9 engaging in the entertainment and related fields; providing
10 penalties for the violation of the provisions thereof; and
11 repealing all acts or parts of acts inconsistent therewith,"
12 further providing for definitions, for regulated employment,
13 for employment of children at establishments where alcoholic
14 beverages or malt liquor is sold and for permits; imposing
15 duties on the department; further providing for educational
16 requirements and for prohibitions regarding work hours;
17 providing for transfers to minor child performer trust
18 accounts; and further providing for employment certificate.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. The definition of "establishment" in section 1 of
22 the act of May 13, 1915 (P.L.286, No.177), known as the Child
23 Labor Law, amended December 21, 1988 (P.L.1908, No.192), is
24 amended and the section is amended by adding definitions to
25 read:

26 Section 1. Be it enacted, &c., That wherever the term
27 "establishment" is used in this act, it shall mean [any place
28 within this Commonwealth where work is done for compensation of
29 any kind, to whomever payable: Provided, That this act shall not
30 apply to children employed on the farm, or in domestic service
31 in private homes.] a place within this Commonwealth where work
32 is done for compensation of any kind provided that this act
33 shall not apply to children employed on the farm, or in domestic
34 service in private homes.

35 * * *

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

38 The term "documentary program" when used in this act, shall
39 mean a genre of motion picture program, including programming

1 for television, that depicts or portrays a nonfiction story and
2 may present an opinion or a specific message along with factual
3 material.

4 The term "reality program" when used in this act, shall mean
5 a genre of program that principally presents unscripted
6 situations, dialogue and actions depicting or portraying actual
7 events and generally features ordinary people and not
8 professional actors.

9 The term "studio teacher" when used in this act, shall mean a
10 teacher who has current credentials issued by the Department of
11 Education of Pennsylvania or the equivalent education agency of
12 another state.

13 The term "work permit" when used in this act, shall mean a
14 work permit entitling a minor to employment except for minors
15 engaged in a performance under this act or who participate in a
16 reality or documentary program for compensation under this act.

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

19 Section 4. [No] Except as provided in this section and
20 sections 7.1 and 7.5, no minor under eighteen years of age shall
21 be employed or permitted to work in, about, or in connection
22 with any establishment, or in any occupation, for more than six
23 consecutive days in any one week, or more than forty-four hours
24 in any one week, or more than eight hours in any one day:

25 Provided, That messengers employed by telegraph companies at
26 offices where only one such minor is employed as a messenger in
27 which case such minor shall not be employed for more than six
28 consecutive days in any one week, or more than fifty-one hours
29 in any one week, or more than nine hours in any one day: And
30 provided further, That no minor under eighteen years of age, who

1 is enrolled in regular day school and working outside school
2 hours, shall be employed or permitted to work for more than
3 twenty-eight hours during a school week.

4 [No] Except as provided in this section and sections 7.1 and
5 7.5, no minor under sixteen years of age shall be employed or
6 permitted to work in, about, or in connection with, any
7 establishment or in any occupation before seven o'clock in the
8 morning or after seven o'clock in the evening of any day except
9 during school vacation period from June to Labor Day when such
10 minor may work between the hours of seven o'clock in the morning
11 and ten o'clock in the evening nor shall such a minor who is
12 enrolled in school and working outside school hours be employed
13 or permitted to work in, about, or in connection with, any
14 establishment or in any occupation more than four hours on a
15 school day, or more than eight hours on any other day, or more
16 than eighteen hours during a school week: Provided, That,
17 students fourteen years of age and over whose employment is part
18 of a recognized school-work program, supervised by a recognized
19 school authority, may be employed for hours which, combined with
20 the hours spent in school, do not exceed eight a day: And
21 further provided, That a minor under sixteen years of age
22 employed on a farm by a person other than the farmer in the
23 hatching, raising or harvesting of poultry may be employed or
24 permitted to work until 10 o'clock in the evening as long as the
25 minor is not working in an agricultural occupation declared
26 hazardous by the United States Secretary of Labor.

27 [No] Except as provided in this section and sections 7.1 and
28 7.5, no minor under eighteen years of age shall be employed or
29 permitted to work for more than five hours continuously in,
30 about, or in connection with, any establishment without an

1 interval of at least thirty minutes for a lunch period and no
2 period of less than thirty minutes shall be deemed to interrupt
3 a continuous period of work.

4 [No] Except as provided in this section and sections 7.1 and
5 7.5, no minor under eighteen years of age shall be employed or
6 permitted to work in, about, or in connection with, any
7 establishment between the hours of twelve in the evening and six
8 in the morning if such minor is enrolled in regular day school:
9 Provided, That, minors sixteen and seventeen years of age may be
10 employed until, but not after, one o'clock in the morning on
11 Fridays and Saturdays, and on days preceding a school vacation
12 occurring during the school year, excepting the last day of such
13 vacation period.

14 Notwithstanding any other provision of this section, a minor
15 who is sixteen or seventeen years of age who is employed during
16 the months of June, July, August or September by a summer
17 resident camp or a conference or retreat operated by a religious
18 or scout organization shall receive one day of rest (twenty-four
19 consecutive hours of rest) during every seven-day period:
20 Provided, That this paragraph shall not apply to a minor
21 employed primarily for general maintenance work or food service
22 activities.

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

25 Section 5. No minor under sixteen years of age shall be
26 employed or permitted to work in, about, or in connection with,
27 any manufacturing or mechanical occupation or process; nor on
28 scaffolding; nor in heavy work in the building trades; nor in
29 stripping or assorting tobacco; nor in any tunnel; nor upon any
30 railroad, steam, electric or otherwise; nor upon any boat

1 engaged in the transportation of passengers or merchandise; nor
2 in operating motor-vehicles of any description; nor in any
3 anthracite or bituminous coal-mine, or in any other mine.

4 No minor under eighteen years of age shall be employed or
5 permitted to work in the operation or management of hoisting
6 machines, in oiling or cleaning machinery, in motion; at switch-
7 tending, at gate-tending, at track-repairing; as a brakeman,
8 fireman, engineer, or motorman or conductor, upon a railroad or
9 railway; as a pilot, fireman, or engineer upon any boat or
10 vessel; in the manufacture of paints, colors or white lead in
11 any capacity; in preparing compositions in which dangerous leads
12 or acids are used; in the manufacture or use of dangerous or
13 poisonous dyes; in any dangerous occupation in or about any
14 mine; nor in or about any establishment wherein gunpowder,
15 nitroglycerine, dynamite, or other high or dangerous explosive
16 is manufactured or compounded: Provided, That minors age
17 fourteen and over may operate power lawn mowing equipment: And
18 provided further, That such minors may be employed in bowling
19 centers as snack bar attendants, porters, control desk clerks
20 and scorer attendants: And provided further, That such minors
21 may work where such chemicals, compounds, dyes and acids are
22 utilized in the course of experiments and testing procedures, in
23 such circumstances and under such conditions and safeguards as
24 may be specified by rule or regulation of the Department of
25 Labor and Industry.

26 No minor under eighteen years of age shall be employed or
27 permitted to work in, about, or in connection with, any
28 establishment where alcoholic liquors are distilled, rectified,
29 compounded, brewed, manufactured, bottled, sold, or dispensed;
30 nor in a pool or billiard room: Provided, That male or female

1 minors sixteen years of age and over may be employed and
2 permitted to work that part of a motel, restaurant, club or
3 hotel in which liquor or malt or brewed beverages are not
4 served: And, provided further, That minors sixteen years of age
5 and over may be employed to serve food, clear tables and perform
6 other duties, not to include the dispensing or serving of
7 alcoholic beverages, in any licensed establishment whose sales
8 of food and nonalcoholic beverages are equal to forty per cent
9 or more of the combined gross sales of both food and alcoholic
10 beverages. Before employing any minor sixteen years of age and
11 over, any establishment licensed by the Liquor Control Board
12 shall furnish to the school district official authorized to
13 issue employment certificates a certification that, for a period
14 of not less than ninety consecutive days during the twelve
15 months immediately preceding the date of application, the sales
16 of food and nonalcoholic beverages by the employer at the
17 licensed premises were equal to or exceeded forty per cent of
18 the combined gross sales of food, nonalcoholic and alcoholic
19 beverages in conformity with the requirements set forth in
20 Regulation 141 of the Liquor Control Board governing the sale of
21 alcoholic beverages on Sunday. Nothing in this section shall
22 prevent the filming of a minor in a hotel, club, restaurant or
23 other dining or recreational facility as a part of a performance
24 in accordance with the provisions of section 7.1 or 7.5, in a
25 hotel, club, restaurant or other dining or recreational
26 facility.

27 Nothing in this section should be construed as prohibiting
28 minors fourteen and fifteen years of age to be employed at ski
29 resorts, golf courses and amusement parks, or other similar
30 recreational establishments as long as they are not permitted to

1 serve or handle alcoholic beverages and as long as they do not
2 work in [any room] an area in which alcohol is being served or
3 stored.

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

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

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

24 Section 7.1. [(a) The Department of Labor and Industry is
25 hereby authorized to issue special permits for the employment of
26 minors seven and under eighteen years of age in theatrical
27 productions, musical recitals or concerts, entertainment acts,
28 modeling, radio, television, motion picture making, or in other
29 similar forms or media of entertainment in Pennsylvania where
30 the performance of such minor is not hazardous to his safety or

1 well-being, except as follows:

2 (1) No such minor shall be permitted to perform after the
3 hour of eleven-thirty in the evening.

4 (2) No such minor shall be permitted to perform in any place
5 or establishment where alcoholic beverages are sold or
6 dispensed.

7 (3) No such minor shall be permitted to perform in a boxing,
8 sparring or wrestling match or exhibition or in an acrobatic or
9 other act, performance or exhibition hazardous to his safety or
10 well-being.

11 (4) No such minor shall appear in more than two performances
12 in any one day nor in more than eight performances in any one
13 week.

14 (a.1) In addition to any permit authorized by subsection
15 (a), the department shall be authorized to issue special permits
16 for the temporary employment of minors as part of the performing
17 cast in the production of a motion picture, if the department
18 determines that adequate provision has been made for the
19 educational instruction, supervision, health and welfare of the
20 minor. Unless the department determines that more restrictive
21 conditions are necessary, special permits authorized by this
22 subsection shall authorize minors to work as part of the
23 performing cast for forty-four hours in any one week and eight
24 hours in any one day. Time spent on the set or on location while
25 on call shall be excluded from any calculation of the maximum
26 number of hours authorized by this subsection if the department
27 determines that adequate provision has been made for the child's
28 education, supervision and welfare during such intervals. The
29 department may restrict the number of hours which may be spent
30 on call by the minor. The department may waive, in whole or in

1 part, restrictions contained in this act and in any other act,
2 on the time of day or night allowed for engaging in the
3 employment authorized by this subsection, if the department
4 determines that such waiver is necessary to preserve the
5 artistic integrity of the motion picture and further determines
6 that such waiver will not impair the educational instruction,
7 supervision, health and welfare of the minor. Special permits
8 authorized by this subsection shall be valid for a period of
9 time not to exceed six months. An issued permit shall state that
10 no minor, allowed under the permit to be temporarily employed,
11 may be allowed on a set during, or may otherwise watch, the
12 filming or rehearsal for filming of any sexual act. Nothing in
13 this section shall be construed to supersede or repeal in part
14 18 Pa.C.S. § 5903 (relating to obscene and other sexual
15 materials) or 6312 (relating to sexual abuse of children).

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

24 (b) Rehearsals for performances as set forth in this section
25 shall be permitted, providing the length of time and hours of
26 starting and finishing such rehearsals added to performance
27 duties are not such as to be injurious or harmful to the minor.
28 Rehearsal time, if any, expected and the hours of starting and
29 finishing same shall be set forth in the application as provided
30 in this section, and the special permit issued shall state what

1 rehearsal time is permissible.

2 (c) Nothing in this section shall be deemed to supersede or
3 repeal any provisions of this act unless and until such special
4 permit is issued for any such performance or series of
5 performances.

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

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

23 (a) A minor is engaged in a performance and employed under
24 this section if the minor models or renders artistic or creative
25 services in theater, radio, television, movies, the Internet,
26 publications or a medium that may be transmitted to an audience
27 and if a minor receives remuneration for the performance, but
28 does not include the minor's participation in reality or
29 documentary programs.

30 (b) A minor may engage in a performance if the following

1 requirements are satisfied:

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

3 (2) The performance is not hazardous to the health and
4 safety of the minor.

5 (3) The minor's performance is limited to hours specified in
6 subsection (e) and contained in regulations promulgated by the
7 department.

8 (4) The performance would not constitute a violation of 18
9 Pa.C.S. § 5903 (relating to obscene and other sexual materials
10 and performances) or 6312 (relating to sexual abuse of
11 children).

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

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

18 (1) If a minor is subject to compulsory education
19 requirements, a letter or other document from the minor's school
20 or school district indicating that the minor is a pupil in good
21 standing. If the application is made while school is not in
22 session, the minor must present his or her most recent report
23 card.

24 (2) Verification of the minor's age.

25 (3) Permission of a parent or guardian; signature on the
26 application shall indicate the parent's or guardian's
27 permission.

28 (d) An employer who employs one or more minors in a
29 performance must possess a permit to employ minors issued by the
30 department. The department shall issue a permit to employ minors

1 upon the employer's providing to the department proof of
2 workers' compensation coverage. The permit to employ minors
3 shall be valid for three years. The employer shall be required
4 to pay a fee set by the department, but not to exceed three
5 hundred fifty (\$350.00) dollars for initial registration and two
6 hundred (\$200.00) dollars for renewal.

7 (e) (1) A minor is prohibited from working more than eight
8 hours in any workday or more than forty-eight hours in one week.
9 A minor is prohibited from working before 5 o'clock in the
10 morning on a day preceding a school day, a minor may not work
11 later than 10 o'clock in the evening on a day preceding a non-
12 school day, a minor may not work later than 12:30 o'clock in the
13 morning.

14 (2) The department may waive or modify the restrictions
15 contained in this section if the department reasonably
16 determines: the parent or guardian approves of the waiver, the
17 waiver will not impair the educational instruction of the minor;
18 and the waiver will not compromise the health or safety of the
19 minor.

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

24 (i) The infant was carried to full term.

25 (ii) The infant was of normal birth weight.

26 (iii) The infant is physically capable of handling the
27 requirements of the performance.

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

30 (4) The department may promulgate further regulations

1 governing the working hours for minors under this section.

2 (f) (1) A minor performer shall fulfill educational
3 requirements as set forth in the Pennsylvania School Code, or
4 the requirements of the state in which the minor performer
5 resides. A minor who has not completed such requirements shall
6 be subject to paragraph (2).

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

22 (3) A minor receiving educational instruction under this
23 section, and such minor's parent or guardian, shall work with
24 the teacher provided to the minor and the minor's school of
25 enrollment to fulfill the educational requirements.

26 (4) If there is a hiatus in a production that employs a
27 minor under this section, a teacher shall be provided to the
28 minor during the hiatus for periods when school is in session,
29 pursuant to the requirements described in the section, unless
30 the minor is able to attend his regular school.

1 (5) Where this section requires that an employer provide a
2 teacher to a minor, the employer shall provide a ratio of at
3 least one teacher for every ten minors unless the minors are
4 within two grade levels, in which case the employer shall
5 provide a ratio of at least one teacher for every twenty minors.

6 (6) School districts shall have the authority, in
7 cooperation with the Department of Education and the parent or
8 guardian of the minor, to develop alternative methods by which
9 minors may satisfy their educational requirements at times
10 outside the normal school day.

11 (g) (1) (i) Within thirty days following the final day of
12 employment, except when the period of employment is longer than
13 thirty days, a minor's employer is required to transfer fifteen
14 percent of gross earnings to the custodian or trustee of the
15 minor's trust account established under 20 Pa.C.S. Ch. 53
16 (relating to Pennsylvania Uniform Transfers to Minors Act). When
17 the employment is longer than thirty days, the employer shall
18 make the required transfer every payroll period.

19 (ii) If the minor's employer has not been notified within
20 fifteen days of commencement of employment of the existence of a
21 trust account established under 20 Pa.C.S. Ch. 53, or no such
22 account has been established by the minor's parent or guardian,
23 then the minor's employer shall transfer such monies together
24 with the minor's name and last known address to the State
25 Treasurer for placement into an account for the benefit of the
26 minor.

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

30 (iv) The employer's obligations under this subsection shall

1 terminate when the minor reaches eighteen years of age.

2 (2) (i) Within fifteen days of the commencement of
3 employment, the minor's parent or guardian must establish a
4 trust account in accordance with 20 Pa.C.S. Ch. 53, unless an
5 account has previously been established. Once the trust account
6 has been established, the minor's parent or guardian shall
7 notify the minor's employer of the existence of the account and
8 any additional information required by the employer to comply
9 with this subsection.

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

13 (iii) Upon written request of the minor's parent or
14 guardian, the trustee may require the minor's employer to
15 transfer more than fifteen percent of the gross earnings to the
16 child performer's trust account.

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

19 (v) Once the minor's trust account balance reaches one
20 hundred-fifty thousand (\$150,000.00) dollars or more, a trust
21 company shall be appointed by the minor's parent or guardian to
22 serve as trustee of the account.

23 (3) The minor may terminate the child performer trust
24 account upon reaching the age of eighteen.

25 Section 5. The act is amended by adding a section to read:

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

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

30 (2) Participation would not constitute a violation of 18

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

4 (b) Where a minor or one or more members of the minor's
5 family receive compensation, either in monetary or non-monetary
6 form, for the minor's participation in a reality or documentary
7 program and the minor's participation is substantial, the minor
8 shall have a valid permit issued by the Department of Labor and
9 Industry. For the purposes of this subsection, the following
10 terms shall have the following meanings:

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

13 (2) "Compensation" shall not include reimbursement for
14 expenses incurred by the minor or the minor's family.

15 (3) "Substantial" shall mean the minor is a principal
16 subject of the reality or documentary program or the minor
17 participates in the filming of the reality or documentary
18 program for ten (10) or more days in a thirty (30) day period.

19 (c) The department shall issue a permit under the following
20 conditions:

21 (1) The department determines that adequate provision has
22 been made for the minor's educational instruction, supervision,
23 health and safety.

24 (2) The minor's participation does not extend past 10
25 o'clock in the evening on nights before days school is in
26 session, unless the minor has met the compulsory education
27 requirements, or 12 thirty o'clock on nights before days that
28 school is not in session, and the minor's participation does not
29 begin before 5 o'clock in the morning.

30 (3) The minor's participation does not exceed eight hours in

1 a day or forty-eight hours in a week.

2 (4) The department may waive or modify the restrictions
3 contained in this section if the department reasonably
4 determines:

5 (i) The waiver is necessary in light of the nature of the
6 program.

7 (ii) The parent or guardian approves the waiver.

8 (iii) The waiver will not impair the educational instruction
9 of the minor.

10 (iv) The waiver will not compromise the health or safety of
11 the minor.

12 (5) The application for a minor's work permit must comply
13 with the following:

14 (i) Be made on a form issued by the department and signed by
15 the person or entity responsible for filming and the parent or
16 guardian.

17 (ii) State the legal name, address and date of birth of the
18 minor.

19 (iii) State the name and type of production and the nature
20 of the minor's participation.

21 (iv) State the name and address of the parent or guardian
22 who will supervise the minor's participation in the reality or
23 documentary program.

24 (v) State the dates of the minor's expected participation,
25 hours of the minor's participation and length of time the minor
26 will participate.

27 (vi) State the name and contact information of the person or
28 entity responsible for filming.

29 (vii) Contain proof of workers' compensation insurance by
30 the person or entity responsible for filming in accordance with

1 the act of June 2, 1915 (P.L.736, No.338), known as the Workers'
2 Compensation Act.

3 (viii) Contain a description of the compensation for the
4 minor's participation.

5 (ix) Satisfy the requirements of section 7.1 regarding the
6 preservation of the minor's earnings.

7 (x) Where participation in the reality or documentary
8 program necessitates the minor's absence from his regular
9 school, satisfy the education and schooling requirements of
10 section 7.1.

11 (xi) Additional requirements determined by the department.

12 (d) A work permit is not required for a minor's
13 participation in a church, public or religious school, community
14 or charitable filming activity, for which no admission fee is
15 charged.

16 (e) A work permit is valid for the duration of the minor's
17 participation in the reality or documentary program for which it
18 is issued. The department shall, on a semi-annual basis, review
19 a reality or documentary program and the participation of the
20 minor to ensure:

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

22 (2) The educational instruction of the minor is not
23 impaired.

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

26 (f) The work permit requirements of this section shall not
27 apply to news gathering activities or game shows.

28 Section 6. Sections 8 and 10 of the act, amended December
29 21, 1988 (P.L.1908, No.192), are amended to read:

30 Section 8. (a) [Before] Except as provided for in sections

1 7.1 and 7.5, before any minor under eighteen years of age shall
2 be employed, permitted or suffered to work in, about, or in
3 connection with, any establishment, or in any occupation, the
4 person employing such minor shall procure and keep on file, and
5 accessible to any attendance officer, deputy factory inspector,
6 or other authorized inspector or officer charged with the
7 enforcement of this act, an employment certificate as
8 hereinafter provided, issued for said minor.

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

16 Section 10. [Application] Except as provided for in sections
17 7.1 and 7.5, application for the employment certificate must be
18 made by the parent, guardian, or legal custodian of the minor
19 for whom such employment certificate or transferable work permit
20 is requested; or, if said minor have no parent, guardian, or
21 legal custodian, then by the next friend, who must be over
22 eighteen years of age. In lieu of the personal appearance of the
23 parent, guardian, legal custodian, or next friend of the minor,
24 such person may execute a statement before a notary public or
25 other person authorized to administer oaths attesting to the
26 accuracy of the facts set forth in the application on a form
27 prescribed by the Department of Education, which statement shall
28 be attached to the application. No employment certificate shall
29 be issued until the said minor has personally appeared before,
30 and been examined by, the officer issuing the certificate,

1 except that where the applicant is a graduate of an accredited
2 high school and exhibits official proof of such graduation, no
3 personal appearance or countersigned application shall be
4 required.

5 Section 7. This act shall take effect in 60 days.